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## Title 3—The President

### PROCLAMATION 4161

## Columbus Day, 1972

*By the President of the United States of America*

### A Proclamation

On Columbus Day, 1972, we once again celebrate the memorable achievements of the great navigator and explorer whose vision and daring led to much of the permanent settlement of the Americas by the peoples of Europe.

When Christopher Columbus, a son of Italy sailing in the service of Spain, crossed the uncharted ocean sea in 1492, he helped to open a new chapter in the history of mankind. Columbus was among the first in a long series of courageous trail blazers, who have moved us forward across perilous areas of sea, land, and space in pursuit of greater knowledge of the globe and its surroundings.

All Americans take pride in recalling the accomplishments of Columbus. We count the memory of his courage in confronting unknown dangers and his indomitable faith in overcoming the setbacks which preceded his voyage as among the ideals which helped to shape the American character.

In tribute to the achievements of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Monday, October 9, 1972, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

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

[FR Doc.72-17127 Filed 10-3-72; 12:31 pm]

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# Rules and Regulations

## Title 7—AGRICULTURE

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

[Valencia Orange Reg. 412]

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

#### Limitation of Handling

##### § 908.712 Valencia Orange Regulation 412.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this 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 of 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 Valencia oranges 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 concern-

ing such provisions and effective time has been disseminated among handlers of such Valencia oranges; 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 October 3, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 6 through October 12, 1972, are hereby fixed as follows:

- (i) District 1: 412,000 Cartons;
- (ii) District 2: 338,000 Cartons;
- (iii) District 3: Unlimited.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: October 4, 1972.

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

[FR Doc. 72-17216 Filed 10-4-72; 11:31 am]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter 1—Animal and Plant Health Inspection Service, Department of Agriculture

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

[Docket No. 72-561]

### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

#### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in subparagraph (e) (7) relating to the State of Kentucky, subdivision (vii) relating to Washington and Marion Counties is amended to read:

- (e) \* \* \*
- (7) Kentucky.

(vii) The adjacent portions of Washington and Marion Counties bounded by a line beginning at the junction of the Washington-Mercer County line and State Highway 152; thence, following State Highway 152 in Washington County in a westerly direction to Fenwick Road; thence, following Fenwick Road in a northwesterly direction to State Highway 53; thence, following State Highway 53 in a southwesterly direction to State Highway 152; thence, following State Highway 152 in a northwesterly direction to State Highway 55; thence, following State Highway 55 in a southwesterly, then southeasterly direction to U.S. Highway 68, State Highway 52 in Marion County; thence, following U.S. Highway 68, State Highway 52 in a northeasterly direction to the Marion-Boyle County line; thence, following the Marion-Boyle County line in a northeasterly direction to the junction of the Marion-Washington-Boyle County lines; thence, following the Washington-Boyle County line in a northeasterly direction to the junction of the Washington-Boyle-Mercer County lines; thence, following the Washington-Mercer County line in a northeasterly direction to its junction with State Highway 152 in Washington County.

2. In § 76.2, in paragraph (g) the name of the State of Tennessee is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendments quarantine additional portions of Washington and Marion Counties in Kentucky because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendments remove the State of Tennessee from the list of hog cholera-free States appearing in 9 CFR 76.2(g), as amended, because of the secondary spread of the contagion of hog cholera within this State. The special provisions pertaining to the interstate movement

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of swine and swine products from eradication and free States are no longer applicable to Tennessee. However, the general restrictions contained in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from nonquarantined areas apply to the State of Tennessee. This removal of the State of Tennessee from hog cholera-free status has the effect of reducing the Federal indemnities payable under other regulations (9 CFR Part 56) for swine slaughtered because of hog cholera in Tennessee.

The amendments impose certain further restrictions necessary to prevent the spread of hog cholera, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 2d day of October 1972.

G. N. WISE,  
Acting Administrator, Animal  
and Plant Health Inspection  
Service.

[FR Doc.72-17090 Filed 10-4-72;8:55 am]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-GL-50]

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

#### Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Kalamazoo, Mich., control zone.

On November 1, 1972, the control tower serving the Kalamazoo, Mich., Municipal Airport will increase its hours of operation from 0700–2300 daily to 0600–2400 daily, local time. Since the Kalamazoo control zone is a part-time zone designated by specific hours based upon the time the control tower is in operation, it is necessary to make the Kalamazoo control zone effective during the times that the control tower is in operation. Action is taken herein to effect this change. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. Thereafter, the effective date and time

of the control zone and any changes thereto will continuously be published in the *Airman's Information Manual*.

Since this alteration is minor in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 7, 1972, as hereinafter set forth:

In § 71-171 (37 F.R. 2056), the following control zone is amended to read:

#### KALAMAZOO, MICH.

Within a 5-mile radius of the Kalamazoo Municipal Airport (latitude 42°14'07" N., longitude 85°33'10" W.; within 2 miles each side of the Kalamazoo VOR 001° 167° and 229° radials, extending from the 5-mile radius zone to 7 miles North, South, and Southwest of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer south course, extending from the 5-mile radius zone to the OM. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the *Airman's Information Manual*.

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

Issued in Des Plaines, Ill., on September 15, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc.72-17021 Filed 10-4-72;8:48 am]

[Docket No. 11464, Amdt. 91-104]

### PART 91—GENERAL OPERATING AND FLIGHT RULES

#### Aircraft Lease Agreements: Requirement for "Truth in Leasing" Clause

This amendment to Part 91 of the Federal Aviation Regulations prescribes requirements for including a "truth in leasing" clause in certain leases and contracts of conditional sales involving U.S. registered large civil aircraft, and for filing a copy of the lease or contract with the FAA and carrying a copy in the aircraft.

This amendment is based on a notice of proposed rule making (Notice 71-35) published in the *FEDERAL REGISTER* on October 29, 1971 (36 F.R. 20768).

The wording of the proposal in § 91.54(a) has been revised to clarify its applicability and also to make it clear that a lease or contract of conditional sale subject to this regulation must be in writing, as well as the required "truth in leasing" clause.

As proposed in Notice 71-35 the requirement for including a "truth in leasing" clause would have applied to large or turbine-powered multiengine aircraft. However, after further study and consideration of the comments received, the FAA has concluded that safety will not be compromised if the "truth in leasing" requirement is only made applicable to large aircraft. Ac-

cordingly, as adopted herein, the applicability of § 91.54(a) is limited to U.S. registered large civil aircraft. Nevertheless, the FAA may at a later date, if circumstances warrant, propose additional rule making to require "truth in leasing" for other aircraft.

The exemption provision adopted in § 91.54(b) (1) is essentially the same as proposed, except for certain kinds of leases and contracts which have been added to the exemption provision upon further consideration of the proposal in the light of comments received. Specifically, the additions are leases and conditional sales contracts, when the party furnishing the airplane thereunder (lessor or conditional seller) is a foreign air carrier; a certificate holder under Part 121, 123, 127, or 141; or a certificate holder under Part 135 having appropriate authority to engage in air taxi operations with large aircraft. Adoption of the exemption provision in § 91.54(b) (1) is considered appropriate, since the FAA is confident that those operators specified therein are fully cognizant of their safety responsibilities as aircraft owners and operators under the Federal Aviation Regulations.

The FAA also recognizes that the problem to which the proposal was directed has not involved those arrangements normally entered into by aircraft manufacturers and dealers for the sale of new aircraft. Accordingly, a provision has been added to § 91.54(b) to exempt contracts of conditional sale when the aircraft involved have not been registered anywhere prior to the execution of the contract, except as new aircraft under a dealer's registration certificate.

Some comments were received which objected to carrying a copy of the lease or contract aboard the aircraft on the grounds that no purpose would be served by such a requirement. The FAA does not agree. A copy of the lease or contract should be aboard the aircraft to permit FAA field inspectors to determine who the parties consider has operational control of the aircraft, the regulations under which the aircraft has previously been maintained, and the regulations under which it will be maintained during the term of the lease or contract.

In addition, the FAA has concluded that if an aircraft is leased to a person who is not a citizen of the United States, the registered owner, rather than the lessee, should be responsible for mailing a copy of the lease to the FAA. Accordingly, such a requirement has been adopted in paragraph (c) (1) of § 91.54.

As stated in paragraph (d) of § 91.54, a lease or contract sent to the FAA in accordance with paragraph (c) is considered to be commercial or financial information obtained from a person, and privileged or confidential under 5 U.S.C. 552 (b) (4). It will not, therefore, be made available by the FAA for public inspection or copying, unless recorded with the FAA under Part 49 of this chapter.

For purposes of clarification, a definition of the term lease, as used in § 91.54,

has been added in paragraph (e). As defined, it means any agreement by a person to furnish an aircraft to another person for compensation or hire, whether with or without flight crewmembers, that is not a contract of conditional sale under § 101 of the Federal Aviation Act of 1958.

A conditional sale, as defined under the Act and pertinent to this amendment, means (a) any contract for the sale of an aircraft under which possession is delivered to the buyer and the property is to vest in the buyer at a subsequent time, upon payment of part or all of the price, or upon the performance of any other condition or the happening of any contingency; or (b) any contract for the bailment or leasing of an aircraft by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value thereof, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner thereof upon full compliance with the terms of the contract.

Interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given to all matter presented.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended by adding a new § 91.54, effective January 3, 1973, to read as follows:

**§ 91.54 Truth in leasing clause requirement in leases and conditional sales contracts.**

(a) Except as provided in paragraph (b) of this section, the parties to a lease or contract of conditional sale involving a U.S. registered large civil aircraft shall execute a written lease or contract and include therein a written truth in leasing clause as a concluding paragraph in large print, immediately preceding the space for the signature of the parties, which contains the following with respect to each such aircraft:

(1) Identification of the Federal Aviation Regulations under which the aircraft has been maintained and inspected during the 12 months preceding the execution of the lease or contract of conditional sale; and certification by the parties thereto regarding the aircraft's status of compliance with applicable maintenance and inspection requirements in this part for the operation to be conducted under the lease or contract of conditional sale.

(2) Identification of the person the parties consider responsible for operational control of the aircraft under the lease or contract of conditional sale and certification by that person that he understands his responsibilities for compliance with applicable Federal Aviation Regulations.

(3) A statement that an explanation of factors bearing on operational control and pertinent Federal Aviation Regulations can be obtained from the nearest

FAA Flight Standards District Office, General Aviation District Office, or Air Carrier District Office.

(b) The requirements of paragraph (a) of this section do not apply—

(1) To a lease or contract of conditional sale when:

(i) The party to whom the aircraft is furnished is a foreign air carrier or certificate holder under Part 121, 123, 127, 135, or 141 of this chapter; or

(ii) The party furnishing the aircraft is a foreign air carrier, certificate holder under Part 121, 123, 127, or 141 of this chapter, or a certificate holder under Part 135 of this chapter having appropriate authority to engage in air taxi operations with large aircraft.

(2) To a contract of conditional sale, when the aircraft involved has not been registered anywhere prior to the execution of the contract, except as a new aircraft under a dealer's aircraft registration certificate issued in accordance with § 47.61 of this chapter.

(c) No person may operate a large civil aircraft of U.S. registry that is subject to a lease or contract of conditional sale to which paragraph (a) of this section applies, unless—

(1) The lessee or conditional buyer, or the registered owner if the lessee is not a citizen of the United States, has mailed a copy of the lease or contract that complies with the requirements of paragraph (a) of this section, within 24 hours of its execution, to the Flight Standards Technical Division, Post Office Box 25724, Oklahoma City, OK 73125; and

(2) A copy of the lease or contract that complies with the requirements of paragraph (a) of this section is carried in the aircraft. The copy of the lease or contract shall be made available for review upon request by the Administrator.

(d) The copy of the lease or contract furnished to the FAA under paragraph (c) of this section is commercial or financial information obtained from a person. It is, therefore, privileged and confidential, and will not be made available by the FAA for public inspection or copying under 5 U.S.C. 552(b)(4), unless recorded with the FAA under Part 49 of this chapter.

(e) For the purpose of this section, a lease means any agreement by a person to furnish an aircraft to another person for compensation or hire, whether with or without flight crewmembers, that is not a contract of conditional sale under § 101 of the Federal Aviation Act of 1958. The person furnishing the aircraft is referred to as the lessor and the person to whom it is furnished the lessee.

(Sec. 813(a), 801, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 27, 1972.

**J. H. SHAFFER,  
Administrator.**

[FR Doc.72-17019 Filed 10-4-72; 8:48 am]

[Docket No. 12273, Amdt. 832]

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

**Miscellaneous Amendments**

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective November 16, 1972:

Berlin, N.H.—Berlin Municipal Airport; VOR-A, Amdt. 3; Revised.

Hilton Head Island, S.C.—Hilton Head Airport; VOR/DME-A, Amdt. 2; Revised.

Montgomery, N.Y.—Orange County Airport; VOR Runway 8, Amdt. 4; Revised.

Pittsburgh, Pa.—Greater Pittsburgh Airport; VOR Runway 23, Original; Established.

Seattle, Wash.—Seattle-Tacoma International Airport; VOR Runway 16L/R, Amdt. 2; Revised.

Seattle, Wash.—Seattle-Tacoma International Airport; VOR Runway 34L/R, Amdt. 3; Revised.

Trenton, N.J.—Mercer County Airport; VOR-A, Amdt. 7; Revised.

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Walla Walla, Wash.—Walla Walla City-County Airport; VOR-A, Amdt. 2; Revised. Walla Walla, Wash.—Walla Walla City-County Airport; VOR Runway 2, Amdt. 7; Revised.

Walla Walla, Wash.—Walla Walla City-County Airport; VOR Runway 16, Amdt. 9; Revised.

Youngstown, Ohio—Youngstown Executive Airport; VOR/DME-A, Amdt. 2; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective September 27, 1972:

McComb, Miss.—McComb-Pike County Airport; LOC Runway 15, Original; Canceled.

3. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective November 16, 1972:

Torrance, Calif.—Torrance Municipal Airport; LOC Runway 29R, Original; Established.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective September 22, 1972:

Grand Junction, Colo.—Walker Field; NDB Runway 11, Amdt. 9; Revised.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective November 16, 1972:

Berlin, N.H.—Berlin Municipal Airport; NDB-A, Amdt. 9; Revised.

Clairemont, N.H.—Claremont Municipal Airport; NDB-A, Amdt. 1; Revised.

Deadhorse, Alaska—Deadhorse Airport; NDB Runway 4, Amdt. 2; Revised.

Deadhorse, Alaska—Deadhorse Airport; NDB Runway 22, Amdt. 2; Revised.

Rockland, Maine—Knox County Regional Airport, NDB Runway 3, Amdt. 6; Revised.

Seattle, Wash.—Seattle-Tacoma International Airport; NDB Runway 16L, Amdt. 1; Canceled.

Seattle, Wash.—Seattle-Tacoma International Airport; NDB Runway 16L/R, Original; Established.

Seattle, Wash.—Seattle-Tacoma International Airport; NDB Runway 34R, Amdt. 2; Revised.

Walla Walla, Wash.—Walla Walla City-County Airport; NDB Runway 20, Original; Canceled.

Walla Walla, Wash.—Walla Walla City-County Airport; NDB-1 Runway 20, Original; Established.

Walla Walla, Wash.—Walla Walla City-County Airport; NDB-2; Runway 20, Original; Established.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective September 21, 1972:

Atlanta, Ga.—The William B. Hartsfield-Atlanta International Airport; ILS Runway 27R, Amdt. 2; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective September 27, 1972:

Oakland, Calif.—Metropolitan Oakland International Airport; ILS Runway 29, Amdt. 15; Revised.

8. Section 97.29 is amended by establishing, revising, or canceling the fol-

lowing ILS SIAP's effective September 22, 1972:

Grand Junction, Colo.—Walker Field; ILS Runway 11, Amdt. 3; Revised.

9. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective November 16, 1972:

San Francisco, Calif.—San Francisco International Airport; ILS Runway 19L, Amdt. 9; Revised.

Groton/New London, Conn.—Trumbull Airport; ILS Runway 5, Amdt. 1; Revised.

Helena, Mont.—Helena Airport; ILS Runway 26, Original; Established.

Phoenix, Ariz.—Phoenix Sky Harbor International Airport; ILS Runway 8R, Amdt. 1; Revised.

Seattle, Wash.—Seattle-Tacoma International Airport; ILS Runway 16L, Amdt. 1; Canceled.

Seattle, Wash.—Seattle-Tacoma International Airport; ILS Runway 16R, Original; Established.

Seattle, Wash.—Seattle-Tacoma International Airport; ILS Runway 34R, Amdt. 3; Revised.

Walla Walla, Wash.—Walla Walla City-County Airport; ILS Runway 20, Original; Established.

10. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's effective October 12, 1972:

August, Ga.—Bush Field; Radar-1, Amdt. 1; Revised.

11. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's effective November 16, 1972:

Pittsburgh, Pa.—Greater Pittsburgh Airport; Radar-1, Amdt. 14; Revised.

Seattle, Wash.—Seattle-Tacoma International Airport; Radar-1, Amdt. 17; Revised.

12. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's effective November 16, 1972:

Pittsburgh, Pa.—Allegheny County Airport; RNAV Runway 9, Amdt. 1; Revised.

Pittsburgh, Pa.—Greater Pittsburgh Airport; RNAV Runway 5, Amdt. 1; Revised.

Pittsburgh, Pa.—Greater Pittsburgh Airport; RNAV Runway 14, Amdt. 1; Revised.

Pittsburgh, Pa.—Greater Pittsburgh Airport; RNAV Runway 23, Amdt. 1; Revised.

Pittsburgh, Pa.—Greater Pittsburgh Airport; RNAV Runway 32, Amdt. 1; Revised.

NOTE: Correct Docket No. 12262, Amdt. No. 832, § 97.25 effective November 9, 1972, Barrow, Alaska to read:

Barrow, Alaska—Wiley Post-Will Rogers Memorial Airport; LOC Runway 6, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on September 28, 1972.

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

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R.

5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 72-17018 Filed 10-4-72; 8:48 am]

[Docket No. 11675, Amdt. 121-98]

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

**Applicability of Operating Rules: Unauthorized Operators**

This amendment to Part 121 of the Federal Aviation Regulations will make those rules of Part 121 which currently apply to persons certificated under Part 121 apply as well to persons who engage in a Part 121 operation without obtaining the appropriate certificate required by that part.

This amendment is based on a notice of proposed rule making (Notice 72-1) published in the **FEDERAL REGISTER** on January 26, 1972 (37 F.R. 1175).

The majority of the comments did not oppose the proposal; however, the National Business Aircraft Association, Inc. (NBAA), and its affiliated members recommended that the FAA delay any action at this time with regard to Notice 72-1. The basis for the NBAA recommendation was that the FAA still had outstanding Notice 71-32, which contained a discussion of FAA policies regarding operations requiring a commercial operator certificate. The NBAA contends that the current definition in the Federal Aviation Regulations of a commercial operator is not clear and that the adoption of this amendment would further confuse the issue.

The FAA does not agree with the recommendation of the NBAA. Final regulatory action has since been taken by the FAA regarding Notice 71-32 and it is no longer outstanding. In addition, we consider Agency policy regarding operations that require a commercial operator certificate to have been effectively clarified through the issuance of Notice 71-32 and the adoption of amendments based thereon. However, as pointed out in the preamble to Notice 71-32, if an operator has any question as to whether a particular type of operation requires a Part 121 commercial operator certificate, he should immediately request a ruling from the nearest FAA District Office. Such a request will enable the operator to avoid inadvertently operating an aircraft contrary to the Part 121 certification and operating rules.

Interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given to all matter presented.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended by adding a new § 121.4 immediately after § 121.3 in Subpart A of

Part 121, effective November 4, 1972, to read as follows:

**§ 121.4 Applicability of rules to unauthorized operators.**

The rules in this part which refer to a person certificated under § 121.3 apply also to any person who engages in an operation governed by this part without the appropriate certificate and operations specifications required by § 121.3.

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

Issued in Washington, D.C., on September 27, 1972.

J. H. SHAFFER,  
Administrator.

[FR Doc. 72-17020 Filed 10-4-72; 8:48 am]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

[Release Nos. 33-5312, 34-9798, 35-17712, IC-7395, AS-130]

#### PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

#### PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

#### PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

#### PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

#### PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

##### Pooling-of-Interests Accounting

In recent months, the Commission has noted an increasing number of business combinations which appear to meet the individual requirements for pooling-of-interests accounting set forth in Accounting Principles Board Opinion No. 16 but which do not conform with the overriding thrust of that opinion which requires that a combination represent a sharing of rights and risks among constituent stockholder groups if it is to be a pooling of interests. Paragraphs 28, 45, and 47 of that opinion clearly provide that such a sharing of risk is an es-

sential element in poolings, and the specific requirements set forth in paragraphs 46, 47, and 48 should certainly not be construed as a formula which, if followed with precision, may be used to overcome an essential concept which underlies the entire opinion. Despite the clarity of the opinion in articulating the need for a sharing of risk, a number of registrants and their auditors have proposed to account for combinations which did not meet this basic requirement as poolings.

Accordingly, the Commission has concluded that any confusion regarding this matter should be laid to rest. It is the Commission's understanding that the Accounting Principles Board has authorized its staff to issue an interpretation providing that a business combination should be accounted for as a purchase if its consummation is contingent upon the purchase by a third party of any of the common stocks to be issued. Including such a contingency in the arrangement of the combination, either explicitly or by intent, would be considered a financial arrangement which is precluded in a pooling under Opinion 16.

The Commission endorses this interpretation. Recent questions by registrants indicate that maximum prompt exposure should be given to this interpretation and to the Commission's policies for dealing with questions which arise under it both in the interim period during which the interpretation is being assimilated by the financial community and on a continuing basis thereafter.

As a matter of policy, the Commission believes that it is unwise to set forth absolute rules in such an accounting matter which will be followed regardless of all other factual situations which may surround a particular transaction. To do so would be to encourage the application of form over substance. Nevertheless, it appears reasonable for the Commission to establish guidelines which it will use in making determinations as to disposition of various individual cases brought before it and to make these guidelines known to registrants and independent public accountants.

In the case of business combinations, the Commission will consider that if a registration statement is filed contemplating the sale of stock issued in a combination which does not include at the date of filing a set of financial statements reflecting the completed transaction (including some period of combined operations), that fact will constitute *prima facie* evidence that the sale was included explicitly or by intent in the arrangement of the combination and, hence, pooling treatment is not appropriate. In other words, all stock issued in a pooling must be held at risk at least as long as it takes to prepare post-merger financial statements for the combined entity and then to file and await effectiveness of a registration statement before it can be publicly sold.

This release is not intended to restrict sale of stock at the option of the stockholders subsequent to the pooling as long as a sharing of risks for the period of time indicated above has taken place. An

arrangement to register shares subsequent to the combination would therefore not bar pooling. However, an agreement which requires sale of shares after such a period would preclude pooling treatment as would any agreement to reduce the risk borne by the stockholders subsequent to the transaction.

During an interim period of 75 days while this release and interpretation are being assimilated and where transactions previously negotiated are being filed with the Commission, it seems reasonable to apply a less rigorous risk-sharing test while at the same time recognizing that in the Commission's general view a transaction in which no risk is shared is not appropriately treated as a pooling. During this interim period, therefore, the Commission will raise no questions as to the appropriateness of pooling accounting in transactions where at least 25 percent of the stock issued in the pooling is retained at risk by shareholders of the pooled company and where effective date of any registration statement covering sale of the stock to be sold is subsequent to the date the combination is consummated.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

SEPTEMBER 29, 1972.

[FR Doc. 72-17031 Filed 10-4-72; 8:49 am]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

##### PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

##### Creamed Cottage Cheese; Identity Standard; Confirmation of Effective Date of Order

In the matter of amending the standard of identity for creamed cottage cheese (21 CFR 19.530) to permit optional addition of safe and suitable defoaming agents in the creaming mixture:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for a hearing were filed in response to the order in the above-identified matter published in the *FEDERAL REGISTER* of June 17, 1972 (37 F.R. 12064). Accordingly, the amendment promulgated by that order became effective August 16, 1972.

Dated: September 28, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-17001 Filed 10-4-72; 8:47 am]

## RULES AND REGULATIONS

## SUBCHAPTER C—DRUGS

**PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE****Oxytetracycline Hydrochloride and Hydrocortisone Spray**

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13-293V) filed by Pfizer, Inc., 235 East 42d Street, New York, NY 10017, proposing revised labeling for the safe and effective use of oxytetracycline hydrochloride and hydrocortisone spray for topical use in dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section as follows:

**§ 135a.42 Oxytetracycline hydrochloride and hydrocortisone spray, veterinary.**

(a) *Specifications.* Each 3-ounce unit of oxytetracycline hydrochloride and hydrocortisone spray, veterinary contains 300 milligrams of oxytetracycline hydrochloride and 100 milligrams of hydrocortisone with an inert freon propellant such that a 1-second spray treatment will deliver approximately 2.5 milligrams of oxytetracycline hydrochloride and 0.8 milligram of hydrocortisone.

(b) *Sponsor.* See code No. 030 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is indicated for relief of discomfort and continued treatment of many allergic, infectious, and traumatic skin conditions. The indications include prevention of bacterial infections in superficial wounds, cuts, and abrasions, treatment of allergic dermatoses, including urticaria, eczemas, insect bites, and cutaneous drug reactions, infections associated with minor burns and wounds, and nonspecific pruritus in dogs and cats.

(2) A small quantity should be sprayed on the affected surface by holding the container about 6 inches from the area to be treated and pressing the nozzle for 1 or 2 seconds. Only sufficient spray to coat the skin thinly is necessary. The application of small amounts at frequent intervals will give best results. Before treating animals with long or matted hair, it may be necessary to clip the affected area or spread the hairs to allow the medication to contact the skin surface. Relief may be noted following the first or second treatment; however, treatment should not be discontinued too soon after the initial favorable response has been obtained.

(3) Keep away from eyes or other mucous membranes; avoid inhaling; use with adequate ventilation; in case of deep or puncture wounds or serious burns, consult a veterinarian.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER (10-5-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 28, 1972.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc. 72-16996 Filed 10-4-72; 8:45 a.m.]

**PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION****Sodium Thiamylal for Injection, Veterinary**

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10-809V) filed by Parke, Davis & Co., Joseph Campau Avenue at the River, Detroit, MI 48232, proposing revised labeling to provide for the safe and effective use of sodium thiamylal injection in cats, horses, swine, and cattle. The supplemental application is approved.

In addition, an editorial change is made by incorporating the word "veterinary" into the section heading.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.39 is amended by revising the section heading and text as follows:

**§ 135b.39 Sodium thiamylal for injection, veterinary.**

(a) (1) *Specifications.* Sodium thiamylal for injection, veterinary, is a sterile dry powder containing a mixture of sodium thiamylal and anhydrous sodium carbonate. It is contained in vacuum-packed vials with directions for adding the necessary amount of water for injection or of sodium chloride for injection in order to produce a 0.5 to 4 percent solution of sodium thiamylal.

(2) *Sponsor.* See code No. 059 in § 135.501(c) of this chapter.

(3) *Conditions of use.* It is used in dogs, as follows:

(i) (a) To induce anesthesia,  
(b) For short periods of anesthesia (10 to 15 minutes), and

(c) As an additional dosage of anesthetic when needed in major surgery.

(ii) An initial dose of approximately 8 milligrams per pound of body weight is administered. Additional dosages are given at approximately one-fourth of the initial dose.

(iii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(b) (1) *Specifications.* Sodium thiamylal for injection, veterinary, is a sterile dry powder containing a mixture of sodium thiamylal and anhydrous sodium carbonate. It includes directions for adding the necessary amount of sterile distilled water to produce a 0.5 to 4 percent solution of sodium thiamylal.

(2) *Sponsor.* See code No. 049 in § 135.501(c) of this chapter.

(3) *Conditions of use.* The drug is used either as the sole intravenous anesthetic agent for major and minor surgery

or for intubation and induction of anesthesia prior to the administration of a volatile anesthetic as follows:

(i) The drug is administered to initially anesthetize an average-sized dog or cat in an approximate quantity calculated on the basis of 40 milligrams per 5 pounds of body weight. Young animals may require a larger dose than do older animals. Lower dosage is generally applicable to larger and older animals, those in poor physical condition, and brachiocephalic breeds.

(ii) It is administered to horses directly into the jugular vein for light anesthesia, it is administered at 1 gram to animals weighing from 500 to 1,100 pounds. For deeper anesthesia, it is administered at a dosage of 40 milligrams per 12 pounds of body weight; supplemental volatile liquid or gas may be used if desired to prolong anesthesia.

(iii) It is administered to swine at 40 milligrams per 5 pounds of body weight. It is administered either into the anterior vena cava or into the external ear vein, depending upon the size of the animal.

(iv) It is administered to cattle intravenously either at 20 milligrams per 5 pounds of body weight from a 2 percent solution or at 40 milligrams per 7 pounds of body weight from a 4 percent solution.

(v) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER (10-5-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 28, 1972.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc. 72-16997 Filed 10-4-72; 8:45 a.m.]

**PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION****Cephaloridine Injection**

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (46-417V) filed by Elanco Products Co., Post Office Box 1750, Indianapolis, IN 46206 proposing additional uses of cephaloridine injection for the treatment of dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended in § 135b.45 by revising paragraph (c) (1) as follows:

**§ 135b.45 Cephaloridine injection.**

(c) *Conditions of use.* (1) It is used in dogs for the treatment of bacterial infections of the respiratory, enteric, and urinary tracts and soft tissue due to cephaloridine-sensitive organisms and in cats for the treatment of bacterial infections of the respiratory and enteric tracts,

## RULES AND REGULATIONS

urinary bladder and soft tissue due to cephaloridine-sensitive organisms.

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (10-5-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 28, 1972.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc.72-16993 Filed 10-4-72;8:45 am]

**PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION**

**Prochlorperazine, Isopropamide for Injection, Veterinary**

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (15-147V) filed by Norden Laboratories, Inc., Lincoln, Nebr. 68501 proposing revised labeling providing for the safe and effective use of a combination drug containing prochlorperazine and isopropamide for injection for the treatment of dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding the following new section:

**§ 135b.55 Prochlorperazine, isopropamide for injection, veterinary.**

(a) **Specifications.** Prochlorperazine, isopropamide for injection, veterinary, contains in each milliliter, 6 milligrams of prochlorperazine edisylate (equivalent to 4 milligrams prochlorperazine), and 0.38 milligrams of isopropamide iodide (equivalent to 0.28 milligrams of isopropamide) in buffered aqueous solution.

(b) **Sponsor.** See Code No. 026 in § 135.501(c) of this chapter.

(c) **Conditions of use.** (1) The drug is used in dogs and cats in which gastrointestinal disturbances are associated with emotional stress.

(2) Dosage is administered by subcutaneous injection twice daily as follows:

Weight of animal in pounds	Dosage in milliliters
Up to 4	0.25
5 to 14	0.5-1
15 to 30	2-3
30 to 45	3-4
45 to 60	4-5
Over 60	6

Following the last injection, administer prochlorperazine and isopropamide sustained release capsules as indicated.

(3) For use only by or on the order of a licensed veterinarian.

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (10-5-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 28, 1972.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc.72-16994 Filed 10-4-72;8:45 am]

**PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS**

**Dichlorvos**

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (35-918V) filed by Shell Chemical Co., Agricultural Chemicals Division, 110 West 51st Street, New York, NY 10020, proposing revised labeling for the safe and effective use of dichlorvos as an anthelmintic in horses. The supplemental application is approved.

The Commissioner concludes that the specifications for dichlorvos required by § 135c.50(b) are unnecessary since dichlorvos may only be used as provided for in this section when an approved new animal drug application covers the specifications of the dichlorvos to be used.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.50 by deleting paragraph (b) and adding a new paragraph (g) as follows:

**§ 135c.50 Dichlorvos.**

\* \* \* \* \*  
(b) [Deleted]

\* \* \* \* \*

(g) **Conditions of use in horses.** (1) It is recommended for the removal and control of bots (*Gastrophilus intestinalis*, *G. nasalis*), large strongyles (*Strongylus vulgaris*, *S. equinus*, *S. edentatus*), small strongyles (of the genera *Cyathostomum*, *Cylicocercus*, *Cylicocyclus*, *Cylicodontophorus*, *Triodontophorus*, *Poteriostomum*, *Gyalocephalus*), pinworms (*Oxyuris equi*), and large roundworm (*Parascaris equorum*) in horses including ponies and mules. Not for use in foals (sucklings and young weanlings).

(2) For a satisfactory diagnosis, a microscopic fecal examination should be performed by a veterinarian or a diagnostic laboratory prior to worming.

(3) It is administered in the grain portion of the ration at a dosage of 14.2 milligrams to 18.5 milligrams per pound of body weight as a single dose. It may be administered at one-half of the single recommended dosage and repeated 8 to 12 hours later in the treatment of very aged, emaciated or debilitated subjects or those reluctant to consume medicated feed. In suspected cases of severe ascarid infection sufficient to cause concern over mechanical blockage of the intestinal tract, the split dosage should be utilized.

(4) Do not use in horses which are severely debilitated, suffering from diar-

rhea or severe constipation, infectious disease, toxemia or colic. Do not administer in conjunction with or within 1 week of administration of muscle relaxant drugs, phenothiazine derived tranquilizers or central nervous system depressant drugs. Horses should not be subjected to insecticide treatment for 5 days prior to or after treating with the drug. Do not administer to horses afflicted with chronic alveolar emphysema (heaves) or related respiratory conditions. The product is a cholinesterase inhibitor and should not be used simultaneously or within a few days before or after treatment with or exposure to cholinesterase inhibiting drugs, pesticides or chemicals.

(5) Do not use in animals other than horses, ponies, and mules. Do not use in horses, ponies, and mules intended for food purposes. Do not allow fowl access to feed containing this preparation or to fecal excrement from treated animals.

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (10-5-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 28, 1972.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc.72-17000 Filed 10-4-72;8:47 am]

**PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

**Oleandomycin**

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (35-287V) filed by Pfizer, Inc., 235 East 42nd Street, New York, NY 10017, proposing the manufacture of oleandomycin premix at an additional level of 5 grams of oleandomycin activity per pound for safe and effective use in the manufacture of finished animal feeds. The supplemental application is approved.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 135e.45 is amended as follows:

**§ 135e.45 Oleandomycin.**

\* \* \* \* \*  
(b) **Approvals.** Premix levels of 4 and 5 grams of oleandomycin activity per pound granted; for sponsor see code No. 030 in § 135.501(c) of this chapter.

\* \* \* \* \*  
**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (10-5-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 28, 1972.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc.72-16995 Filed 10-4-72;8:45 am]

## Title 24—HOUSING AND URBAN DEVELOPMENT

## Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

## SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. Entries to the table published on August 16, 1972, at 37 F.R. 16543, and on August 30, 1972, at 37 F.R. 17552, listed certain communities whose eligibility for the sale of flood insurance was being suspended on the date indicated in the entries, on the basis of the communities' failure to adopt required land use and control measures consistent with 24 CFR Part 1910 criteria. Each of the communities listed in this entry was so listed, but each has submitted, prior to the indicated suspension date for the community, a copy of adopted measures which appear to correct previous disqualifying deficiencies. Therefore, the suspension of eligibility of each community listed in this entry has been withdrawn on the date indicated hereinbelow, and these communities' eligibility for the sale of flood insurance has been continued without interruption pending detailed review of submitted documents. The entry reads as follows:

## § 1914.4 Status of participating communities.

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Pinellas	Belleair Beach	***	***	***	Sept. 14, 1972, Suspension withdrawn.
Do.	do.	Belleair Shore				Do.
Do.	do.	Clearwater				Do.
Do.	do.	Indian Rocks				Do.
		Beach South				
		Shore				
Do.	do.	Safety Harbor				Do.
Do.	do.	St. Petersburg				Do.
Do.	Sarasota	Unincorporated areas				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969, and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 F.R. 16701, Aug. 25, 1971)

Issued: September 26, 1972.

CHARLES W. WIECKING,  
Acting Federal  
Insurance Administrator.

[FR Doc. 72-17077 Filed 10-4-72; 8:52 am]

Title 41—PUBLIC CONTRACTS  
AND PROPERTY MANAGEMENTChapter 101—Federal Property  
Management Regulations

## SUBCHAPTER E—SUPPLY AND PROCUREMENT

## POLICY ON PROCUREMENT OF INSTRUMENTATION TAPE (WIDE AND INTERMEDIATE BAND)

This regulation provides (1) an updated list of manufacturers to be notified in the motor vehicle defects program and (2) policy on the procurement of instrumentation tape (wide and intermediate band).

## PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

The table of contents of Part 101-26 is amended by revising the caption of § 101-26.508 to read as follows:

Sec. 101-26.508 Electronic data processing (EDP) tape and instrumentation tape (wide and intermediate band).

## Subpart 101-26.5—GSA Procurement Programs

1. Section 101-26.501-8 is amended as follows:

## § 101-26.501-8 Notification of vehicle defects.

\* \* \* Addresses of manufacturers.  
American Motors Corp., Fleet Sales Department, 14250 Plymouth Road, Detroit, MI 48232.

AM General Corp., Logistics Division, 701 West Chippewa Avenue, South Bend, IN 46623.

Ownercard Coordinator, Ford Division, Ford Motor Co., Post Office Box 428, Dearborn, MI 48121.

International Harvester Co., Suite 900, 1707 L Street NW, Washington, DC 20036.

Field Service and Engineering, Chrysler Motors Corp., Government Sales Department, Post Office Box 716, Detroit, MI 48231.

Chevrolet Motor Division, Chevrolet Service Department, Argonaut A Building, 485 West Milwaukee Avenue, Detroit, MI 48202. Director, Product Reliability, Diamond Reo Truck Division, White Motor Corp., 1330 South Washington Avenue, Lansing, MI 48920.

Director of Service, FWD Corp., 105 East 12th Street, Clintonville, WI 54929.

General Parts and Service Manager, GMC Truck and Coach Division, General Motors Corp., 660 South Boulevard East, Pontiac, MI 48053.

Mack Trucks, Inc., Service Operations, Post Office 1000, Somerville, NJ 08876.

Supervisor, Vehicle Service and Safety Programs, White Trucks, a division of White Motor Corp., Post Office Box 5757, Cleveland, OH 44101.

2. The caption and text of § 101-26.508 and the text of §§ 101-26.508-1 through 101-26.508-3 are revised to read as follows:

## § 101-26.508 Electronic data processing (EDP) tape and instrumentation tape (wide and intermediate band).

Procurement by Federal agencies of EDP tape and instrumentation tape (wide and intermediate band) shall be accomplished in accordance with the provisions of this § 101-26.508.

## § 101-26.508-1 Requirements available from Federal Supply Schedule contracts.

Federal Supply Schedules FSC Group 74, Part XI, and FSC Group 58, Part V, section C, respectively, include contracts for Government requirements of those

types of EDP tape and instrumentation tape (wide and intermediate band) which are most widely used. Federal agencies located within the 48 contiguous United States, Washington, D.C., and Hawaii (applicable to EDP tape only for Hawaii) shall procure their requirements for such tape in accordance with the provisions of the current schedules and this § 101-26.508-1. Requirements which do not exceed the maximum order limitations of the Federal Supply Schedules and which are ordered directly by activities located outside the above stated geographical areas shall to the extent possible be consolidated and ordered by submission of purchase requests in FEDSTRIP/MILSTRIP format to the appropriate GSA regional office.

**§ 101-26.508-2 Requirements not available from Federal Supply Schedule contracts.**

(a) Requirements for types of EDP tape and instrumentation tape (wide and intermediate band) covered by Federal Supply Schedule contracts but which exceed the maximum order limitations of the schedules shall be forwarded to the General Services Administration (FPN), Washington, D.C. 20406, for purchase action.

(b) Requirements for all types of EDP tape and instrumentation tape (wide and intermediate band) not covered by Federal Supply Schedule contracts shall be submitted to GSA for purchase action if the dollar value of the requirements exceeds or is estimated to exceed \$2,500 for EDP tape and \$5,000 for instrumentation tape (wide and intermediate band). However, regardless of the amount involved (including requirements estimated to be less than the dollar limitations referenced above), no purchase action by GSA or an agency shall be taken unless a waiver of the requirement for using items of tape available from Federal Supply Schedule contracts has been furnished in accordance with § 101-26.401-3. Requests for waivers shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406. Such requests shall fully describe the type of tape required and state the reasons Federal Supply Schedule items will not adequately serve the agency's needs. GSA will notify the requesting agency in writing of the action taken on such requests. To reduce leadtime, purchase requests may be submitted with the requests for waiver. Purchase requests for requirements for which a waiver has first been obtained, however, shall be submitted with a copy of the waiver to General Services Administration (FPN), Washington, D.C. 20406. GSA will either arrange for procurement of such requirements or authorize the requesting agency to procure them.

(c) When establishing required delivery dates in purchase requests submitted in accordance with this § 101-26.508-2, agencies should normally allow 105 days

leadtime to permit orderly procurement by GSA. In addition to this 105 days leadtime, inspection and testing of the tape requires approximately 15 days.

(d) Where an agency submitting a purchase request in accordance with this § 101-26.508-2 has a need for scheduled deliveries, minimum or maximum order quantities, or other special arrangements, GSA will develop specific provisions to accommodate the needs. The provisions will be based on information furnished by the agency concerned and will be included in solicitations for offers and resultant contracts.

**§ 101-26.508-3 Consolidation of tape requirements.**

To the maximum extent feasible, agencies shall develop procedures which will permit planned consolidation of EDP tape and instrumentation tape (wide and intermediate band) requirements on an agencywide basis. If agencywide consolidation is not feasible, consideration shall be given to the consolidation of individual small requirements at any agency level. This will enable the Government to benefit from lower prices generally obtainable through large volume procurements.

**PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES**

**Subpart 101-32.4—Procurement and Contracting**

Section 101-32.406 is revised to read as follows:

**§ 101-32.406 Procurement of supplies.**

(a) Unless otherwise indicated in specific purchase programs established by GSA, Federal agencies shall submit requirements for the following items to GSA for purchase action in accordance with the specified dollar limitations:

(1) For EDP tape and tabulating machine cards, \$2,500; and

(2) For instrumentation tape (wide and intermediate band), \$5,000.

(b) Specific purchase programs established by GSA include electronic data processing (EDP) tape, instrumentation tape (wide and intermediate band), tabulating machine cards, and marginally punched continuous forms. Instructions for ordering EDP and instrumentation tapes are in § 101-26.508; for tabulating machine cards, in § 101-26.509; and for marginally punched continuous forms, in § 101-26.604.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective upon publication in the *FEDERAL REGISTER* (10-5-72).

Dated: September 28, 1972.

ARTHUR F. SAMPSON,  
Acting Administrator of  
General Services.

[FR Doc.72-17074 Filed 10-4-72;8:52 am]

**Chapter 114—Department of the Interior**

**PART 114-51—PROVISION AND ASSIGNMENT OF QUARTERS AND FURNISHINGS**

**Subpart 114-51.3—Assignment of Quarters**

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, a new Subpart 114-51.3 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This new Subpart 114-51.3 will become effective on the date of publication in the *FEDERAL REGISTER* (10-5-72).

CHARLES G. EMLEY,  
Deputy Assistant  
Secretary of the Interior.

SEPTEMBER 28, 1972.

**Subpart 114-51.3—Assignment of Quarters**

Sec.

114-51.300 Scope of subpart.  
114-51.301 Assignment policy.  
114-51.302 Required occupancy.  
114-51.303 Assignment records.

AUTHORITY: The provisions of this Subpart 114-51.3 issued under 5 U.S.C. 301.

**Subpart 114-51.3—Assignment of Quarters**

**§ 114-51.300 Scope of subpart.**

This subpart sets forth basic policies for the assignment, to employees, of Government-owned or leased personnel quarters under the jurisdiction of the Department of the Interior, wherever located.

**§ 114-51.301 Assignment of policy.**

Each Bureau having jurisdiction over Government-owned or leased personnel quarters should develop and make known to all its employees a quarters assignment policy with implementing procedures appropriate to the number of quarters involved and the requirements of the bureau's programs.

(a) Assignments of quarters to employees shall be made without regard to race, color, creed, or national origin.

(b) In general once quarters reserved for station officials and for employees required to reside at the station have been assigned, the remaining quarters should be equitably assigned on an objective basis with larger houses in terms of number of rooms going to larger families, and larger houses in terms of size of rooms and houses of higher quality going to higher salaried personnel.

**§ 114-51.302 Required occupancy.**

(a) *Statutory requirement.* (1) The following quotation from 5 U.S.C. 5911 (e) provides that:

The head of an agency may not require an employee or member of a uniformed service to occupy quarters on a rental basis, unless the agency head determines that necessary service cannot be rendered, or that property of the Government cannot adequately be protected, otherwise.

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(2) The authority to make the determination that an employee must occupy Government quarters has been delegated to heads of Bureaus in 205 DM 10, with authority to redelegate.

(b) *Policy.* (1) Except in exceptional and usually temporary circumstances, the only justification for the construction or retention of Government-owned housing is the recognition of the fact that under the circumstances necessary service cannot be rendered or property protected otherwise. These circumstances often result in employees being required to live in remote and inconvenient locations, to forego the advantages of home ownership, and to adjust themselves to a camp-like or semipublic environment. The paramount requirement of the full discharge of management's responsibilities, however, makes it necessary to insure that once a substantial investment is made in such housing facilities that the United States is not deprived of the expected benefits through any disinclination on the part of employees to live at the place of their employment.

(2) Illustrative of some of the benefits which the Department receives and has a right to expect from such occupancy are:

(i) The immediate availability of trained manpower to respond to emergencies, such as outbreak of fires, canal breaks, storm damage, etc.

(ii) The presence of an adequate working force during the frequent periods in winter when the roads to refuges, reservations, parks, and construction projects are impassable.

(iii) Protection, guidance, information, and aid that may be given to the large numbers of the general public visiting Interior installations and parks, particularly those arriving or remaining after business hours.

(iv) The protection to the entire installation that is inherent in the knowledge by potential malefactors, such as vandals, arsonists, poachers, thieves, and out-of-season hunters, that many people are living on the premises around the clock and throughout the year.

(v) The protection and maintenance of the premises themselves requires that they be occupied and heated to prevent rapid deterioration.

(vi) The services that can be rendered by the continued availability of employees at all hours to the direct beneficiaries other than the general public of Interior programs, e.g., Indian families on reservations, irrigation farmers on reclamation projects, etc.

(3) Most employees already appreciate fully and understand that for the foregoing and additional reasons they are required to occupy Government housing for the convenience of the Government. However, to eliminate any misunderstanding on this matter, a written determination to this effect should be made a part of the record in every instance where such action should be taken

to insure that the Government will not be deprived of such benefits at the election of the employee.

(c) *Appeals.* The affected employees should be notified in writing individually of any determinations affecting them, and also informed of their right to appeal such action through proper channels. In the consideration of such appeals, the fullest consideration will be given to the personal desires of the employee, subject only to the paramount requirements of the Government.

**§ 114-51.303 Assignment records.**

A record shall be kept at the installation level to reflect all housing assignments and periods of occupancy. Assignments to the designated tenants should be made in writing on a form which clearly sets out the rights and obligations of the tenant and the Government. One copy of the assignment form shall be left with the tenant, and at least one copy, signed by the tenant, should be retained by the assigning office. The form should, as a minimum, list the equipment provided; note existing damage to premises or equipment; state requirements on subletting, assignment, sharing, or conducting businesses on premises; termination of assignment and recapture of quarters; specify which party will service equipment, cut grass, remove snow, etc.; control painting and alteration; reserve right of Government to enter to make safety and maintenance inspections; and in general include information on any aspect of landlord-tenant relationship which the Bureau's experience has shown is likely to arise in quarters of the type or the location involved.

[FR Doc. 72-17007 Filed 10-4-72; 8:47 am]

## Title 32—NATIONAL DEFENSE

### Chapter XIII—Bureau of Mines, Department of the Interior

#### PART 1301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

#### PART 1302—GENERAL LICENSE PERTAINING TO EXPLOSIVES

##### Revocation

Parts 1301 and 1302 of Chapter XIII of Title 32 of the Code of Federal Regulations are revoked as a result of legislative action (Public Law 91-452, October 15, 1970). This revocation becomes effective upon publication in the **FEDERAL REGISTER** (10-5-72).

HOLLIS M. DOLE,  
Assistant Secretary of the Interior.

SEPTEMBER 29, 1972.

[FR Doc. 72-17008 Filed 10-4-72; 8:47 am]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management Appendix—Public Land Orders

[Public Land Order 5263]  
[Arizona 6451]

#### ARIZONA

##### Withdrawal of Lands for Protection of Recreation and Public Values

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 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, for protection of recreation and public values in connection with the Virgin River Gorge Recreation Lands area:

##### GILA AND SALT RIVER MERIDIAN

T. 40 N., R. 14 W.,  
Sec. 5, lot 4;  
Sec. 6, lots 1, 2, and 3.  
T. 41 N., R. 13 W.,  
Sec. 1,  $W\frac{1}{2}$  SW $\frac{1}{4}$ ;  
Sec. 2, lots 1 to 4, inclusive,  $S\frac{1}{2}N\frac{1}{2}$ ,  $S\frac{1}{2}$ ;  
Sec. 3, lot 1,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
Sec. 4, lots 3 and 4,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
Sec. 5, lots 1 to 4, inclusive,  $S\frac{1}{2}N\frac{1}{2}$ ,  $S\frac{1}{2}$ ;  
Sec. 6, lots 1 to 7, inclusive,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$ ,  
 $NW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
Sec. 7, lots 1 to 4, inclusive,  $E\frac{1}{2}W\frac{1}{2}$ ,  $E\frac{1}{2}$ ;  
Secs. 8, 9, and 10;  
Sec. 11,  $N\frac{1}{2}$ ,  $N\frac{1}{2}S\frac{1}{2}$ ;  
Sec. 12,  $W\frac{1}{2}NW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ ,  $SW\frac{1}{4}$   
 $SE\frac{1}{4}$ ;  
Sec. 15,  $N\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 16,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $NW\frac{1}{4}$   
 $SW\frac{1}{4}$ ;  
Sec. 17;  
Sec. 18, lots 1 to 4, inclusive,  $E\frac{1}{2}W\frac{1}{2}$ ,  $E\frac{1}{2}$ ;  
Sec. 19, lots 1 to 4, inclusive,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  
 $W\frac{1}{2}NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 30, lots 1 to 4, inclusive.  
T. 41 N., R. 14 W.,  
Sec. 1, lots 1 to 4, inclusive,  $S\frac{1}{2}N\frac{1}{2}$ ,  $S\frac{1}{2}$ ;  
Sec. 2, lots 1 and 2,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ ,  
 $SE\frac{1}{4}$ ;  
Sec. 3,  $S\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 9,  $E\frac{1}{2}$ ;  
Secs. 10 to 15, inclusive;  
Sec. 16,  $NE\frac{1}{4}$ ,  $S\frac{1}{2}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 20,  $NE\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ;  
Secs. 21 to 25, inclusive;  
Sec. 26,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ;  
Secs. 27, 28, and 29;  
Sec. 30, lots 2 and 3,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NE\frac{1}{4}$ ,  
 $E\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
Sec. 31, lots 1 and 2,  $NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ,  $E\frac{1}{2}$ ,  
 $SE\frac{1}{4}$ ;  
Sec. 32;  
Sec. 33,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $W\frac{1}{2}$ ;  
Sec. 34,  $N\frac{1}{2}N\frac{1}{2}$ ;  
Sec. 36,  $N\frac{1}{2}N\frac{1}{2}$ .  
T. 42 N., R. 13 W.,  
Sec. 31, lot 6,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 32,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
Sec. 33,  $SW\frac{1}{4}$ .  
T. 41 N., R. 14 W.,  
Sec. 35,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 36,  $S\frac{1}{2}$ .

The areas described aggregate 23,070.31 acres in Mohave County.

2. All of the lands described in paragraph 1 are public lands except those described as lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ , Sec. 2, and N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 16, T. 41 N., R. 13 W., and lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 2, and NE $\frac{1}{4}$ , S $\frac{1}{2}$ , and E $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 16, T. 41 N., R. 14 W., which are owned by the State of Arizona, title to which may be transferred to the United States pursuant to a State exchange. These lands will become part of the area withdrawn by paragraph 1 of this order, subject to all laws and regulations applicable thereto upon acquisition of title to said lands or interest therein by the United States under applicable law.

3. A portion of the public lands described above is subject to the withdrawal made for the benefit of the U.S. Bureau of Public Roads by Public Land Order No. 1985 of September 21, 1959.

NATHANIEL P. REED,  
Assistant Secretary  
of the Interior.

SEPTEMBER 28, 1972.

[FR Doc. 72-17006 Filed 10-4-72; 8:47 am]

## Title 49—TRANSPORTATION

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

#### PART 555—APPLICATION FOR TEMPORARY EXEMPTIONS FROM MOTOR VEHICLE SAFETY STANDARDS FOR LIMITED PRODUCTION MOTOR VEHICLES

##### Deletion

The purpose of this notice is to delete Part 555 of Title 49, Code of Federal Regulations, titled "Application for Temporary Exemptions From Motor Vehicle Safety Standards for Limited Production Motor Vehicles."

Part 555 was enacted to implement section 123 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410), pursuant to which the Secretary of Transportation was authorized to provide temporary exemption from compliance with the Federal motor vehicle safety standards, upon showing of substantial economic hardship, to manufacturers of 500 or fewer motor vehicles annually. The authority of the Secretary to provide such exemptions expired by terms of the statute, on April 10, 1971, and has not been renewed. Title 49 of the Code of Federal Regulations is therefore amended by deleting Part 555.

Effective date: October 5, 1972. Because this amendment is administrative in nature and imposes no requirements on any person, it is found that notice and public procedure thereon are unnecessary, and the amendment can be effective immediately.

This notice is issued pursuant to section 119 of the National Traffic and

Motor Vehicle Safety Act of 1966 (15 U.S.C. 1407) and the delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51.

Issued on September 28, 1972.

DOUGLAS W. TOMS,  
Administrator.

[FR Doc. 72-17040 Filed 10-4-72; 8:50 am]

### Chapter X—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 263]

#### PART 1005—PRINCIPLES AND PRACTICES FOR THE INVESTIGATION AND VOLUNTARY DISPOSITION OF LOSS AND DAMAGE CLAIMS AND PROCESSING SALVAGE

##### Processing of Loss and Damage Claims

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of September 1972.

Upon consideration of the record in the above-entitled proceeding, including the report and order at 340 I.C.C. 515, and of:

(1) Petition of the trustees of the property of the Penn Central Transportation Co., respondents, filed July 31, 1972, for waiver of Rule 101(e) of the Commission's general rules of practice, embracing a tendered petition for modification of paragraph 2 of 49 CFR 1005.3  
*Acknowledgment of claims;*

(2) Petition (letter) of American Trucking Associations, Inc., on behalf of member motor common carriers of property, respondents, filed August 15, 1972, conditionally in support of the petition in (1) above;

It appearing, that although petitioners seek to have modified the second paragraph of 49 CFR 1005.3 assertedly in order better to accommodate the provisions thereof to their utilization of electronic computers, data recording media, and microfilm processes for recording and filing shipping orders and delivery receipts, their proposed modification would not be wholly consistent with the purposes intended to be served by said second paragraph (as specifically set forth in the answer to question No. 6 in the appendix to the order entered herein on April 13, 1972); that, in addition, petitioners' proposals would serve only to disclose, and not prevent, duplicate claims payments; and that the modification of the said paragraph set forth in the third ordering paragraph below will enable the utilization of modern record-keeping techniques in keeping with the original purposes and intent of the said rule, and is consistent with the public interest and the national transportation policy;

It further appearing, that the Commission has become aware of a growing

concern that the present form of paragraph (c) of 49 CFR 1005.4 would allow carrier respondents arbitrarily to deny legitimate shortage claims and that modification thereof would therefore be in the public interest; and good cause appearing therefor:

*It is ordered, That the tendered petitions in (1) and (2) above be, and they for filing.*

*It is further ordered, That the petitions be, and they are hereby, accepted are hereby, denied for the reasons that the requested modification of the order of February 3, 1972, served February 24, 1972, as modified, would not be in the public interest for the reasons expressed above.*

*It is further ordered, That paragraph (b) of 49 CFR 1005.3 be, and it is hereby, modified by substituting in lieu thereof the following:*

##### § 1005.3 Acknowledgment of claims.

\* \* \* \* \*

(b) The carrier shall at the time each claim is received create a separate file and assign thereto a successive claim file number and note that number on all documents filed in support of the claim and all records and correspondence with respect to the claim, including the written acknowledgment of receipt. At the time such claim is received the carrier shall cause the date of receipt to be recorded on the face of the claim document, and the date of receipt shall also appear in the carrier's written acknowledgment of receipt to the claimant. The carrier shall also cause the claim file number to be noted on the shipping order, if in its possession, and the delivery receipt, if any, covering such shipment, unless the carrier has established an orderly and consistent internal procedure for assuring (1) that all information contained in shipping orders, delivery receipts, tally sheets, and all other pertinent records made with respect to the transportation of the shipment on which claim is made, is available for examination upon receipt of a claim; (2) that all such records and documents (or true and complete reproductions thereof) are in fact examined in the course of the investigation of the claim (and an appropriate record is made that such examination has in fact taken place); and (3) that such procedures prevent the duplicate or otherwise unlawful payment of claims.

*It is further ordered, That paragraph (c) of 49 CFR 1005.4 be, and it is hereby, modified by substituting in lieu thereof the following:*

##### § 1005.4 Investigation of claims.

\* \* \* \* \*

(c) *Verification of loss.* When an asserted claim for loss of an entire package or an entire shipment cannot be otherwise authenticated upon investigation, the carrier shall obtain from the consignee of the shipment involved a certified statement in writing that the property for which the claim is filed has not been received from any other source.

*It is further ordered, That the modifications in the first and second preceding*

paragraphs be, and they are hereby, made effective on October 16, 1972, and shall apply to all claims received by respondents on and after that date.

*It is further ordered*, That Title 49 Subtitle B, Chapter X, Subchapter A, Part 1005, of the Code of Federal Regulations be, and it is hereby, amended in the manner set forth in the second and third preceding paragraphs.

(24 Stat. 380, 383, 386; 34 Stat. 595; 44 Stat. 1450; 49 Stat. 546, 550, 558, 560, 561, 563; 52 Stat. 1237; 54 Stat. 900, 922, 933, 934, 935, 944, 946; 56 Stat. 285, 286, 287, 294, 295, 297, 298; 62 Stat. 472; 63 Stat. 486; and 64 Stat. 1114, 49 U.S.C. 1, 5, 5b, 6, 12, 20, 304, 305, 316, 317, 318, 319, 320, 904, 905, 906, 913, 916, 1003, 1004, 1005, 1009, 1012, 1013, and 1017)

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-17085 Filed 10-4-72;8:53 am]

**SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS**

[Order 35345]

**PART 1249—REPORTS OF MOTOR CARRIERS**

**Quarterly Report of Freight Loss and Damage Claims**

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of September 1972.

Upon consideration of the record in the above-entitled proceeding, including the report and order at 339 ICC 678 (1971), and of:

(1) Petition of Brink's, Inc., filed March 14, 1972, for exemption from all filing requirements set forth in the order entered herein on July 6, 1971;

(2) Joint petition of Wells Fargo Armored Service Corp. (Delaware), et al., filed July 13, 1972, for relief similar to that sought in (1) above;

(3) Joint petition of American Courier Corp. and its subsidiary class I motor carriers, filed July 26, 1972, for relief similar to that sought in (1) above;

It appearing, that by order entered herein on July 6, 1971, as corrected by order served August 10, 1971, all motor common and contract carriers of property having average annual operating revenues (including interstate and intrastate) of \$1 million, or more, are required to file with this Commission quarterly reports of freight loss and damage claims in the manner and form (Form QL&D) specified in the report cited above;

It further appearing, that petitioners are motor carriers authorized to transport articles of unusual value and other commodities; that in the conduct of certain of their operations they provide specialized services including but not limited to the use of armored vehicles, guard services, and rigid scheduling of pickups and deliveries; and that the safety and security of such unique operations and the valuable cargoes such carriers are entrusted to transport may be jeopardized by full compliance with the reporting requirements described above;

It further appearing, that the public interest and other incidental purposes of the prescribed reporting requirements will better be served by granting petitioners and other similarly authorized motor carriers a partial exemption from said reporting requirements;

It further appearing, that said partial exemption should only excuse such carriers from compliance with the terms of the subject regulation when and to the extent that they are engaged in the provision of armored-truck service as defined below; and good cause appearing therefor:

*It is ordered*, That motor carriers of property authorized to provide armored-truck service, as described in Classification of Motor Carriers of Property, 2 M.C.C. 703, at page 712, be, and they are hereby, relieved from the effect of the order entered herein on July 6, 1971, as codified at 49 CFR 1249.15, to the extent that such order requires the filing of quarterly reports on loss and damage claims on commodities transported in such service.

*It is further ordered*, That Part 1249 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by revising § 1249.15 to read as follows:

**§ 1249.15 Quarterly report of freight loss and damage claims.**

Commencing with reports for the quarter beginning October 1, 1971, and for subsequent quarters thereafter, until further ordered, all common and contract carriers of property having average annual operating revenues (including interstate and intrastate) of \$1 million, or more, from property motor carrier operations, based on the average annual gross operating revenues of the latest 3 calendar years, shall compile and file quarterly reports in accordance with Motor Carrier Quarterly Report of Freight Loss and Damage Claims, Form QL&D. Such quarterly reports (which need not include data relating to claims filed for loss or damage to shipments transported in armored-truck service, as described in Classification of Motor Carriers of Property, 2 M.C.C. 703, at page 712) shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 40 days after the close of each quarter.

*It is further ordered*, That the modification set forth in the preceding paragraph be, and it is hereby, prescribed to become effective on November 13, 1972,

and shall continue in effect until further order of the Commission.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register. (Secs. 204, 220, 49 Stat. 546, 563, as amended; 49 U.S.C. 304, 320.)

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-17086 Filed 10-4-72;8:53 am]

**Title 50—WILDLIFE AND FISHERIES**

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

**PART 32—HUNTING**

**Certain National Wildlife Refuges in Certain States**

The following special regulations are issued and are effective on date of publication in the **FEDERAL REGISTER** (10-5-72).

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

**ARIZONA AND CALIFORNIA**

**HAVASU NATIONAL WILDLIFE REFUGE**

Public hunting of ducks, geese, coots, and gallinules on the Havasu National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots, and gallinules, from October 1 through October 23, 1972, inclusive; and from November 12, 1972, through January 20, 1973, inclusive; geese, from November 12, 1972, through January 7, 1973, inclusive, but only on the areas designated by signs as open to hunting. These open areas, comprising 13,200 acres, are delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and gallinules subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation 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 20, 1973.

## IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Imperial National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots, and gallinules, from October 1 through October 23, 1972, inclusive, and from November 12, 1972, through January 20, 1973, inclusive; geese, from November 12, 1972, through January 7, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and gallinules.

The provisions of this special regulation 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 20, 1973.

## COLORADO

## ALAMOSA NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coots, mergansers, mourning, doves, sora and Virginia rails, and common snipe (Wilson's) on the Alamosa National Wildlife Refuge, Colo., is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting:

(1) Ducks, coots, and mergansers—from October 1 through October 11, 1972, inclusive, and from October 28, 1972, through January 14, 1973, inclusive.

(2) Canada geese—from October 23, 1972, through January 14, 1973, inclusive. Hunting of Canada geese is restricted to those persons who have secured a special Colorado State permit for the special San Luis Valley goose hunt.

(3) Mourning doves—from October 1 through October 11, 1972, inclusive; and from October 28 through October 30, 1972, inclusive.

(4) Sora and Virginia rails—from October 1 through October 11, 1972, inclusive, and from October 28 through November 17, 1972, inclusive.

(5) Common snipe (Wilson's)—from October 1 through October 11, 1972, inclusive, and from October 28 through November 12, 1972, inclusive.

This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and common snipe (Wilson's) subject to the following special conditions:

(1) Dogs—not to exceed two dogs per hunter may be used only for retrieving.

(2) Boats—the use of boats is prohibited.

(3) Admittance—entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation 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 14, 1973.

## BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and mergansers on the Browns Park National Wildlife Refuge, Colo., is permitted from October 1 through October 13, 1972, inclusive, and from November 2, 1972, through January 20, 1973, inclusive; geese, from November 25 through December 17, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,775 acres, is delineated on maps available at refuge headquarters, Greystone, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and mergansers subject to the following special conditions:

(1) Vehicle travel within the refuge shall be confined to established roads.

(2) Camping is permitted only in designated camping areas.

The provisions of this special regulation 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 20, 1973.

## MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and common snipe (Wilson's) on the Monte Vista National Wildlife Refuge, Colo., is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting:

(1) Ducks, coots, and mergansers—from October 1 through October 11, 1972, inclusive, and from October 28, 1972, through January 14, 1973, inclusive.

(2) Canada geese—from October 28, 1972 through January 14, 1973, inclusive. Hunting of Canada geese is restricted to those persons who have secured a special Colorado State permit for the special San Luis Valley goose hunt.

(3) Mourning doves—from October 1 through October 11, 1972, inclusive, and from October 28 through October 30, 1972, inclusive.

(4) Sora and Virginia rails—from October 1 through October 11, 1972, inclusive, and from October 28 through November 17, 1972, inclusive.

(5) Common snipe (Wilson's)—from October 1 through October 11, 1972, inclusive, and from October 28 through November 12, 1972, inclusive.

This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office

Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and common snipe (Wilson's) subject to the following special conditions:

(1) Shooting hours will be from one-half hour before sunrise until noon for ducks, geese, coots, and mergansers.

(2) Shooting hours will be from sunrise to noon for mourning doves, sora and Virginia rails, and common snipe (Wilson's).

(3) On opening day, October 1, and on all Thursdays and Saturdays thereafter during the 1972-73 season, hunters must register at the refuge office before entering the hunting area at one of the six designated parking areas. Upon completion of the day's hunt, the hunter must return to the refuge office to complete a questionnaire regarding the hunt.

(4) The first 150 hunters registered on opening day will be issued twenty-five 12-gauge "iron shot" shells. Hunters not in the first 150 must furnish their own lead shot shells, limited to 25 in number. On subsequent Thursdays and Saturdays thereafter, "iron shot" days, hunters will be limited to twenty-five 12-gauge iron shot shells per hunt, to be furnished by the refuge.

(5) On other than "iron shot days" hunters will be permitted to use weapons and shells in accordance with State and Federal regulations. They may also enter the hunting area without checking in or out at the refuge office, but entry to the hunting area will be restricted to designated parking areas.

(6) In the event that the supply of iron shot shells is exhausted at some time during the migratory bird season, hunting will then be authorized on all remaining days without checking in or out at the refuge office and with legal weapons and shells as permitted by State and Federal regulations.

(7) Dogs—not to exceed two dogs per hunter may be used in the hunting of the above species.

(8) Boats—the use of boats is prohibited.

The provisions of this special regulation 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 14, 1973.

## KANSAS

## FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Flint Hills National Wildlife Refuge, Kans., is permitted as follows: Ducks and coots, from October 21 through December 10, 1972, inclusive, and from December 13 through December 31, 1972, inclusive; geese, from October 14 through December 10, 1972, inclusive, and from December 18 through December 31, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington,

## RULES AND REGULATIONS

Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blind construction by the public is permitted but limited to temporary above-ground construction. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come first-serve basis.

The provisions of this special regulation 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 December 31, 1972.

## KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Kirwin National Wildlife Refuge, Kans., is permitted as follows: Ducks and coots, from October 21 through December 10, 1972, inclusive, and from December 13 through December 31, 1972, inclusive; geese, from October 14 through December 10, 1972, inclusive, and from December 18 through December 31, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special condition:

(1) Blinds—temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation 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 December 31, 1972.

## QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, gallinules, and mergansers on the Quivira National Wildlife Refuge, Kans., is permitted from October 21 through December 10, 1972, inclusive, and from December 13 through December 31, 1972, inclusive; geese, from October 14 through December 10, 1972, inclusive, and from December 18 through December 31, 1972, inclusive. Hunting of mourning doves, snipe, rails, and woodcock is permitted when the respective seasons are concurrent with the waterfowl seasons as designated by the Kansas Forestry, Fish, and Game Commission. Hunting shall be only on the areas designated by

signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, gallinules, geese, mourning doves, snipes, rails, and woodcock subject to the following special conditions:

(1) Blinds—only temporary blinds constructed above ground of natural vegetation are permitted.

(2) Dogs—not to exceed two per hunter may be used only for retrieving.

The provisions of this special regulation 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 December 31, 1972.

## NEW MEXICO

## BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and sandhill cranes on the Bitter Lake National Wildlife Refuge, N.Mex., is permitted as follows: Ducks, geese, and coots, from October 18, 1972, through January 24, 1973 inclusive; sandhill cranes, from November 4, 1972, through January 31, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,320 acres, is delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and sandhill cranes.

The provisions of this special regulation 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 31, 1973.

## BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of snow, blue, and Ross' geese only on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from December 30, 1972, through January 14, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, Unit B comprising 1,300 acres, is delineated on maps available at refuge headquarters, San Antonio, New Mexico, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

(1) An experimental program to evaluate field use of iron shot shells will be conducted this season by the Bureau of Sport Fisheries and Wildlife on the Bosque del Apache National Wildlife

Refuge. Iron-shot shells are available only in 12 gage; therefore, shotguns of this gage will be the only legal firearm used in this hunt.

(2) Each hunter, as he checks into the hunting area, will be given four iron-shot shells for use in the hunt. Hunters will be limited to the use of these four shells for each day's hunt. It will be illegal to possess any other shells within the hunt area. All unused iron-shot shells, plus the empty fired shells, must be returned to the check station attendant upon the termination of each day's hunt.

(3) A daily lottery, beginning at 5 a.m. will be held at the check station to determine which hunters will participate in the hunt.

(4) Hunters selected to participate in each day's hunt will be assigned their blind by lottery.

(5) Bag and possession limit: Two geese of the permitted species, which may not include more than one Ross' goose.

(6) Shooting hours shall be from sunrise to noon.

(7) Hunting is permitted only from the assigned blind, with no more than three hunters per blind.

(8) Hunters shall be present at the check station no later than 5:15 a.m. and check out at the checking station in person no later than 12:30 p.m.

(9) The iron-shot hunt program will continue throughout the 16-day hunt or until the refuge supply of iron-shot shells is exhausted. Should this situation occur, hunting will then continue using lead shot.

The provisions of this special regulation 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 14, 1973.

## OKLAHOMA

## SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Sequoyah National Wildlife Refuge, Okla., is permitted as follows: Ducks and coots, from October 21 to November 19, 1972, inclusive, and from December 6, 1972, through January 14, 1973, inclusive; geese, from October 14 through November 19, 1972, inclusive, and from December 8, 1972, through January 11, 1973, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(2) Camping or possession of firearms on the refuge at night are prohibited.

The provisions of this special regulation 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 14, 1973.

## TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Ducks and coots may be hunted in Zones 1 and 2 from one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, Sundays, and National Holidays from October 23 through October 26, 1972, inclusive, from October 30 through November 19, 1972, inclusive, and from December 7, 1972, through January 14, 1973, inclusive. Duck hunting in Zone 2 will be restricted to hunters with retrievers. Geese may be hunted in Zone 3 only from one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, Sundays and all National Holidays from November 4, through November 19, 1972, inclusive, and from December 8, 1972, through January 11, 1973, inclusive.

(2) Each hunter shall be limited to six shells in possession when entering Zone 3, and 25 shells when entering Zones 1 and 2 of the Management Unit.

(3) Sky-busting (in excess of 45 yards) is against area regulations. Hunters in violation will be removed from the blinds and their season's hunting privileges will be revoked.

(4) In Zone 3, 35 goose blinds are provided and hunters will be assigned to blinds by applying for a blind reservation. Temporary blinds may not be constructed in Zone 3. Eight duck blinds are provided in Zone 1, and hunters will be assigned to these blinds on a first-come first-choice basis. Construction of temporary blinds may be done in the pothole area in Zone 1. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of other sportsmen, but blinds must be at least 80 yards apart.

(5) Hunting of geese in Zone 3 is by application and actual blind assignment is determined by a punchboard. Hunters will be accepted into Zone 1 on a first-come first-choice basis. All hunters, upon entering or leaving the area, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(6) Hunters must remain in their assigned blinds in Zones 1 and 3, leaving them only to place decoys, retrieve birds and decoys, or return to the check station. Hunters may leave their blinds to check out only at 9:30 a.m. and 11:30 a.m.

The provisions of this special regulation 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 14, 1973.

## TEXAS

## BRAZORIA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Brazoria National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,025 acres of Rattlesnake Island on the southeast side of the Intracoastal Waterway and adjacent to Christmas, Drum, and Bastrop Bays, is delineated on maps available at refuge headquarters, Angleton, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) The open season for hunting ducks and coots on the refuge extends from November 4 through November 26, 1972, inclusive, and from December 9, 1972, through January 24, 1973, inclusive.

(2) The open season for geese on the refuge extends from November 4 through November 28, 1972, inclusive, and from December 9, 1972, through January 24, 1973, inclusive.

(3) Access to the hunting area is entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted.

The provisions of this special regulation 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 24, 1973.

## UTAH

## BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of ducks, coots, mergansers, and whistling swans on the Bear River Migratory Bird Refuge, Utah, is permitted from October 7, 1972, through January 7, 1973, inclusive; geese, from October 14 through December 17, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres, is delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, mergansers, and whistling swans subject to the following special conditions:

(1) *Iron shot.* An experimental program to evaluate field use of iron-shot shells will be conducted during the waterfowl season. The first 250 hunters to be checked into Area A on October 7, 1972, must use iron-shot shells, 12 gage, to be furnished by the refuge. On subsequent Tuesdays, Thursdays, and Saturdays, beginning Tuesday, October 10, 1972, and continuing through the bal-

ance of the season, hunters using Area A must use refuge furnished iron-shot shells, 12 gage, for hunting. The experimental program will terminate when the refuge supply of iron-shot shells is exhausted.

(2) *Shells limited.* Ammunition taken into Hunting Area A will be limited to one box of 25 shot shells per hunter on opening day, October 7, 1972, and on subsequent Tuesdays, Thursdays, and Saturdays. There will be no limit to the number of shot shells permitted, nor gage of legal shotguns used, on days not included in the iron-shot shell experimental program; i.e., Sundays, Mondays, Wednesdays, and Fridays.

(3) *Hunting areas.* Area A—No hunting is permitted from roadways or within 100 yards of any roadway. Area B—No hunting is permitted from roadways or adjacent area, as posted by signs.

(4) *Boat use.* The use of boats is permitted except that airthrust boats and aircycles may not be used in Unit 2 on weekends and holidays. Airthrust boats and aircycles may be launched only from designated boat ramps. Boats may be left at designated areas 1 week prior to and during the hunting season. All boats and trailers must be removed within 2 weeks after the close of the hunting season.

(5) *Parking.* Hunters may park cars only at designated areas within the refuge.

(6) *Hunter check station.* Each hunter who enters Area A is required to register at the checking station and check out before leaving the refuge. Those hunting in Area B are not required to register on entering or leaving the refuge.

(7) *Routes of travel.* To reach open hunting areas, travel is permitted on foot or bicycle over roads between Units 1 and 2 and Units 2 and 3. Travel is also permitted by boat from checking station using the canal between Units 1 and 2, or down the main river channel into Unit 2, or using the canal between Units 2 and 3. Travel by boat and trailer is permitted over dike roads to designated parking and launching areas. Airthrust boats and aircycles may use designated travel lanes across a closed portion of the refuge leading to the open area south and southwest of the refuge.

The provisions of this special regulation 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 7, 1973.

## FISH SPRINGS NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and mergansers on the Fish Springs National Wildlife Refuge, Utah, is permitted from October 7, 1972, through January 7, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,192 acres, is delineated on maps available at refuge headquarters, 66 miles southwest of Dugway, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal

## RULES AND REGULATIONS

regulations covering the hunting of ducks, coots, and mergansers subject to the following special conditions:

(1) All hunters must register at the Visitor Information Station prior to hunting.

(2) Shooting upon or across dikes or roads is prohibited.

(3) Use of small boats, canoes, etc. is permitted during the hunting season, but no outboard motors or airthrust boats are allowed.

(4) Dogs may be used for hunting but are to be kept under control at all times.

The provisions of this special regulation 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 7, 1973.

## WYOMING

## SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coots, and mergansers on the Seedskadee National Wildlife Refuge, Wyo., is permitted as follows: Ducks, coots, and mergansers, from October 1 through December 31, 1972, inclusive; geese, from October 14 through November 12, 1972, inclusive, and November 27 through December 31, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,370 acres, is delineated on maps available at refuge headquarters, Room 118 Courthouse, Green River, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and mergansers.

The provisions of this special regulation 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 December 31, 1972.

## PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and mergansers on the Pathfinder National Wildlife Refuge, Wyo., is permitted as follows: Ducks, coots, and mergansers, from October 1 through November 5, 1972, inclusive, and from November 23, 1972, through January 15, 1973, inclusive; geese, from October 7 through November 12, 1972, inclusive, and from November 18, 1972, through January 9, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,760 acres, is delineated on maps available at refuge headquarters, Walden, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and mergansers subject to the following special condition:

(1) Blinds—The construction of permanent blinds or pits is not permitted.

Portable blinds may be used but not left on the refuge.

The provisions of this special regulation 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 15, 1973.

W. O. NELSON, Jr.,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife,  
Albuquerque, New Mexico.

SEPTEMBER 29, 1972.

[F.R. Doc. 72-17002 Filed 10-4-72; 8:47 am]

## PART 32—HUNTING

Kirwin National Wildlife Refuge,  
Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-5-72).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

## KANSAS

## KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, quail, cottontail rabbits, and fox squirrels on the Kirwin National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps, available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, cottontail rabbits, and fox squirrels subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from November 11, 1972, through January 14, 1973, inclusive.

(2) The open season for hunting quail on the refuge extends from November 11, 1972, through January 14, 1973, inclusive.

(3) The open season for hunting cottontail rabbits and fox squirrels on the refuge shall be only on those days during the open season for the hunting of pheasants and quail.

(4) Shotguns and bow and arrows are legal weapons. Rifles or handguns will not be permitted.

The provisions of this special regulation 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 14, 1973.

KEITH S. HANSEN,  
Refuge Manager, Kirwin National  
Wildlife Refuge, Kirwin, Kans.

SEPTEMBER 11, 1972.

[F.R. Doc. 72-17043 Filed 10-4-72; 8:51 am]

## PART 32—HUNTING

Bitter Lake National Wildlife Refuge,  
N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-5-72).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

## NEW MEXICO

## BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked and white-winged pheasants, quail, and rabbits on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted as follows: Pheasants, from December 16, 1972, through December 19, 1972, inclusive; quail from October 28, 1972, through January 7, 1973, inclusive; rabbits, October 28, 1972, through January 24, 1973, inclusive, only in the areas open to waterfowl hunting. These areas, comprising 3,320 acres, are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, and rabbits.

The provisions of this special regulation 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 24, 1973.

LAWRENCE G. KLINE,  
Refuge Manager, Bitter Lake  
National Wildlife Refuge,  
Roswell, N. Mex.

SEPTEMBER 28, 1972.

[F.R. Doc. 72-17044 Filed 10-4-72; 8:51 am]

## PART 32—HUNTING

Bosque Del Apache National  
Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-5-72).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

## NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE  
REFUGE

Public hunting of quail and rabbits on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from October 28, 1972, through January 7, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 44,200 acres, includes all refuge lands east of the Bureau of Reclamation Channelization Project and all refuge lands west of the A.T. & S.F. Railroad right-of-way. These areas are delineated on maps available at refuge

headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306 Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail and rabbits subject to the following special conditions:

(1) Hunting with rifles and handguns is prohibited.

(2) Access is from Highway 85, Bureau of Reclamation east channel road and through the refuge main entrance at headquarters. Vehicles are permitted only on established roads.

(3) No more than two (2) dogs may be used by a hunter.

(4) Hunters shall leave the refuge by one-half hour after sunset.

The provisions of this special regulation 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 7, 1973.

GARY R. ZAHM,

*Acting Refuge Manager, Bosque Del Apache National Wildlife Refuge, San Antonio, N. Mex.*

September 29, 1972.

[FR Doc. 72-17005 Filed 10-4-72; 8:47 am]

#### PART 32—HUNTING

#### Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the *FEDERAL REGISTER* (10-5-72).

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

#### OKLAHOMA

#### TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting will be by permit only, with permits issued by the Oklahoma Department of Wildlife Conservation Office, 1801 North Lincoln, Oklahoma City, OK 73105.

(2) Not more than 75 archery hunters per day, and not more than 35 gun hunters per day will be admitted to the hunting area.

(3) The archery deer hunting season on the refuge is from daylight to dark October 21, 22, 28, and 29, 1972. The gun deer hunting season is from daylight to dark November 24, 25, and 26, 1972.

(4) Bag and possession limit per permit is one deer, either sex.

(5) Firearms will be limited to shotgun slugs only.

(6) A Federal permit is not required to enter the public hunting area for the hunting of deer, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation 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 November 26, 1972.

ERNEST S. JEMISON,  
*Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.*

SEPTEMBER 12, 1972.

[FR Doc. 72-17003 Filed 10-4-72; 8:47 am]

## Title 6—ECONOMIC STABILIZATION

### Chapter I—Cost of Living Council

#### PART 101—COVERAGE, EXEMPTION, AND CLASSIFICATION OF ECONOMIC UNITS

##### Reclassification of Certain Lumber Firms

Subpart B of Part 101 of Chapter 1 of Title 6 of the Code of Federal Regulations is amended in §§ 101.13 and 101.15 to include as a price category II firm (other than those firms presently classified as a price category I or II firm) any firm which in its most recent fiscal year derived \$5 to \$50 million in annual sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard and particle board.

In July, the Cost of Living Council rescinded the small firm exemption as it applied to lumber manufacturers, wholesalers, and retailers with annual sales or revenues of more than \$100,000 from the sale of the aforementioned lumber products.

The effect of lowering the cutoff level of Tier II firms in the lumber industry from \$50 million to \$5 million will be to extend price reporting requirements to cover an estimated 30 percent of the industry's sales from about 10 percent of sales covered previously. The total number of businesses covered by the reporting requirements will be increased from approximately 20 to over 500 units. These requirements are in addition to the general wage-price regulations which have governed almost all sales by lumber manufacturers, wholesalers, and retailers since the Council removed the

small business exemption from the industry in July 1972.

The result of this reclassification will be to permit the economic stabilization program to better monitor costs, prices, and profits, and enforce the regulations covering this important sector of the economy.

The Price Commission, concurrent with the filing of this amendment, is filing an order setting forth reports which will be required to be filed with it as a result of this amendment.

Because the purpose of these amendments is to amend and modify Part 101 to provide immediate guidance and information as to Cost of Living Council regulations, the Council finds that publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit written comments regarding the above amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

This amendment shall become effective when filed with the Office of the Federal Register.

DONALD RUMSFELD,  
*Director, Cost of Living Council.*

Part 101 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart B is amended in §§ 101.13 and 101.15 to read as follows:

**§ 101.13 Price category II firms; reporting requirements.**

(a) A price category II firm is:

(1) A firm with annual sales or revenues from \$50 million to \$100 million other than a firm described in § 101.11 (a) (2) through (3);

\* \* \* \* \*

(4) A firm (other than a firm described in § 101.11) with \$5 million or more in annual sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard or particle board.

\* \* \* \* \*

**§ 101.15 Price category III firms; monitoring and spot checks.**

(a) A price category III firm is:

(1) A firm with annual sales or revenues of less than \$50 million other than a firm described in § 101.11(a) (2) through (3) or § 101.13(a) (2) through (4);

\* \* \* \* \*

(4) A firm (other than a firm described in §§ 101.11 and 101.13) with less than \$5 million in annual sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard and particle board.

[FR Doc. 72-17180 Filed 10-3-72; 5:10 pm]

## RULES AND REGULATIONS

## Chapter III—Price Commission

PART 305—PROCEDURAL  
REGULATIONS

## Reply to Notice of Probable Violation

The purpose of this amendment to § 305.84 of the regulations of the Price Commission is to provide that a person who has received a notice of probable violation or a remedial order from the Commission, pursuant to § 305.82 or § 305.83, may file a written reply within 10 days of receipt of the notice or remedial order.

Section 305.84 currently provides that a reply to a notice of probable violation or remedial order may be made in writing or by personal appearance, or both. Based upon its experience since § 305.84 was published on June 24, 1972 (37 F.R. 12499), the Commission has determined that a reply to a notice of probable violation or remedial order should be in writing, but that a person may, in addition, request a personal appearance. The change is made to reflect the fact that

the cases have indicated that there is a preference among recipients of orders for the filing of a written reply and because study and evaluation of a reply by members of the Commission staff is facilitated if the reply is in writing. Persons may also request an appointment for a personal appearance which must be scheduled to take place within the 10-day period provided for reply.

Since the purpose of this amendment is to provide immediate guidance with respect to the form of replies to notices of probable violation and remedial orders issued by the Commission, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days after publication in the **FEDERAL REGISTER**.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558; 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments

of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 20202, October 16, 1971)

In consideration of the foregoing, the introductory clause of § 305.84 of Part 300 of Chapter III of Title 6 of the Code of Federal Regulations is amended to read as follows, effective October 4, 1972.

## § 305.84 Reply.

Within 10 days of receipt of a notice of probable violation issued under § 305.82 or a remedial order issued under § 305.83, the person to whom the notice or order is issued may file a reply. The reply must be in writing. He may also request an appointment for a personal appearance, which must be held within the 10-day period provided for reply. He may be represented or accompanied by counsel at the personal appearance. The Commission will extend the 10-day reply period for good cause shown.

\* \* \* \* \*  
Issued in Washington, D.C., on October 2, 1972.

JAMES B. MINOR,  
General Counsel, Price Commission.  
[FR Doc.72-17116 Filed 10-3-72;11:01 am]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 22]

### ACCELERATED PAYMENT OF DRAWBACK CLAIMS

#### Proposed Processing of Entries

Notice is hereby given that under the authority contained in section 251 of the Revised Statutes and sections 313, 623, and 624 of the Tariff Act of 1930, as amended (19 U.S.C. 66, 1313, 1623, 1624), it is proposed to amend Part 22 of the Customs regulations by adding a new § 22.20a entitled, "Accelerated payment of drawback claims."

At present a drawback claimant must wait until a claim is liquidated before receiving payment. Although every effort is made to process claims promptly, for various reasons it is not practical or possible always to do so. The delays which are inevitable have at times had a seriously adverse impact on the working capital of some claimants, usually smaller firms. It is to alleviate this problem that the present amendment is proposed.

The proposed procedure provides for the prompt payment of 90 percent of the drawback claimed and for the subsequent liquidation of the drawback entry with payment of the remainder found to be due or demand for refund of any excessive amount found to have been paid. In order to qualify to receive accelerated payments the claimant will be required to file an appropriate bond guaranteeing the refund of any amount improperly paid and to show on the drawback entry the amount of drawback claimed.

The terms of the proposed amendment of the Customs regulations, in tentative form are as follows:

Part 22 of the Customs regulations is amended by adding a new § 22.20a reading as follows:

§ 22.20a Accelerated payment of drawback claims.

A claimant for drawback, whom the regional commissioner of Customs determines not delinquent or otherwise remiss in transactions with Customs, is eligible for accelerated payment of drawback claims which are properly prepared and fully completed as provided in § 22.13. A claimant, requesting accelerated payment of a claim, shall submit with the claim a computation of the amount due thereon and shall also file with Customs, for approval by the regional commissioner, a bond guaranteeing the refund of any excess payment. If the regional commissioner, after receiving a claim, determines that the conditions for accelerated payment are met, and that the

amount claimed is credible, he shall, within 3 weeks after the claim is filed, certify for payment 90 percent of the claim as computed by the claimant. After liquidation, the remainder found to be due will be paid, or a demand for refund of any excess payment paid will be made. The right of accelerated payment shall be denied to a claimant continually computing its claims erroneously to the extent that it receives thereby excess payments.

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

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

Approved: September 28, 1972.

*EUGENE T. ROSSIDES,*  
*Assistant Secretary of the*  
*Treasury.*

[FR Doc. 72-17093 Filed 10-4-72; 8:54 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO-267-A7]

### HANDLING OF LIMES GROWN IN FLORIDA

#### Notice of Hearing With Respect to Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Homestead Agricultural Center, 18710 Southwest 288th Street, Homestead, FL, at 9:30 a.m., local time, November 9, 1972, with respect to proposed further amendment of the marketing agreement and order (7 CFR Part 911) regulating the handling of limes grown in Florida.

The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendment, which is hereinafter set forth, and appropriate modifications thereof.

The following amendment of the amended marketing agreement and order was proposed by the Florida Lime Administrative Committee, the administrative agency established pursuant to the marketing agreement and order.

#### § 911.51 [Amended]

1. Amend the second sentence of paragraph (c) of § 911.51 to read as follows:

The committee shall give appropriate notice of such meetings to growers and handlers.

2. Amend paragraph (a) of § 911.53 to read as follows:

#### § 911.53 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of limes which it deems advisable to be handled during the succeeding week: *Provided*, That such volume regulation shall not be recommended for any week except during the 26-week regulatory period beginning with the last full week in April: *Provided, further*, That no such regulation shall be recommended after such regulations have been in effect for an aggregate of 16 weeks during the aforesaid period.

\* \* \* \* \*  
3. Amend § 911.54 *Issuance of volume regulations* by deleting the term eight (8) wherever it appears and substituting in lieu thereof the figure 16. As amended § 911.54 would read as follows:

#### § 911.54 Issuance of volume regulations.

Whenever the Secretary finds, from the recommendation and information submitted by the committee, or from other available information, that to limit the quantity of limes which may be handled during a specified week of a regulatory period will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during a regulatory period shall not in the aggregate limit the volume of lime shipments for more than 16 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulation may, as authorized by the act, be made effective irrespective of whether the season average price of limes is in excess of the parity price. The Secretary may, upon recommendation of the committee, or upon other available information, terminate or suspend any regulation pursuant to this section at any time.

## PROPOSED RULE MAKING

4. Amend paragraph (d) of § 911.55 to read as follows:

**§ 911.55 Prorate bases.**

(d) Each week during the regulatory period when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of limes in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped limes and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 26 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped limes. For purposes of this section "representative period" means the two preceding seasons together with the current season; the term "season" means the 26-week period beginning with the last full week in April of any fiscal year; and the term "current season" means the period beginning with the last full week in April of the current fiscal year through the last full week preceding the week of regulation, for which official shipping records of handlers are available to the committee.

**§ 911.60 [Amended]**

5. Amend paragraph (b) of § 911.60 *Reports* to specifically require handlers to file weekly reports of market prices of limes during such weekly periods as approved by the Secretary pursuant to a request of the committee.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the amended marketing agreement and order as may be necessary to make the entire provisions thereof conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Mr. M. F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, Post Office Box 9, Lakeland, FL 33802.

Dated: September 29, 1972.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.72-17052 Filed 10-4-72;8:51 am]

**I 7 CFR Part 1050  
MILK IN CENTRAL ILLINOIS  
MARKETING AREA**

**Notice of Proposed Suspension of  
Certain Provisions of the Order**

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as

amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the month of October 1972.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days from the date of publication of this notice in the *FEDERAL REGISTER*. All documents filed should be in quadruplicate.

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 provisions proposed to be suspended are as follows:

In § 1050.14, paragraphs (c)(2) and (3).

**STATEMENT OF CONSIDERATION**

The proposed suspension would make inoperative for the month of October 1972 the provisions that limit the proportion of each producer's monthly milk production that may be diverted as producer milk from a pool plant to a non-pool plant.

Associated Milk Producers, Inc. requests the suspension. The producer association claims the action is necessary to enable its member producers to maintain producer status under the order for the month of October.

The operator of a large distributing plant regulated under the order has notified the producers supplying the plant that he plans to cease processing operations at the plant after October 4, 1972. Most of the producers supplying the plant are members of Associated Milk Producers, Inc.

The suspension of diversion limits will afford the cooperative an opportunity to divert the milk of its member producers to nonpool plants during October and retain pool status for such producers. As such, they will continue to receive the uniform price while the cooperative seeks other marketing arrangements with respect to the milk of its member producers who furnished milk to the aforementioned pool plant for many years.

Signed at Washington, D.C., on September 29, 1972.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.72-17053 Filed 10-4-72;8:51 am]

**Rural Electrification Administration  
I 7 CFR Part 1701  
REA STANDARDS FOR BORROWERS'  
AUDITS**

**Guide for Audit Working Papers**

Notice is hereby given that, pursuant to the Rural Electrification Act, as

amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 185-2 (electric); 465-2 (telephone), Audit Working Paper Guide. This Bulletin restates REA's established policy requiring appropriate working papers to support the Audit of REA Borrowers' Accounting Records.

Persons interested in the provisions of Bulletin 185-2: 465-2 may submit written data, views or comments to the Director, Accounting and Auditing Division, Room 4307, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for inspection at the office of the Director, Accounting and Auditing Division, during regular business hours. A copy of the proposed Bulletin may be secured in person or by written request from the Director, Accounting and Auditing Division.

A summary of the contents of the proposed bulletin is as follows:

**REA BULLETIN 185-2: 465-2**

This is a new bulletin and is issued as a companion bulletin to 185-1: 465-1, Audit of REA Borrowers' Accounting Records to set forth REA requirements regarding the working papers supporting the audit of the REA borrowers' records. The bulletin is principally concerned with the nature and sufficiency of competent evidential matters gathered by the auditor to permit REA to determine that he has met the minimum audit requirements of REA Bulletin 185-1: 465-1, Audit of REA Borrowers' Accounting Records. It also sets forth guidelines to assist the auditor in meeting REA auditing and reporting requirements.

Dated: September 29, 1972.

GEORGE P. HERZOG,  
Acting Administrator.

[FR Doc.72-17089 Filed 10-4-72;8:55 am]

**DEPARTMENT OF  
TRANSPORTATION**

**Federal Aviation Administration**

**I 14 CFR Part 71 I**

[Airspace Docket No. 72-GL-45]

**TRANSITION AREA**

**Proposed Designation**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at New Castle, Ind.

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 Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 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, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new Standard Instrument Approach Procedure has been developed for the New Castle-Henry County Sky Castle Airport, New Castle, Ind. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at New Castle, Ind. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

NEW CASTLE, IND.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of New Castle-Henry County Municipal, Sky Castle Airport (latitude 39°51'50" N., longitude 85°19'24" W.).

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

Issued in Des Plaines, Ill., on September 15, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc. 72-17024 Filed 10-4-72; 8:49 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 72-GL-46]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Bellefontaine, Ohio.

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 Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 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, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new Standard Instrument Approach Procedure has been developed for the Bellefontaine Airport, Bellefontaine, Ohio, based on a non-Federal NDB. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Bellefontaine, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations hereinafter set forth:

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

BELLEFONTAINE, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Bellefontaine Airport (latitude 40°24'45" N., longitude 83°44'10" W.) and within 3 miles each side of the 049° bearing from the airport extending from the 6-mile-radius area to 13 miles northeast of the airport.

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

Issued in Des Plaines, Ill., on September 15, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc. 72-17025 Filed 10-4-72; 8:49 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 72-GL-48]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Galesburg, Ill.

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 Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Avia-

tion Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 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, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new Standard Instrument Approach Procedure has been developed for the Monmouth Municipal Airport, Monmouth, Ill. Accordingly, it is necessary to alter the Galesburg transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

GALESBURG, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg Municipal Airport (latitude 40°56'24" N., longitude 90°25'48" W.); within 5 miles east and 8 miles west of the Galesburg VOR 019° radial extending from the VOR to 12 miles north of the VOR; within 5 miles northwest and 8 miles southeast of the VOR 214° radial extending from the VOR to 12 miles southwest of the VOR; within a 5-mile radius of the Monmouth Municipal Airport (latitude 40°55'42" N., longitude 90°38'06" W.).

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

Issued in Des Plaines, Ill., on September 15, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc. 72-17026 Filed 10-4-72; 8:49 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 72-GL-49]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Macomb, Ill.

## PROPOSED RULE MAKING

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 Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 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, 2300 East Devon Avenue, Des Plaines, IL 60018.

The Standard Instrument Approach Procedure for the Macomb Municipal Airport, Macomb, Ill., has been received. Accordingly, it is necessary to alter the Macomb transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

MACOMB, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Macomb Municipal Airport (latitude 40° 31'11" N., longitude 90°39'17" W.); and within 3 miles each side of the 084° bearing from the airport extending from the 5-mile-radius area to 8 miles east of the airport.

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

Issued in Des Plaines, Ill., on September 15, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc. 72-17027 Filed 10-4-72; 8:49 am]

## [14 CFR Part 71]

[Airspace Docket No. 72-GL-51]

## CONTROL ZONE

## Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Muncie, Ind.

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 Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 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 proposals 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, 2300 East Devon Avenue, Des Plaines, IL 60018.

The Muncie, Ind., control zone is a part-time zone designated by specific hours based upon the time the control tower is in operation. If a change in the zone times is desired, a lengthy airspace processing is required. It is operationally desirable to be able to change the times by a notice to airmen.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

MUNCIE, IND.

Within a 5-mile radius of Delaware County Johnson Field (latitude 40°14'26" N., longitude 85°23'43" W.); within 2½ miles each side of the Muncie VOR 125° radial, extending from the 5-mile-radius zone to 6½ miles southeast of the VOR; within 2½ miles each side of the Muncie VOR 017° radial, extending from the 5-mile-radius zone to 6½ miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 5-mile-radius zone to 10 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Des Plaines, Ill., on September 15, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc. 72-17028 Filed 10-4-72; 8:49 am]

## [14 CFR Part 71]

[Airspace Docket No. 72-GL-52]

## CONTROL ZONE

## Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Cleveland, Ohio (Burke-Lakefront Airport).

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 Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 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 proposals 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, 2300 East Devon Avenue, Des Plaines, IL 60018.

The Burke-Lakefront control zone is a part-time zone designated by specific hours based upon the time the control tower is in operation. If a change in zone times is desired, a lengthy airspace processing is required. It is operationally desirable to be able to change the control zone times by a Notice to Airmen.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

CLEVELAND, OHIO (BURKE-LAKEFRONT AIRPORT)

Within a 5-mile radius of the Burke-Lakefront Airport (41°31'02" N., 81°41'04" W.); within 2 miles each side of the Burke-Lakefront ILS localizer northeast course, extending from the 5-mile radius zone to the OM, excluding the portion overlying the Cleveland, Ohio (Cleveland-Hopkins International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Des Plaines, Ill., on September 15, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc. 72-17029 Filed 10-4-72; 8:49 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 72-GL-53]

**CONTROL ZONE**

**Proposed Alteration**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Columbus, Ohio (Ohio State University).

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 Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 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, 2300 East Devon Avenue, Des Plaines, IL 60018.

The Ohio State University Airport control zone is a part-time zone designated by specific hours based upon the time the control tower is in operation. If a change in zone times is desired, a lengthy airspace processing is required. It is operationally desirable to be able to change zone times by a Notice to Airmen.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

**COLUMBUS, OHIO (OHIO STATE UNIVERSITY AIRPORT)**

Within a 5-mile radius of the Ohio State University Airport (latitude 40° 04' 40" N., longitude 83° 04' 30" W.); within 3 miles each side of the 273° and 090° bearings from the airport extending from the 5-mile radius zone to 8½ miles west and east of the airport, excluding that portion within the Columbus, Ohio (Port Columbus International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will there-

after be continuously published in the Airmen's Information Manual.

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

Issued in Des Plaines, Ill., on September 15, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc. 72-17030 Filed 10-4-72; 8:49 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 72-GL-44]

**TRANSITION AREA**

**Proposed Designation**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Big Rapids, Mich.

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 Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 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, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed to the Roben-Hood Airport, Big Rapids, Mich., utilizing the White Cloud VORTAC. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Big Rapids, Mich. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

**BIG RAPIDS, MICH.**

That airspace extending upward from 700 feet above the surface within an 8-mile

radius of Roben-Hood Airport (latitude 43° 43' 13" N., longitude 85° 29' 52" W.) and within 5 miles each side of the White Cloud VOR 047° radial extending from an 8-mile radius area to the VOR, excluding the portion overlying the Reed City transition area.

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

Issued in Des Plaines, Ill., on September 15, 1972.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc. 72-17023 Filed 10-4-72; 8:49 am]

**[ 14 CFR Part 91 ]**

[Docket No. 12288; Notice 72-27]

**POWERED CIVIL AIRCRAFT**

**Proposed Instrument and Equipment Requirements**

The Federal Aviation Administration is considering amending § 91.33(b) (11) of the Federal Aviation Regulations to delete the general requirement for a pyrotechnic signaling device in an aircraft that is operated for hire over water and beyond power-off gliding distance from shore. Such devices would continue to be required for extended over-water operations conducted under Parts 121, 123, and 135.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before December 4, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket, for examination by interested persons.

Section 91.33(b) prescribes the instruments and equipment necessary for VFR flight during the day in powered civil aircraft with standard category U.S. airworthiness certificates. Subparagraph 91.33(b) (11) requires that, for over-water operations for hire beyond power-off gliding distance from shore, approved flotation gear be readily available to each occupant. The subject subparagraph also requires that the aircraft be equipped with at least one pyrotechnic signaling device.

In recent years, improved aircraft performance and reliability as well as the development of more dependable ground and air communications equipment and systems have greatly reduced the hazards involved in operations over water and beyond power-off gliding distance from

## PROPOSED RULE MAKING

shore. In this connection, the agency recently amended the Federal Aviation Regulations to require that an emergency locator transmitter be attached to each U.S. registered civil aircraft operated in air commerce, that is not specifically exempted from the requirement, no later than December 31, 1973. This regulatory action which is in accordance with Public Law 91-596, amending section 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.) should provide an effective means of locating an aircraft that is involved in a ditching incident.

Although all aircraft operations are subject to Part 91 and would, therefore, be affected by this proposed amendment, it should be noted that operations conducted under Parts 121, 123, and 135 would continue to be subject to the requirements prescribed in Parts 121 and 135 for pyrotechnic signaling devices for extended over-water operations conducted in accordance with those Parts.

In the light of the foregoing, the FAA believes that deletion of the requirement for a pyrotechnic signaling device in § 91.33(b)(11) will remove an unnecessary burden on operations that are not subject to the specific requirements of Parts 121 and 135, and that the proposed amendment will not adversely affect safety.

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations by amending paragraph (b)(11) in § 91.33 to read as follows:

**§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.**

\* \* \*

(b) \* \* \*  
(11) If the aircraft is operated for hire over water and beyond power-off gliding distance from shore, approved flotation gear readily available to each occupant.

\* \* \*

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 29, 1972.

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

[FR Doc. 72-17022 Filed 10-4-72; 8:49 am]

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**National Highway Traffic Safety Administration**

**[49 CFR Part 571]**  
[Docket 72-23; Notice 1]

**SEATBELT ASSEMBLY ANCHORAGES**  
**Motor Vehicle Safety Standards**

The purpose of this notice is to propose an amendment to S4.3.2 of Motor Vehicle Safety Standard No. 210, Seat-

belt Assembly Anchorages, 49 CFR 571-210, to specify that the seat back is to be placed for test purposes in its "normal design riding position" rather than in its "most upright position".

The proposed amendment is in response to a comment from a manufacturer pointing out an internal inconsistency in S4.3.2 between the positioning procedure for the test manikin and the position of the seat back. The section states that the manikin is to be placed with its H-point on the seating reference point. The seating reference point, however, as defined in 49 CFR 571.3, is determined by use of the J826 manikin with the seat in its "rearmost normal design driving or riding position", a position that may be other than its most upright position. A manufacturer who has established his seating reference point with the seat back not in its most upright position may therefore have trouble positioning the test manikin on that point when the seat back is moved to its upright position.

The substitution of "normal design riding position" for "most upright position" will bring the usage in Standard 210 into conformity with that of the definitions in 49 CFR 571.3, thereby avoiding the potential conflict inherent in the current version of the standard.

Accordingly, it is proposed that section S4.3.2 of Motor Vehicle Safety Standard No. 210, 49 CFR 571.210, be amended to read as follows:

*S4.3.2 Seatbelt anchorages for the upper torso portion of Type 2 seatbelt assemblies.* With the seat in its full rearward and downward position and the seat back in its normal design riding position, the seatbelt anchorage for the upper end of the upper torso restraint shall be located within the acceptable range shown in Figure 1, with reference to a two dimensional manikin described in SAE Standard J826 (November 1962) whose "H" point is at the seating reference point and whose torso line is at the same angle from the vertical as the seat back.

Proposed effective date: January 1, 1973.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close or business on November 7, 1972, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as

it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for the material.

This notice is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on September 29, 1972.

**ROBERT L. CARTER,**  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc. 72-17041 Filed 10-4-72; 8:50 am]

**COST ACCOUNTING STANDARDS BOARD**

**[4 CFR Part 404]**

**TANGIBLE ASSETS**

**Proposed Capitalization**

Notice is hereby given of a proposed Cost Accounting Standard on Capitalization of Tangible Assets which the Cost Accounting Standards Board is considering for promulgation to implement further the requirements of section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168. When promulgated, the Standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The proposed Standard, if adopted, will be one of a series of Cost Accounting Standards which the Board is promulgating "to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts." (See section 719(g) of the Defense Production Act of 1950, as amended.)

This Standard establishes the beginning point for fixed asset accounting. Other cost Standards will relate to the measurement of the amounts to be charged as depreciation to specific final cost objectives.

The Cost Accounting Standards Board solicits comments on the proposed Cost Accounting Standard from any interested person on any matter which will assist the Board in its consideration of the proposal. The Board draws attention to the treatment of the cost of assets constructed or fabricated by a contractor for its own use as provided for in the proposed Standard at § 404.50(c). Any one advocating an alternative treatment for the capitalization of the cost of self-constructed assets should set it forth in detail with reasons for favoring it.

Interested persons should submit written data, views, and arguments concerning the proposed Cost Accounting Standard to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548, to arrive no later than December 5, 1972. All written submissions made pursuant to this notice will be made available for public inspection at the

Board's offices during regular business hours.

#### PART 404—CAPITALIZATION OF TANGIBLE ASSETS

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AUTHORITY: The provisions of this Part 404 issued under 50 U.S.C. App. 2168.

##### § 404.10 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of \$100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

##### § 404.20 Purpose.

This standard requires that for purposes of cost measurement, contractors establish and adhere to policies with respect to capitalization of tangible assets which satisfy criteria set forth herein. Cost measurements will normally reflect the concept of enterprise continuity; this concept implies that major assets acquisitions will be capitalized, so that the cost applicable to current and future accounting periods can be allocated to cost objectives of those periods. A capitalization policy in accordance with this standard facilitate measurement of costs consistently over time.

##### § 404.30 Definitions.

(a) *Original complement of low-cost equipment.* The original complement of low-cost equipment consists of items of equipment which are acquired for the initial outfitting of, or subsequent outfitting of a substantial addition to, a tangible capital asset, or an operational unit such as a permanent production facility, administrative department, or plant, and which items are individually less than the minimum amount established by the contractor for capitalization for the classes of assets acquired. The outfitting of the unit is completed when the unit is fully operative. Examples of original complement of low-cost equipment are: Books in a library; durable tools, impact wrenches, etc., in a factory, and accessories, attachments, or spare parts employed with, affixed to, or specifically applicable to a tangible capital asset.

(b) *Repairs and maintenance.* Maintenance is the regularly recurring activity of keeping assets in normal or expected operating condition. Repair is the

activity of putting them back into normal or expected operating condition. The total endeavor to obtain the expected service during the life of tangible capital assets is generally called repairs and maintenance.

(c) *Retirement unit.* A retirement unit is the smallest component of plant and equipment that is capitalized when acquired and that is eliminated from the plant and equipment accounts when removed, transferred, sold, abandoned, or demolished.

(d) *Tangible capital assets.* Assets that have physical substance, more than minimal value, and are expected to be held by an enterprise for continued use or possession for a specified time beyond the current accounting period for the services they yield.

##### § 404.40 Fundamental requirement.

(a) The acquisition cost of certain tangible assets shall be capitalized. Capitalization shall be based upon an established policy that is reasonable and consistently applied.

(b) The contractor's policy shall define the minimum retirement unit in accounting for tangible capital assets. In defining the retirement unit the contractor shall designate minimum economic and physical characteristics of the retirement unit as well as any other specific characteristics which are pertinent to the contractor's capitalization policy decisions (e.g., class of asset, physical size, identifiability, the extent of integration or independence of constituent units).

(c) In considering the economic and physical characteristics of retirement units, the established minimum service life criterion in the contractor's policy shall not exceed 2 years. In addition, the established minimum acquisition cost in the contractor's capitalization policy shall not exceed \$500. However for original complement, replacements, betterments, improvements, rearrangements, and the like, the contractor may establish higher minimum limitations than the limitations imposed in this paragraph.

(d) Costs incurred subsequent to the acquisition of a tangible capital asset for activities which extend the life or increase the usefulness of that asset (e.g., betterments) and which meet the contractor's established criteria for capitalization shall be capitalized; costs expended for rearrangement and reconversion of tangible capital assets and similar costs, which meet these criteria shall be capitalized. However, costs incurred for activities, such as repairs and maintenance to tangible capital assets, which either restore the asset to, or maintain it at, its normal or expected production capacity shall be treated as costs of the current period.

(e) The cost of the original complement of low-cost equipment shall be capitalized even though the cost of individual items considered separately would not be capitalized through application of the contractor's capitalization policy. Normal replacements to the original complement shall be treated as costs of the current period if the re-

placement does not meet the criteria for capitalization of a tangible asset.

(f) Leased real or personal property, where the lease provisions are such that the lessee acquires an equity in the property, over the period of the lease, shall be accounted for by the lessee as tangible capital assets.

##### § 404.50 Techniques for application.

(a) The cost to acquire a tangible capital asset includes the purchase price of the asset and all costs necessary to prepare the asset for use. The purchase price of an asset includes all premiums or extra charges paid less discounts or credits received.

(1) Purchase price is determined by cash paid, or when payment is not made in cash, in an amount equivalent to what would be the cash cost basis. Where this amount is not available the purchase price is determined by the current value of the consideration given in exchange for the asset. For example, current value for a credit instrument is the amount immediately required to settle the obligation or the amount of money which might have been raised directly through the use of the same instrument employed in making the credit purchase. The current value of an equity security is its market value. Market value is the current or prevailing price of the security as indicated by recent market quotations. If such values are not readily available, an acceptable alternative is the fair value of the asset acquired.

(2) Donated assets which have remaining service lives and values meeting the contractor's criteria for capitalization shall be capitalized at their fair value at the time of receipt.

(3) The "Investment Credit," pursuant to the Revenue Act of 1971, Public Law 92-178, need not be deducted from the purchase price of tangible capital assets in establishing the acquisition cost of the assets.

(b) Costs necessary to prepare the asset for use include the cost of placing the asset in location and bringing the asset to a condition necessary for normal or expected use. Where material in amount, such costs, including inspection, installation, testing, and similar expenses, shall be capitalized.

(c) The acquisition cost of assets constructed or fabricated by the contractor consists of the direct costs and indirect costs, including general and administrative expenses, allocable to final cost objectives.

(d) In circumstances where the acquisition by purchase or donation of previously used tangible capital assets is not an arm's-length transaction or where a business combination is treated by the contractor as a "pooling of interest" rather than a purchase, acquisition cost shall be limited to the capitalized cost of the asset to the owner who last acquired the asset through an arm's-length transaction, reduced by depreciation charges from date of that acquisition to date of gift, sale, or combination.

(e) Under the "purchase method" of accounting for business combinations,

## PROPOSED RULE MAKING

acquired tangible capital assets shall be assigned a portion of the cost of the acquired company, not to exceed their fair value at date of acquisition. Where the fair value of identifiable acquired assets less assumed liabilities exceeds the cost of the acquired company in an acquisition under the "purchase method," the value otherwise assignable to tangible capital assets shall be reduced by a proportionate part of the excess.

## § 404.60 Illustrations.

(a) Illustrations of costs which must be capitalized:

(1) Contractor has an established policy of capitalizing tangible assets which have a service life of more than 1 year and a cost of \$1,000.

(i) Contractor acquires a tangible asset with a life of 18 months at a cost of \$500. The Standard requires that his policy be modified for contract costing and that the asset be capitalized.

(ii) Contractor acquires a tangible asset with a life of 18 months at a cost of \$450. The asset need not be capitalized; however, the contractor's policy must be modified to conform to the limitation on minimum acquisition cost established by the Standard.

(2) Contractor has an established policy of capitalizing tangible assets which have a service life of more than 1 year and a cost of \$250. Contractor acquires a tangible asset with a life of 18 months and a cost of \$300. The Standard requires that based upon contractor's policy the asset be capitalized.

(3) Contractor establishes a new production facility. In the process, a number of large and small items of equipment were acquired to outfit it. The contractor has an established policy of capitalizing tangible assets including original complement which have a service life of over 1 year and a cost of \$500. All items meeting the contractor's policy requirements were capitalized. Items of durable equipment acquired for the production facility costing less than \$500 each aggregated \$5,000. The Standard requires that these items be capitalized as the original complement of low cost equipment.

(4) Contractor has an established policy for capitalizing its heavy presses and their power supplies as separate retirement units. A power supply is replaced during the service life of the related press. The Standard requires that, based upon the contractor's policy, the new power supply be capitalized with appropriate accounting for the replaced unit.

(b) Illustrations of costs which need not be capitalized.

(1) The contractor has an established policy of capitalizing tangible assets which have a service life of 2 years and a cost of \$500. The contractor acquires an asset with a useful life of 18 months and a cost of \$5,000. The tangible asset may be expensed.

(2) The contractor establishes a new assembly line. In outfitting the line, the contractor acquires \$5,000 of small tools. On similar assembly lines under similar conditions, the original complement of

small tools was replaced annually because of loss, pilferage, breakage, and physical wear and tear. Because the unit of original complement does not meet the contractor's service life criterion for capitalization (1 year), the small tools may be expensed.

## § 404.70 Exemptions.

None for this Standard.

The effective date of this Standard is July 1, 1973. The Standard shall be applied to tangible assets acquired during the contractor's fiscal year beginning on or after July 1, 1973.

ARTHUR SCHOENHAUT,  
Executive Secretary.

[FR Doc. 72-17076 Filed 10-4-72; 8:54 am]

JOHN F. GALUARDI,  
Acting Commissioner,  
Public Buildings Service.

As proposed, the amended regulation would read as follows:

This regulation provides for: (1) Recognizing the Department of Health, Education, and Welfare as the approving authority for regulations related to the operation of vending stands and machines; (2) setting forth revised policy in extending preference to blind persons in the operation of vending stands and machines; (3) clarifying the requirement of approval of the lessor before installing vending facilities on leased property; (4) recognizing the Director, Concessions Division, Central Office, in lieu of the Chief, Buildings Management Division, Region 3, as the approval authority for applications to operate vending stands and machines and other matters in General Services Administration Region 3; (5) including sex as a prohibited form of discrimination; (6) correcting the citation to the regulations of the Department of Health, Education, and Welfare; and (7) minor editorial changes.

The table of contents for Part 101-19 is amended as follows:

101-19.201 Vending stand policy.

## Subpart 101-19.2—Vending Stands Operated by Blind Persons

1. Section 101-19.200 is revised as follows:

## § 101-19.200 Scope of subpart.

(a) This subpart contains the regulations ensuring the granting of preference to blind persons licensed under the provisions of the Randolph-Sheppard Act (40 Stat. 1559, as amended by 68 Stat. 633, 20 U.S.C. 107) for the operation of vending stands and machines. They are issued after consultation with and approval by the Department of Health, Education, and Welfare (36 F.R. 13749).

(b) The regulations in this subpart shall apply to Federal property owned, leased, or occupied by the United States over which the General Services Administration has control of the maintenance, operation, and protection, except space used by the United States Postal Service as workrooms, swing rooms, and locker rooms. Vending stands and machines in these rooms are governed by regulations issued by the U.S. Postal Service.

2. Section 101-19.201 is revised as follows:

## § 101-19.201 Vending stand policy.

(a) Blind persons licensed by State licensing agencies designated by the Secretary of Health, Education, and Welfare

under the provisions of the Randolph-Sheppard Act shall be given preference in the operation of vending stands and/or machines on any General Services Administration controlled property in which vending stands and/or machines may be properly and satisfactorily operated by such persons without unduly inconveniencing the General Services Administration or adversely affecting the interests of the United States.

(b) It is the policy of the General Services Administration to see that Federal employees, who have a limited lunch period of usually 30 minutes, are provided high quality and convenient basic food service, such as a cafeteria or restaurant, under sanitary and healthful conditions, in clean, attractive, and pleasant surroundings at the most reasonable prices possible. When this service is required and provided (i.e., it is not readily and suitably available from privately operated commercial sources in reasonable walking distance to the employee's building), the operation of a vending stand or machines which sell food or beverages in the building may adversely affect the quality of the basic food service provided therein. When this situation is found to exist, the application to establish these machines may be denied or the items authorized for sale may be restricted. In large buildings with substantial employee population, operators of vending stands may be authorized to sell food and beverage items when their sale is economically justified. In smaller buildings where cafeteria or restaurant service is not economically justified, food and beverage items may be authorized for sale by vending stands or machines.

(c) Vending machines or the income therefrom assigned to blind operators shall include only those machines which would be in reasonable proximity to a vending stand and that would otherwise be in direct competition with that stand. When cafeteria or restaurant service is not feasible, machines may be authorized in any appropriate location with the income assigned to a blind operator.

3. Section 101-19.203 is revised as follows:

**§ 101-19.203 Leased property.**

If stands and/or vending machines are contemplated on leased property, the approval of the lessor shall be obtained prior to the issuance of a permit when the lessor or another tenant of the lessor on the property already has in operation a restaurant or other food service facility in a part of the property not included in the lease and when a vending

facility operated by a blind person would be in direct and substantial competition with the restaurant or other food service facility.

4. Section 101-19.204 is revised as follows:

**§ 101-19.204 Application for permits.**

Applications shall be made in writing on the proper form and submitted to the appropriate Buildings Manager. The applications shall be approved by the Director, Buildings Management Division, in the regional offices, except for those involving Region 3 transactions. Region 3 applications shall be approved by the Director, Concessions Division, in the GSA Central Office. (See § 101-20.48 for GSA regional offices.)

5. Section 101-19.205 is amended as follows:

**§ 101-19.205 Terms of permit.**

\* \* \*

(a) \* \* \*

(1) Prescribe such procedures as are necessary to ensure that in the selection of operators and employees for vending stands there shall be no discrimination because of race, creed, color, sex, or national origin.

(2) Take the necessary action (i) to ensure that operators of vending stands do not discriminate by segregation or in any other way against any person or persons because of race, creed, color, sex, or national origin in furnishing, or by refusing to furnish, to such person or persons the use of any vending stand facility, including any and all services, privileges, accommodations, and activities provided thereby and (ii) to ensure compliance by such operators with Title VI of the Civil Rights Act of 1964, and the regulations of the General Services Administration issued pursuant thereto which are set forth in Subpart 101-6.2 and specifically made applicable to the provision of free space and utilities by GSA for vending stands operated by blind persons under section 1 of the Randolph-Sheppard Act (20 U.S.C. 107) and § 101-6.217(k).

\* \* \*

(e) Items sold at vending stands operated by the blind may consist of newspapers, periodicals, publications, pre-packaged confections, tobacco products, articles dispensed automatically or in containers or in wrappings in which they are placed before receipt by the vendor, and such other articles as may be determined by the State licensing agency to be suitable for a particular location and approved by the Director, Buildings Management Division, or the Director, Concessions Division. Periodicals and publications which have been judicially de-

termined to be patently offensive and appealing to prurient interest shall not be sold.

(f) Vending facilities shall be operated in compliance with applicable local and State health, sanitation, and building codes or ordinances and such standards as may be prescribed by the Director, Buildings Management Division or by the Director, Concessions Division.

(g) Installation, modification, relocation, removal, and renovation of vending facilities shall be subject to the prior approval and supervision of the Director, Buildings Management Division or the Director, Concessions Division. Costs of relocations initiated by the State licensing agency shall be paid for by the State licensing agency. Cost of relocations initiated by the Director, Buildings Management Division, or the Director, Concessions Division, shall be borne by the General Services Administration.

6. Section 101-19.206(a) is amended as follows:

**§ 101-19.206 Protection from competition.**

(a) All income from vending machines except the income from vending machines which may be assigned by contract or agreement with others shall be offered to the State licensing agency operating a vending stand or stands on the same property. Such income shall be made available to the licensing agency only for assignment to operators of vending stands on the property (limited to income from those machines which would be in reasonable proximity to a vending stand and would otherwise be in direct competition with that stand) (see § 101-19.201(c)) and, for program-wide purposes for which set-aside funds may be used, in accordance with section 3(3) of the Randolph-Sheppard Act (20 U.S.C. 107(3)), and the regulations of the Department of Health, Education, and Welfare (45 CFR 409.8), namely:

\* \* \*

7. Section 101-19.207(a) is revised as follows:

**§ 101-19.207 Enforcement procedures.**

(a) The authorization for the establishment of a vending stand, the regulations and standards of the General Services Administration, of the State licensing agency, and of the Department of Health, Education, and Welfare (45 CFR 409) shall regulate the operation of vending stands and machines.

\* \* \*

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 40 Stat. 1559 as amended by 68 Stat. 663, 20 U.S.C. 107)

[FR Doc. 72-17073 Filed 10-4-72; 8:53 am]

# Notices

## DEPARTMENT OF THE TREASURY

### INTERNAL REVENUE SERVICE

#### Organization and Functions

This material supersedes the statements on organization and functions published at 36 F.R. 849-890, 36 F.R. 11946, and 37 F.R. 489-490.

Dated: September 27, 1972.

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

#### 1100 ORGANIZATION AND STAFFING

#### 1110 ORGANIZATION AND FUNCTIONS OF THE INTERNAL REVENUE SERVICE

##### 1111 ESTABLISHMENT OF THE INTERNAL REVENUE SERVICE

###### 1111.1 MISSION

The mission of the Service is to encourage and achieve the highest possible degree of voluntary compliance with the tax laws and regulations and to maintain the highest degree of public confidence in the integrity and efficiency of the Service. This includes communicating the requirements of the law to the public, determining the extent of compliance and causes of noncompliance, and doing all things needful to a proper enforcement of the law.

###### 1111.2 ORGANIC ACT

(1) The Office of the Commissioner of Internal Revenue was established by an act of Congress (12 Stat. 432) on July 1, 1862, and the first Commissioner of Internal Revenue took office on July 17, 1862.

(2) The act of July 1 provided:

"\* \* \* That, for the purpose of superintending the collection of internal duties, stamp duties, licenses, or taxes imposed by this Act, or which may be hereafter imposed, and of assuming the same, an office is hereby created in the Treasury Department to be called the Office of the Commissioner of the Internal Revenue; \* \* \* Commissioner of Internal Revenue, \* \* \* shall be charged, and hereby is charged, under the direction of the Secretary of the Treasury, with preparing all the instructions, regulations, directions, forms, blanks, stamps, and licenses, and distributing the same or any part thereof, and all other matters pertaining to the assessment and collection of the duties, stamp duties, licenses, and taxes, which may be necessary to carry this Act into effect, and with the general superintendence of his office, as aforesaid, and shall have authority, and hereby is authorized and required, to provide proper and sufficient stamps or dies for expressing and denoting the several stamp duties, or the amount thereof in the case of percentage duties, imposed by this Act, and to alter and renew or replace such stamps from time to time, as occasion shall require; \* \* \*"

(3) By common parlance and understanding of the time, an office of the importance of the Office of Commissioner of Internal Revenue was a bureau. The Secretary of the Treasury in his report at the close of the calendar year 1862 stated that "The Bureau

of Internal Revenue has been organized under the Act of the last session \* \* \* Also it can be seen that Congress had intended to establish a Bureau of Internal Revenue, or thought they had, from the act of March 3, 1863, in which provision was made for the President to appoint with Senate confirmation a Deputy Commissioner of Internal Revenue "who shall be charged with such duties in the bureau of internal revenue as may be prescribed by the Secretary of the Treasury, or as may be required by law, and who shall act as Commissioner of internal revenue in the absence of that officer, and exercise the privilege of franking all letters and documents pertaining to the office of internal revenue." In other words, "the office of internal revenue" was "the bureau of internal revenue," and the act of July 1, 1862 is the organic act of today's Internal Revenue Service.

###### 1111.3 HISTORY

1111.31 *Internal Taxation.* Madison's Notes on the Constitutional Convention reveal clearly that the framers of the Constitution believed for some time that the principal, if not sole, support of the new Federal Government would be derived from customs duties and taxes connected with shipping and importations. Internal taxation would not be resorted to except infrequently, and for special reasons. The first resort to internal taxation, the enactment of internal revenue laws in 1791 and in the following 10 years, was occasioned by the exigencies of the public credit. These first laws were repealed in 1802. Internal revenue laws were reenacted for the period 1813-17 when the effects of the war of 1812 caused Congress to resort to internal taxation. From 1813 to 1861, however, the United States had no internal revenue laws and the Federal Government was supported by the revenue from import duties and the proceeds from the sale of public lands. In 1862 Congress once more levied internal revenue taxes. This time the establishment of an internal revenue system, not exclusively dependent upon the supplies of foreign commerce, was permanent.

1111.32 *Background and Evolution of Present Organization.* (1) Before the establishment of the Office of Commissioner of Internal Revenue, taxes were collected by "Supervisors" of collection districts who were appointed by the President, subject to Senate confirmation. These Supervisors worked under the direct control of the Treasury Department. The Revenue Act of 1813 provided, for the first time, for a "Collector" and a "Principal Assessor" for each collection district, and for deputy collectors and assistant assessors. Collectors and Assessors appear to be the original forerunners of the 20th century Collectors of Internal Revenue and Internal Revenue Agents in Charge.

(2) Since 1862, the Internal Revenue Service has undergone a period of steady growth as the means for financing Government operations shifted from the levying of import duties to internal taxation. Its expansion received considerable impetus in 1913 with the ratification of the 16th amendment to the Constitution under which Congress received constitutional authority to levy taxes on the income of individuals and corporations. With the enactment of income tax laws the work of the Revenue Service began to take on a highly technical character.

(3) From the World War I period through 1951, the basic organizational structure of the

Internal Revenue Service remained essentially unchanged even though there were marked increases in the number of taxpayers serviced, revenue receipts, employees and the overall workload. The Service was organized, in Washington and the field, on a program or "type-of-tax" basis, with jurisdictionally separate organizations, or "Units," charged with the administration of different types of taxes.

###### 1111.4 REORGANIZATION PLAN NO. 1 OF 1952 AND OTHER CHANGES

(1) On January 14, 1952, the President of the United States submitted to Congress Reorganization Plan No. 1 of 1952, calling for a comprehensive reorganization of the Internal Revenue Service. On March 13, 1952, the last motion to defeat the plan was voted down in the Senate, and the plan became effective on March 15, 1952.

(2) Reorganization Plan No. 1 of 1952 brought about four basic changes in the Internal Revenue Service:

(a) The organization of the Service along functional lines—i.e., operations, administration, technical, planning, and inspection;

(b) The abandonment of the system of political appointments to positions below the Commissioner;

(c) The integration of most field revenue programs under District Directors of Internal Revenue; and

(d) The establishment of a system of regional administration under Regional Commissioners of Internal Revenue.

(3) The Reorganization Plan provided authority for the establishment of 25 Offices of Regional Commissioners (referred to as "District Commissioners" in the Plan). By December 1, 1952, the offices of 17 regional commissioners had been established. The major field programs, including alcohol and tobacco tax enforcement, were integrated under district directors; the appellate program and the permissive alcohol and tobacco tax functions were placed in the offices of regional commissioners; and, in the National Office, all activities were placed under Assistant Commissioners for Inspection; Operations; and Technical; an Assistant to the Commissioner, and an Administrative Assistant to the Commissioner.

(4) In 1953, a number of organizational refinements were effected. The number of regions was reduced to nine; the field operations of alcohol and tobacco tax were centralized at the regional level; and the delinquent accounts and returns program was transferred from the Audit Divisions in the Offices of District Directors to their Collection Divisions. In the National Office, the position of Deputy Commissioner was established and the Bureau of Internal Revenue was redesignated as the Internal Revenue Service.

(5) Other significant changes since 1953 include establishment of the Offices of Assistant Commissioners for Administration, Data Processing, and Planning and Research; redesignation of the Assistant Commissioner (Operations) as the Assistant Commissioner (Compliance); discontinuance of the Columbus and Toledo (Ohio) districts and consolidation of the Upper and Lower Manhattan districts, effective January 1, 1960; establishment of the Anchorage (Alaska) district on January 1, 1961; transfer on September 13, 1963, of the Director of Practice from the Internal Revenue Service to the Office of the Secretary of the Treasury to be under the

immediate supervision of the General Counsel; effective January 1, 1964, reduction in the number of regions to eight and discontinuance of the districts of Camden (New Jersey), Kansas City (Missouri), Scranton (Pennsylvania), and Syracuse (New York); and, effective January 4, 1965, reduction in the number of regions to seven. On December 19, 1968, Alcohol and Tobacco Tax Division was changed to Alcohol, Tobacco and Firearms Division. Effective July 1, 1971, the Office of Assistant Commissioner (Data Processing) was redesignated Office of Assistant Commissioner (Accounts, Collection, and Taxpayer Service). Effective November 14, 1971, the position of Assistant Commissioner (Stabilization) was established. Effective July 1, 1972, the Alcohol, Tobacco and Firearms activity was transferred from the Internal Revenue Service to a separate bureau within the Department of the Treasury.

#### 1112 SERVICE ORGANIZATION

(1) The Internal Revenue Service is a component part of the Treasury Department. The Service is headed by the Commissioner of Internal Revenue who serves under the direction of the Secretary of the Treasury.

(2) The Internal Revenue Service consists of a National Office in Washington, D.C., and a field organization. The latter consists of seven Internal Revenue regions, each headed by a Regional Commissioner who reports to the Deputy Commissioner; 58 Internal Revenue districts, each headed by a District Director, and 10 service centers, each headed by a Director, who report to a Regional Commissioner; and a computer center and a data center under the direction of the Assistant Commissioner (Accounts, Collection, and Taxpayer Service) in the National Office. In addition, there are in the field seven Regional Inspectors and seven Regional Counsels, who report to the Assistant Commissioner (Inspection) and the Chief Counsel, respectively, in Washington, D.C.

(3) In administering the appellate functions direct from the regional office, the Regional Commissioner maintains and supervises branch offices headed by Chiefs, Appellate Branch Office, who report to the Assistant Regional Commissioner (Appellate) who also carries the title of Chief, Appellate Division. The Regional Counsels also maintain and supervise branch offices.

(4) In each Internal Revenue district there are offices in communities where concentration of workload in audit, collection, intelligence, or stabilization activities requires the assignment of personnel.

#### 1113 NATIONAL OFFICE

##### 1113.1 MISSION

The mission of the National Office is to develop broad nationwide policies and programs for the administration of the internal revenue laws and related statutes, and to direct, guide, coordinate, and control the endeavors of the Internal Revenue Service.

##### 1113.2 BASIC ORGANIZATION

The principal offices which form the National Office are: The Office of the Commissioner; the Office of the Assistant Commissioner (Administration); the Office of the Assistant Commissioner (Compliance); the Office of the Assistant Commissioner (Accounts, Collection, and Taxpayer Service); the Office of the Assistant Commissioner (Inspection); the Office of the Assistant Commissioner (Planning and Research); the Office of the Assistant Commissioner (Technical); the Office of the Assistant Commissioner (Stabilization); and the Office of the Chief Counsel.

##### 1113.3 OFFICE OF THE COMMISSIONER

The Commissioner of Internal Revenue, in conformity with policies and delegations of authority made by the Secretary of the Treasury, establishes the policies and administers the activities of the Internal Revenue Service. The Office of the Commissioner includes the Deputy Commissioner, the Assistant to the Commissioner, Assistant to the Commissioner (Public Affairs) and the Tax Administration Advisory Staff.

1113.31 *Deputy Commissioner.* The Deputy Commissioner assists and acts for the Commissioner in planning, directing, coordinating and controlling the policies and programs and in giving executive leadership to the activities of the Internal Revenue Service. The Deputy Commissioner also supervises the Regional Commissioners of Internal Revenue, and makes allocations of funds and personnel to them.

1113.32 *Assistant to the Commissioner.* The Assistant to the Commissioner reviews and takes final action for the Commissioner on documents involving technical matters prepared for the Commissioner's signature, including regulations, reports on proposed legislation, rulings, correspondence, compromises and reports to the Joint Committee on Internal Revenue Taxation involving refunds or credits of any income, war profits, excess profits, estate, or gift taxes in excess of \$100,000. The Assistant to the Commissioner makes independent studies for the Commissioner.

1113.33 *Assistant to the Commissioner (Public Affairs).* The Assistant to the Commissioner (Public Affairs) counsels and advises the Commissioner, Deputy Commissioner and other levels of management on matters where public interest or response is involved in the determination of Service policies and the execution of Service programs. Evaluates for the Commissioner the attitude of the public towards the Service policies and programs and recommends corrective measures where indicated. Plans, develops and coordinates the Service-wide policies and programs for providing information to the public through mass communication methods to help improve knowledge and understanding of Federal tax and related laws and their administration, for the primary purpose of encouraging and facilitating maximum voluntary compliance by the public. Conducts continuous studies of the Service's public affairs activities to identify and act on problems and opportunities for improvement. Maintains liaison with and provides functional supervision to regional and district offices in public affairs matters and carries out public affairs programs at the National Office. Supervises the activities of the Public Affairs Division and its Branches: Tax Information, Stabilization Information, and Programs and Field Services.

1113.331 *Tax Information Branch.* Plans public information programs to assist taxpayers in meeting their obligations and knowing their rights under the Federal tax laws, and develops information materials for issuance to the mass communications media by the National Office and field offices. Determines and develops appropriate techniques to meet specific information goals; prepares news releases, TIR's, columns, articles, TV, radio and film scripts and other material for the mass media; arranges contracting and oversees production and distribution of films, TV spots, slides and radio tapes; contacts TV and radio and national print media to arrange placement of materials; responds to inquiries from national news media and assists field officials in response to local media inquiries. Arranges interviews with operating officials and initiates media contacts in order to provide the public with timely and complete information about the tax laws, and administration and related issues of public concern. Through analysis of media comment, liaison and consultation with IRS officials in determining the public impact of operating decisions maintains an up-to-date awareness of Service activities and problems on tax administration matters. Prepares material on technical tax questions; reviews for technical accuracy tax articles submitted by outside writers; maintains a knowledge of tax laws and legislative developments affecting those laws. Participates in planning Service-wide public affairs objectives, themes, and programs.

1113.332 *Stabilization Information Branch.* Plans public information programs to assist the public in meeting its obligations and knowing its rights under the Economic Stabilization Program, and develops information materials for issuance to the mass communications media by the National Office and field offices. Determines and develops appropriate techniques to meet specific information goals; prepares news releases, newspaper columns, articles and other material for the mass media; arranges for the production, distribution and placement of these materials as appropriate; responds to inquiries from national news media and assists field officials in response to local media inquiries. Arranges interviews with appropriate officials, and initiates media contacts in order to provide timely and complete information about the Economic Stabilization Program. Through analysis of media comment, liaison and consultation with IRS officials in determining the public impact of operating decisions, maintains an up-to-date awareness of Service activities and problems under the Economic Stabilization Program. Reviews for technical accuracy Economic Stabilization Program articles submitted by outside writers; maintains a knowledge of economic stabilization laws and legislative developments and policies promulgated by the Cost of Living Council, Price Commission and Pay Board. Participates in planning Service-wide public affairs objectives, themes, and programs.

1113.333 *Programs and Field Services Branch.* Coordinates the development of Service-wide public affairs objectives, themes and programs and recommends the resources necessary to achieve the objectives. In cooperation with other branches of Public Affairs, plans and executes the distribution of information materials for field use in support of IRS operational objectives. Reviews information activities, assists in recruitment and training of information officers; prepares operating procedures; plans and arranges conferences, seminars and field training programs in public affairs; and establishes and maintains communication channels between National Office and field public affairs officials. Evaluates field programs; prepares progress reports and assists in improving field operations. Prepares news releases and other mass media materials on non-operating matters such as appointments of key officials. Compiles the Commissioner's Annual Report, the Service segment of the Secretary's Annual Report and prepares special materials for issuance to the employee public. Provides library and reference services for all branches of public affairs and a daily newspaper clipping service for top Service and Department officials. Services requests for inspection and copies of exempt organization returns and other documents available to the general public under the Freedom of Information Act.

1113.34 *Tax Administration Advisory Staff.* The Tax Administration Advisory Staff

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provides leadership within the Service for the development and implementation of comprehensive programs of assistance in tax administration to developing nations, and on occasion, to the more developed nations, in line with the foreign policy of the United States and its commitments to the Organization of American States, the United Nations, and other international institutions. It is the central point of contact within the Service with foreign governments, the State Department, and international organizations on all matters involving the exchange of technical assistance in tax administration. The staff designs broad programs aimed at modernizing and strengthening tax administration in developing countries; it determines program requirements in terms of number and qualifications of advisers and selects, trains, and assigns such advisers. It provides technical leadership and direction, continually monitors, and periodically evaluates country programs to insure maximum effectiveness of assistance efforts. The staff develops and arranges study and observation programs in tax administration for foreign tax officials, which are conducted largely in the United States and occasionally at overseas sites. The staff maintains close liaison with the Department of State and the Agency for International Development (AID), foreign governments, international organizations, and the Office of the Secretary on matters concerning the foreign tax assistance program, most of which is conducted cooperatively with AID. The Director, Tax Administration Advisory Staff, has been delegated authority to arrange for and authorize temporary assignment of personnel between the IRS and State and local governments and institutions of higher education. The Director is responsible for determining that requests for individual assignments or for projects of assistance involving several assignments are consistent with the intent of the Act and that the requirements for mutual benefit to the Service and the requesting organization are met. The Director is also authorized to set the amount of the financial support to be provided by the Service and to make such other determinations as are needed. The staff will furnish or arrange for any necessary technical direction and support of employees on assignment to other organizations.

**1113.4 OFFICE OF ASSISTANT COMMISSIONER (ADMINISTRATION)**

The Assistant Commissioner (Administration) is the principal assistant to the Commissioner in planning and executing the Administration program of the Internal Revenue Service, which includes fiscal management, personnel, facilities management, training, public information, employment policy, and management improvement. Jointly, with other Assistant Commissioners, he participates in the general management of the Service by coordinating Administration with other functions to accomplish the objectives of a comprehensive and well-integrated Revenue program. On general administrative matters represents the Commissioner in relationships with the Congress; the Department of the Treasury Office of the Secretary and other components of the Department of the Treasury; and such agencies as the Office of Management and Budget, the Civil Service Commission and General Services Administration. Supervises the activities of the Fiscal Management, Personnel, Facilities Management, and Training Divisions in the National Office, and is responsible for functional supervision of Administration activities in the field.

**1113.41 Facilities Management Division—Office of the Director.** Develops, directs, coordinates, and evaluates policies and programs for providing essential support activi-

ties for the operating divisions' primary programs and carries them out in the National Office. Its programs are designed to increase the effectiveness of the Internal Revenue Service, reduce its operating costs, and improve taxpayer relations by tailoring Internal Revenue Service physical facilities and by providing support services to best meet the Service's total needs. These programs include information and records systems, space, property, supply, transportation, and telecommunications management, procurement and contracting, printing and distribution, national emergency planning, safety, document and physical security, and the settlement of tort claims. Develops the standards and procedures necessary for effective performance of its functions. This Division consists of five branches: National Office Facilities, Information Systems, Protective Programs, Space and Property, and Publishing Services.

**1113.411 National Office Facilities Branch.** Develops, coordinates, directs, and evaluates the Contracting and Procurement Programs of the Internal Revenue Service. Develops procurement policy and procedures, and provides guidelines and consultative assistance for all Internal Revenue Service Procurement Programs. Appraises procurement programs through a systematic program of visits to field offices and through review and analysis of reports and accomplishments. In addition, develops, coordinates, directs and evaluates all Facilities Management programs and activities (except printing and distribution and National Office emergency relocation planning) within the National Office, including the National Training Center and the National Computer Center, within the broad guidelines established by the Division Director. These activities include: Information and records systems, space management, transportation management, property and supply management, telecommunications management, protective programs, and contracting and procurement. Maintains liaison with National Office officials, other Government agencies, public utilities, contractors, private carriers, and other private and public organizations to coordinate and improve service in all of these activities.

**1113.412 Information System Branch.** Plans, develops, promotes, coordinates, and evaluates programs designed to increase the effectiveness of Service-wide operations in the following areas: Records Management—documentation standards; correspondence; and the management of records creation, retrieval, retention, and disposal; Information Systems Analysis—internal mail and files management; management of information and records handling equipment and supplies; studies of information utilization and flow, and of paperwork management; analysis, either singly, or in collaboration with the Systems Development Division of the information needs of management at various levels of the Service, and the development of reporting and management information systems to effectively and economically meet those needs; guidelines and standards for application of microphotography (excluding microphotographic publishing), and other information handling and word processing technology; Reports Management—development of Service-wide reports management policies, procedures, and standards; control, review and evaluation of National Office generated reporting and management information systems; maintenance of a Service-wide information inventory and of the National Office Reports Catalogue; Mail and Transportation Management—coordination and planning for those services provided by the U.S. Postal Service, or private shippers and service units of IRS, for physically transporting, controlling, delivering, sorting and distributing material in solid forms such as corre-

spondence, documents, receipts, microfilm, or magnetic tape; Telecommunications Systems—services and facilities for transmitting and receiving data and information and the operation of telephone, telegraph, facsimile, and data communications systems, equipment and circuitry. The Branch determines the need for program emphasis and goals, develops the programs and promotes and coordinates their acceptance and implementation with other components of the Service; provides standardized techniques, guidelines, and consultative services needed in these areas by the Service. Collaborates with the Systems Development Division in matters involving communications and information storage and retrieval systems. Acts as liaison for the Service with other Federal agencies and industry in matters concerning Branch program activities.

**1113.413 Protective Programs Branch.** Develops, coordinates, administers, and evaluates Service-wide programs of civil defense and emergency planning which includes contingency plans for coping with demonstrations, civil disorder and bomb threats; accident prevention; physical and document security and identification. Insures continuity of operations by preventing or minimizing loss through accident, employee injury, fire, theft, enemy attack, natural disaster, and civil disturbance, and breaches of security of facilities, equipment, and documents. Exercises the authority to settle claims arising out of the activities of the Internal Revenue Service under the Federal Tort Claims Act, the Military Personnel and Civilian Employees' Claims Act and the Claims Collection Act, and administers the program to insure equitable settlement and payment of claims.

**1113.414 Publishing Services Branch.** Plans, develops, coordinates, administers, and evaluates the policies, systems, procedures, and standards for the publishing needs of the Internal Revenue Service in consonance with the Congressional Joint Committee on Printing Regulations. Participates in agencywide program planning and development. Responsible for the fiscal control, planning, analysis, graphic design, requirements determination, procurement, integrated scheduling, inventory maintenance, and distribution of all published material. Administers the Service-wide forms management program and the publishing systems for forms, publications and envelopes. Provides for comprehensive graphic presentation program assistance and services. Initiates, directs, and coordinates studies to develop or improve processes in the publishing and graphic arts fields including duplicating and printing equipment; office reproduction machines; electronic composition; visual media; inventory, storage, and mail and distribution systems for published material. Provides functional supervision and logistical support to field components for the management of printing (including procurement), forms, graphic design, and distribution. Represents IRS in liaison and negotiation with other governmental agencies, private industry groups, and the public on matters pertaining to IRS publishing activities.

**1113.415 Space and Property Branch.** Plans, develops, promotes, coordinates, and evaluates programs designed to increase the effectiveness of Service-wide operations in the following areas: Space Management—planning requirements for IRS space, providing standards for environmental quality programs and for the acquisition, maintenance, utilization and disposal of space to ensure an effective, efficient, and appropriate physical working environment for all Service employees, and a pleasing environment for public visitors; Property and Supply Management—conducts utilization studies, establishes requirements, designs, disposes of and

maintains furniture, furnishings, certain noncapitalized and capitalized equipment including data processing auxiliary and accessory equipment; manages property accountability and the IRS motor vehicle fleet management; Electronic Support Systems—provides support services for the requirements, procurement, installation and inspection of electronic data processing systems and other electronic, electro-mechanical audio-visual and other computerized or automated devices, equipment and systems; analyzes and conducts power reliability studies for IRS buildings. The Branch determines the need for program emphasis and goals, develops the programs and promotes and coordinates their acceptance and implementation with other components of the Service; provides standardized techniques, guidelines, and consultative services needed in these areas by the Service. Confers and collaborates with the Systems Development Division and the Accounts and Data Processing Division in matters involving new systems and equipment related to branch functions, and with other Government agencies and private industry to assure proper installation. Acts as liaison for the Service with other Federal agencies and industry in matters concerning Branch program activities.

1113.42 *Fiscal Management Division.* Develops, plans, coordinates and evaluates the financial management and budget policies and programs of the Internal Revenue Service. Develops and assists in the justification of the Service's budget; advises on its execution; establishes procedures covering the accounting system for appropriated funds; and directs the budget and fiscal activities carried out in the National Office. Counsels and advises the Commissioner, the Deputy Commissioner and all levels of management on matters concerning budget and the fiscal management of funds appropriated for the administration of the Service. The Division, under the direction of the Fiscal Management Officer, consists of two branches: Accounting Branch and Budget Branch.

1113.421 *Accounting Branch.* The Accounting Branch develops, prescribes, and installs the Service's financial accounting system to produce timely and accurate data for budgetary and fiscal management purposes. It also collaborates Planning and Analysis and Facilities Management Divisions in developing and administering the financial reporting system, as it relates to IRS management information systems.

1113.422 *Budget Branch.* The Budget Branch develops the Service's budget in conformance with the established overall program policies through consultation and cooperation with the responsible operating officials. It prescribes budget procedures and directs the preparation of budget estimates for the Service; participates in the development of standards for the measurement of work necessary in the justification of estimates or the evaluation of financial plans; prepares requests for the apportionment or reapportionment of appropriations; allots funds in accordance with the approved financial plan and properly authorized revisions thereof; establishes the procedures and records necessary to properly reflect the execution of the budget; and collaborates with the Planning and Analysis and Facilities Management Divisions in developing and administering a reporting system reflecting the status of the budget and financial plan, as it relates to IRS management information systems.

1113.43 *Personnel Division—Office of the Director.* Plans, directs and leads in the development, coordination and evaluation of the personnel policies and programs of the Service. Provides functional supervision over

personnel operations throughout the Service and personnel programs in the regions, districts, and service centers, including long-range planning, organization and staffing studies, staff development and program evaluation. Administers centralized personnel activities including those for employees of the National Office. Acts as appellate office for the Commissioner on adverse action and grievance appeals and designates hearing officers when requested. Through the Technical Adviser directs appropriate personnel activities to promote effective manpower utilization. Prepares certain Service-wide personnel reports for the Civil Service Commission and other agencies. Exercises line supervision over the Eastern and Western Assessment Centers in their activities involving evaluation of candidates for supervisory, managerial and executive positions.

1113.431 *Union Relations Branch.* Develops and coordinates policies, procedures and instructions in the areas of union-management relationships, employee conduct, disciplinary actions and appeal procedures. Serves as IRS functional specialist; reviews, evaluates, assists, interprets, disseminates information and exercises functional supervision over Service activities in these program areas. Acts as liaison between the Service and the Office of the Secretary, Treasury Department Bureaus, and Civil Service Commission and other Federal agencies and provides comments on legislation, for these program areas. Responsible for liaison, consultation, and negotiation with unions.

1113.432 *Employment Branch.* Develops and coordinates policies, procedures, and program instructions including technical training programs for the employee programs of the Service such as: recruitment; selection; placement; appointment; career status; promotion plans; details; veteran's preference; orientation and placement followup; reduction in force; equal employment; separations; awards and incentive programs; high quality increases; pay administration; employee benefits and services; fitness for duty; and recreation and fundraising. Develops and coordinates redeployment programs and procedures; coordinates, as required, personnel programs affecting service center installations. Develops and coordinates policies and procedures pertaining to participation of the Interagency Boards. Reviews and advises on budgetary and staffing proposals relative to recruitment, selection and utilization of personnel. Exercises functional supervision over counterpart operations throughout the Service, and participates as functional specialists in evaluation of field programs. Provides staff expertise in personnel management techniques for the development and application of automated processes to personnel management. Administers the Personnel Reports Management System.

1113.433 *National Office Branch.* Develops and executes policies, programs, and procedures relating to recruitment, selection, placement, employee relations, position classification, discipline, performance evaluation, promotion, manpower utilization, and other aspects of a complete personnel program for National Office and certain field positions with the exception of those requiring Treasury or Civil Service approval; reviews the budget for proposed position reallocations pertinent to the above positions. In addition, performs the following duties pertaining to Service-wide programs: renders support to the Tax Administration Advisory Staff; administers national placement program; reviews and processes regional employment cases for which authority has not been delegated to regions; processes section 6(c) retirement cases and proposals for Galatin awards; and answers general inquiries and other correspondence concerning appli-

cations for employment, reassignment, promotion, etc. Reviews and makes recommendations of security cases Service-wide.

1113.434 *Position Management Branch.* Develops and coordinates policies, procedures, and program instructions for the position classification, noncompetitive staffing programs of the Service. Develops and coordinates occupational standards and guides including classification, qualification and performance standards, qualifications evaluation, qualification rating keys and criteria and techniques for making classification, qualifications, and training selection determinations. Reviews and counsels on position classification implications of budgetary and financial planning with respect to proposed grade structure changes as justified by data on available workload and conformance with existing classification guides and standards. Reviews and makes recommendations on CSC central office and Treasury classification and qualification standards. Exercises functional supervision over counterpart operations throughout the Service and participates as functional specialists in evaluating field programs. Performs such centralized services as classification of positions for which authority has not been delegated, preparation of supergrade recommendations, and justification, and development of standard position descriptions. Adjudicates classification appeals and administers Wage Board programs. Develops and coordinates the personnel management portion of the Service's emergency readiness plan. With assistance from Training Division, develops, negotiates and administers Service-wide training agreements, and develops standards for selection of personnel for training.

1113.435 *Careers Branch.* Develops and coordinates policies, procedures, and program instructions for the Service's technical, supervisory, managerial, and executive career programs. Develops techniques and criteria for evaluating supervisory, managerial, and executive potential; exercises functional personnel direction, over implementation and follow-through on career programs; performs essential personnel services for career programs for supervisory and managerial positions; provides staff assistance to the National Selection Board which selects and assigns executive personnel; and administers the employee performance evaluation program. Provides staff expertise in personnel management techniques including the conduct and direction of studies requiring the use of psychological and other social science methodology; coordinates and administers the IRS testing program (noncompetitive written test).

1113.44 *Training Division—Office of the Director.* The Director formulates and recommends overall training policies of the Internal Revenue Service and provides professional training leadership and guidance to Service officials and personnel. Performs the following functions: Conducts research and special studies to determine the best methods of employee development for the Service, and provides expert advice and counsel on training techniques and methodology; in cooperation with IRS management, the Director identifies the need for, and administers Service training programs, approves and is responsible for development and preparation of training courses and program materials, and supports the Tax Administration Advisory Staff; determines program emphasis and goals, establishes standards and procedures for the effective and efficient administration of Service training programs, and evaluates training for effectiveness and economy; administers the taxpayer education program and coordinates the efforts of the field and National Office divisions concerned; advises on and approves training cost estimates for

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all Service-wide training, and administers the special fiscal allotment (250) used to finance centralized training activities; carries out the training policies and programs of the Service in the National Office.

1113.441 *Administrative Services Office*. Provides administrative support for the Training function. Performs the following: Assists the Director in carrying out Service-wide administrative management responsibilities related to the Training function; coordinates and maintains overall Service-wide training budget formulation and execution, and work and financial plans; develops, coordinates, and maintains the Training Manual System; coordinates and develops intradivisional projects such as budget formulation, work and financial plans, and PPBS updatings; conducts studies of intradivisional activities; conducts special intradivisional projects of an administrative nature; provides all necessary administrative support for internal operations of the Training Division.

1113.442 *Compliance Training Branch*. Provides professional training support for the compliance technical training program (audit; intelligence; and appellate). Jointly and in cooperation with appropriate compliance officials, performs the following functions: Determines training priorities and goals of the compliance technical training programs; identifies training needs, and defines and articulates training objectives; plans, designs, develops, coordinates and conducts compliance technical training programs; evaluates the implementation and effectiveness of the total compliance technical training program; supports, coordinates, and evaluates field compliance technical course development. In addition: Monitors all pilot compliance technical training projects and administers those conducted centrally; reviews and updates training methods, instructional techniques, materials, and supervisory practices as they relate to training; keeps compliance technical training materials current; in cooperation with compliance officials, establishes and maintains criteria for employee performance evaluation as it relates to effective training programs; with assistance of National Training Center and compliance, develops compliance technical training guidelines and standards, and conducts experimental projects.

1113.443 *Acts Training Branch*. Provides professional training support for the Accounts, Collection and Taxpayer Service technical training program. Jointly and in cooperation with appropriate ACTS officials, performs the following functions: Determines training priorities and goals of the ACTS technical training program; identifies training needs, and defines and articulates training objectives; plans, designs, develops, coordinates, and conducts ACTS technical training programs; evaluates the implementation and effectiveness of the total ACTS technical training program; supports, coordinates, and evaluates field ACTS technical course development; monitors all pilot ACTS technical training projects and administers those conducted centrally; reviews and updates training methods, instructional techniques, materials and supervisory practices as they relate to training, keeps ACTS technical training materials current; in cooperation with ACTS officials, establishes and maintains criteria for employee performance evaluation as it relates to effective training programs; in cooperation with Taxpayer Service officials, plans, designs, coordinates and evaluates appropriate and useful informational and educational materials for public use; with assistance of National Training Center and ACTS, develops ACTS training guidelines and standards, and conducts experimental projects.

1113.444 *Management Training Branch*. Provides professional training support for the Service in areas of organizational and career development; executive management, and supervision; cross-functional; and career education awards. Performs the following functions: In cooperation with key Service officials, determines general and functional supervisory, management, and executive training goals of the Service; identifies training needs and, in cooperation with the appropriate Service activities and functions, defines supervisory, management and executive training objectives; plans, designs, develops, coordinates, and conducts supervisory, management, and executive training programs; evaluates the implementation and effectiveness of total supervisory, management, and executive training programs; supports, coordinates, and evaluates field supervisory and management course development; monitors all pilot supervisory and management training projects and administers those conducted centrally; reviews and updates supervisory, management, and executive training methods, instructional techniques and materials; in cooperation with appropriate IRS officials, establishes and maintains criteria for employee performance evaluation as it relates to effective training programs; reviews, coordinates and evaluates Service's organizational development and career development programs; establishes guidelines, coordinates and evaluates Service-wide administration and equal employment opportunity training programs; develops guidelines for and administers career education awards; supports Tax Administration Advisory Staff in determining training needs of foreign tax officials and developing training programs to meet these needs; in cooperation with appropriate organizations, develops and conducts communications and cross-functional training programs.

1113.445 *National Office Training Branch*. Provides professional training support for the National Office, Inspection, Chief Counsel, National Computer Center and the Data Center. Performs the following functions: In cooperation with key National Office officials, determines clerical, technical, supervisory, and managerial training goals for National Office personnel; identifies training needs and, in cooperation with National Office officials, defines training objectives and establishes training priorities; plans, designs, develops, coordinates, conducts, and evaluates all National Office intrafunctional training programs, plus appropriate cross-functional training programs (e.g., supervisory, communications, instructor training, clerical skills); in cooperation with appropriate officials, determines training priorities, goals, and objectives for Inspection, Chief Counsel, National Computer Center and Data Center; plans, designs, develops, coordinates, conducts, and evaluates Inspection, Chief Counsel, National Computer Center and Data Center training programs; administers, reviews, and monitors pilot training projects; keeps National Office, Inspection, Chief Counsel, National Computer Center and Data Center training materials current; reviews and updates training methods, instructional techniques and materials; administers training facilities in the National Office.

1113.446 *National Training Center*. Provides the educational research and development and specialized techniques input to the Training Division. Performs the following functions: Conducts research in training methodology and techniques; monitors and conducts experimental projects utilizing advance training technology; evaluates and determines feasibility of experimental projects becoming operational training programs; establishes Service-wide standards in training

methodology, techniques and equipment, and develops materials requiring specialized training staff support; develops Service-wide guidelines for instructor and course-developer training; establishes standards for Service-wide staff development in specialized skills of training profession, and coordinates training staff development; establishes the standards for and coordinates the administration of the Regional Training Center network; maintains library at NTC; coordinates development and production of Service-wide materials requiring specialized staff support (e.g., videotape, film strip); maintains control and oversees distribution of Service-wide printed materials; administers the National Training Center facility.

1113.5 OFFICE OF ASSISTANT COMMISSIONER (COMPLIANCE)

The Assistant Commissioner (Compliance) is the principal assistant to the Commissioner on all matters pertaining to the compliance and appellate programs of the Service, in encouraging and achieving the highest possible degree of voluntary compliance by taxpayers, and in providing effective functional supervision of those activities in the field. These include audit and investigation of returns; criminal fraud investigations; the administrative system of tax appeals; administration of laws relating to alcohol, alcoholic beverage, tobacco, firearms, and explosives; and the receipt and processing of wagering, narcotics, alcohol and tobacco tax, and firearms returns and applications. Through the Disclosure Staff, in the immediate Office of the Assistant Commissioner, administers the disclosure provisions of the law and regulations concerning inspection of returns and other matters of official record; administers the Freedom of Information Act and regulations; administers the regulations governing testimony of Service employees in nontax matters; administers the tax check program involving high level Federal employees; and certifies documents under the Treasury Department seal, furnishing copies where appropriate. The Assistant Commissioner (Compliance) directs, coordinates and evaluates the work of the Appellate Division, the Audit Division, the Intelligence Division, and the Office of International Operations.

1113.52 *Appellate Division—Office of the Director*. Accomplishes the Appellate mission of resolving tax controversies without litigation, on a basis which is fair and impartial to both the Government and the taxpayer by developing and supervising (functional supervision) nationwide programs for final appeal consideration, within the Service, of cases involving income, profits, estate, gift, employment and excise taxes (other than alcohol, tobacco, narcotics, firearms, and wagering), offers-in-compromise, refund claims and overassessments, in which the taxpayer protests the decision of the District Director, and of cases docketed in the U.S. Tax Court (with concurrence of Regional Counsel and prior to the opening date of the Tax Court session concerned). Develops nationwide Appellate budget estimates and long-range plans; evaluates financial plans and budget execution of regional Appellate Divisions. Conducts Appellate Reports and Information Retrieval Activity (ARIRA) programs and nationwide Appellate reporting system. Collaborates with Planning and Research, Accounts, Collection, and Taxpayer Service; and other segments of the Service in a research effort to create a comprehensive information storage and retrieval system. Furnishes administrative services for the operation of the Appellate Division of the National Office. Also directs or performs certain centralized Appellate functions.

1113.521 *Coordination and Management Staff.* Assists in developing and recommending policies, plans, programs, and basic procedures and provides top-level managerial assistance through the following principal functions: Develops and recommends operations policies, plans, programs, and basic procedures relating to the appellate function. Assists and advises regional appellate offices on technical and administrative problems to enable them more effectively to accomplish their objectives. Establishes and conducts a field visitation program, and maintains continuous field liaison to assure that established policies, programs, plans, and instructions are carried out in a uniform, effective manner. Evaluates adequacy of staffing and managerial performance in regional appellate offices. Performs coordination functions across regional lines and with other Service elements. Supervises task forces working on special projects such as training, position descriptions, offices systems, and management improvement. Represents the Director in meetings of National Office and regional officials, and staff members serve on various committees as designated. Analyzes and interprets program status and progress in accomplishing the overall appellate mission. Originates statistical analyses and graphic presentations with explanations and interpretations to disclose program status and progress with trends and deviations highlighted. These analyses serve as the basis for program direction and long-range program planning for the appellate activity.

1113.522 *Programs and Procedures Branch.* Conducts program and procedural studies concerning appellate activity and recommends methods to efficiently accomplish appellate mission. Reviews and analyzes operational reports, field issuances and compiled data (such as ARIRA tables) to identify significant trends, procedural problems, etc., and submits recommendations to Director, where appropriate. Provides procedural instructions and procedural advice to appellate field organization to effectively implement policies, plans, and programs relating to appellate function. Maintains Part VIII of the Internal Revenue Manual and related handbooks and coordinates appellate procedures with other functions concerned. Provides material for inclusion in statement of procedural rules concerning appellate activity. Supervises task forces working on special projects relating to appellate programs and procedures. Develops and coordinates training programs to improve skills of appellate personnel. Provides forms and form letters for use in appellate operation. Considers and processes employee suggestions submitted under the incentive awards program relating to appellate and implements those that are adopted.

1113.523 *Special Services Branch.* Advises and assists in cases involving controversies as to valuation through the following principal functions: Participates in the development of Service position and procedures in complex valuation matters. Helps to maintain uniformity of treatment of valuation issues throughout the regional Appellate Divisions by furnishing advice, and conducting training sessions. Furnishes expert advice and assistance to the National Office, regional Appellate Division, and Regional Counsel on difficult valuation problems. Provides expert witnesses to testify at trials involving complex valuation issues. Develops programs and techniques aimed at eliminating, to the greatest extent possible, the need for time-consuming trials of valuation issues in the Tax Court or other courts. Provides regional Appellate Divisions with technical assistance of a general nature through the following principal functions: Analyzes and processes requests for technical information and

digests technical information and other technical communications for dissemination to Regional Offices when information is of general appellate interest. Maintains liaison on matters relating to cases requiring submission to the Congressional Joint Committee on Internal Revenue Taxation. Develops and aids in formulation and presentation of appellate technical seminar programs. Recognizes need for specialized technical workshops and prepares program materials for them. Postreviews closing agreements approved by regional appellate officials. Also reviews closing agreements prior to submission to the Assistant Commissioner (Compliance) for approval. Identifies troublesome technical or qualitative areas and trends; and recommends solutions to help Regional Offices meet their objectives. Conducts special studies (such as prime issues) to assist the Director and the Assistant Regional Commissioners (Appellate) in their programming and long-range planning. Administers a continuing program for evaluating and analyzing regional postreview effectiveness.

1113.531 *Audit Division—Office of the Director.* Accomplishes the audit mission of encouraging and achieving the highest possible degree of voluntary compliance by taxpayers and tax exempt organizations with the tax laws. This is accomplished through developing and functionally supervising well designed and executed examination programs which utilize appropriated resources effectively and through plans for optimum audit programs in the future. These programs and plans provide for determining types and degrees of noncompliance and taking effective action to increase compliance. Also supervises the performance of certain centralized audit functions.

1113.531 *Office Services Staff.* Furnishes services in support of the Audit Division. Maintains liaison with the Office of the Assistant Commissioner (Administration) on fiscal, personnel, training, and facilities matters. Provides centralized mail, files, distribution, messenger, and library services for the Division.

1113.532 *Programs Branch.* Plans, implements, and evaluates nationwide programs for the examination of income, excise, employment, and estate and gift tax returns. Responsible for the development, implementation, and monitoring of Audit Division's portion of other enforcement programs. Provides assistance to field components in the conduct of their returns examination programs. Develops long-range plans and strategies for the accomplishment of its portion of the Audit mission. Issues IRM and other procedural material required for the execution of examination programs. Participates with other compliance activities, technical, and ACTS in the development and implementation of examination programs. Participates in planning and is responsible for implementing the returns classification program. Prepares replies to correspondence relating to income, excise, employment, and estate and gift tax matters.

1113.533 *Exempt Organization Examination Branch.* Plans, implements, and evaluates nationwide programs for the examination of exempt organization returns and records. Responsible for the development, implementation, and monitoring of the Audit Division's portion of the pension trust program. Plans and implements the program for issuance of exemption determination letters. Develops long-range plans and strategies for the accomplishment of its portion of the audit mission. Maintains close communication and liaison with the Office of the Assistant Commissioner (Technical) on both exempt organization and pension trust matters. Reviews or post reviews revenue agent reports for quality and uniformity of exempt organization examinations. Issues IRM and

other procedural material required for the execution of exempt organization and pension trust examinations. Determines uses to be made of the exempt organization master file (EOMF) data and works with other Service activities in fulfilling their needs from the EOMF. Also determines uses for the employees' plans master file (EPMF) and coordinates with the office of the Assistant Commissioner (ACTS) in such matters. Prepares replies to correspondence relating to exempt organization matters.

1113.534 *Centralized Activities Branch.* Provides technical coordination on complex Audit matters with other Compliance activities, Assistant Commissioner (Technical), and the Chief Counsel. Plans, implements, and monitors nationwide programs for joint committee, conference, and review programs. Monitors and reports on cases docketed for Tax Court and assists Chief Counsel and Department of Justice in trial and settlement of cases. Performs centralized activities relating to qualification for enrollment and practice. Monitors the providing of necessary management services for the Audit activity and serves as liaison with the Office of the Assistant Commissioner (Administration) on administrative matters affecting the entire Audit activity.

Provides liaison with the Office of the Assistant Commissioner (Technical) and the Tax Forms Coordinating Committee on Audit matters. Conducts economic studies pertinent to section 482 allocations and post reviews and provides expert testimony concerning such allocations. Issues IRM and other procedural material required for the execution of the branch's programs. Prepares answers to correspondence deemed to be nationally significant concerning field Audit operations (with the exception of exempt organization and pension trust matters).

1113.535 *Resources and Analysis Branch.* Responsible for integrating the program planning and evaluation activities, such as budget, PFP, and NORP support for the Audit activity. Regulates all program research activities for the Division including TCMP, DIF development, and other special analytical studies. Responsible for providing the Director and the other Audit branches with timely analyses of overall program effectiveness with regard to both resource expenditure and results achieved. Prepares Division submissions for PFP and budget requests. Plans, implements, and monitors programs to provide management information such as SCRIP. Provides functional direction to the Audit Service activity. Plans the Audit classification of returns program. Issues IRM and other procedural material required to carry out the branch's programs. Provides coordination support for the Audit activity in respect to services provided by the ACTS organization.

1113.55 *Intelligence Division—Office of the Director.* Accomplishes the Intelligence mission with reference to enforcement of the criminal statutes applicable to income, estate, gift, employment, and certain excise tax laws by developing and supervising (functional supervision—which includes evaluation) nationwide programs for the investigation of suspected criminal violations of such laws and the recommendation of prosecution and/or assertion of the 50 percent ad valorem addition to the tax, when warranted, development of information concerning the extent of criminal violations of all Federal tax laws (except those relating to alcohol, tobacco, narcotics, and firearms), and measurement of the effectiveness of the investigation process. The Division also conducts, coordinates, and directs the investigation of cases which have been centralized, and performs certain other centralized Intelligence functions.

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1113.551 *Administrative Office*. Is responsible for furnishing administrative services for the operation of the Intelligence Division of the National Office by: Developing and preparing budget requests and financial plans as well as supervising budget execution, providing for the administrative needs of the Division (such as providing and maintaining investigative and administrative central filing systems and processing mail), and maintaining liaison with the Office of Assistant Commissioner (Administration) on all National Office Intelligence Division matters (including fiscal management, personnel, training, and facilities management matters); developing and preparing projections of personnel costs and staffing charts; collaborating with Administration in the procurement of investigative equipment for field and National Office use, and maintaining inventory and current records as to location of Intelligence Division, investigative equipment; and conducting special studies relating to personnel, space, budget, and equipment.

1113.552 *Staff Assistance (Visitation)*. Is responsible for: Planning and conducting a visitation program for on-site evaluation, guidance, and assistance; coordinating with, and maintaining close liaison with each of the several branches of the Division for the purpose of inquiring into specific field activities of special interest to each of the branches and keeping each fully apprised of conditions and developments in the field.

1113.553 *Operations Branch*. Is responsible for: Providing the field with operational assistance, and conducting, directing, and coordinating the investigation of centralized cases by: Interviewing informants, maintaining liaison with committees of Congress, representatives of the Service and other Government agencies in order to obtain, develop, and disseminate to the field pertinent information relating to tax evasion; coordinating, conducting, or directing investigations which are interregional in scope, of a sensitive nature, or of national interest; responding to communications on matters pertaining to operations; keeping Service and Treasury officials informed of significant developments in sensitive cases and those of national interest; identifying operational and management deficiencies in investigations coordinated, conducted, or directed by the National Office and initiating corrective action or referring identified deficiencies to the appropriate branch; and maintaining a program for case research and development including establishment of criteria for use in the automatic processing of returns to aid in identification of returns having criminal potential; and participating, as directed, in field visits.

1113.554 *Program Branch*. Is responsible for: providing effective management and technical programs, plans, and procedures for accomplishment of the Intelligence mission and identifying as well as correcting deficiencies in programing, planning, and procedural guidelines, including the manual and the investigative handbook, through statistical analyses and studies, review of policies, management reports, reports of field visits and other issuances, and through consultation and coordination with other Service elements. Consulting and coordinating with other Service elements on such matters as the findings in internal audit reports, legislative proposals, development of organizational and staffing standards and personnel classification standards; collaborating with the Planning and Analysis Division in developing the Intelligence Division's long-term program objectives and resource requirements within the Service's Planning-Programming-Budgeting System; collaborating with the Fiscal Management Division in the evaluation of field financial proposals; sub-

mitting recommendations for the allocation of Intelligence personnel and funds; collaborating with the Management Information Division for the report of management and investigative accomplishments; consolidating, evaluating, and disseminating information reflecting accomplishments of programs and plans; preparing the Intelligence portion of the Cost Reduction-Management Improvement Report and the Commissioners Annual Report; and participating, as directed, in field visits.

1113.555. *Technical Development Branch*. Is responsible for: developing and maintaining professional skills of special agents, developing investigative techniques and performing certain support functions in the accomplishment of the Intelligence mission by: conducting studies and developing Intelligence training programs in collaboration with the Training Division; directing and conducting centralized Intelligence training programs; instructing at, and collaborating in the program development and conduct of the Treasury Law Enforcement School; maintaining liaison and providing technical guidance on and participation in course development and instruction which is carried out at the National Training Center for the Intelligence Division; coordinating and evaluating field training; identifying deficiencies in training programs and materials and initiating corrective action or referring identified deficiencies to the appropriate branch; developing Intelligence investigative equipment standards and allocating investigative equipment and automobiles to the field; keeping abreast of developments in the use of automatic data processing equipment by taxpayers and third parties, such as banks, brokerage houses, and insurance companies to determine the type and extent of training needed by special agents to obtain necessary financial information where automatic data processing equipment is used; cooperating with the Personnel Division in the development of guidelines and standards for recruitment, selection, and career development of Intelligence personnel; preparing final Intelligence recommendations in cases unresolved at regional level; evaluating and recommending disposition of incentive awards suggestions; maintaining a current record of special skills of individual special agents; disseminating information on current developments, such as legal decisions, unique defenses, and unusual investigative approaches, through the issuance, monthly, of the Intelligence Digest; collaborating with the Public Information Division in the preparation of news releases regarding closed cases; collaborating with the Foreign Tax Assistance Staff and the National Training Center in orientation of enforcement officials of other Federal agencies and of State and foreign governments concerning Intelligence techniques, procedures and practices, and participating, as directed, in field visits.

1113.56 *Office of International Operations—Director of International Operations*. The Office of International Operations administers the Internal Revenue laws and related statutes (except those relating to alcohol, tobacco, narcotics and firearms) as they relate to citizen taxpayers residing or doing business abroad, foreign taxpayers deriving income from sources within the United States, and taxpayers who are required to withhold tax on income flowing abroad to nonresident aliens and foreign corporations; acts as staff advisor to the Assistant Commissioner (Compliance) in the international area on all compliance functions, and as the international specialist provides assistance and guidance to the Compliance Divisions and makes recommendations on all aspects of the international enforcement program to the Assistant Commissioner (Compliance)

and the Division Directors concerned; acts as competent authority in administering the operating provisions of tax conventions; performs and coordinates for the Service all foreign investigations and requests for information (other than those relating to rulings, regulations, or assistance in the field of foreign tax administration) from foreign countries and U.S. possessions. Also computes and collects taxes due from the Alien Property Custodian, administers the provisions of the Internal Revenue Code authorizing the acceptance of foreign currency in payment of U.S. tax liabilities, coordinates foreign travel of Service personnel, and maintains foreign posts.

1113.561 *Administrative Office*. Responsible for the personnel, training, budget and fiscal and general administrative services, including procurement and supply, printing and communication services and other administrative services necessary to the effective operation and management of the Office of International Operations, including Foreign Posts and the Puerto Rico Office. Coordinates and develops the management improvement and incentive awards programs and special projects. Initiates and administers the security, safety and records management program. Develops the financial plan and budget estimates, fiscal programs, cost estimates, and is responsible for control of funds, report on budget execution and international transaction estimates. Coordinates in conjunction with the Facilities Management Division the printing requirements and distribution of special publications, documents and tax forms required by the Office of International Operations, and the distribution of all tax forms to the U.S. Embassies and consulates.

1113.562 *Washington Collection and Taxpayer Service Division*. Receives, processes and, where appropriate, mathematically verifies and retains tax returns filed by nonresident aliens, foreign corporations, nonresident alien estates, withholding agents (Forms 1042), information returns with respect to foreign corporations (Forms 959), and information returns with respect to foreign personal holding companies (Forms 957 and 958); performs all accounting operations in connection with these returns such as issue bills and refunds, process claims, adjust tax liabilities, and maintain the general ledger; receives and transmits other tax returns to the Service Center; deposits remittances to the credit of the Director of International Operations or the Service Center Director, as appropriate; authorizes extensions of time for filing; provides taxpayer service to citizens and aliens; administers the automatic exchange of information and reciprocal collection provisions of tax treaties with foreign countries; examines certain offers in compromise; is responsible for the collection of delinquent accounts through distraint or other means and initiating investigations for securing delinquent returns; acts on, and processes information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings, foreclosures and redemptions after civil foreclosure, bulk sales, gifts, prizes and dissolutions; maintains files or control records of payment received in insolvency, bankruptcy and delinquent cases and of surety bonds and other collateral posted as security for tax liability; maintains files and control records of property seized under distraint authority and takes appropriate action with respect to seized property to insure that proper legal action may be timely taken; maintains liaison with Chief Counsel and Justice Department, the State and Defense Departments, and other Government agencies to develop procedures for collecting taxes and improving compliance abroad; provides advice and

guidance on collection activities where performed by employees permanently assigned or detailed overseas; provides guidance and assistance to the Governments of Guam and American Samoa concerning the processing of U.S. social security and self-employment tax returns.

1113.5621 *Receipts and Processing Branch.* Receives, processes and, where appropriate, mathematically verifies and retains tax returns filed by nonresident aliens, foreign corporations (Forms 1120F), nonresident alien estates (Forms 706NA), information returns with respect to foreign corporations (Forms 959) and information returns with respect to foreign personal holding companies (Forms 957 and 958); receives and transmits other returns and documents to the Service Center; receives, opens, stamps, sorts, and distributes mail; performs required delinquency checks and computes and asserts penalty and interest on delinquent returns; receives, safeguards and deposits remittances to the credit of the Director of International Operations or the Director of the Service Center, as appropriate; maintains and services the file of tax returns, information documents and indexes retained in the office.

1113.5622 *Accounts Maintenance Branch.* Performs all accounting operations relating to returns processed including the issuance of bills and taxpayer delinquent account notices, processing of claims, scheduling abatements, credits and refunds, certifications of accounts, processing transfers of debits and credits to and from Service Centers, maintenance of unit ledger cards and files of unidentified and excess collection accounts and maintenance of a general ledger; computes and withholds tax due on interest allowed on refunds to nonresident aliens; processes and authorizes the remailing of refund checks returned as undeliverable; prepares indexes of returns processed; reviews all accounting reports received from Governments of Guam and American Samoa relating to their processing of U.S. social security and self-employment tax returns; prepares work planning and control reports and required accounting reports.

1113.5623 *Taxpayer Service Branch.* Provides taxpayer service to citizens and aliens through correspondence, telephone and personal interview; issues interest equalization validation certificates; makes adjustments to tax liabilities; analyzes, routes, and prepares replies to correspondents; authorizes extensions of time for filing; processes and, where appropriate, mathematically verifies returns (Forms 1042) and information documents (Forms 1042S) filed by withholding agents; resolves issues connected with refund checks returned by taxpayers; administers the provisions of tax treaties authorizing the automatic exchange of information between the United States and foreign countries; approves substitute Forms 1042 and 1042S submitted by withholding agents for their use in lieu of the official returns; prepares work planning and control reports.

1113.5624 *Delinquent Accounts and Returns Branch.* Is responsible for all activities pertaining to the collections of delinquent accounts of nonresident aliens and citizens through levy, lien, summons, seizure, sale, or other authorized means; secures delinquent returns on the basis of assigned investigations or by returns compliance activity (primarily by correspondence); makes recommendations to Chief Counsel for suits to foreclose Federal tax liens, enforce levies, appoint receivers and to establish transferee assessments; recommends jeopardy assessments and expedites and coordinates collection actions required; recommends transferee assessments to the Audit Division; works closely with Chief Counsel and Justice Department in developing legal approaches to collecting accounts; prepares proofs of claim

and traces the transfer of assets in decedent cases; maintains file of validated liens; reviews and acts on requests for release, discharge or nonattachment of Federal tax liens; determines appropriateness and legal sufficiency of collateral offered to stay collection of tax or withhold the filing of liens; examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability or doubt as to collectibility (except alcohol, tobacco, firearms, employment, and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties; authorizes the write-off of accounts as uncollectible; performs necessary followup on written-off accounts; furnishes advice and guidance to the Revenue Service Representatives and their staffs concerning the collection of delinquent accounts; maintains liaison with the State and Defense Departments and other Government agencies as a means of increasing compliance with IRS regulations by overseas personnel of these departments; develops operating procedures for collecting delinquent accounts and securing delinquent returns in the foreign area; constantly explores means of increasing enforcement powers overseas; requests and lends assistance under the applicable reciprocal collection provisions of tax treaties with foreign governments; maintains statistical and accomplishment records and prepares necessary work planning and control reports and other necessary activity reports as required.

1113.5625 *Puerto Rico Collection and Taxpayer Service Division.* Operates throughout Puerto Rico and the Virgin Islands and provides year-round taxpayer service, including responses to correspondence requests for tax information, authorizes extensions of time for filing; receives, safeguards, and deposits remittances to the credit of the Service Center Director; receives, opens, stamps, sorts, and distributes mail; receives and transmits returns and other documents to the Service Center; screens, assigns, and maintains delinquent account assignment files; responsible for the collection of delinquent accounts through distraint, seizure, levy, and other means; authorizes the writeoff of accounts as uncollectible; performs necessary followup on written-off accounts; receives, acts on, and processes information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings and foreclosures, bulk sales, gifts, prizes and dissolutions; maintains files or control records of payments received in insolvency, bankruptcy or decedent cases and of surety bonds and other collateral posted as security for tax liabilities; maintains files and control records of property seized under distraint authority and takes appropriate action with respect to seized property to insure that proper legal action may be timely taken; secures delinquent returns through correspondence, telephone calls, and personal interviews; recommends jeopardy assessments when deemed necessary to protect revenue, civil actions to secure payment, suits to enforce penalty for failure to honor levies and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations; recommends issuances of certificates of subordination of Federal tax liens, and conducts the investigation necessary to support such recommendations; examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability or doubt as to collectibility (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties; prepares all reports of

collection and taxpayer service activities, including work planning and control reports; maintains liaison with the Puerto Rican and Virgin Islands Governments and all Federal agencies concerning items of mutual interest.

1113.564 *Audit Division.* The Audit Division administers an international audit program involving the selection and examination of all types of Federal tax returns filed with the Office of International Operations (except alcohol, tobacco, and firearms). Is responsible for the examination of certain offers in compromise, informants' claims for reward and related activities including the examination and approval of pension trusts and the issuance of determination letters. The audit program involves the classification of returns for field and office audits, the conduct of district conferences in unagreed cases, participation with special agents in the conduct of tax fraud investigations, and is responsible for providing manpower for the annual overseas taxpayer compliance program. Provides advice and guidance on audit work performed by the foreign posts and reviews for technical and procedural accuracy all reports of audit examinations prepared by these offices. Directs programs for the exchange of estate and gift tax data with foreign governments under the tax conventions. Performs audit functions relating to the alien property custodian activity. Makes certain that Internal Revenue Agents' manpower will be applied to the most significant civil enforcement cases in the international area. Is responsible for the maintenance of good relationship with region and districts and is responsive to their requirements for assistance in the foreign area. The Audit Division consists of the Examination Branch, Service Branch, Review Staff, Conference Staff and Classification.

1113.5641 *Conference Staff.* The Conference Staff attains, to the maximum extent possible, the primary objective of the conference function—to give taxpayers ample opportunity to reach early agreement on disputed issues arising from audit examinations. Has responsibility for all OIO conference cases. Assigns, controls, coordinates, and reviews Office of International Operations jurisdictional conference cases including those in Puerto Rico, and foreign posts of duty. Holds conferences; provides direction and furnishes technical advice to other conferees; performs final district review of field audit conference reports; reviews and evaluates statistics, and other records to strengthen conference function operations; and screens taxpayer protests which request Appellate hearings. Authorizes settlements in "pattern settlement cases"; reviews primary statistical forms in conference cases; coordinates and discusses with Chief, Review Staff, conference cases in which Review Staff has taken legal interpretative positions at variance with conference positions; reviews and answers dissents to conference determinations; reviews Appellate Division closings for guidance to conferees; and is responsible for protecting the statute of limitations for cases under his control. Undertakes special assignments received from Division and Office Superiors to the extent time permits.

1113.5642 *Review Staff.* Is responsible for reviewing for technical accuracy and policy and procedural adherence, reports of examination on income, estate, gift, and miscellaneous taxes, and offers in compromise. Prepares and issues preliminary letters and statutory notices. Grants extension of time for filing protests, and closes out statutory notices by sending the case file to the Appellate Division if a petition is filed or closing out for assessment if the time period expires on default. Receives taxpayer protests, refers protests to the Chief, Conference Staff, and closes protested cases to the Appellate Division upon recommendation of the

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Chief, Conference Staff. Furnishes technical advice to foreign and Puerto Rico posts and all examining personnel. Considers special problems relating to specific cases and prepares recommendations thereon. Prepares replies to technical inquiries from taxpayers from all over the world and issues determination letters as required. Considers applications for exemption from tax from foreign organizations, and issues determination letters or refers the case to the Assistant Commissioner (Technical), as appropriate. Prepares statistical reports and analyzes information on specific cases as required. Controls and reviews all forms used by the Audit Division. Controls and processes all informant's claims. Prepares requests for technical advice to the National Office on specific cases under examination.

1113.5643 *Chief Classifying Officer.* Is responsible for planning and executing the audit classification program including the selection of returns to be examined and the determination of the organizational units where the returns can best be examined. Is responsible for the planning and execution of procedures involving the classification of other documents used in connection with examinations such as transferred cases from other districts, information reports, etc.

1113.5644 *Service Branch.* Controls all income, estate and gift, and miscellaneous tax returns received for audit or investigation by the OIO Washington Office, Puerto Rico Office, and the Foreign Operations Division. Routes work to appropriate units; reproduces completed reports; provides typing service for the Audit Division; effects closing action on examined cases transmitting returns to the Collection and Taxpayer Service Division; assembles audit production and statistical data and maintains controls on statutory expirations for the entire Audit Division as well as the Foreign Operations Division.

1113.5645 *Examination Branch.* Conducts field and office examinations relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liabilities of citizen taxpayers residing or doing business abroad, foreign taxpayers deriving income from sources within the United States and taxpayers who are required to withhold tax on certain payments to nonresident aliens and foreign corporations. Conducts examinations of estate tax returns of U.S. citizens who died while residing abroad or nonresident aliens with substantial property or income in the United States and gift tax returns filed by nonresident aliens or U.S. citizens residing abroad. It also conducts examinations of offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes), claims for refund, credit or abatement, and special examinations as requested including joint examinations with special agents where tax evasions may exist. Obtains information on suspected delinquent taxpayers and other tax information while in overseas areas. It furnishes technical advice and assistance on pension trust plans, processes informants' claims for reward, and recommends jeopardy assessments. Prepares memoranda to accompany closing agreements and closing letters and releases in estate and gift tax cases, and administers the program for exchange of estate and gift tax data with foreign governments under tax conventions. Audits employment tax returns of Puerto Rico residents and income tax returns of U.S. Government employees and Puerto Rico residents deriving income from sources outside Puerto Rico. Audits books and records of Puerto Rican affiliates of domestic taxpayers to secure information requested by districts. Examines Virgin Island corporations to determine correct subsidy allowances. Coordinates exami-

nation program on resident foreign corporations and other cases, where appropriate, with national and regional enforcement programs. On assignment holds conferences with taxpayers and their representatives. Prepares tax returns for, and audits books of, foreign corporations and alien individuals whose property is controlled by the Alien Property Custodian and conducts conferences on these matters.

1113.565 Foreign Operations Division. Plans, develops, and coordinates the work programs and other activities of the foreign posts in accordance with Service objectives in the international area. Conducts the intelligence function with respect to taxpayers under jurisdiction of the Office of International Operations. Coordinates, directs and/or conducts all compliance functions performed overseas by Appellate, Audit, Collection and Taxpayer Service, Intelligence and International Operations personnel. Makes necessary recommendations, holds conferences and coordinates all audit, collection, delinquency and intelligence functions between the foreign posts and the Divisions of the Office of International Operations, other Service components and other Government agencies; determines whether actions requested are appropriate and whether they should be handled by foreign representatives. International Operations personnel on detail, other Service personnel or other Government agencies. Supervises and evaluates the work and performance of foreign representatives. Keeps Director informed of trends in the foreign area which will be employed in program development and establishment of Service objectives. Exercises broad vision in determining proper utilization of information obtained from foreign representatives. Assists the Director in the performance of functions under tax treaties principally involving nonautomatic exchange of information. Serves as focal point for all contacts with foreign governments either directly or through the foreign posts pursuant to the operating provisions of the various tax treaties. Coordinates the foreign travel of personnel of the Internal Revenue Service. Maintains liaison with the Treasury, State, Defense, Commerce, and Interior Departments concerning overseas operating matters. Plans, coordinates, and directs the annual taxpayer compliance, audit and delinquency programs abroad and plans and coordinates, in conjunction with the military services, the annual military assistance and school program for overseas military personnel.

1113.5651 *Foreign Posts.* Pursuant to broad annual programs developed by the Foreign Operations Division, initiates such actions in the assigned areas as are necessary to establish and maintain satisfactory levels of voluntary compliance. Develops information indicating possible tax evasion, delinquency or noncompliance and completes action thereon or forwards the information to Washington for further development. Conducts audits of income, estate and gift tax returns of a type justifying field investigation or contact abroad and conducts investigations on tax evasion cases. Effects collection of delinquent taxes when personal contact or investigation abroad is required. Obtains information on audit, intelligence and collection matters for other service components on collateral requests. Holds taxpayer conferences and effects settlements in cases involving timely and delinquent income, estate and gift tax returns, claims, offers in compromise, etc., including those referred abroad by International Operations headquarters for such purposes. Under specific direction, assists the Director in the exercise of the competent authority provisions of tax treaties by holding preliminary discussions with the foreign government rep-

resentatives on the settlement of issues in specific cases involving double or discriminatory taxation and forwards information to Washington, D.C. Maintains close liaison with foreign governments in tax treaty, enforcement, exchange of information, technical and other highly complex matters. Maintains close liaison with U.S. military authorities and taxpayer groups in the area and develops and implements enforcement, taxpayer assistance and school programs, taxpayer-education releases, and similar measures designed to assure a high level of compliance. Is responsible for the development and maintenance of desirable public relations, initiating appropriate taxpayer-education programs in the area. Furnishes technical assistance to taxpayers with regard to both current and delinquent income, estate and gift tax matters.

1113.566 *Research, Tax Treaty and Technical Services Division.* Provides the Office of International Operations with research and technical assistance to aid in achieving its mission; accumulates and analyzes varied pertinent tax data of foreign and U.S. derivation; prepares, coordinates and reviews guidance memoranda for other OIO Divisions. Assists the Director in performance of the functions of Competent Authority under tax treaties principally involving processing of double taxation claims; maintains a continuing appraisal of the operation of the income and estate tax treaties of the United States for the purpose of identifying areas for renegotiation; considers administrative and operational feasibility of proposed tax conventions and regulations thereunder; conducts analytical studies with a purpose of achieving effective tax compliance; prepares for the Office of International Operations and coordinates with various National Office Divisions, recommendations for remedial legislation or regulatory amendments; reviews or prepares for the Office of International Operations suggested public use or internal forms and documents; accumulates and disseminates information regarding U.S. business activity abroad and foreign business activity in the United States. Acts on assignments received by Director from Assistant Commissioner (Compliance) or other National Office officials or components, of a program or planning nature. Determines the amount of administrative relief (offset) to be allowed under Revenue Procedure 64-54; conducts detailed studies and analyses of various examination reports and other documents in assisting the Director to provide assistance and guidance to the various compliance functions in the international area; submits recommendations with respect to proposed changes in legislation, regulations, revenue procedures, treaty provisions and other aspects of the international enforcement program.

1113.5661 *Research and Tax Treaty Branch.* Accumulates and analyzes data concerning foreign tax laws, U.S. tax treaties, U.S. tax law changes, revenue rulings and statements of Service policy in the international area. Prepares, coordinates and reviews guidance memoranda within the Office of International Operations. Assists the Director in the performance of the functions of the Competent Authority with respect to claims of double taxation under the respective tax treaties; under direction of the Competent Authority, represents the U.S. Government at conferences with foreign Competent Authorities on double taxation matters; reviews drafts of proposed tax conventions and regulations thereunder and prepares comments thereon regarding the administrative and operational feasibility of the conventions and regulations; seeks out operational and administrative problems in the tax treaty area, and, where applicable, prepares analytical studies of technical problems and tax avoidance

schemes in the international area for the purpose of disclosing tax law provisions that are weak, ineffective, inconsistent or unjust; prepares plans and programs to combat tax avoidance and evasion in the international area; reviews or prepares suggested tax forms and other material for the use of taxpayers under the jurisdiction of the Office of International Operations and coordinates technical matters having reference to proposed legislation and similar matters with the various Divisions of the National Office and other Government agencies. Accumulates or programs for the accumulation of data designed to show such information as to extent, nature, location of U.S. taxpayer business and trust interest outside of United States, as well as similar data relative to foreign business entities ostensibly doing business in the United States; develops and prepares procedures designed to accumulate data on receipt and disposition of information relative to foreign business operations of concern to United States; all such information shall be in such form that periodic or special requests for reports on the subject can be readily provided. Acts on assignments received by Director from Assistant Commissioner (Compliance) or other National Office officials or components, of a program or planning nature. Receives requests for relief from economic double taxation filed by taxpayers under Revenue Procedure 64-54 and processes such requests to determine the amount of administrative relief (offset) to be allowed and, where appropriate, prepares closing agreements for execution by taxpayers and Service. Conducts detailed studies and analysis of various examination reports and other documents in assisting the Director to provide assistance and guidance to the various compliance functions in the international area. Submits recommendations with respect to proposed changes in legislation, regulations, revenue procedures, treaty provisions, and other aspects of the international enforcement program. Provides data concerning foreign tax laws through channels to technical field personnel responsible for determining correct Subparts F and G income and earnings and profits of controlled foreign corporations under the 1962 Revenue Act. Prepares periodic reports of the progress and activity in the international area.

**1113.6 OFFICE OF ASSISTANT COMMISSIONER (ACCOUNTS, COLLECTION, AND TAXPAYER SERVICE)**

The Assistant Commissioner (Accounts, Collection, and Taxpayer Service), is the principal assistant to the Commissioner on all matters pertaining to the development of programs, systems, methods, and procedures for implementation and operation of the Internal Revenue Service Automatic Data Processing Plan, the accounting for the internal revenue, the receipt and integrated processing of tax returns and other documents, the review and coordination of all reports, the collection of delinquent accounts, obtaining delinquent returns, and providing responsive services to taxpayers. He exercises line supervision over the activities performed in the various Divisions in the National Office which are within his jurisdiction and the National Computer Center and the Internal Revenue Service Data Center, and is functionally responsible for ACTS activities in Regional Offices, District Offices, and Service Centers. Confers and collaborates with officials of other Government agencies and private industry to insure compatibility of data which will be integrated into the ADP system of each.

**1113.61 Administrative Service Office.** Plans, organizes, coordinates, and directs the administrative management activities of the Office of Assistant Commissioner (Accounts,

Collection, and Taxpayer Service) at the national level, assisting and collaborating with Division Directors and the National Computer Center Director in providing budget, personnel, records and reports management, space management, duplication, supply, and other administrative services necessary for the internal administration, management, operation, and functioning of the Office.

**1113.62 Program Review and Analytical Services Staff (ACTS-PRA).** The program Review and Analytical Services Staff provides the Assistant Commissioner (ACTS) with: In-depth evaluations of Service Center, Data Center, and Regional Office operations, programs, and effectiveness in the ACTS areas to meet his needs for NORP participation as well as for his day-to-day management appraisals and decisions; independent centralized and integrated analyses of all ACTS programs, including the identification of actual, emerging, and potential problems to management particularly as they impact on two or more ACTS Divisions or other IRS organizations; assessments of program accomplishments, trends, or developments of specific interest to the Assistant Commissioner; and design and the undertaking of advanced analytical research programs and projects (in conjunction with other ACTS Divisions and IRS offices) to improve operational effectiveness and/or to shed insight on program alternatives.

Provides analytical service support and assistance, including specialized statistical services, to the individual Directors of the Accounts and Data Processing, Collection, and Taxpayer Service Divisions and the Director of the Data Center by identifying, evaluating, interpreting, reporting, and assisting in reporting progress towards accomplishment of their respective missions and program objectives. Provides specialist and consultant services and assistance in analytical methods to these officials as well as to regional personnel in understanding and utilizing techniques and data resulting from integrated analyses of relevant internal and external data.

Coordinates the need for, and advises individual ACTS Divisions on, information system requirements for data, reports and information systems design, reports management activities. Also, in conjunction with ACTS Divisions, develops input for the annual internal audit program to obtain additional data for evaluation of ACTS program management. Coordinates with Divisions and Internal Audit preparation of the Monthly Informal Report to the Commissioner on significant findings pertaining to ACTS activities.

**1113.63 Planning Staff.** The Planning Staff is the principal adviser to the Assistant Commissioner (ACTS) for insuring the optimal use of ACTS resources for the Service in both tax- and non-tax-related applications. Develops and administers, in cooperation with all other offices, long-range goals; identifies a budgeting and control system as it relates to goal setting; recommends policy or program decisions on the basis of feasibility or operations research studies; systematizes requests for ACTS services; prepares final ACTS PPBS documents; and performs general staff work on all high-level planning and resource allocations as directed by the Assistant Commissioner (ACTS).

Develops and consolidates long-range goals for the ACTS organization, recommends priorities of work and alternatives, insures that all facets of major work projects are recognized, and identifies the impacts of recommended or proposed actions. Monitors the resources expended in the attainment of established goals and participates in the final system acceptance.

Systematizes the activities relating to requests for ACTS services by: Identifying, controlling, and monitoring major requirements, requesting and assisting in cost/benefit analysis, presenting the recommendations and priority assignments to the resource allocation boards (ADP Review Board, Data Center Committee) and the appropriate Assistant Commissioners. Independently reconciles and evaluates the cost/manpower/computer accomplishments of ACTS.

Consolidates and finalizes the preparation and submission of PPBS documents to insure consistency with long-range plans and resource requirements commensurate with the objectives and goals of the Assistant Commissioner (ACTS) and top line officials of the Service.

**1113.64 Accounts and Data Processing Division—Office of the Director.** Plans, coordinates and directs the development of returns processing programs and revenue accounting functions. Implements the totally integrated tax administration system in service centers, the National Computer Center, and district offices. This responsibility encompasses: The development of major tax administration programs and issuance of detailed systems requirements, forms, procedures, and computer programs for the receipt and processing of tax returns and related documents or data (except alcohol and tobacco tax and firearms returns and applications); accounting for revenue collections and tax deposits; fulfilling the related requirements of other Service activities and the Department of the Treasury; maintenance of taxpayer master file and nonmaster file accounts; required financial and operating reports; design of master file related management and data control systems; systems acceptability testing of manual procedures, machine instructions, computer inputs, processes and outputs before implementation; and the maintenance of all operational ADP master files and related systems. Functional supervision—including determining the effectiveness of on-going programs, procedures, systems to achieve Service objectives; and providing leadership in the installation or modifications of assigned tax administration programs and processing systems; prompt identification of and followup with regional management and coordination with Director, Program Review and Analytical Services Staff, ACTS, on significant operational problems which could impair attaining Service goals and objectives—over accounts and data processing activities in the regional offices, service centers, and district offices. Line supervision over the National Computer Center and liaison between the center and other organizational units of the Service.

**1113.641 National Computer Center.** Plans, directs, and coordinates the master file operations of the totally integrated tax administration system. Functions include: Establishment, maintenance, and updating of the individual, business, employee plans and exempt organizations master files through around-the-clock operation of a large-scale computer system complex. Provides reciprocal controls with service centers of the receipt, processing, and shipment of tax account data. Produces output data for use in issuing refunds, bills or notices, answering inquiries, conducting delinquency checks, detecting fraudulent refund claims, classifying returns for audit purposes, preparing reports, and other matters concerned with processing and enforcement activities of the Service. Provides line supervision over National Office Computer Facility which is principally responsible for computer testing support for the totally integrated tax administration system. Responsible for scheduling

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and coordinating with Service centers on production matters and receipts, control and servicing of file searches for Disclosure Staff, Intelligence, Internal Audit and other Service offices. Responsible for financial planning, recruitment, and training, and other administrative matters of the National Computer Center.

1113.642 *Office of the Executive Assistant.* Responsible for providing assistance to the Director in the general overall management and evaluation of Accounts and Data Processing operations both within the division and functional areas in the field. Coordinates and monitors division program plans in the areas of organization, personnel, training, security, space and furniture acquisition, financial planning and funding. Finalizes financial and Program-Planning and Budgeting System documents for division programs covering field operations and the National Office. Coordinates with Internal Audit on program reviews and follows up on findings and corrective action pertaining to the programs and mission of Accounts and Data Processing. Coordinates the division reports management program. Manages the division Internal Work Planning and Control System. Prepares speeches and other required papers on division activities. Represents the division in the orientation of foreign tax officials and other dignitaries. Provides office management and directives management for the Accounts and Data Processing Division.

1113.643 *Associate Director (Accounts and Services).* Plans, directs, and coordinates data processing program management for the totally integrated tax administration system. Develops programs for approval; and designs, implements, and evaluates systems and procedures for data processing applications. Functions include: Participates in developing new systems or revision of existing systems, including a cost/benefit analysis; plans and coordinates resource requirements for accomplishments of programs (collaborates with involved client organizations); prepares, issues, and monitors program requirement packages (PRP's) and ADP Handbook procedures; participates in systems acceptability testing with approval authority for proprietary programs; evaluates program effectiveness through feedback from on-site review, field office communications, customers, and Internal Audit, promptly resolving program problems; develops management information and quality review systems applicable to activities in service centers and NCC; responsible for development and coordination of service center and master file requirements relating to special studies and other research activities; provides analyses and recommendations of action required by tax legislation; and coordinates participation of ACTS in the data exchange programs, e.g., requests from Federal, State, and municipal entities for nonreport and nonstatistical formatted data from the master file.

1113.6431 *Compliance and Special Programs Branch.* Manages data processing programs relating to Compliance and other Service components, and external customers for the totally integrated tax administration system. Develops programs for approval; and designs, implements and evaluates systems and procedures for data processing applications. Develops new systems or revises existing systems in area of responsibility, including a cost/benefit analysis. In collaboration with client organization, responsible for aggregate planning and coordination of resource requirements for accomplishment of programs; prepares, issues, and monitors program requirement packages (PRP's) and ADP Handbook procedures for area of responsibility. Participates in system acceptability testing for those systems related to its program area with final approval authority

for proprietary programs. Evaluates program effectiveness through feedback from onsite review, field office communications, customers, and Internal Audit, promptly resolving program problems. Develops management information systems applicable to activities in service centers, district offices, and NCC. Responsible for development and coordination for service center and master file requirements relating to special studies and other research activities. Coordinates participation of ACTS in the data exchange programs, e.g., requests from Federal, State, and municipal entities for nonreport and nonstatistical formatted data from the master file.

1113.6432 *Revenue Accounting and Processing Branch.* Manages data processing programs relating to processing of tax returns and related documents from receipt through posting to the master file, including service center and district office deposit activities for the totally integrated tax administration system. Develops programs for approval; and designs, implements, and evaluates systems and procedures for data processing applications. Develops new systems or revises existing systems in area of responsibility, including a cost/benefit analysis. Responsible for aggregate planning and coordination of resource requirement packages (PRP's) and ADP Handbook procedures for area of responsibility. Participates in systems acceptability testing for those systems related to its program area with final approval authority for proprietary programs. Evaluates program effectiveness through feedback from onsite review, field office communications, customers, and Internal Audit, promptly resolving program problems.

1113.6433 *Taxpayer Accounts Services Branch.* Manages data processing programs of Service Center and district office activities relating directly with taxpayer's accounts occurring subsequent to master file posting of the return for the totally integrated tax administration system. Develops programs for approval; and designs, implements and evaluates systems and procedures for data processing applications. Programs include activities such as correspondence, adjustments, notice review, payment tracers and other IDRS related activities. Develops new systems or revises existing systems in area of responsibility, including a cost/benefit analysis. Responsible for aggregate planning and coordination of resource requirements for accomplishment of programs. Prepares, issues, and monitors program requirement packages (PRP's) and ADP Handbook procedures for area of responsibility. Develops quality review systems applicable to activities in Service Centers and NCC. Participates in systems acceptability testing for those systems related to its program area with final approval authority for proprietary programs. Evaluates program effectiveness through feedback from onsite review, field office communications, customers, and Internal Audit, promptly resolving program problems.

1113.6434 *Accounting Operations Branch.* Assures that accounting operations in Service Centers are performed in accordance with prescribed procedures and provides assistance in account balancing or other problems through field visitations, phone calls and correspondence. Provides Division Management with information gathered through field contact relating to the accounting function.

Suggests revisions to the Revenue Accounting System and assists in preparation of field instructions; engages in consultation and preparation of special accounting related projects such as those involved in new Service Center activation and apportionment of accountability. Also prepares specifications for the maintenance of the centralized accounting function which accounts for

moneys to be transferred to U.S. territories such as Puerto Rico, Guam, and the Virgin Islands. Prepares annual financial statements and maintains accounting data necessary for the proper planning of receipts and cash flow by the Department of the Treasury.

Prepares reports of revenue receipts and refunds paid for management and various IRS publications. Reviews revenue and refunds paid data prepared by the National Computer Center and Service Centers and prepares quarterly certifications of trust fund collections, refunds and credits such as those for the Highway, Land and Water Conservation, Airport and Airway, and Railroad Retirement Trust Funds. Maintains administrative control over joint committee refund cases from time of receipt, through processing, to time of final dispatch to Service Center for preparation of refund check. Reviews pending and enacted legislation, government and other publications to keep current with all actions affecting the revenue. Acts as liaison with other agencies in the Department of the Treasury, Railroad Retirement Board, Joint Committee on Internal Revenue Taxation, Office of Business Economics, and other agencies, industries, individuals and associations involved in the Nation's revenue.

1113.644 *Associate Director (Computer Systems).* Plans, directs and coordinates the development of computer systems and processing programs of the totally integrated tax administration system, commensurate with established ACTS goals and recommends determination of supporting computer hardware, as well as auxiliary and accessory equipment, and software requirements for service centers, district offices and the National Computer Center. In addition, includes: Participation in studies of proposed computer systems, including telecommunications and real time processing applications; develops and maintains computer software support; evaluates computer systems utilization and is responsible for outside agency computer systems reporting; coordinates installation of computer systems, evaluating planned operational effectiveness; develops standards and guidelines for uniformity by all programmers; develops application and scientific computer programs; participates in systems acceptability testing of all procedures and computer programs before system implementation; provides functional supervision of resident programmer analysts located at service centers and the National Computer Center; provides technical advice and consulting services to other Service offices on computer systems problems; coordinates participation of ACTS in the Government-wide ADP sharing program; and develops and coordinates the recruitment and training of programmer trainees.

1113.6441 *Master File Programming Branch.* Develops, documents, and maintains computer systems and processing programs to establish, update, analyze, and produce required outputs from master files of taxpayer accounts and related data files at the National Computer Center for the totally integrated tax administration system. Analyzes new or revised computer-oriented systems requirements to develop required run schematics, detailed logic and block diagrams, machine coding and run tests, documentation and instructions for National Computer Center input, master file processing and output programs, including data controls and files extracts. Coordinates with Accounts and Services, and the Service Center Programming, Data Retrieval Programming and Systems Support Branches to insure compatibility with computer input/output programs in the Internal Revenue Service Centers. Assists the Systems Testing Branch in conducting tests of computer programs and instructions prior

to operational use. Identifies operational programming problems, recommends recovery action, if practicable, and makes required program changes. Participates in the review and analysis of proposed computer systems requirements to determine feasibility, completeness, and compatibility with related IRS systems. Provides functional supervision over Resident Programmer Analysts located at the National Computer Center.

1113.6442 *Service Center Programming Branch.* Develops, documents, and maintains computer systems and processing programs and related off-line equipment instructions for tax return and all related data transcription and processing operations including residual master files and data controls in the Internal Revenue Service Centers for the totally integrated tax administration system. Analyzes new or revised computer-oriented systems requirements to develop required run schematics, detailed logic, and block diagrams machine coding and run tests, documentation and instructions for Service Center computer input/output programs, data controls and related processes. Coordinates with the Accounts and Services, and the Master File Programming, Data Retrieval Programming and Systems Support Branches to insure compatibility with all IRS computer processes particularly at the National Computer Center. Assists the Systems Testing Branch in conducting tests of computer programs and instructions prior to operational use. Identifies operational programming problems, recommends recovery action if practicable and makes required program changes. Participates in the review and analysis of proposed computer systems requirements to determine feasibility, completeness, and compatibility with related IRS systems. Develops and maintains computer programs to fulfill requirements for management information systems integrated or related with the tax processing system. Provides functional supervision of Resident Programmer Analysts located at the Service Centers.

1113.6443 *Data Retrieval Programming Branch.* Develops, documents, and maintains computer systems and processing programs for the Service Centers and district and local offices that are required for the Integrated Data Retrieval System (IDRS). Designs file structure and determines the need for individual computer runs and the relationship of these runs for IDRS. Requirements of the system are received from the branches under Associate Director, Accounts and Services and are coordinated for clarity and programming feasibility. The computer system is diagrammed; file content and format is determined; individual program logic is designed, coded, and tested. Complete program documentation is prepared for distribution to all Service Centers and district and local offices including detailed operating instructions. Programs are all prepared to operate synchronously with the individual, business, and residual master files, and other automated and manual systems for the totally integrated tax administration system. Programming activities include real time processing of terminal inquiries and update action plus a large number of multi-programmed batch runs. The batch processing, which also has related real time processing, includes such items as: Updating the Account Data files on a daily and weekly basis with data from the National Computer Center and data from all of the various stages of processing in the Service Center; analysis of accounts notice output; maintenance of adjustment and correspondence case inventories; and various audit and collection related activities. Some principal subsystems that are a part of IDRS processing are: Correspondence System, Document Request System, Unidentified Remit-

tance System, On-Line Adjustment System, System for Direct Deposit of Receipts. Participates in the review and analysis of proposed computer systems requirements to determine feasibility, completeness, and compatibility with related IRS system. Coordinates with the Master File Programming and Service Center Programming Branches in the functional supervision over Resident Programmer Analysts located at the service centers and the National Computer Center.

1113.6444 *Systems Testing Branch.* Plans, develops, schedules, and conducts acceptability tests simulating live operation of new or revised systems, procedures, forms, instructions, and computer programs designed to process tax returns, related documents and data in the district offices, service centers, or National Computer Center, including accounting, document, and other internal controls over such operations for the totally integrated tax administration system. Coordinates with other ACTS operating and user organizations in testing the system as acceptable for implementation, analyzes total system requirements, develops appropriate test documents and data, and establishes predetermined control and output results. Tests all manual procedures, machine processes and computer programs, under predetermined controls as planned, to determine readiness of the system to produce records and outputs meeting all requirements. Identifies any deficiencies of problem areas, recommends evident modification or clarification, and tests any changes. Recommends acceptability to the client organization for their certification.

1113.6445 *Systems Support Branch.* Develops, maintains and modifies all software products, required for the Service's totally integrated tax administration system as a service function to the programming branches within the Division. Studies and evaluates proprietary software packages for application on any IRS system. Provides technical advice and consulting services to other Service offices including development of scientific computer programs. Provides a systems "debug" service to application programmers within the Division. Maintains the variety of skills and knowledge necessary to support the several different computer systems and programming languages utilized in the Service. Maintains a current knowledge of computer equipment, including auxiliary and related equipment, software technology, and telecommunication and real time processing applications. Participates in determining immediate or long-range computer systems equipment requirements for data processing; develops plans and schedules for meeting those requirements, and recommends acceptance, modification, or rejection of suppliers' proposals. Coordinates installation of computer systems and evaluates effectiveness compared with contract requirements. Evaluates computer systems utilization and is responsible for outside agency computer systems reporting. Responsible for computer operation support functions (e.g., tape library, computer scheduling) including related procedures and programming, for the Service Centers, National Computer Center, and the National Office. Develops and issues standards and techniques for uniform guidance and use by all programmers; coordinates participation of ACTS in the Government-wide ADP sharing program. In coordination with Training Division, assists in developing and conducting data processing functional training seminars for Service personnel and specialized training courses for programmer trainees.

1113.65 *Collection Division—Office of the Director.* Accomplishes the Collection mission with reference to the filing and payment requirements of the Internal Revenue laws

by providing and supervising (functional supervision) nationwide programs for issuance of Certificates of Compliance to departing aliens, disposition of certain offers in compromise, collection of unpaid accounts, determination and analysis of why accounts become delinquent, and prevention of accounts from becoming delinquent; obtaining of delinquent returns, measurement of the types and degrees of nonfiling, determination and analysis of the reasons for nonfiling and reduction of nonfiling.

1113.651 *Special Projects Branch.* Exercises responsibility over projects and activities not directly identified with a program management branch or the Special Service Staff. Exercises continuing responsibility for the coordination of management processes which apply to all programs and activities of the Division by performing the following functions: Monitors, coordinates and integrates the planning activities of the Division, including the preparation of program planning document, PPBS program memoranda and program and financial plan, work plans and budget and financial documents. Maintains Work Planning and Control System (including maintenance of the Operations List) current and compatible with procedural issuances and coordinates the establishment of work priorities within the System. Monitors, studies, coordinates and integrates field collection (DAR activities), organization functions, position responsibilities, staffing and related personnel matters. Serves as Division consultant on these matters. Collaborates and maintains liaison with the Office of the Assistant Commissioner (ACTS) on information system requirements for data and data processing, reports and information systems design, other reports management activities, and on information storage and retrieval matters (also collaborating and maintaining liaison with the Office of Assistant Commissioner (Planning and Research) on information storage and retrieval), and coordinates and maintains management surveillance over all these matters within the Collection Division. Collaborates and maintains liaison with the Office of Assistant Commissioner (Administration) in determining field Collection training needs, evaluating and administering Collection training programs, and providing Collection functional guidance and review for development of training materials at the National Training Center. Conducts general management and other special studies and performs other assignments, which are not within the specific jurisdiction of the program management branches, when authorized by the Director or Assistant Director. Assists Director in determining permanent functional assignments within the Division where such assignments are not clearly covered within the established functional responsibilities. Coordinates internal audit matters related to the Collection Division, and is responsible for completed action on internal audit reports, keeping branches informed on these matters. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

1113.652 *Delinquent Accounts Branch.* Exercises program management responsibility for Collection Division's functional supervision of the payment requirements of the Internal Revenue laws through the delinquent accounts program (collection of unpaid accounts, determination and analysis of why accounts become delinquent, and prevention of accounts from becoming delinquent) and of the functional supervision of offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearms taxes), offers in compromise of statutory additions based on doubt

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as to liability or doubt as to collectibility (except alcohol, tobacco, firearms, employment, withholding and excise taxes and specific penalties), and all offers in compromise of 100 percent penalties, by performing the following functions with reference to the delinquent accounts and offer in compromise programs: Formulates and recommends policies. Develops short, intermediate and long-range program content and activities. Relates these to program planning documents, preliminary work plans and budget and financial plans. Develops, reviews and revises as necessary, systems, procedures, methods and other instructions for Collection field personnel, including the development of techniques. Analyzes, evaluates and reports to Division Director on status, progress and trends with reference to assigned programs and takes appropriate action required. Evaluates and reports to Division Director on status and trends of Field Operations involving assigned programs. Collaborates with Office of Assistant Commissioner (ACTS) on substantive program and systems matters pertaining to assigned programs. Identifies the need for and seeks improvement (in collaboration with the Special Projects Branch) of reports and information systems and training guides. Identifies need for and seeks improvement of records and internal forms in collaboration with Facilities Management Division. Recommends appropriate action on incentive awards suggestions referred by the Administrative Services Office and on internal audit reports referred by the Special Projects Branch. Conducts studies required for problem identification, problem solving, planning, assistance to the regions, and engages in "troubleshooting" for assigned programs. Makes a performance evaluation of offers in compromise in certain district acceptance cases. Reviews offers in compromise within functional jurisdiction requiring the Commissioner's approval. Participates in Division visits to field offices and conducts special purpose visits as required. Serves as taxpayer liaison office for the Division by the performance of the following principal functions: Responds to inquiries (personal visits, correspondence and telephone) from sources external to the Internal Revenue Service (e.g. taxpayers, members of Congress, Treasury Department and other Departments and Agencies) on matters pertaining to Collection programs, activities and functions. Conducts correspondence and engages in conferences with taxpayers, officials of the Service, States, other Federal agencies, Members of Congress and congressional committees on Collection Division activities and functions. Monitors the Division's sensitive case program. Responsible on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

1113.653 *Returns Compliance Branch.* Exercises program management responsibility for Collection Division's functional supervision of the filing requirements of the Internal Revenue laws through the returns compliance and delinquent returns programs (obtaining of delinquent returns, measurement of the types and degrees of nonfiling, determination and analysis of the reasons for nonfiling and reduction of nonfiling) by performance of the following functions with reference to the returns compliance and delinquent returns program. Formulates and recommends policies. Develops short, intermediate and long-range program content and activities. Relates these to program planning documents, preliminary work plans and budget and financial plans. Develops, reviews and revises as necessary, systems, procedures, methods and other instructions for Collection field personnel including

the development of techniques. Analyzes, evaluates and reports to Division Director on status, progress and trends with reference to assigned programs and takes appropriate action required. Evaluates and reports to Division Director on status and trend of field operations involving assigned programs. Collaborates with Office of Assistant Commissioner (ACTS) on substantive program and systems matters pertaining to assigned programs. Identifies the need for and seeks improvement (in collaboration with the Special Projects Branch) of reports and information systems and training guides. Identifies need for and seeks improvement of records and internal forms in collaboration with Facilities Management Division. Recommends appropriate action on Incentive Award suggestions referred by the Administrative Services Office and on internal audit reports referred by the Special Projects Branch. Conducts studies required for problem identification, problem solving, planning assistance to the regions, and engages in "trouble-shooting" for assigned programs. Participates in Division visits to field offices and conducts special purpose visits as required. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

1113.654 *Special Service Staff.* As a staff activity, assists the Director, Collection Division in conducting the overall mission of the Collection Division by serving as a central information gathering facility consolidating data and making appropriate dissemination of information relevant to tax enforcement. In carrying out this basic responsibility the following functions are performed:

Accumulates information which involves indications that organizations (and their principals) may ignore or willfully violate tax or firearms statutes.

Determines, through various sources of information, financial data relative to the funding of certain activities and by analyzing the available data recommends field actions needed to review the tax filing and paying requirements of organizations and individuals involved in such activities.

Prepares and forwards to district offices, attention Collection function, resumes of information consolidated on individuals and organizations where determinations have been made that Federal tax filing and paying requirements under the jurisdiction of the Collection Division has not been met.

Refers to Director, Audit Division, resumes of information on individuals and organizations, together with recommendations that field examinations be conducted, when Special Service staff file analysis indicates a material difference exists between the tax listed on a field return and the correct liability.

Accumulates and analyzes data relating to contributions made to tax exempt organizations where possible tax evasion schemes may be employed by donors and donees funneling such contributions to nonexempt organizations. Initiates appropriate field actions on such matters when appropriate.

Monitors and coordinates field assignments initiated by the Special Service staff and evaluates the effectiveness of compliance actions taken. Initiates follow-up actions when necessary.

Maintains liaison with Assistance Commissioner (Technical) reviewing files and providing supplemental information to Exempt Organizations Branch, Technical, on various organizations which have exempt status actions under consideration.

Conducts day-to-day liaison with other Internal Revenue Service components forwarding and receiving information pertinent to tax and firearms statutes enforcement

actions, or any other information associated with tax administration.

Maintains day-to-day liaison with other Federal investigative and law enforcement agencies and congressional investigative committees.

1113.66 *Taxpayer Service Division—Office of the Director.* Plans, develops and directs a comprehensive service-wide taxpayer service program which recognizes that taxpayers must have the ability as well as the willingness to comply with Federal tax law. Ensures a consistent and uniform policy of service to all taxpayers.

Responsible for coordinating and integrating all field Taxpayer Service related activities (other than those requesting technical determinations), regardless of organizational boundaries. In this regard ensures that prompt, accurate, and responsive replies are made to taxpayer inquiries and that appropriate and useful informational and educational materials for public use are prepared and distributed. Participates in the formulation of policies affecting the taxpaying public. Assists (utilizing internal audits to the extent practical) in determining the effectiveness of taxpayer service activities in all areas and at all organizational levels. In this regard, recommends how procedures might be changed and resources increased, decreased, or shifted to provide better overall service to the taxpayer. Exercises functional supervision over regional and district taxpayer service activities. Conducts research on assessing and improving the effectiveness of various Taxpayer Service activities.

1113.661 *Operations Branch.* Exercises general program management responsibility to ensure prompt, accurate, and responsive replies to taxpayer inquiries directed to district offices and service centers. This includes prompt replies to correspondence received from taxpayers, members of Congress, tax practitioners, and other regarding operations aspects of the ACTS organization.

Develops, reviews, and modifies, as necessary, procedures, methods, and other instructions to assist field managers and employees in the accomplishment of program objectives.

Reviews selected correspondence to identify problem areas within the Taxpayer Service Division or to have the matter referred so the appropriate activity may take necessary remedial action. Provides liaison between district office taxpayer service operations and service center data processing operations as they related to Service-generated output or taxpayer-initiated actions.

Provides input to the Planning and Development Branch for Program Management guidelines, PPBS materials, work plans, estimates of staff and budget requirements to meet program goals and objectives.

In conjunction with the Training Division, develops or reviews materials for field and National Office training programs for Taxpayer Service personnel. Issues up-to-date tax information, e.g., handbooks, guidelines, Taxnews, and the like, to insure dissemination of accurate tax information to the public by TSR's.

Provides guidance and assistance in the implementation of a comprehensive Service-wide taxpayer service program; and participates in the evaluation of its operational effectiveness. Responsible, on a continuing basis, for submitting recommendations for initiating studies and conducting field operational studies to improve the effectiveness of field operations, management improvement, work simplification, and the like.

1113.662 *Planning and Development Branch.* Develops long-range plans and objectives for a comprehensive taxpayer service and assistance program and coordinates these plans with other activities assigned responsibility for various programs related to

Taxpayer Service. Prepares, coordinates, and integrates the planning activities of the Division, including the preparation of program planning documents, PPBS materials, programs and financial plan, work plans, and budget documents. Assist in the determination of staff requirements to meet program objectives and long-range plans.

Assesses taxpayer needs, conducts in-depth research studies to measure effectiveness of selected methods of providing taxpayer service as well as measure various related programs, and recommends effective and economical methods of informing and educating taxpayers in their rights and responsibilities. Related programs to be measured include telephone assistance, filing period publicity, taxpayer education, taxpayer publications, and the like, to determine how to most effectively meet taxpayers needs.

Represents both taxpayers and the Assistant Commissioner (ACTS) on the Forms Committee; and suggests alternative solutions to meet Service objectives with minimum inconvenience to taxpayers. Assures that the needs of taxpayers are considered in the design of tax forms and other Service publications; and that instructions are issued which make compliance simpler or more understandable for the public.

Identifies subject matter areas giving taxpayers problems and endeavors to alleviate these by coordinating with other National Office Divisions in the preparation of appropriate technical publications, news releases, institute training materials, et cetera. Review forms, form letters, computer notices, and other issuances to insure that information or instructions contained therein are understandable to the public.

Provides assistance in personnel management activities and program evaluation. Collects and presents statistical data in an organized and readily usable form in measuring accomplishments against objectives. Prepares materials designed to aid field personnel in achieving the highest program goals at a minimum cost. Serves as Taxpayer Service Division representative in TCMP matters.

Develops and coordinates the issuance of revenue procedures on the use of "substitute" tax forms and schedules. Coordinates internal audit matters related to the Taxpayer Service Division and has responsibility for completing action on such reports and for collaboration with the Field Operations Branch on these matters.

1113.67 *IRS Data Center*. Responsible for the performance of nonmaster file data processing operations for the Service. This includes: Design of manually and electronically oriented processing systems; detail design of computer programming requirements and instructions; writing of computer programs; testing and debugging of computer routines; systems acceptability testing; installation of new systems; and maintenance of systems after they become operational. Such systems provide for the preparation of Department of the Treasury payrolls; fiscal reports; statistics of income; taxpayer compliance measurement programs, including both work progress reports and special studies; special tax research; personnel analysis reports; work planning and control reports; data for PPBS and other purposes; special tabulations and comparisons for States and other Federal agencies; and statistical information for management control by National and Regional Office officials; and other special applications not included in the Business and Individual Master File systems.

1113.7 *OFFICE OF ASSISTANT COMMISSIONER (INSPECTION)*

The Assistant Commissioner (Inspection) acts as the principal assistant to the Commissioner in planning and carrying out the

inspection program of the Internal Revenue Service. This includes the independent review and appraisal of all Internal Revenue Service activities as a basis for protective and constructive service to management, and the carrying out of a program for assisting management to maintain the highest standards of honesty and integrity among its employees. The Assistant Commissioner (Inspection) plans and directs the inspection program at both the national and regional levels. At the National Office level he supervises two divisions: the Internal Audit Division and the Internal Security Division; and at the regional level he supervises the Regional Inspectors.

1113.71 *Internal Audit Division—Office of the Director*. The Internal Audit Division has responsibility for conducting a program providing for an independent review and appraisal of the operations of the Internal Revenue Service. This review provides information on the condition of all the functional activities of the Service at the National, regional, and district levels and is sufficient in scope to provide a basis for constructive management action by the Service officials responsible for the activities involved. The Division is also responsible for a systematic verification and analysis of financial transactions and a review and appraisal of the protective measures and controls established at all operating levels. The organizational structure for program operations consists of the National Office Internal Audit Division, and the regional Internal Audit staffs which are headquartered in the same location as the Regional Inspectors. The Director of the Internal Audit Division, under the general supervision of the Assistant Commissioner (Inspection), is responsible for the development and execution of the Division's program.

1113.711 *Operations Branch*. The Operations Branch has responsibility for ensuring a continuing effective internal audit of the Service's Administration, Appellate, Audit, Counsel, Intelligence, Technical, Office of International Operations, and economic stabilization program activities by developing guidelines for the annual internal audit plans; by reviewing and making recommendations on regional internal audit plans; by conducting National Office and coordinated nationwide audits; by carrying out special surveys, examinations, and projects as assigned by higher authority; by coordinating, evaluating, and reviewing and following through on audit findings; and by bringing significant audit and disclosures to the attention of top National Office management officials including the Commissioner. Participates with management during the development stages of new or improved ADP systems to ensure the incorporation of effective management controls. Develops systems and procedures to utilize automatic data processing in carrying out principal segments of the Internal Audit Division's program. Participates in the program of staff guidance, review, and evaluation of the auditing activities of regional Internal Audit staffs. Consults with top officials in the Offices of the Assistant Commissioners and the Office of Chief Counsel on recommendations for improving procedures and controls; keeps abreast of current data processing developments, including technological changes, so that proper consideration can be given to carrying out the Internal Audit Division's program. Coordinates with other functional areas of the Office of Assistant Commissioner (Inspection) in order to obtain data processing services requested by them or provide other information pertinent to the mission of these functions.

1113.712 *Internal Security Division*. The Internal Security Division plans, develops, and controls the Internal Security program for the Internal Revenue Service so as to assist management in assuring the highest standards of honesty, integrity and security among Service employees and maintain public confidence in the integrity of the Service. The program includes personnel background

1113.712 *Program Development Branch*. The Program Development Branch has responsibility for developing the Division's policy and procedural instructions and internal audit program guidelines for the continuing effective internal audit of all activities in the Revenue Service's field offices. Also has responsibility for developing and carrying out career development programs for Internal Audit staff members nationwide to increase staff management capability and professional auditing proficiency, including conducting basic and advanced Internal Audit training programs. Keeps abreast of new developments in Service programs to determine their effect on Internal Audit's responsibilities in the auditing of field operations. Coordinates with other functional areas of the Office of Assistant Commissioner (Inspection) as necessary, including participation in a program of on-site review and evaluation of the activities of the regional Internal Audit staffs. Maintains liaison with Officers of Assistant Commissioners and Chief Counsel, to determine operating problems or developments that should be given internal audit program attention. Keeps abreast of latest professional management auditing techniques and methods to ensure timely adaptation to the Service's internal audit program. Maintains the division's program of continuing review of special long-range Service projects, e.g., taxpayer compliance measurement program.

1113.713 *Data Processing Activities Branch*. The Data Processing Activities Branch has responsibility for ensuring a continuing effective internal audit of the Service's Accounting, Data Processing, Collection and Taxpayer Service activities by developing guidelines for the annual internal audit plans; by reviewing and making recommendations on regional internal audit plans; by conducting National Office and coordinated nationwide audits; by carrying out special surveys, examinations, and projects as assigned by higher authority; by coordinating, evaluating, and reviewing and following through on audit findings; and by bringing significant audit and disclosures to the attention of top National Office management officials including the Commissioner. Participates with management during the development stages of new or improved ADP systems to ensure the incorporation of effective management controls. Develops systems and procedures to utilize automatic data processing in carrying out principal segments of the Internal Audit Division's program. Participates in the program of staff guidance, review, and evaluation of the auditing activities of regional Internal Audit staffs. Consults with top officials in the Offices of the Assistant Commissioners and the Office of Chief Counsel on recommendations for improving procedures and controls; keeps abreast of current data processing developments, including technological changes, so that proper consideration can be given to carrying out the Internal Audit Division's program. Coordinates with other functional areas of the Office of Assistant Commissioner (Inspection) in order to obtain data processing services requested by them or provide other information pertinent to the mission of these functions. Analyzes and summarizes Internal Audit Division's annual accomplishments and prepares required internal and external reports.

1113.72 *Internal Security Division*. The Internal Security Division plans, develops, and controls the Internal Security program for the Internal Revenue Service so as to assist management in assuring the highest standards of honesty, integrity and security among Service employees and maintain public confidence in the integrity of the Service. The program includes personnel background

investigations and investigations of complaints or allegations of misconduct or irregularities, including criminal, concerning Service employees; also investigations of non-Service persons when their actions may affect the integrity of the Service or safety of Service personnel, including attempts to bribe or otherwise corrupt Service personnel; this authority includes investigation of attempts to interfere with administration of Internal Revenue laws through threats, assaults or forcible interference, and also the unauthorized disclosure of Federal tax information. The program also includes background investigations of certain applicants for enrollment to practice before the Internal Revenue Service, investigations of charges against tax practitioners, formal investigations of accidents involving Service employees or property, investigations of complaints alleging discrimination because of race, creed, color, or national origin; and the maintenance of records and case files relating to investigations conducted. The Division also conducts such special investigations, studies, and inquiries as required for the Commissioner, Office of the Secretary, or other components of the Treasury Department. The Division is composed of three branches: Field Coordination Branch, Investigations Branch, Planning and Programming Branch.

1113.721 *Field Coordination Branch.* The Field Coordination Branch controls and coordinates on a nationwide basis all investigations conducted by the Internal Security function. These investigations cover alleged violations of Federal criminal statutes and of the regulations and rules governing the conduct of Service personnel; actions of non-Service persons that may affect the integrity of the Service, including attempts to bribe or otherwise corrupt Service personnel; charges against persons enrolled or entitled to practice before the Internal Revenue Service; the investigation of the character and background of applicants for, or incumbents of positions in the Service; enrollee applicant cases; formal investigations under the Federal Tort Claims Act; and other investigations as required for the Commissioner and other components of the Treasury Department. The Branch maintains a continuing review and control of all investigations to assure that proper priorities are established and that the investigation workload is accomplished in an effective and efficient manner on an overall regional, as well as an individual Inspector basis; assure that the scope of the investigations and the facts and evidence are sufficient to provide a basis for conclusions by management, the Department of Justice or other authority; assure that established policies, procedures and techniques are being followed properly and uniformly; assure effective investigation accomplishments, uniformity in investigative coverage, and that there is proper form and quality of reports, as well as administrative and criminal dispositions; develops data and recommendations for improvement, simplification, and standardization of investigative operations, many of which are passed along for use by management in connection with directing program execution as well as planning and programming Internal Security activities; and directs the maintenance of records and case files relating to investigations conducted by the Internal Security function. The Branch maintains liaison on criminal and other investigative matters with the Office of the Chief Counsel, other law enforcement and security segments of the Treasury Department and the Internal Revenue Service, Department of Justice, Federal Bureau of Investigation and other Federal law enforcement agencies.

1113.722 *Investigations Branch.* The Investigations Branch, operating on a nationwide basis, is responsible for conducting extremely confidential investigations of complaints and allegations of misconduct or irregularities concerning high level officials of the Service and other special investigations which by reason of their complexity or sensitivity, or because of their potential effect on the maintenance of public confidence in the integrity of the Service, demand special handling. The Branch, as the investigative branch of the Internal Security Division for National Office personnel, is responsible for conducting background investigations of applicants for, or incumbents of, positions in the Service, certain applicants for enrollment to practice before the Internal Revenue Service, and for applicants for positions with certain other components of the Treasury Department. In addition the Branch conducts investigations of alleged violations of Federal criminal statutes and rules and regulations governing the conduct of Service personnel; actions of non-Service persons that may affect the integrity of the Service, including attempts to bribe or otherwise corrupt Service personnel; charges against persons enrolled to practice before the Internal Revenue Service; formal investigations under the Federal Tort Claims Act; investigations of alleged discrimination because of race, creed, color or national origin; and other special investigations as may be required for the Commissioner and other components of the Treasury Department. The Branch maintains liaison with the Regional Inspectors and Assistant Regional Inspectors (Internal Security) to coordinate joint activities and in special situations to render assistance in the handling of difficult investigations.

1113.723 *Planning and Programming Branch.* The Planning and Programming Branch is responsible for providing staff assistance to the Division Director in planning and programming the Internal Security Division program. This includes formulating policies; developing technical and administrative procedural instructions, including manual issuances and investigative handbooks; conducting inspections of the management and operation of the regional Internal Security Divisions; conducting special surveys of National Office Internal Security activities; developing and coordinating training programs for the Division; providing technical and staff assistance to the Treasury Law Enforcement Officer Training School; compiling and analyzing reports of operational costs, workload data, and statistics concerning criminal and administrative actions resulting from Internal Security investigations; evaluating manual issuances or proposals originating outside Inspection which are pertinent to Internal Security functions; conducting special staff studies; and maintaining liaison with other branches of the Internal Security Division, the Internal Audit Division, and other offices of the Service.

#### 1113.8 OFFICE OF ASSISTANT COMMISSIONER (PLANNING AND RESEARCH)

The Assistant Commissioner (Planning and Research) acts as the principal assistant to the Commissioner and the Deputy Commissioner in the development and administration of the program and financial plan, related objectives and policies, and in the analysis of all Service programs for the purpose of promoting maximum effectiveness in the administration of the Internal Revenue Code with the most efficient and economical expenditure of resources; and is responsible for research, statistics, and systems development. The Assistant Commiss-

sioner (Planning and Research) represents the Commissioner on these matters in relations with the Treasury Department, the Congress, other Government agencies and outside organizations. He discharges these primary responsibilities in cooperation with the appropriate Assistant Commissioners (or other principal officials), each of whom exercises related responsibilities within his own functional area. The Assistant Commissioner (Planning and Research) is responsible for and supervises the activities of the Planning and Analysis Division, Research Division, Statistics Division, Systems Development Division, and the Office of Industrial Economics.

1113.81 *Planning and Analysis Division.* The Planning and Analysis Division develops and administers the systems for producing a comprehensive multiyear program and financial plan, for coordinating and integrating policies of the Service, and for analyzing all Service programs—with the aim of optimizing the collection of internal revenue taxes. To these ends, in cooperation with responsible offices, it develops the Service's program and financial plan; through special studies, approved by the Deputy Commissioner, evaluates the desirability and costs of existing and proposed plans, policies, organizations, and program objectives; and develops criteria and presentations to measure accomplishments. It coordinates the preparation of the annual program memoranda analyzing the objectives, costs and benefits of the program and financial plan. The Division, in cooperation with other responsible offices, determines the scope of operating data needed for performance reporting and for marginal productivity and other kinds of operations research analyses in connection with the program and financial plan, program memoranda, and special studies. The Division also administers the Internal Management Document System and reviews issuances for conformance to basic policies of the Service.

1113.82 *Research Division.* The Research Division conducts advanced research (independently or in conjunction with other offices) into the Federal tax system to develop new approaches to improve the Service's operations and to reduce the compliance burden on the taxpayer; directs such research, within the framework of tax policy determined by the Treasury Department; and furnishes leadership and coordination for the program of Federal-State cooperation in the field of tax administration. The Division actively participates with the appropriate staffs of the Treasury Department and the Assistant Commissioner (Technical) in the preparation of legislative proposals and regulation revisions resulting from the research conducted; designs and carries out surveys, studies, polls, and other forms of research to provide the Service with the basic data needed for the formulation of operating programs and plans; and prescribes the nature and content of statistical analyses made by other offices but required for the research functions of the Division.

1113.83 *Statistics Division.* The Statistics Division conducts research and prepares statistics with respect to the operation of the income tax laws as required annually by the Internal Revenue Code to provide basic information for tax studies and legislation by the Congress and its committees, for administrative use by the Secretary of the Treasury and the Commissioner of Internal Revenue, and for the Federal benchmark statistical programs on income, wealth, and finance; and performs other related research and statistical functions. The Division provides support services for the Reports Management program. The Division consists of the Income, Finance, and Wealth Branch, the Statistical

Techniques Branch, the Mathematical Statistics Branch, and the Program Management Branch.

1113.831 *Administrative Office.* Performs all administrative management activities, including personnel, budget, and fiscal programs, cost estimates, allocations, and control of funds, records management, travel, space and equipment utilization. Coordinates and controls, in conjunction with the Facilities Management Division the printing requirements of the Division and statistical processing contracts, other office services required. Serves as a focal point for Division contacts with Personnel, Fiscal Management, and Facilities Management Divisions.

1113.832 *Income, Finance, and Wealth Branch.* The Income, Finance, and Wealth Branch performs statistical and economic research with respect to the operations of the income tax laws as required by the Internal Revenue Code. It identifies and analyzes actual and prospective needs of users of income, wealth, and financial data reported on tax returns. The Branch plans, evaluates, and modifies these needs to develop an integrated statistical program and prepares specifications for data preparation. It interprets, analyzes, and presents the resulting statistics through publications of the Internal Revenue Service, such as the "Statistics of Income" series, and in consultation with appropriate policy and management officials.

1113.833 *Statistical Techniques Branch.* The Statistical Techniques Branch performs technical statistical services in support of the program of the Division. It prepares projections and estimates of tax return populations by type of return and geographic area, and produces other workload measures for the Service. It uses statistical techniques to analyze problems and improve efficiency in work programs. It plans, prepares the analysis, and presents the results of statistical studies for the Service, other Federal agencies, and for approved reimbursable projects. It conducts research in the development and adaptation of statistical techniques designed to promote efficient operations. It prepares Service statistical guidelines and taxpayer aids. It supplies special statistical services in response to requests and advices on applications of statistical techniques to technical and administrative tax problems. It provides the technical service in support of preparation, analysis, and development of management information and other reports.

1113.834 *Mathematical Statistics Branch.* The Mathematical Statistics Branch has the Statistics Division's responsibility for the probability sampling portions of the Service's research and operational programs and aiding, on request, other agencies with their sampling problems. This responsibility includes such things as the application of computer methods to sampling techniques used in such programs as Statistics of Income and Taxpayer Compliance Measurement; the use of area survey techniques to measure tax delinquency; assisting in the application of sample audit techniques to processing functions; using time samples to develop cost data for the Planning-Programming-Budgeting System; and review of sampling plans developed in other areas of the Service.

1113.835 *Program Management Branch.* Designs and develops operational plans for use in producing the statistics required by the Division's program, and prepares related procedures, forms, and instructions. Coordinates budget development for, and the planning, scheduling, and processing of the statistical work performed at decentralized locations. Conducts research into methods for controlling quality. Develops and applies operating techniques for quality control, providing standards of measurement and in-

stituting methods developed through operations research. Evaluates statistics produced in terms of original specifications, costs, and procedures. Serves as the focal point for collaboration between National Office and field statisticians in the execution of continuing programs such as Statistics of Income, Taxpayer Compliance Measurement, and Statistical Quality Control. Guides and coordinates the activities of statisticians in the field processing centers to insure uniformity of method and adherence to common goals. Plans uniform statistical applications to be implemented by statisticians in the field processing centers.

1113.84 *Systems Development Division.* The Systems Development Division is concerned both with electronic systems and other systems. It conducts a continuing program relative to the availability and capability of electronic data processing systems and other electronic or automation equipment and systems, the feasibility and adaptability of electronic equipment to specific Service tasks, and the development of special modifications for Service purposes. The Division reviews and coordinates projects of other offices involving the adaptation of electronic equipment and participates in the selection and installation of electronic equipment and systems. With respect to other systems, the Division examines and makes recommendations for improvement or extension of internal systems (such as those relating to reporting, processing, accounting, enforcement, records management, and communications), reviews and coordinates system-improvement efforts of other offices, and initiates and develops projects of its own; furnishes other offices of the Service, on request, advisory and consultative services on systems problems; studies possibilities of integrating paperwork and data-handling systems and equipment; and surveys, develops, and tests equipment used or usable by the Service.

1113.85 *Office of Industrial Economics.* Provides taxpayers and the Government with timely and up-to-date asset classes, forecasts of useful economic lives for such classes, and current repair allowances as part of the Asset Depreciation Range system by accomplishing the following functions: Collects and analyzes data on various asset classes, periods of use and factors of obsolescence and repair and maintenance practices in accordance with the vintage account procedure under the ADR system. Utilizing a variety of data gathering methods, such as economic reports, econometric models, and statistical sampling, compiles information on industrial experience on utilization of depreciable plant and equipment, salvage value, and replacement practices. Receives data and proposed changes in asset classes, depreciation periods, and repair allowances submitted by taxpayers and other knowledgeable sources. Analyzes and evaluates these data as a basis for recommending changes in the ADR system. Analyses are performed by a specialized staff of economists and engineers and involve rather complex issues, including things such as forecasting new technological developments and modes of operation in the various technological fields in the future. Effective liaison is maintained with the Commerce Department's Bureau of the Census and Office of Business Economics and similar offices in other industrialized nations. Closely monitors the operation of the ADR system in tax administration and recommends changes based on its staff observations, as well as reports from field revenue agents. Recommendations are of an administrative, regulatory, or legislative nature. Analyses of data and resultant recommendations are also made available for other elements of IRS for better and more efficient tax administration.

#### 1113.9 OFFICE OF ASSISTANT COMMISSIONER (TECHNICAL)

The Assistant Commissioner (Technical) acts as the principal assistant to the Commissioner in providing basic principles and rules for the uniform interpretation and application of the Federal tax laws (other than alcohol, tobacco, and firearms taxes under Subtitle E of the Internal Revenue Code). In carrying out this mission, he: Publishes rulings to announce interpretive positions of the Service; publishes explanatory booklets, pamphlets, and other materials for the guidance of taxpayers and Service officials; issues rulings and advisory statements to taxpayers and Service officials; issues opinion letters to sponsoring organizations on master and prototype pension, annuity, and profit-sharing plans; directs programs for clarification and simplification of tax rules; develops (and is responsible for the technical content of) all tax return forms and instructions (other than those relating to alcohol, tobacco, and firearms taxes); reviews other public-use tax forms and form letters; acts as competent authority in matters involving interpretation or application of tax treaties; provides advice and assistance on technical matters throughout the Service, and to the Department of the Treasury, other Government agencies, and congressional committees; conducts a technical liaison program with Service field offices; conducts a technical field conference program; coordinates with the Office of the Chief Counsel, the Department of the Treasury, and the committees of Congress on legislative and regulatory matters; reviews all new or amendatory regulations for administrative feasibility and adequacy; administers the activities of the Art Advisory Panel embracing a Service-wide program for providing guidance and direct assistance to field offices in the disposition of income, estate, and gift tax cases involving fine arts valuation; coordinates with the Office of the Chief Counsel and the Department of Justice in providing advice and assistance in connection with matters in litigation; and coordinates with the other Assistant Commissioners, the Department of the Treasury, other Government agencies, and outside professional groups and industry and trade associations on matters of mutual concern. The Assistant Commissioner (Technical) is authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from him, shall be applied without retroactive effect. He is also authorized to enter into and approve a written agreement (closing agreement) with any person relating to the internal revenue tax liability, other than certain excise taxes, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed. The Assistant Commissioner (Technical) is responsible for and supervises the activities of three divisions: Income Tax Division; Miscellaneous and Special Provisions Tax Division; and Technical Publications and Services Division.

1113.91 *Income Tax Division—Office of the Director.* Has primary responsibility for providing basic principles and rules for uniform interpretation and application of the Federal tax laws in those areas involving: Income and employment taxes and the interest equalization tax to corporate and non-corporate taxpayers (including individuals, partnerships, estates, and trusts); depreciation, depletion, and valuation issues; the taxable status of exchanges and distributions in connection with corporate organizations, reorganizations, and liquidations; taxes imposed on self-employment income; and exemption of farmers' cooperatives from

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tax under IRC 521. In carrying out these responsibilities, the Division: Issues rulings to taxpayers and technical advice and general technical information to District Directors and Regional Commissioners; advises the Appellate and Audit Divisions of the Service's position on particular issues; drafts Revenue rulings, Revenue procedures, announcements and releases to be published for the guidance and information of taxpayers and Service personnel; drafts, or reviews, IR-manual issuances to be published for the guidance of Service personnel; reviews or assists in preparing technical booklets, training materials, pamphlets, and other materials prepared for the guidance of taxpayers and Service personnel; conducts special studies of technical problem areas, including reappraisals of current rules and practices, with a view toward reducing controversy and promoting uniformity; determines the status of certain organizations as agencies or instrumentalities of the United States, a State or political subdivision thereof, or the District of Columbia, or agencies or instrumentalities of governments of foreign countries or political subdivisions thereof; reviews actions on decisions announcing the Commissioner's position on adverse decisions of the U.S. Tax Court, prior to publication in the Internal Revenue Bulletin; initiates recommendations and coordinates with the Offices of the Chief Counsel in providing advice and assistance to that office, and to the Department of the Treasury and the committees of Congress, on legislative and regulatory matters; coordinates with the Office of the Chief Counsel and the Department of Justice in providing advice and assistance in connection with matters in litigation; reviews newly proposed and amendatory regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program which disclose tax administrative problems, abuses, and inequities, as well as the views of field personnel as to the quality and effectiveness of regulations and tax return forms, the need for new or amendatory legislation or regulations, et cetera; coordinates on matters of mutual concern with other technical divisions, the compliance organization, other offices of the Department of the Treasury, and other Government agencies; supplies the Audit Division with names or essential identifying characteristics of persons or organizations, and otherwise advises and assists the Audit Division in the selection of representative cases, involving issues on which Service position needs to be established, clarified, or otherwise developed; aids the Audit Division in developing the scope of and techniques needed in the examinations or investigations of such issues; supplies information for use by the Audit Division in programming, evaluating, and guiding audit operations throughout the Service; participates in the development of tax return forms and instructions and reviews pertinent portions of public-use forms and instructions; invites outside professional groups and industry and trade associations to participate in conferences and to submit comments, briefs, and suggestions in connection with tax problems and matters involving Revenue rulings or Revenue procedures proposed for the solution of tax problems; conducts conferences in the regional offices to discuss major programs of the technical organization, to present papers on particular substantive technical areas, to discuss and explore possible solutions to technical areas of concern to field offices, and to discuss other matters of mutual concern; makes determinations with respect to earnings and profits of corporations and the taxable status of distributions to shareholders; acts on applications for changes in or adoption of accounting methods and periods; and acts as competent authority in matters

involving interpretation or application of tax treaties. In areas involving the application of Federal tax laws in connection with provisions relating to depreciation, depletion, and valuation issues, this Division also: Passes upon requests for approval of plans for the aggregation of nonoperating mineral interests as a single property; post-audits the depreciation, depletion, and valuation issues of cases on which engineering reports have been prepared and a sample of other large cases involving such issues; upon request, provides direct assistance to regional and district offices on cases involving depreciation, depletion, and valuation issues; provides, or secures, expert witnesses in support of the Government position in cases in litigation, and assists Government counsel in preparation and presentation of cases and in negotiations of settlements; prepares and presents material on professional and technical developments at engineering meetings, and upon request, in coordination with compliance, develops and conducts training programs for engineers; prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments and to nonuniform treatment of issues; and administers the activities of the Art Advisory Panel embracing a Service-wide program for providing guidance and direct assistance to field offices in the disposition of income, estate, and gift tax cases involving fine arts valuation. This Division also post-reviews field determination letters relating to the status of farmers' cooperatives under IRC 521. The Director is responsible for and supervises the activities of four branches: Corporation Tax Branch; Individual Income Tax Branch; Engineering and Valuation Branch; and Reorganization Branch.

1113.911 *Corporation Tax Branch.* In matters involving the application of Federal income tax laws to corporate taxpayers, including the taxation of insurance companies and those relating to consolidated returns of affiliated groups, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue rulings, Revenue procedures, announcements and releases, and IR-manual issuances, including material for the Exempt Organizations Handbook relating to cooperatives; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews actions on decisions; provides advice and assistance to other offices of the Service (including the office of the Chief Counsel), the Department of the Treasury, other Government agencies, and congressional committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program; coordinates with other technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; passes upon requests for permission to change methods of accounting for depreciation and depletion and for approval of plans for the aggregation of nonoperating mineral interests as a single property; conducts a postaudit review of field engineer reports and a sample of nonengineer reports which contain depreciation, depletion, and valuation issues for purposes of assessing the field treatment of engineering issues in order to provide uniform guidance both on an individual basis by report, and on a Service-wide basis by publication in the Engineers' Coordination Digest; provides direct assistance to regional and district offices, upon request; assists the Office of Chief Counsel and the Department of Justice in preparing and presenting cases in litigation, provides or secures expert witnesses in support of the Government's litigating position, and furnishes technical expertise in the negotiation of trial and pretrial settlements; prepares and presents material on professional and technical developments at engineering meetings, and upon request, in coordination with Compliance, develops and conducts training programs for engineers; prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments and to nonuniform treatment of issues; prepares and maintains an up-to-date Engineering Circular; and administers the activities of the

521; regulated investment companies and their shareholders; controlled foreign corporations and their U.S. shareholders; foreign tax matters which involve determination of sources of income; nonresident alien individuals and partnerships or of alien residents of Puerto Rico; compensation of employees of foreign governments or international organizations; income affected by treaty; foreign tax credit; earned income from sources without the United States; income from possessions; involuntary conversions; small business investment company stock losses; withholding of tax on nonresident aliens and foreign corporations; mitigation of effect of renegotiation of government contracts; requests for permission for change in or adoption of accounting periods and methods (except methods of accounting for depreciation and depletion); acts as competent authority in matters involving interpretation or application of tax treaties; and makes determinations with respect to earnings and profits of corporations and the taxable status of distributions to shareholders. This Branch also postreviews field determination letters relating to the status of farmers' cooperatives under IRC 521.

1113.912 *Engineering and Valuation Branch.* In matters involving the application of Federal tax laws in engineering and valuation areas, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue rulings, Revenue procedures, announcements and releases, and IR-manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews actions on decisions; provides advice and assistance to other offices of the Service (including the office of the Chief Counsel), the Department of the Treasury, other Government agencies, and congressional committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program; coordinates with other technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; passes upon requests for permission to change methods of accounting for depreciation and depletion and for approval of plans for the aggregation of nonoperating mineral interests as a single property; conducts a postaudit review of field engineer reports and a sample of nonengineer reports which contain depreciation, depletion, and valuation issues for purposes of assessing the field treatment of engineering issues in order to provide uniform guidance both on an individual basis by report, and on a Service-wide basis by publication in the Engineers' Coordination Digest; provides direct assistance to regional and district offices, upon request; assists the Office of Chief Counsel and the Department of Justice in preparing and presenting cases in litigation, provides or secures expert witnesses in support of the Government's litigating position, and furnishes technical expertise in the negotiation of trial and pretrial settlements; prepares and presents material on professional and technical developments at engineering meetings, and upon request, in coordination with Compliance, develops and conducts training programs for engineers; prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments and to nonuniform treatment of issues; prepares and maintains an up-to-date Engineering Circular; and administers the activities of the

Art Advisory Panel embracing a Service-wide program for providing guidance and direct assistance to field offices in the disposition of income, estate and gift tax cases involving fine arts valuation.

1113.913 *Individual Income Tax Branch.* In matters involving the application of Federal income tax laws to noncorporate taxpayers (including partnerships, estates, and trusts), and with respect to the application of employment tax laws to both corporate and noncorporate taxpayers, and with respect to the taxes imposed on self-employment income, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue rulings, Revenue procedures, announcements and releases, and IR-manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews actions on decisions; provide advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and congressional committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program; coordinates with other technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the technical field conference program. This Branch also relates to certain qualified pension plans.

1113.914 *Reorganization Branch.* In matters involving the application of Federal income tax laws to exchanges and distributions in connection with corporate organizations, reorganizations, liquidations, and spin-offs, to stock dividends, redemptions, exchanges in obedience to Securities and Exchange Commission orders, to distributions pursuant to the Bank Holding Company Act, and to losses on small business stock, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue rulings, Revenue procedures, announcements and releases, and IR-manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews actions on decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and congressional committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program; coordinates with other technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the technical field conference program. This Branch also per-

forms the same functions with respect to determinations as to whether distribution, exchanges, or transfers referred to in IRC 306(b)(4), 355(a)(1)(D)(ii), 367, and 1492 are in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

1113.92 *Miscellaneous and Special Provisions Tax Division—Office of the Director.* Has primary responsibility for providing basic principles and rules for uniform interpretation and application of the Federal tax laws in those areas involving: Estate, gift, and certain excise taxes; organizations exempt from income tax under IRC 501; procedure and administration provisions of the Internal Revenue Code; matters requiring actuarial determinations; and the qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans, and the tax treatment of employees and their beneficiaries and deductions for employer contributions under such plans. In carrying out these responsibilities, the Division: Issues rulings to taxpayers and technical advice and general technical information to District Directors and Regional Commissioners; advises the Appellate and Audit Divisions of the Service's position on particular issues; issues opinion letters to sponsoring organizations on master and prototype pension, annuity, and profit-sharing plans; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases to be published for the guidance and information of taxpayers and Service personnel; drafts, or reviews, IR-Manual issuances to be published for the guidance of Service personnel; reviews or assists in preparing technical booklets, training materials, pamphlets, and other materials prepared for the guidance of taxpayers and Service personnel; conducts special studies of technical problem areas, including reappraisals of current rules and practices, with a view toward reducing controversy and promoting uniformity; reviews Actions on Decisions announcing the Commissioner's position on adverse decisions of the United States Tax Court, prior to publication in the Internal Revenue Bulletin; initiates recommendations and coordinates with the Office of the Chief Counsel in providing advice and assistance to that office, and to the Department of the Treasury and the Committees of Congress, on legislative and regulatory matters; coordinates with the Office of the Chief Counsel and the Department of Justice in providing advice and assistance in connection with matters in litigation; reviews newly proposed and amendatory regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program which disclose tax administrative problems, abuses, and inequities, as well as the views of field personnel as to the quality and effectiveness of regulations and tax return forms, the need for new or amendatory legislation or regulations, etc.; coordinates on matters of mutual concern with other Technical divisions, the Compliance organization, other offices of the Department of the Treasury, and other Government agencies; supplies the Audit Division with names or essential identifying characteristics of persons or organizations, and otherwise advises and assists the Audit Division in the selection of representative cases, involving issues on which Service position needs to be established, clarified, or otherwise developed; aids the Audit Division in developing the scope of and techniques needed in the examinations or investigations of such issues; supplies information for use by the Audit Division in programming, evaluating, and guiding audit operations throughout the Service; participates in the development of tax return forms

and instructions and reviews pertinent portions of public-use forms and instructions; invites outside professional groups and industry and trade associations to participate in conferences and to submit comments, briefs, and suggestions in connection with tax problems and matters involving Revenue Rulings or Revenue Procedures proposed for the solution of tax problems; conducts conferences in the regional offices to discuss major programs of the Technical organization, to present papers on particular substantive technical areas, to discuss and explore possible solutions to technical areas of concern to field offices, and to discuss other matters of mutual concern; and acts as competent authority in matters involving interpretation or application of tax treaties. This Division also performs the same functions with respect to determinations under IRC 170(b)(1)(A) in all situations involving a provision of Subchapter F of Chapter 1, Chapter 42, or section 6033 of the Code, and in any other situation bearing on the status of an organization as a private foundation. In tax matters dealing with actuarial questions: Provides or secures expert witnesses in support of the Government position in cases of litigation, and assists Government counsel in preparation and presentation of cases and in negotiations of settlements; and furnishes expert consulting assistance to other Service components, including the Office of the Chief Counsel, to the Department of the Treasury, and to other Federal and State government agencies. This Division also: Post-reviews field determination letters relating to the status of organizations under IRC 501, and relating to qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans under IRC 401 through 407; prepares and submits to the Audit Division special audit coordination digests calling attention to district determinations that do not conform to published Service positions on issues under IRC 401 through 407; on a certiorari basis, reviews and decides cases appealed by taxpayers to the National Office for reconsideration of determinations by District Directors under IRC 401 through 407; and provides the final level of appeal in the Service on proposals by District Directors to revoke the exempt status of organizations under IRC 501. The Director is responsible for and supervises the activities of six branches: Actuarial Branch; Administrative Provisions Branch; Estate and Gift Tax Branch; Excise Tax Branch; Exempt Organizations Branch; and Pension Trust Branch.

1113.921 *Actuarial Branch.* In matters involving the application of Federal tax laws in the actuarial area, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program; coordinates with other branches on matters of mutual concern; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; participates in the technical field conference program; and provides, or secures, expert witnesses in support of the Government position in cases in litigation involving pension plans, insurance, and other tax matters dealing with actuarial questions, and assists Government counsel in preparation and

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presentation of cases and in negotiations of settlements. This Branch also furnishes expert consulting assistance to other Service components (including the Office of the Chief Counsel), to the Department of the Treasury, and to other Federal and State government agencies on actuarial questions involved in: Valuation of life estates, remainder interests, contingent assurances, series of payments, and reversionary interests; tax treatment of pension, profit-sharing, stock bonus, annuity, life insurance, accident and health, and other benefit and compensation plans and contracts; deductions for amounts paid or accrued on indebtedness under insurance contracts; and taxation of life insurance companies.

**1113.922 Administrative Provisions Branch.** In matters involving the application of the procedure and administration provisions of the Internal Revenue Code, and similar provisions of related statutes, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and congressional committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program; coordinates with other technical branches and other offices of the Service on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the technical field conference program.

**1113.923 Estate and Gift Tax Branch.** In matters involving the application of Federal estate and gift laws, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and congressional committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program; coordinates with other technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; as requested, furnishes assistance in negotiations or renegotiations of estate and gift tax conventions with representatives of foreign countries; acts as competent authority in matters involving interpretation or application of tax treaties; and participates in the technical field conference program.

**1113.924 Excise Tax Branch.** In matters involving the application of Federal excise

tax laws other than those involving the interest equalization tax, excise taxes imposed by Chapter 42 on private foundations and certain related parties, and the alcohol, tobacco, and firearms taxes (but including the manufacturer's excise tax on firearms under IRC 4181 and 4182), this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and congressional committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program; coordinates with other technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the technical field conference program.

**1113.925 Exempt Organizations Branch.** In matters involving the exemption of organizations under IRC 501, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; maintains in current status a comprehensive Exempt Organizations Handbook; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and congressional committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program; postreviews field determination letters; coordinates with other technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions and reviews pertinent portions of public-use forms and instructions; participates in the technical field conference program; and provides the final level of appeal in the Service on proposals by District Directors to revoke the exempt status of organizations. This Branch also performs the same functions with respect to exempt organization matters involving: Feeder organizations; prohibited transactions; unreasonable accumulations, or misuse, of income; liability for tax on unrelated business taxable income; requirements for filing annual information returns and other reports; determination of status as a private foundation; determinations under IRC 170 (b) (1) (A) in all situations involving a provision of Subchapter F of Chapter 1, Chapter 42, or section 6033 of the Code, and in any other situation bearing on the status of an organization as a private foundation; termination of private foundation status; special rules prescribed in IRC 508 with respect to IRC 501(c) (3) organizations; excise

taxes imposed by Chapter 42 on private foundations and certain related parties, including questions arising under the savings provisions of section 101(1) of the Tax Reform Act of 1969; assessable penalties relating to private foundations; restrictions on examination of churches; determinations of status required under IRC 1504(e) for qualification of certain exempt organizations to file consolidated corporate returns.

**1113.926 Pension Trust Branch.** In matters involving the qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans and the tax treatment of employees and their beneficiaries and deductions for employer contributions under such plans, pursuant to IRC 401 through 407, this Branch: Issues rulings, technical advice, and general technical information; issues opinion letters to sponsoring organizations on master and prototype pension, annuity and profitsharing plans; drafts Revenue rulings, Revenue procedures, announcements and releases, and IR-manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews actions on decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and congressional committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the technical coordination program; coordinate with other technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; post-reviews field determination letters and, on a certiorari basis, reviews and decides cases appealed by taxpayers to the National Office for reconsideration of District Directors' determinations; prepares special audit coordination digests regarding conformance of field actions with established positions on stated issues; determines the applicability of the annuity treatment under IRC 72, the death benefit exclusion under IRC 101(b), and the sick pay exclusion under IRC 105(d), to distributions under qualified plans and exempt employees' trusts; Passes upon the tax treatment accorded deferred compensation under nonqualified plans; and participates in the technical field conference program. This Branch also performs the same functions with respect to pension trust matters involving: Exemption of employees' trusts under IRC 501; collateral matters involving the treatment of medical benefits for retired employees under qualified pension plans, the limitations and restrictions on self-employed persons participating in qualified plans, and the tax treatment of distributions to nonresident aliens; deductions by acquiring corporations for carryovers under IRC 381(c) (11) and (20); feeder organizations; prohibited transactions; liability for tax on unrelated business taxable income; and additional requirements and limitations under IRC 1379 with respect to plans that provide contributions or benefits for shareholder-employees of an electing small business corporation.

**1113.93 Technical Publications and Services Division—Office of the Director.** Has primary responsibility in Technical for functions related to: Tax return forms; other public-use forms and form letters; taxpayer publications; internal-use technical publications;

field liaison programs; Part XI of the manual, the Freedom of Information Act; technical and general correspondence; congressional liaison; research facilities and reference services; and control and maintenance of correspondence files and exempt organization application files. In carrying out these responsibilities, the Division: Conducts a program for the development, annually or as needed, of all Federal tax return forms and instructions (other than those relating to alcohol, tobacco, and firearms taxes); coordinates and assists in the work of the National Office Tax Forms Coordinating Committee in planning, reviewing, and approving tax return forms materials; assists the National Office Tax Forms Coordinating Committee by reviewing other public-use forms and form letters used by the Service; furnishes technical assistance to the Department of the Treasury and others on tax return matters; conducts a program for publication of the Internal Revenue Bulletin and related publications; conducts a program for preparation and publication of technical booklets, pamphlets, and other materials for the guidance of taxpayers, tax practitioners, and Service personnel; reviews tax guide material prepared by other Government agencies; reviews or drafts tax guide material for dissemination through newspapers, other periodicals, radio, and television; reviews tax law training material for classroom and correspondence instruction of Service personnel; drafts expository papers on major technical developments for the instruction of Service personnel; drafts digests of significant developments to keep Service personnel abreast of changes; promotes and coordinates the technical liaison program with regional and district offices involving the submission of field reports on administrative problems, tax abuses, tax inequities, the quality and effectiveness of tax return forms and instructions, and the need for new or amendatory regulations; conducts special surveys to obtain factual information from Service field offices on particular tax areas at the request of the Department of the Treasury or National Office components; coordinates the technical field conference program; coordinates the development and publication of material for Part XI of the Internal Revenue Manual; coordinates the activities of the technical organization under the Freedom of Information Act; coordinates technical's correspondence program; provides research facilities and reference services; and maintains, and processes requests for inspection of, exempt organization application files. The Director is responsible for and supervises the activities of three branches: Tax Forms Development Branch; Technical Publications Branch; and Technical Services Branch.

1113.931 *Tax Forms Development Branch.* Assists in conducting the Service's public-use forms and instructions, and form letters programs. In carrying out these responsibilities, this Branch: On annual basis, or when otherwise necessary, initiates, develops, and revises the technical content of all Federal tax return forms, instructions, schedules, et cetera, relating to income, employment, estate, gift, and excise taxes (other than those relating to alcohol, tobacco, and firearms taxes); provides the principal support and assistance to the National Office Tax Forms Coordinating Committee in planning, reviewing, and approving all tax return forms materials; provides the principal support and assistance to the National Office Tax Forms Coordinating Committee in its review and approval functions relating to other public-use forms and form letters; prepares replies to inquiries from Members of Congress, other Government agencies, professional groups, and the public on matters relating to the forms program; evaluates, and prepares replies to,

suggestions on matters relating to tax return forms and other public-use forms; prepares announcements and releases, and IR-Manual issuances, relating to tax return forms and other public-use forms; provides advice and assistance to other offices in the Service, the Department of the Treasury, and congressional committees in matters relating to tax return forms and instructions; and coordinates with other technical branches on matters of mutual concern.

1113.932 *Technical Publications Branch.* Conducts the publications programs of the Technical organization. In carrying out this responsibility, this Branch: Compiles material for publication in the weekly Internal Revenue Bulletin, which is the Commissioner's authoritative instrument for announcing official rulings and procedures of the Service and for publishing Treasury decisions, executive orders, tax conventions, legislation, court decisions, and other items of general interest; compiles all precedent material in the weekly Internal Revenue Bulletins for publication in semiannual Cumulative Bulletins; prepares digests of all substantive materials in the Bulletin for publication in the Index-Digest System, complete with topical indexes and finding lists, for research use by the public and Service personnel; compiles record retention requirements from regulations for publication in the FEDERAL REGISTER; drafts summaries of selected authoritative material for publication in Tax Briefs to keep Service personnel abreast of significant developments in Federal taxation; compiles the Service's Looseleaf Regulations System and drafts appropriate transmittals and filing instructions; compiles items to be published in the biennial Cumulative List of Exempt Organizations, its bimonthly supplements, and the announcements of current deletions in the Bulletin; initiates actions to preserve the standards and improve the effectiveness of the Bulletin system; drafts plain-language explanations of all Federal tax laws (other than those relating to alcohol, tobacco, and firearms taxes) for publication in booklets such as Your Federal Income Tax, Tax Guide for Small Business, Farmer's Tax Guide, and numerous pamphlets, to inform the public about the rights and duties of taxpayers; drafts plain-language instructional material for publication in the Understanding Taxes program; reviews material relating to Federal taxation in booklets and other issuances initiated by other Government agencies, and by others, when such cooperation is in the best interests of the Service; reviews for technical accuracy releases, articles, notices, and radio and television program materials, prepared for issuance by Public Information Division; drafts in-depth analyses and explanations of major developments in Federal taxation for publication in quarterly, annual, and special issues of the Review of Technical Developments, which are used to update the technical skills of Service personnel; participates in the drafting and reviewing of technical tax handbooks and guides for Service personnel and technical law text materials for use in Service training programs; drafts material for publication in Reports on Current Tax Literature to keep Service officials apprised about articles, comments, etc., published outside the Service regarding tax loopholes or inequities, and criticism of Service position; prepares Announcements and Releases, and IR-Manual issuances relating to the publications program; coordinates with other Technical branches, Chief Counsel, Audit Division, and others on matters of mutual concern; and coordinates with Publications Branch of Facilities Management Division and the Government Printing Office in the development of Production Control

Schedules, format design, proof processing, and other matters of mutual interest.

1113.933 *Technical Services Branch.* Issues general technical information letters, coordinates the overall correspondence program of the Technical organization, and provides support services for Technical. In carrying out these responsibilities, this Branch: Issues direct replies to all communications involving requests for information of a general technical or procedural nature, including a substantial portion of congressional inquiries directed to Technical; serves as liaison office and point of contact on all congressional office inquiries, oral or written, relating to matters under the jurisdiction of Technical; coordinates with other offices in Compliance, Chief Counsel, Data Processing, and Administration on correspondence crossing jurisdictional lines; keeps the Assistant Commissioner (Technical) informed regarding incoming communications involving sensitive or controversial matters; coordinates the Technical Field Conference program whereby teams of specialists in the various tax areas and representatives of the Chief Counsel's office and the Audit Division meet with field officials in district offices to discuss technical matters of mutual interest or concern; coordinates the preparation and clearance of material for Part XI of the Internal Revenue Manual; coordinates actions for the Technical organization on matters involving the Freedom of Information Act; maintains a technical reference library and provides research assistance and reference services for personnel of the Technical organization and other offices in the National Office; corresponds with field offices to supply or request needed information on current or prior matters; analyzes, acknowledges receipt, and directs the flow of all incoming correspondence, including requests for rulings and technical advice, general technical inquiries, reports submitted by Service field offices under the technical coordination program, etc., to the appropriate Technical divisions or branches; and processes, maintains, and services all closed correspondence files and related records for the Technical organization. This Branch also maintains and services exempt organization application files that are open to public inspection, processes requests for inspection thereof, and screens such files to delete certain materials that are exempt from public inspection.

1113.10 OFFICE OF ASSISTANT COMMISSIONER (STABILIZATION)

The Assistant Commissioner (Stabilization) is the principal assistant to the Commissioner in administering the Stabilization program of the Internal Revenue Service which includes interpreting, implementing, monitoring, and enforcing the stabilization of prices, rents, wages, and salaries pursuant to the coverage, classifications, and implementation procedures established by the Cost of Living Council, Price Commission, and Pay Board. Such functions include, but are not limited to: operation and maintenance of local service and compliance centers established in support of the economic stabilization program; dissemination of information and guidance to the public; receiving, analyzing, and responding to inquiries relating to the application of regulations and other guidance issued by the Council, Commission, or Board, and the establishment and operation of an appeal procedure; receiving, analyzing, investigating, and preparing and forwarding recommendations upon applications for exceptions and exemptions from coverage, classifications, and the implementation procedures to the Council,

Commission, or Board, for decision; conducting monitoring investigations as to the effectiveness of the stabilization program; receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations and recommending enforcement action to the Council, Commission, or Board, where necessary; making factual determinations on behalf of the Council, Commission, or Board; and maintaining adequate records and the making of periodic reports to the Council, Commission, or Board. The Assistant Commissioner (Stabilization) coordinates with the Director, Stabilization Division, Office of the Chief Counsel, and is responsible for and supervises the activities of the Administrative Office, the Liaison Staff, the Technical Programs Division, the Service and Compliance Division and the Program Analysis Division.

1113.(10)1 *Administrative Office.* Plans, organizes, coordinates, and directs the administrative management activities of the Office of Assistant Commissioner (Stabilization) at the National level, assisting and collaborating with Division Directors in providing personnel, space management, duplication, supply, and other administrative services.

1113.(10)2 *Liaison Staff.* Maintains liaison with the Cost of Living Council, the Price Commission, and the Pay Board on substantive matters pertaining to the economic stabilization service and compliance administration programs of the Internal Revenue Service, represents the Assistant Commissioner (Stabilization) in such contacts, and coordinates the exchange of information between the Service and the Council, Commission, and Board.

1113.(10)3 *Technical Programs Division.* Develops and exercises functional supervision over nationwide programs of the Service relating to the administration of the economic stabilization program which involve interpretations, exceptions and exemptions, appeals from adverse IRS actions, pay challenges, and technical publications. The Division reviews proposed regulations and rulings, furnishes interpretative support to the other organizational components of the Assistant Commissioner (Stabilization), prepares and issues technical forms and publications, maintains liaison with government and nongovernment organizations, assists field offices, and insures uniformity and consistency of decisions by field offices on appeals, challenges, exceptions, exemptions and interpretations. The Director is responsible for and supervises the activities of four branches: Exceptions and Exemptions Branch; Interpretations and Liaison Branch; Management and Appeals Branch; and Publications and Guidance Materials Branch.

1113.(10)31 *Exceptions and Exemptions Branch.* In matters involving exceptions or exemptions relating to the administration of the economic stabilization program, this Branch exercises program management responsibility for procedures used by field offices; establishes review procedures relating to the disposition of exception and exemption applications; postreviews field disposition of exception and exemption actions to insure uniformity and consistency of decisions; provides technical assistance to field offices; reviews files and recommendations received from district offices for transmittal to the Cost of Living Council, the Pay Board, and the Price Commission, recommends appropriate action, and transmits files to the policymaking bodies or to the district offices; reviews policy-body dispositions of cases in order to discern trends and precedents; publishes a digest of approved cases; prepares reports, indicating problem areas of nationwide concern, for consideration by the

Cost of Living Council, the Pay Board, and the Price Commission; identifies the need for, and recommends, delegations of authority to the Internal Revenue Service; develops procedures, forms, form letters, and pattern letters; establishes a working relationship with subject matter counterparts at the Pay Board, the Price Commission, and the Cost of Living Council; performs necessary action in response to field comments which are relevant to Branch program responsibilities; conducts special studies and projects; and maintains adequate records.

1113.(10)32 *Interpretations and Liaison Branch.* In matters involving interpretative and liaison aspects of administering the economic stabilization program, this Branch exercises program management responsibility for procedures used by field offices; reviews, for administrative feasibility and adequacy, drafts of regulations prepared by the Chief Counsel, the Cost of Living Council, the Pay Board, and the Price Commission; assists in issuing interpretations; provides interpretative assistance to other organizational components of the Assistant Commissioner (Stabilization); reviews documents containing interpretative material (Questions and Answers, documents, news releases, and other publications) to insure technical accuracy; reviews field decisions to insure technical accuracy, uniformity, and consistency; functions as technical-interpretive adviser for all components of the Service on economic stabilization disclosure matters; provides instructors and assists in the development of training materials for stabilization related courses; develops technical materials for internal use; submits technical material for inclusion in the Stabilization Program Guidelines (SPG) Service; performs necessary action in response to field comments which are relevant to Branch program responsibilities; coordinates Division actions in response to field comments which are relevant to program responsibilities; establishes cooperative program relations with Federal, State, local and foreign governments and agencies; establishes cooperative program relations with national, business, labor, professional, consumer and other groups; promotes and conducts institutes and conferences, and provides coordination for conferences which require the IRS participation and which are held by the Pay Board or Price Commission; cooperates with the Public Affairs Division in the assignment of public speakers; aids national associations in the preparation and review of membership bulletins on stabilization matters; represents the Assistant Commissioner (Stabilization) at meetings of the economic stabilization advisory bodies; responds to congressional inquiries as well as inquiries from State and local governments and other government agencies, national business, labor, professional and consumer groups; responds to inquiries referred from the Cost of Living Council, Pay Board, and Price Commission; performs other public and liaison activities as required; conducts special studies and projects; and maintains adequate records.

1113.(10)33 *Management and Appeals Branch.* In matters involving appeals from adverse IRS actions and pay challenges relating to the administration of the economic stabilization program, this Branch exercises program management responsibility for procedures used by field offices; develops procedures relating to appeals and challenges; provides continuing technical assistance to field offices; reviews files and recommendations received from district offices for transmittal to the Cost of Living Council, the Pay Board, and the Price Commission, recommends appropriate action, and transmits files to the policymaking bodies or to the district offices; postreviews field disposition of appeals

and challenges to insure uniformity and consistency of decisions; reviews policy-body dispositions of cases in order to discern trends and precedents; publishes a digest of approved cases; and performs necessary action in response to field comments which are relevant to Branch program responsibilities. This Branch also assists other branches of the Division in the evaluation of nationwide programs within the functional jurisdiction of the Division; conducts a program of visits to field offices to make on-site reviews of operations, to make recommendations, and to render assistance; coordinates Division response to Internal Audit findings of deficiencies in field operations; coordinates, with other divisions and functions, feedback regarding the effectiveness of Division programs; coordinates Division reporting requirements including statistical and narrative reports, regional visitation reports, and other special reports, as necessary; acts as a management staff in the performance of personnel, budget, training, and other administrative functions for the Division; conducts special studies and projects; and maintains adequate records.

1113.(10)34 *Publications and Guidance Materials Branch.* In matters involving publications and guidance material relating to the Economic Stabilization program, this Branch develops procedures relating to program responsibilities for field and National Office use; determines the content, directs the compilation, and reviews the authoritative Stabilization Program Guidelines (SPG) Service, the cumulative nationwide ESP technical guidance system; coordinates interpretative and explanatory material for inclusion in the SPG; develops plain-language publications from regulations, rulings, and other substantive material in order to inform Service employees and the public of substantive and procedural matters; develops publications at the request of policymaking bodies; acquires and disseminates general internal program information to employees and field offices; coordinates the preparation and clearance of material for Part XII of the IRM; provides information for, and assists in the preparation of, internal training materials; provides technical on-the-job training aides and materials; prepares and coordinates external public education material; provides technical and editorial support and assistance in planning, reviewing, and coordinating public-use forms and form letters; reviews for administrative feasibility, consistency, and adequacy, all public-use forms and form letters developed by the Cost of Living Council, Pay Board and Price Commission and coordinates or prepares related instructions for use by Service officials; coordinates and assists in developing internal-use forms and form letters; serves as a research and reference center for ESP information; performs necessary action in response to field comments which are relevant to Branch program responsibilities; conducts special studies and projects; and maintains adequate records.

1113.(10)4 *Service and Compliance Division.* Develops and exercises functional supervision of nationwide programs of the Service concerning the economic stabilization compliance and public service administration which involves responding to inquiries on substantive matters; investigating complaints of violations; conducting compliance monitoring; conducting factfinding investigations requested by the Council, Commission, and Board; providing for, and supervising, a program to assure quality of operations and consistency in handling inquiries, investigations, and compliance monitoring. The Director is responsible for and supervises the activities of two branches: Service Programs Branch; and Compliance Programs Branch.

1113.(10)41 *Service Programs Branch.* In matters involving programs of service to the public, this Branch: Exercises functional responsibility for public service programs including, but not limited to, walk-in and telephone requests for service or assistance, written inquiries and other requests of a service nature performed in the District; assists and guides the field in implementing, monitoring, and evaluating the programs, including the establishment of procedures; maintains continuing liaison with the Technical Programs and Program Analysis Divisions and the Public Affairs Division in order to insure coordinated, effective public service programs; assists the Technical Programs Division in determining the need for and providing publications and documents; and coordinates activities of the local service and compliance centers with the Taxpayer Service Division of the Office of the Assistant Commissioner (ACTS). This branch operates the Correspondence Unit which serves as the National Office clearing and routing point for all public correspondence relating to Stabilization matters; answers sensitive correspondence; analyzes on a selected basis the nature of correspondence being received and makes these analyses available to management officials; and maintains adequate records.

1113.(10)42 *Compliance Programs Branch.* In matters involving compliance administration, this branch: formulates programs concerning compliance such as investigation of citizen complaints of noncompliance by firms and individuals, and followup to insure continued compliance; makes random investigations to ascertain compliance; and conducts factfinding investigations for Council, Commission, and Board. This Branch provides assistance and guidance in implementing, monitoring, and evaluating these programs and prepares necessary procedures; drafts procedures for cases involving enforcement action; coordinates activities with other Stabilization organizational elements and with other Assistant Commissioners; coordinates compliance investigations which are of nationwide significance or involve several districts; provides guidance to certain districts which have operational responsibility for conducting such investigations; and maintains adequate records.

1113.(10)45 *Program Analysis Division.* Reviews and analyzes the results of all programs pertaining to Internal Revenue Service's responsibilities under the Economic Stabilization program; furnishes advice, information, and recommendations concerning these programs and program management to the Assistant Commissioner (Stabilization); assist the Operations Division of the Cost of Living Council in planning and conducting on-site review of Service operations within the Council's jurisdiction; develops and administers a program to provide managerial and operating reports which are integral parts of the overall management information and reporting system; has the responsibility in Stabilization for the telecommunications center and conducts special studies. This division is responsible for the development of a Service-wide Stabilization budget and manpower plan, including Planning-Programming-Budgeting System submissions, and for reviewing the Operating Financial Plan; serves as the focal point for field liaison and coordination on non-technical matters. The Director is responsible for and supervises the activities of three branches: Program Planning Branch; Resources and Evaluation Branch; and Program Information Branch.

1113.(10)51 *Program Planning Branch.* In matters involving the analysis and review of all programs pertaining to the economic stabilization service and compliance administration program, this branch: Furnishes advice, information, and recommendations

concerning these programs to the other Economic Stabilization program Divisions and to the Assistant Commissioner (Stabilization); in cooperation with other divisions of Stabilization, designs and promulgates to field activities guidelines which will define the parameters within which the Economic Stabilization program will operate; conducts special studies and engages in special projects, generally inter-functional in scope, as the request of the Assistant Commissioner (Stabilization) or the Stabilization Division Directors; and maintains adequate records.

1113.(10)52 *Resources and Evaluation Branch.* In matters involving field resources, this Branch: Develops and monitors field work planning and control procedures, prepares financial plans for National Office activities of Stabilization, and recommends allocation of field activity budget estimates; develops a costing system that assesses the resources impact of proposed changes to the Stabilization program; prepares and updates the Planning-Programming-Budgeting System submission for Stabilization (including the program planning assumptions, Program and Financial Plan, and the program memorandum); and develops region and district organization and staffing guidelines. This Branch maintains field liaison with activities of the Service's Stabilization program to insure that the field problems and concerns receive immediate attention in the National Office. It utilizes statistical indicators and on-site reviews to evaluate the quality, timeliness, and economy of the total program. Serves as the focal point for the Assistant Commissioner (Stabilization) in the National Office Review Program; and maintains adequate records.

1113.(10)53 *Program Information Branch.* In matters involving reports, data analysis, information systems and the telecommunications center, the following services are provided by the branch: Designs, develops, installs, monitors, and evaluates reporting systems for internal needs as required by the Assistant Commissioner (Stabilization); consults and participates in the design and development of other stabilization information systems, e.g., research data systems, rulings retrieval systems, etc.; answers requests for specific data about the stabilization program; provides statistical and analytical services to all elements of the stabilization program; prepares one-time and/or sample-based data collections to service needs for data that are not recurring; prepares all reporting procedures; makes systematic changes when necessary because of changing data requirements; coordinates with other stabilization areas in identifying new data requirements; develops reports formats and specifications; provides the telecommunications facilities and system for the nationwide transmission and receipt of facsimile messages for the economic stabilization program; and maintain adequate records.

#### 1113.(11) OFFICE OF THE CHIEF COUNSEL

The Chief Counsel, an Assistant General Counsel of the Treasury Department, serves as a member of the Commissioner's executive staff and as counsel and legal officer to the Commissioner on all matters pertaining to the administration and enforcement of the internal revenue laws and related statutes, and on all legal matters pertaining to the Service's economic stabilization activities. The key officials under his supervision are: Deputy Chief Counsel, Associate Chief Counsel (Litigation), Associate Chief Counsel (Technical), Staff Assistants, Technical Advisors, Special Assistants, Director of the Operations and Planning Division, Director of the Stabilization Division, and Regional Counsel.

1113.(11)1 *Deputy Chief Counsel.* The Deputy Chief Counsel acts for and represents

the Chief Counsel in the development of policies governing the Office of the Chief Counsel, and assists the Chief Counsel in the formulation of tax litigation policy and the interpretation and development of the internal revenue laws.

1113.(11)2 *Associate Chief Counsel (Litigation).* Plans, directs, coordinates and controls the policies and programs pertaining to Tax Court Litigation; Enforcement; General Litigation; and Refund Litigation work.

1113.(11)21 *Tax Court Litigation Division.* The Tax Court Litigation Division develops policies, programs, and procedures relating to the disposition of tax cases pending in the U.S. Tax Court; supervises and coordinates the defense and settlement and the processing and handling of such cases, including preparation of pleadings, recomputations and other documents filed with the Tax Court together with hearings thereon to assure uniform treatment; coordinates and reviews Tax Court matters prepared in the Regional Offices; including the rendering of technical advice to the field offices, the approval of Chief Counsel's Decisions, the review of briefs to be filed with the Tax Court and recommendations of field offices for acquiescence or nonacquiescence in adverse Tax Court decisions; prepares recommendations to the Department of Justice for the Commissioner's appeals to the Courts of Appeals and prepares petitions and records on review in such cases; makes recommendations to that Department regarding offers in compromise or settlement and prepares recommendations for or against filing petitions for writs of certiorari to the Supreme Court in such cases. It supervises the preparation and trial of cases assigned to, and handled by, attorneys in the Trial Branch.

1113.(11)22 *Enforcement Division.* The Enforcement Division handles and prepares for final decision those criminal tax cases referred to the Chief Counsel by Regional Counsel or by the National Office. It considers cases in which the Regional Commissioner and the Director of the Intelligence Division of the Office of the Assistant Commissioner (Compliance) do not concur in recommendations of Regional Counsel involving prosecution. The Division prepares acquiescence memorandums or protest letters on decisions by the Department of Justice or U.S. Attorneys against prosecution and recommendations to the Department of Justice respecting appeals of court decisions in criminal tax cases. It also prepares law opinions in cases involving penalties or other legal questions with respect to criminal cases or investigations or with respect to the disclosure of information. The Division coordinates with the Department of Justice or interested branches of the Service any questions involving investigations or actions respecting the civil aspects of pending criminal cases.

1113.(11)23 *General Litigation Division.* The General Litigation Division supervises and coordinates legal work of Regional Counsel on collection litigation matters. It reviews certain offers in compromise (except those concerning alcohol, tobacco, and firearms taxes). It prepares advisory opinions on collection litigation matters. The Division prepares and reviews recommendations to the Department of Justice concerning certiorari, appeal and petition for review in relation to all collection litigation cases. It handles certain legal work for the Director of International Operations. The General Litigation Division prepares and reviews recommendations to the Department of Justice concerning the defense injunction actions to restrain the assessment or collection of federal taxes; offers in settlement; the waiver or release of a right to redeem under 28 U.S.C. 2410; and suits for the civil enforcement of summonses. Similarly, the Division considers

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recommendations that the Commissioner authorize or sanction affirmative action in insolvency cases (including descendants' estate proceedings), suits for foreclosure of mortgages or other liens and suits to quiet title where the United States is named as a party defendant, cases involving appointment of a receiver in aid of foreclosure of Federal tax liens, and suits for the collection of taxes.

1113.(11)24 *Refund Litigation Division.* The Refund Litigation Division performs all necessary legal service on behalf of the Internal Revenue Service in connection with taxpayers' suits for refund of taxes (except alcohol and tobacco taxes). It determines and coordinates the legal position of the Service in such suits and incorporates such determinations in recommendations to the Department of Justice with respect to the defense of such suits, the acceptance or rejection of settlement proposals and appeals and petitions for certiorari from adverse court decisions. The Division performs all necessary legal services on behalf of the Service in connection with all civil litigation affecting the Service and not within the responsibility of any other Division.

1113.(11)25 *Associate Chief Counsel (Technical).* Plans, directs, coordinates and controls the policies and programs pertaining to Legislation and Regulations, and Interpretative work.

1113.(11)26 *Legislation and Regulations Division.* The Legislation and Regulations Division has the basic responsibility for representing the Internal Revenue Service in connection with legislation affecting the various internal revenue taxes and for the preparation of regulations required to be issued in connection with those taxes, except for taxes relating to alcohol, tobacco, and certain firearms. In discharging this responsibility, the Division: Participates in the development and drafting of new and amendatory internal revenue legislation and in connection therewith furnishes required technical assistance; prepares new and revised regulations; prepares reports on private and public bills; prepares news and information released relating to regulations; prepares responses to correspondence concerning legislation and regulations from the Congress and the public; and, in developing regulations, arranges and conducts public hearings and meetings with taxpayers and their representatives and with professional and industry groups. The Division prepares Executive orders and related papers authorizing the inspection of tax returns, and reviews and prepares amendments to the Statement of Procedural Rules. The Division represents the Internal Revenue Service with respect to the negotiation and drafting of tax treaties with foreign countries and the preparation of the necessary implementing regulations.

1113.(11)27 *Interpretative Division.* The Interpretative Division reviews as to form and legality interpretations of internal revenue statutes and regulations and other law and legal materials bearing upon the administration of the Internal Revenue Service except those relating to alcohol, tobacco, and firearms matters; criminal tax investigations and prosecutions; lien and collection matters, including those involving bankruptcies, receiverships and other insolvencies; administrative matters; disclosure matters; and summons enforcement matters. The Division prepares formal opinions of the Chief Counsel in assisting him in carrying out his functions as legal advisor to the Commissioner in the technical area. The Division is also responsible for the legal review of closing agreements.

1113.(11)28 *Operations and Planning Division.* Operations and Planning Division is responsible for all law work in the Internal Revenue Service other than substantive tax

law work; at the direction of the Chief Counsel performs special assignments of a technical nature in substantive tax law. The Division serves as the principal legal advisor to the Assistant Commissioner (Administration), the Assistant Commissioner (Accounts, Collection, and Taxpayer Service) and the Assistant Commissioner (Inspection). The Division is responsible for the supervision and coordination of all legal management work of the Chief Counsel's Office (National Office and all field offices); establishes and maintains appropriate standards of professional competence by members of the legal staff of the Office and evaluates their legal competence; analyzes the workload of the Office, and determines the distribution of personnel available to handle the workload. The Division is responsible for the general supervision of all matters relating to administration and management in the Office of the Chief Counsel. Reviews and prepares for action enrolement and disbarment cases referred to the Chief Counsel by the Director of Practice, and represents the latter in the trial of cases before Hearing Examiners.

1113.(11)29 *Stabilization Division.* Within the framework of the new Economic Stabilization Program established by Executive Order No. 11627, the Director, Stabilization Division, under the general supervision of the Chief Counsel for the Internal Revenue Service, manages and coordinates a regulations and rulings development and perfection function in support of the Pay Board and Price Commission; and, in addition, serves as the principal legal advisor to the Assistant Commissioner (Stabilization) and his staff, and provides functional advice to the Regional Counsel and Assistant Regional Counsel (Stabilization) in providing interpretative advice and guidance, and handling certain appeal and litigation assistance functions in support of Internal Revenue Service and other Government personnel charged with responsibility for administering the Economic Stabilization program. In managing these functions the Director will supervise the components of the Stabilization Division.

## 1114 OFFICE OF REGIONAL COMMISSIONER

## 1114.1 MISSION

The mission of the Office of Regional Commissioner is to execute the broad nationwide policies and programs for the administration of the internal revenue laws, to carry out appellate programs at the regional level, and direct and coordinate the functions and activities of the District Offices within the region.

## 1114.2 BASIC ORGANIZATION

The principal organization components of the typical Office of the Regional Commissioner are the immediate Office of the Regional Commissioner, the Administration Division, the Appellate Division, the Audit Division, the Accounts, Collection, and Taxpayer Service Division, the Intelligence Division, and the Stabilization Division. An Assistant Regional Commissioner heads each division.

## 1114.3 REGIONAL COMMISSIONER

The Regional Commissioner administers within an assigned regional area the accounts, collection, and taxpayer service; audit; intelligence; Appellate; economic stabilization; and administration programs of the Internal Revenue Service. He carries out Service policies and programs in conformity with delegations of authority and, in this connection, establishes regional standards and programs to assure proper and effective implementation of Service-wide policies and programs within his region. The

Regional Commissioner supervises and coordinates the work of the staff of the Regional Office and the District Directors within his region to assure that work is processed in an orderly and timely manner, and that proper and equitable emphasis is placed and directed toward the accomplishment of current program objectives. As the principal field official, he evaluates the effectiveness of Service policies and programs, and advises the National Office as to the need for revising such policies and programs to bring about improved operations or service.

## 1114.4 ASSISTANT REGIONAL COMMISSIONER (ADMINISTRATION)

The Assistant Regional Commissioner (Administration) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the administration activities of the Service under the jurisdiction of the Regional Commissioner to insure that administration policies and programs are properly executed. In conformity with administration policies, and programs established by the National Office, he develops regional standards and other measures necessary to implement most effectively the administration program of the Service which includes budget and fiscal management, personnel administration, training, public information, property and records management, use of facilities, printing and reproduction, and reports management. He also coordinates organization planning and advises and makes recommendations to the Regional Commissioner thereon; and furnishes guidance for and coordinates management programs. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional administration programs and recommends improvements and adjustments therein needed to bring about and sustain a high level of performance in administration activities within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of administration policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base administration policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating administration operations. Within the limits of his delegated authority, he provides the Regional Counsel and Regional Inspector with such administrative services as they may require in the performance of their duties. He is responsible for and supervises the activities of four branches: Facilities Management Branch, Fiscal Management Branch, Personnel Branch, and Training and Development Branch.

1114.41 *Facilities Management Branch.* The Facilities Management Branch coordinates, evaluates and carries out regionwide programs for providing essential support activities designed to increase the effectiveness of the region, reduce its operating costs and improve taxpayer relations. Develops, within the broad guidelines established by the National Office, standards and procedures for such matters as the management of paper-work; space; property and supply; procurement and contracts; production, storage, and distribution of forms and publications initiated within the region and distribution and requirements of National Office forms and publications; emergency planning for civil defense; fire and safety, document and property security; and processes all claims arising within the region under the Federal Tort Claims Act.

1114.42 *Fiscal Management Branch.* The Fiscal Management Branch performs, coordinates and evaluates budgeting, administrative accounting and financial reporting (other than for revenue collections) for the region, including the preparation of the financial plan within overall budget limitations, submission of budget data, allotment of funds, maintenance of accounts, and examination of vouchers. This branch participates in long-range planning involving expenditures for personnel, equipment, administrative services, space and similar items.

1114.43 *Personnel Branch.* The Personnel Branch develops and evaluates the regional personnel program and standards relating to recruitment and selection, employee relations, disciplinary actions, performance, evaluation, promotions, in-service placements, incentive awards, records, reports and other aspects of a complete personnel program, within the framework of Service policies, programs and procedures established by the National Office, and conducts the personnel program for the Regional Office. It conducts the position classification program for the region. The Branch represents the region in contacts with employee groups and the Regional Directors of the Civil Service Commission.

1114.44 *Training and Development Branch.* The Training and Development Branch is responsible for the administration, conduct, and evaluation of all the region's Service-wide courses and for providing functional guidance, support, and coordination to local training. These programs include initial orientation, technical training, instructor training, supervisory and managerial training, career development programs, on-the-job and refresher training, and taxpayer education programs. The Branch is responsible for the regional organizational development program, the planned, systematic approach to equipping Service managers to anticipate, identify, and, through the use of tested techniques such as "team building," overcome the obstacles to effective organizational operation. The Branch is also responsible for the operation of the Regional Training Center(s). Where the Center is not in the proximity of the Regional Office site, a Training Center Officer, under the direction of the Regional Training Officer, supervises its day-to-day operation. The Branch also provides training assistance to State and local government agencies.

**1114.5 ASSISTANT REGIONAL COMMISSIONER (APPELLATE)**

The Assistant Regional Commissioner (Appellate) acts as the principal assistant to the Regional Commissioner in planning, directing, coordinating and evaluating the appellate activities of the Service under the jurisdiction of the Regional Commissioner within the framework of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for a program of hearing and undertaking final settlement of taxpayers' appeals from determinations of tax liability made by District Directors within the region, involving income, profits, estate, gift, and employment taxes, and excise taxes except those imposed on alcohol, wagering, narcotics, firearms, and tobacco; and for a program of hearing and, with concurrence of Regional Counsel, undertaking final settlement of certain cases docketed in the U.S. Tax Court. His program includes preparing reports to the Joint Committee on Internal Revenue Taxation in Appellate cases involving overpayments in excess of \$100,000, and hearing administrative appeals in offer in compromise cases. In the foregoing programs, he represents the Regional Commissioner and exercises author-

ity under delegation of authority from the Commissioner of Internal Revenue. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of appellate policies, programs, procedures, and standards in terms of regional requirements, provides reports and factual information upon which the National Office can base appellate policy and program considerations, and recommends action with respect to problems encountered in Appellate operations. He supervises the activities of all Appellate branch offices in the region.

1114.51 *Appellate Branch Offices.* The basic settlement work of the Appellate Division is performed in branch offices of the Division which are headed by Chiefs who report to the Assistant Regional Commissioner (Appellate). The branch offices hold conferences and make final determinations, within the limits of their delegated authority, on cases involving income, profits, estate, gift, and employment taxes and excise taxes, except those imposed on alcohol, wagering, narcotics, firearms, and tobacco, in which taxpayers have requested Appellate consideration. The branch offices prepare reports to the Joint Committee on Internal Revenue Taxation in protested and petitioned cases which involve overpayments in excess of \$100,000, and also consider protested offers in compromise. Branch offices, under delegated authority, enter into closing agreements under IRC 7121 in cases under their jurisdiction.

**1114.6 ASSISTANT REGIONAL COMMISSIONER (AUDIT)**

The Assistant Regional Commissioner (Audit) acts as the principal assistant to the Regional Commissioner in planning, coordinating, and evaluating the audit activities of the Service under the jurisdiction of the Regional Commissioner to insure that policies and programs are properly executed, that audit work is processed in an orderly and timely manner, that equal emphasis is placed and uniform effort directed toward the accomplishment of the current audit program objectives, and that required standards for audit uniformity are being maintained. In conformity with audit policies, and programs established by the National Office, he develops regional programs, standards, and other measures necessary to implement most effectively the audit program of the Service which includes the selection of returns for audit, their examination and investigation, the determination of tax liabilities and penalties where applicable, a regional review of selected district office cases and the administrative disposition of offers in compromise by district Audit Divisions. He provides the Regional Commissioner with results of evaluation and other information upon which to base his administration of the regional audit program and recommends improvements and adjustments in audit operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating audit operations.

**1114.7 ASSISTANT REGIONAL COMMISSIONER (ACCOUNTS, COLLECTION, AND TAXPAYER SERVICE)**

The Assistant Regional Commissioner (Accounts, Collection, and Taxpayer Service) acts as the principal assistant to the Re-

gional Commissioner in planning, coordinating and evaluating the returns processing (except wagering, alcohol, and tobacco tax, and firearms returns and applications), data processing, revenue accounting, collecting of delinquent accounts, securing delinquent returns, and taxpayer service activities under the jurisdiction of the Regional Commissioner to insure that the policies and programs established by the National Office are timely and properly executed and that equal emphasis is placed and uniform effort directed toward the accomplishment of the accounts, collection and taxpayer service program objectives. He exercises line supervision over those activities at the Regional Office and functional supervision over related activities in the Service Center(s) and District Offices within the region. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of these programs and recommends improvements and adjustments needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner, he serves as the primary source of information to the National Office as to the effectiveness of the accounts, collection and taxpayer service policies, programs, procedures and standards in terms of factual information upon which the National Office can base accounts, collection and taxpayer service policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating these activities.

**1114.8 ASSISTANT REGIONAL COMMISSIONER (INTELLIGENCE)**

The Assistant Regional Commissioner (Intelligence) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the intelligence activities of the Service under the jurisdiction of the Regional Commissioner to ensure that policies and programs are properly executed, and that the intelligence work is processed in an orderly and timely manner. In conformity with intelligence policies and programs, established by the National Office, he develops regional programs, standards and other measures necessary to implement most effectively the intelligence program of the Service which includes the investigation of alleged tax fraud, certain other civil and alleged criminal violations of tax laws (except alcohol, tobacco, and certain firearms tax cases), and such other special investigations as the Commissioner may direct. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional intelligence program and recommends improvements and adjustments in the intelligence operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of intelligence policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base intelligence policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating intelligence operations.

1114.81 *Management and Evaluation Staff.* Exercises primary responsibility for the adequacy of district program content and effectiveness of management of Service resources in each district; evaluates costs and benefits of achieving program objectives; develops and maintains statistical indicators of management effectiveness; identifies required changes in program operations through program reviews in districts and assists in redirecting needed emphases in program goals

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and operations; assists districts in evaluation of personnel; conducts workload analyses to determine proper balance of staffing and other resource requirements; evaluates case selection and management methods together with quality control practices; analyzes effectiveness of publicity concerning Intelligence matters; maintains mutually productive working relationships with members of the National Office, Service Center, and other offices regarding potential fraud situations; communicates information on all significant program and management developments; prepares narrative reports; and works on special projects and assignments.

**1114.82 Operations and Technical Assistance Staff.** Responsible for all general and special enforcement operational activities consisting of broad impact programs and objectives directed toward criminal violations of tax laws. Provides advice and assistance to district officials in the overall planning and execution of district Intelligence investigative programs, including determination of priorities and resource requirements; coordinates program operations with representatives of other IRS organizational segments and Department of Justice; evaluates and disseminates information and data to the districts, received from the National Office or other governmental agencies etc., relating to known or potential subjects of Intelligence enforcement efforts; identifies sensitive and significant situations; prepares reports on significant matters to be brought to the attention of the Regional Commissioner or National Office; coordinates special investigations, case development efforts and projects which involve two or more districts; assists districts in establishing and perfecting control practices and procedures with Service Centers and advising district officials regarding the application of data processing techniques to investigative problems. Provides technical guidance on case matters; conducts post review programs in each district; analyzes supplemental requests and Criminal Action Memorandums; identifies technical training needs and participates in development of training programs; conducts refresher training programs and participates in fraud training programs; coordinates case matters with Counsel and Department of Justice; prepares protests on CAM actions; provides technical advice on complex case matters; develops new procedures and investigative approaches; makes annual evaluations of case inventories; reviews cases closed for insufficient resources; identifies indicators of potential case management selection weaknesses; critiques investigations in terms of case selection standards and investigative quality; assists districts in evaluating fraud referral program effectiveness and improving quality of investigations and reports.

**1114.9 ASSISTANT REGIONAL COMMISSIONER (STABILIZATION)**

The Assistant Regional Commissioner (Stabilization) acts as the principal assistant to the Regional Commissioner in planning, directing, coordinating, and evaluating the stabilization activities under the jurisdiction of the Regional Commissioner within the framework of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for developing programs, standards, and other measures necessary to implement most effectively the stabilization program of the Service which includes responding to inquiries, investigating allegations of price-rent-wage-salary violations, conducting monitoring investigations, hearing appeals, processing requests for exceptions and exemptions, and providing information about the Economic Stabilization Program.

**1115 OFFICE OF REGIONAL INSPECTOR**

There are seven Regional Inspectors, one in each internal revenue region. The Regional Inspector, who operates under the direct supervision of the Assistant Commissioner (Inspection), is responsible for the conduct throughout the region of both the internal audit and internal security programs.

**1115.1 ASSISTANT REGIONAL INSPECTOR (INTERNAL AUDIT)**

Under the supervision of the Regional Inspector, the Assistant Regional Inspector (Internal Audit) is responsible for the conduct of the internal audit program throughout the region. The internal audit, which includes verification of financial transactions and analyses of operating practices and procedures, serves as the basis for informing appropriate officials of the manner in which operations are being carried out and responsibilities are being discharged as a basis for necessary changes in policies, practices, and procedures.

**1115.2 ASSISTANT REGIONAL INSPECTOR (INTERNAL SECURITY)**

The Assistant Regional Inspector (Internal Security) is responsible for the conduct of the Internal Security program throughout the region. The program, which provides a factual basis for conclusions by management, the Department of Justice or other authority for making decisions, includes personnel background investigations, investigations of complaints and allegations of misconduct or irregularities concerning Service employees and actions of non-Service persons that may affect the integrity of the Service or safety of Service employees, including attempts to bribe or otherwise corrupt Service personnel; this authority includes investigation of attempts to interfere with administration of Internal Revenue laws through threats, assaults or forcible interference and also the unauthorized disclosure of Federal tax information. The program also includes background investigations of certain applicants for enrollment to practice before the Internal Revenue Service, investigations of charges against tax practitioners, formal investigations of accidents involving Service employees or property, and investigations of alleged discrimination because of race, creed, color, or national origin. In addition, he is responsible throughout the region for the conduct of special investigations as directed by higher authority, for the Office of the Secretary and other components of the Treasury Department.

**1116 OFFICE OF REGIONAL COUNSEL**

(1) There are seven Regional Counsels, one in each Internal Revenue region. The Regional Counsel, who operates under the Chief Counsel for the Internal Revenue Service, serves as the principal legal advisor to the Regional Commissioner, the Regional Inspector, and the District Directors of Internal Revenue and their staffs. The Regional Counsel, subject to the Chief Counsel's continuing general supervision and review where appropriate or necessary, directs and supervises a staff of attorneys engaged in processing and handling cases docketed in the U.S. Tax Court and in furnishing legal advice and performing legal services connected with the tax court, enforcement, and general litigation functions.

(2) Tax Court litigation matters—The Regional Counsel's office furnishes legal advice to the Assistant Regional Commissioner (Appellate); in the name of the Chief Counsel, represents the Commission in the trial of cases before the Tax Court and is responsible for the preparation of pleadings, stipulations, and other documents to be filed with the Tax Court on behalf of the Commissioner prior to the entry of a decision by the court; makes recommendations to the Chief Counsel respecting adverse Tax Court decisions; considers and approves or disapproves the settlement of cases docketed in the Tax Court, subject to the concurrence of Appellate while such cases are in presession status; considers and concurs in, or disapproves, recommendations by Appellate to eliminate the ad valorem fraud penalties in cases not docketed in the Tax Court; and considers and reviews, prior to issuance, statutory notices of deficiency or liability proposed by Appellate, and certain of such notices proposed by the District Directors.

(3) Enforcement matters—The Regional Counsel's office is responsible for the performance of legal services in the field in connection with criminal cases arising under the internal revenue laws. The office reviews recommendations of prosecution in criminal cases received in the field, and prepares and refers such cases (other than alcohol and tobacco tax cases) to the Department of Justice or, where authorized by the Department of Justice, directly to U.S. Attorneys, or, where prosecution is not deemed warranted, prepares criminal action memoranda setting forth the reasons against the prosecution and closes such cases with the concurrence of the Assistant Regional Commissioner (Intelligence). On request, the office furnishes aid and assistance to U.S. Attorneys in criminal tax proceedings in the U.S. District Courts and Courts of Appeal.

(4) General litigation matters—The Regional Counsel's office is responsible for handling legal work with respect to cases under the Bankruptcy Act and other insolvency cases including decedents' estate proceedings; Federal tax liens in suits for foreclosure by mortgagees or other lienholders and in suits to quiet title; applications filed for the discharge of property from Federal tax liens or for the release of such liens; for review and handling of certain offers in compromise; recommendations as to the taking of affirmative action, whether by way of a separate suit or intervention in pending proceedings (with the exception of alcohol, tobacco and firearms matters not relating to proceedings under the Bankruptcy Act, liens, receiverships and other insolvencies); the defense of injunction suits to restrain the assessment or collection of Federal taxes (except with respect to alcohol, tobacco and firearms matters); the assessment and collection of taxes; and of the civil enforcement of summonses.

(5) Stabilization matters—The Assistant Regional Counsel (Stabilization) is responsible for providing interpretive advice and guidance concerning the rulings and regulations issued by the Pay Board and the Price Commission to the Office of Assistant Regional Commissioner (Stabilization) and answering specific legal questions concerning stabilization matters that may be presented. Also, provides functional support to Regional Counsel's Branch Offices that may be requested to furnish legal advice at the Service's District Director level. In addition, this Office is responsible for the review of litigation cases, involving violations of Pay Board's or Price Commission's regulations or rulings, that are developed at the District Director level by Service personnel and Department of Justice attorneys, and after such review forwarding the cases with appropriate recommendations through the Regional Counsel to the General Counsel of either the Pay Board, or Price Commission for possible litigation action by the Department of Justice, and at the same time reports of potential litigation will be forwarded to the Chief

Counsel's National Office Stabilization Division.

#### 1117 SERVICE CENTERS

##### 1117.1 GENERAL

(1) There are 10 Internal Revenue Service Centers located at: Andover, Mass.; Austin, Tex.; Brookhaven, N.Y.; Chamblee, Ga.; Covington, Ky.; Fresno, Calif.; Kansas City, Mo.; Memphis, Tenn.; Ogden, Utah; and Philadelphia, Pa. Each Service Center is under the line supervision of the Regional Commissioner having jurisdiction over the area of their location.

(2) Each Service Center is headed by a Director who operates under the general direction of a Regional Commissioner. The Service Center Director is responsible to the National Office, through the Regional Commissioner, for implementing the programs assigned to the Center. He is responsible for budget, fiscal, and personnel operations of the Center under directives of the Regional Commissioner. He also participates with the National Office, through the Regional Commissioner, in planning, coordinating, and evaluating experimental projects to develop improved techniques and methods for processing tax returns. The Regional Commissioner, in turn, is responsible to the National Office for supervising the execution of the Service Center's program and for recommending adjustments to or modifications of the program. The Regional Commissioner also exercises general supervision over the activities of the Service Center Director in coordinating and maintaining liaison with Regional Commissioners, District Directors, and the National Office in carrying out the programs prescribed for the Centers by the National Office.

##### 1117.2 SERVICE CENTER ORGANIZATION

1117.21 *General.* (1) The principal organizational components of the typical Service Center are the immediate office of the Service Center Director, Management Staff, Administration Division, Audit Division, Data Conversion and Accounting Division, Processing Division, and Taxpayer Service Division.

(2) The organizational structure is intended to prescribe the Service Center organization through the branch level. Regional Commissioners are authorized to establish the Service Center organization below branch level as they see fit.

1117.22 *Office of the Director.* Within the structure of the Internal Revenue Service, the Internal Revenue Service Center has organizational status comparable to that of the District Offices. It operates under the line supervision of the Service Center Director, who is responsible to the Regional Commissioner in the same manner as a District Director. The Director plans, directs, and administers functions of the Internal Revenue Service Center which provide services for the region(s). Its functions are to process tax returns and related documents through the use of automatic and manual data processing systems and high-speed processing devices and to maintain accountability records for internal revenue taxes collected within the region. Typical programs include the processing, analysis, and accounting control of income tax returns, estimated tax returns, wages and excise tax returns, corporation tax returns, income information documents, and mailing of income tax forms to individual taxpayers. The Director also plans, directs, and administers assigned Audit functions. Responsible for budget, fiscal and personnel operations of the Service Center.

1117.23 *Audit Division.* Administers the Audit activities centralized within service centers. These include: Correspondence audit; classification of returns, claims and related documents; processing Audit/Appel-

late adjustments; technical and quality review; issuing claims disallowance notices, preliminary letters and statutory notices. Furnishes assistance and technical advice to other service center components, districts, regions and National Office. Provides assistance to taxpayers as requested.

1117.231 *Classification Branch.* Classifies and screens all types of Federal tax returns and claims for audit at district offices or service centers. Classifies various taxpayer initiated documents related to tax returns. Establishes and maintains a quality review system to insure returns and claims with the greatest potential are selected for audit. Performs a technical and quality review to insure returns and claims are correct. Prepares controls and processes information reports related to the classification of returns. Furnishes technical and procedural advice and assistance to other service center components, districts, regions and National Office. Provides assistance to taxpayers as requested. Conducts a quality review of service center responses to written taxpayer inquiries.

1117.232 *Correspondence Audit Branch.* Conducts the Centralized Audit examination and verification of tax returns and claims through correspondence with taxpayers to determine correct liabilities for taxes and penalties. These include the less complex issues that do not require district office examination. Conducts tests to determine the feasibility of additional correspondence work. Performs the technical and quality review of returns and claims audited at the service center. Issues notices of claims disallowance, preliminary letters and statutory notices. Reviews taxpayer protests, determines disposition and when applicable, refers protested returns to district offices.

1117.233 *Service Branch.* Performs necessary processing of Audit/Appellate adjustments to point of transcription input. Maintains centralized correspondence audit files and related control records. Provides clerical support and required control services for Classification Branch.

1117.24 *Management Staff.* Provides staff assistance to the Director and line officials in the general management of Service Center operations. Assists by coordinating the preparation of work plans, work schedules, staffing and accession schedules. Monitors the Work Planning and Control System and maintains the daily production control system. As requested, provides assistance in analyzing day-to-day problems concerning systems and procedures. Monitors and coordinates various projects, particularly those in the implementation stage such as IDRS, RMF, and returns preparer program. Coordinates the consolidation and referral of problems to the Regional or National Office. Monitors the statistics of income sampling and the quality review program.

1117.25 *Offices of the Chief, All Operating Divisions.* Receives, analyzes, and evaluates all new programs and procedures; prepares supplemental or clarifying instructions as necessary; and insures full implementation. Determines resources needed in the Division through the preparation of work plans and schedules, personnel staffing and accession schedules, space requirements, formulation of training needs, and other logistical processes. Participates with other Division Chiefs and the Director in the final allocation of resources to accomplish the total Service Center work program. Coordinates with other Division Chiefs on interdivisional matters, as appropriate. Continuously reviews, analyzes, and evaluates the status of work programs with the aim of keeping the Director informed of operational problems on an exception basis. When appropriate, request assistance from the Management Staff, or from the

Office of the Assistant Regional Commissioner having functional responsibility.

1117.26 *Administration Division.* Directs and coordinates the personnel, facilities management, training, fiscal management, public information, and administrative management improvement programs. Serves as the principal administrative adviser to the Director, Assistant Director, and operating division chiefs. Provides functional leadership for the numerous and varied administrative programs designed to support and increase the effectiveness of Service Center operations. Executes the administrative management analysis program and coordinates the management improvement program for the Service Center. Conducts management studies and provides staff assistance to Administration branch chiefs and operating officials as required. Prepares budget and financial plan estimates, maintains fiscal control, and recommends appropriate financial management actions. Develops and coordinates public information plans, techniques, guidelines, and informational materials. Establishes and maintains good relations with mass media in the vicinity of the Service Center; determines information needed, gathers and analyzes statistical and other data generated, and prepares information material for distribution to media outlets; and coordinates visit of media representatives, and others, from the entire region.

1117.261 *Facilities Management Branch.* Advises, informs, and assists Service Center management on operations relating to facilities management programs such as: space, property, communications, paperwork (including microfilm), records retention and disposal, distribution, emergency planning, safety, and security. Plans, develops, determines requirements, and evaluates these programs; provides additional, improved, or modified programs as required. Furnishes procurement, transportation, storage, supply, and messenger services; provides general building maintenance and maintenance of office, electronic, processing, and materials-handling equipment.

1117.262 *Personnel Branch.* Develops, executes, and evaluates the Service Center personnel program and standards relating to recruitment, examination, and selection of employees, employee relations, union-management relationship, performance evaluation, promotions, in-service placements, incentive awards, records, reports, and other aspects of a complete personnel program within the framework of policies, programs, and procedures established by the National and Regional Offices. Conducts the position classification program within delegated authority. Provides staff assistance to operating officials in all personnel areas.

1117.263 *Training Branch.* Provides leadership and coordination to the various Service Center training programs; promotes employee development programs and evaluates and reports on all such programs. Conducts studies and analyzes operating data to determine training needs; studies trends and developments in the employee development field and appraises new principles, concepts, methods, training devices, and materials for use in Service Center training programs. Develops or assists in the development of local and Service-wide course materials, audio-visual aids, and training devices. Assists Service Center management in developing a job environment which will enable trainees to maintain and improve their skills. At the request of the National or Regional Offices, provides data processing training for other than Service Center personnel. Prepares training program estimates for developing the Operating Financial Plan; prepares obligating documents for charges to the

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training portion of the Operating Financial Plan.

1117.27 *Data Conversion and Accounting Division.* Converts data from source documents to a form processable by computers. Operates computer and peripheral equipment used to verify tax liability and service the accounts of all taxpayers within the Districts assigned to the Center and to convert input data to magnetic tape. Maintains tape files of rejected documents for reinput to Service Center Processing. Prepares computer printouts relating to outputs received from the National Computer Center for mailing to taxpayers, for internal reports and statistics, and for tax information authorized for external use. Programs projects as assigned from the National Office and provides the necessary liaison and programming for maintenance of National Office computer programs. Maintains an accounting system to provide subsidiary records and general ledger accounts that reflect the Director's accountability for the master file and nonmaster file tax revenue collected within Districts assigned to the Center. Records assessments, collections, receivables, refunds, overassessments, and other elements of revenue accounting affecting accountability. Receives, verifies, balances, and processes accounting outputs from the National Computer Center; and prepares special and periodic accounting reports. Determines the validity of taxpayer delinquent accounts and returns notices. Prepares various reports for the Service Center, Region, and National Office.

1117.271 *Data Conversion Branch.* Transcribes, verifies, and corrects pertinent information of all tax returns, information documents and related documents associated with other miscellaneous programs. Processes documents related to all files (IMF, BMF, RMF, NMF, etc.), subsequent activity programs, and documents which have been previously transcribed for which error conditions have been detected in subsequent processing. Responsible for resolving error conditions identified by the Computer Branch. Enters corrections for each error condition into machine-generated listings. Responsible for resolving and reentering blocks out of balance or rejected blocks received from transcription control clerks.

1117.272 *Computer Branch.* Operates all computer systems used in processing, verifying, computing the tax liabilities, and servicing the accounts of all master files (IMF, BMF, RMF, NMF) taxpayers within Districts assigned to the Center, maintains tape library; processes tax information and documents for mailing to taxpayers and for internal use by the Service; generates computer reports; statistical information and other information for use by the National, Regional, District and Service Center offices, other program areas of the Service, and by various States. Processes other programs assigned by the National Office. Provides programming services as required for the maintenance of the system, as directed by the National Office. Performs quality review on computer generated output. Operates an EAM system for preconversion perfection of input data and processing of other Service Center card-oriented projects.

1117.273 *Accounting Branch.* Maintains general ledger accounts and subsidiary records covering revenue transactions for the recording of assessments, collections, receivables, refunds, overassessments and other transactions affecting taxpayer's accounts. Controls accounting documents for entry to tax accounts. Establishes and maintains individual accounts for non-ADP (NMF) and pre-ADP tax returns and documents. Receives master file accounting summaries for posted account transactions and accomplishes required journalization and general ledger

postings. Initiates or processes account transfers, account adjustments, debit and credit transfers related to tax accounts. Reconciles National Computer Center accounting control records and refund appropriation accounts of Regional Disbursing Centers with general ledger balances. Prepares all accounting and ledger reports as required. Prepares various reports for the Service Center, Region, and National Office.

1117.28 *Processing Division.* Receives, blocks, sorts, and controls documents, both master file and nonmaster file, received from taxpayers and District Offices; deposits and initiates accounting control of remittances. Ships processed documents to District Offices; and prepares a variety of forms, and other material for mailing to taxpayers, tax practitioners, District Offices, and other Government agencies. Examines, perfects, and codes returns and documents for all files (IMF, BMF, RMF, NMF, etc.) for subsequent processing; examines, edits, and codes returns for the statistics of income program; prepares form and pattern paragraph letters to taxpayers requesting additional or clarifying information incidental to the initial processing of returns. Performs research, perfects and resolves processing errors detected during work cycles within the Service Center. Receives, processes, and maintains control over applications for employer identification numbers and social security numbers.

1117.281 *Receipt and Control Branch.* Receives and categorically classifies all incoming returns, documents, remittances, and taxpayer correspondence. Sorts and establishes batch control prior to release of returns and documents into the initial work process, in accordance with work schedules. In coordination with the Management Staff, makes necessary adjustments in work schedules as dictated by actual work receipt patterns to maintain a steady balanced work flow. Numbers and blocks returns, documents and related remittances; examines remittances and related documents, prepares appropriate registers and certificates of deposit prior to disposition of moneys to local depository. Performs a variety of machine operations such as labeling, folding, and inserting. Ships processed documents to District Offices; and prepares forms and other material for mailing to taxpayers, tax practitioners, District Offices and other Government Agencies.

1117.282 *Examination Branch.* Examines, edits, perfects, and codes tax documents for all files (IMF, BMF, RMF, NMF, etc.) for transcription and other purposes; prepares form and pattern paragraph letter correspondence to District Offices and taxpayers to obtain missing or clarifying information necessary for the perfection of the return; and edits codes, and extracts information from returns for audit and statistical programs.

1117.283 *Input Perfection Branch.* Perfects and resolves processing and taxpayer errors detected during work cycles within the Service Center. Prepares correspondence action sheets to obtain additional information from taxpayers and District Offices in order to make returns acceptable for processing. Responsible for control, examination, perfection, and final disposition of all RMF rejected tax returns and documents. Perfects and resolves unpostable returns and documents. Resolves unpostable conditions arising from the attempt to input all documents and returns relating to the IMF, BMF, and RMF and prepares necessary input documents. Receives and processes applications for employer identification and Social Security numbers. Maintains control over the assignment of employer identification numbers. Performs all necessary actions concerning the control and maintenance of account

numbers. Receives and processes applications from 941 filers to file magnetic tape returns; maintains case history file and control of 941, W2, 1099, and 1087 paper returns prior to approval of magnetic tape filing request.

1117.29 *Taxpayer Service Division.* Provides services to the taxpaying public by answering inquiries received by telephone, mail, or personal call. Controls, monitors, and takes necessary action on complaints and special cases requiring expedite action. Controls and makes adjustments to taxpayers' accounts on all files (IMF, BMF, RMF, NMF, etc.). Controls and processes statutory case adjustments. Performs microfilm research requested by all functional activities. Establishes, maintains and controls permanent and temporary returns files. Retires returns and documents in accordance with prescribed procedures. Performs output review and necessary correction. Performs payment tracing functions. Processing of all exempt organization returns has been centralized in the Philadelphia Service Center. In view of the scope and size of this function, the Philadelphia Service Center has been authorized an Exempt Organization Returns Branch which is: Responsible for processing, except for deposit and transcription operations, all exempt organization tax returns and other related change documents.

1117.291 *Adjustment Branch.* Receives taxpayer inquiries initiated by correspondence. Receives and controls requests for adjustments and determines appropriate action to be taken including adjustment to tax, penalty, and interest, and to the entity section of taxpayer accounts. Prepares written replies to taxpayer on contacts by telephone. Processes IMF and BMF Restricted Interest cases, combination overassessment and deficiency cases, Joint Committee cases, Appellate Division Overassessment and Deficiency Cases, Justice Department cases, cases containing second agreements and partial agreements. Processes applications for Tentative Carryback Adjustments. Performs payment tracing functions.

1117.292 *Research Branch.* Performs research through microfilm, source documents, and other sources for entity and account information requested by all functional activities. Establishes, maintains, and controls permanent and temporary returns files. Retires returns and documents in accordance with prescribed procedures. Performs delinquency checks for Non-Master File returns. Reviews computer output, except that pertaining to taxpayer delinquent accounts and returns, for quality and accuracy and for validity of refunds; corrects any processing errors discovered.

1117.293 *Taxpayer Relations Branch.* Performs taxpayer service functions in connection with telephone inquiries or personal calls. When necessary, prepares replies to taxpayer inquiries which accompany returns and which indicate that complex issues need to be resolved before the return can be processed. Takes necessary action to process special or unusual cases and complaints. Maintains close liaison with Social Security Administration on unusual problems. Prepares and types replies to taxpayer correspondence and requests for correspondence from other activities which generally require individually tailored letters.

## 1118 OFFICE OF DISTRICT DIRECTOR

## 1118.1 MISSION

The mission of the Office of the District Director is to administer the internal revenue laws within an internal revenue district in conformance with Service policies and programs of the National Office and Regional Offices.

## 1118.2 BASIC ORGANIZATION

The principal organizational components of the typical District Office are the immediate office of the District Director (including the Stabilization Staff), the Audit Division, Collection and Taxpayer Service Division, Intelligence Division and Administration Division.

## 1118.3 DISTRICT DIRECTOR

The District Director administers, within an internal revenue district, the collection, taxpayer service, audit, intelligence, and administrative programs of the Internal Revenue Service. He is responsible for the determination of tax liability, the assessment of such liability, and scheduling and certification of refunds, and the investigation of certain criminal and civil violations of internal revenue tax laws (except those relating to alcohol, tobacco, and firearms). He is also responsible for the collection and deposit of all internal revenue taxes.

1118.31 *Stabilization Staff.* Directs and performs the District stabilization function through a District Stabilization Manager. This staff plans, organizes, coordinates, and evaluates district Stabilization activities which include: providing information to the public; responding to inquiries; investigating complaints of violations; conducting compliance monitoring and factfinding investigations; receiving, analyzing, investigating, and preparing and forwarding recommendations upon applications for exceptions and exemptions; and conducting hearings on appeals.

## 1118.4 AUDIT DIVISION

(1) Administers a districtwide audit program involving the selection and examination of all types of Federal tax returns (except those involving alcohol, tobacco, and firearms taxes), claims, offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes), informants' claims for reward, and related activities, including the examination and approval of pension trust plans and the issuance of determination letters. The audit program involves the selective classification of returns for field and office audit, the conduct of district conferences in unagreed cases, participation with special agents of the Intelligence Division in the conduct of tax fraud investigations, and provision of technical support to the year-round taxpayer service program.

(2) Audit Divisions in the Atlanta, Chicago, Cincinnati, Dallas, Manhattan, Philadelphia, and San Francisco districts on a regionwide basis (Philadelphia reviews for the Office of International Operations), review all income and excess profits tax cases involving overpayments in excess of \$100,000 and prepare reports for the Commissioner's signature to the Joint Committee on Internal Revenue Taxation in all nonpetitioned and nondocketed cases, including estate and gift tax cases.

(3) All district Audit Divisions are responsible for issuing determination letters on the qualification of pension, annuity, profit-sharing, stock bonus and bond purchase plans and for subsequent determinations on the status for exemption of trusts forming a part of such plans. Audit Divisions in the districts of Atlanta, Austin, Baltimore, Boston, Chicago, Cincinnati, Cleveland, Dallas, Detroit, Los Angeles, Manhattan, Philadelphia, St. Louis, St. Paul, San Francisco, and Seattle are responsible for matters relating to the exemption of all other organizations. These 16 key District Offices will be responsible for issuing determination letters, examining exempt organizations activities, issuing notices of revocation and

reestablishment of exemption, performing technical review and holding district conferences.

(4) The Division structure conforms to one of three established patterns, depending upon size of the District Office. These patterns all recognize six distinct groups of functions which are known as: Returns Classification, District Conference, Review, Field Audit, Office Audit, and Service. In small District Offices the branch supervisory structure does not exist, while in large offices there may be more than one Field Audit Branch. Some district Audit Divisions in Central Region have a Technical Branch in lieu of a separate Conference Staff and Review Staff.

(5) Each region has centralized the review of the following specialized tax areas to specific districts:

- (a) Estate and gift.
- (b) Excise taxes.
- (c) Insurance.
- (d) International issues.

1118.41 *Conference Staff.* Directs and performs the district conference function. This includes holding conferences with taxpayers and their representatives, and preparing conference reports. Also screens taxpayer protests and acts as technical advisor to Chief, Audit Division.

1118.42 *Review Staff.* Reviews reports of examination of all types of tax returns to verify the determination of liability made by the examining officer. Directs the issuance of preliminary 30-day letters to taxpayers, reviews protests filed in response to such notices and prepares statutory notices of deficiency. Prepares closing letters and releases in estate and gift tax cases. Furnishes technical advice and assistance on pension trust plans, including examination thereof and issuance of determination letters, in those districts with three or less pension trust specialists where the District Director has assigned such responsibility to this staff. Is responsible for the control, management and review of offers in compromise, informants' claims for reward and the special procedures applicable in cases involving renegotiation. Prepares management information reports for both agreed and unagreed cases. Has primary responsibility within the district for maintaining quality standards in examinations and reports, and the technical accuracy of all matters subject to review. Issues correction memorandums in all cases or matters involving substantial errors.

1118.43 *Returns Classifying Offices.* Develops and administers district program for selecting all types of returns for examination. Conducts special studies to identify noncompliance problem areas and recommends audit programs to cope with them.

1118.44 *Field Audit Branch.* Conducts field examinations relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liabilities of taxpayers for tax and penalties, including the examination of claims for refund, credit, or abatement, or for redemption of stamps. Also conducts field examinations of offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes), and special field examinations, as requested, including joint examinations with special agents of Intelligence Division where tax evasion may exist. Processes informants' claims for reward making any necessary investigations and prepares reports on such claims, together with recommendations as to the amount of rewards. Performs engineering and valuation work, prepares memorandums to accompany closing agreements, and recommends jeopardy assessments. Furnishes technical advice and assistance on pension trust plans and prepares determination letters except in those districts with less

than three pension trust specialists where the District Director has assigned such responsibility to the Review Staff. Provides technical support to the year-round taxpayer service program.

1118.45 *Office Audit Branch.* Conducts examinations through correspondence or interviews with taxpayers in offices of the Service relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liability of taxpayers for tax and penalties, and the validity of claims for refund, credit, or abatement, or for redemption of stamps. Also, when necessary, conducts field examinations of all types of taxes (except alcohol, tobacco, and firearms) if such examinations do not require professional accounting skills of examiners assigned to Field Audit Branch. Recommends jeopardy assessments. Provides technical support to the year-round taxpayer service program.

1118.46 *Service Branch.* Performs clerical services for the Division necessary to the processing of returns, reports of examination, case files and correspondence. Maintains control of all returns and case files assigned to the Audit Division and of number assignments for Management Information Reports on audit cases. Types examining offices' reports, form letters, correspondence and other material as assigned and furnishes clerical, stenographic and typing assistance to all Division offices.

1118.47 *Technical Branch.* (1) The Technical Branch directs the issuance of preliminary 30-day letters to taxpayers, prepares letters to taxpayers covering deficiencies in bankruptcy and receivership cases which serve as a basis for assessment and filing of proof of claim by the Collection and Taxpayer Service Division; reviews protests filed in response to such notices of deficiency for proper form, compliance with existing requirements and for new issues or facts; and prepares statutory notices of deficiency.

(2) The Branch is responsible for the control, management and review of offers in compromise, informants' claims for reward, cases in which expiration of the statute of limitations is imminent and assessment, overassessment or statutory notice action is necessary prior to forwarding to the Assistant Regional Commissioner (Audit) for review, and the special procedures applicable in cases involving renegotiation. It maintains and controls the preliminary notice file, the statutory notice file, the file on cases suspended pending court or other decision (Form 1254), power of attorney file, fee statement file, and worthless stock and taxability of dividend file, taking appropriate action as required. The Branch is responsible for the district conference functions, which include assignment of conferees to handle the case, the holding of the conference, the manner in which conferences are conducted, the quality of the conference reports and the statistical reporting of the conferences. The Chief of the Technical Branch acts as Technical Advisor to the Chief of the Audit Division on cases under investigation or assigned for district conferences.

## 1118.5 COLLECTION AND TAXPAYER SERVICE DIVISION

(1) The Collection and Taxpayer Service Division is responsible for the receipt, processing, and retention of firearms and alcohol and tobacco tax returns and applications; the receipt and transmittal of other tax returns and documents received in the district; the deposit to the credit of the Service Center Director of tax remittances received in the district; the collection of delinquent accounts through distraint, seizure, levy, and other means; the securing of delinquent returns; the conduct of a year-round taxpayer

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service program (including issuance of certificates of compliance to departing aliens); examination of offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment, and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties. The Division receives, acts on, and processes information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings, foreclosures, and redemptions after civil foreclosure, bulk sales, gifts and prizes, and dissolutions and initiates investigations for securing delinquent returns where necessary. The Division maintains files or control records of payments received in insolvency, bankruptcy, and decedent cases and of surety bonds and other collateral posted as security for tax liability. It also maintains files and control records of property seized under distraint authority and takes appropriate action with respect to seized property to insure that proper legal action may be timely taken.

(2) The organization of the Division below the branch level varies depending on the size of the Division.

1118.51 *Special Procedures Staff.* (1) The Special Procedures Staff is responsible for furnishing advisory assistance on technical delinquent collection and returns matters to the Chief, Collection and Taxpayers Service Division, Chief, Field Branch, Chief, Office Branch and Group Supervisors; providing liaison for the District Director with the Department of Justice, including the U.S. Attorneys, the Chief Counsel and Regional Counsel on all collection matters; ascertaining tax liability and filing of proof of claims in insolvency and decedent's estate proceedings; recommending civil suits to enforce collection or to protect the Government's interests; processing civil suits against the United States or the District Director; examining, reviewing and processing seizure and sale reports; processing applications for discharge of property from the effect of Federal tax liens and for certificates of nonattachment of Federal tax liens and certificates of subordination of the Federal tax lien; processing filed notices of Federal tax liens and certificates of release; processing and maintaining executed collection waivers; analyzing and determining the sufficiency of various forms of collateral offered as security for release of lien or postponement of collection action; furnishing technical advice and assistance and recommendations for or against entry into suitable escrow agreements for the collection of delinquent accounts; reviewing recommendations for and holding conferences on 100 percent penalty and transferee assessments; post reviewing of accounts reported as uncollectible; reviewing recommendations and holding conferences on offers in compromise cases based on inability to pay; and maintaining files and control records on all the above type cases to insure that proper legal and other collection actions are taken timely.

(2) In the majority of District Offices this function is organized as a separate Special Procedures Staff. In small offices where the Special Procedures function is a one-position job, it is placed organizationally within the Office of the Division Chief.

1118.52 *Office Branch.* The Office Branch effects the collection of delinquent accounts and secures delinquent returns through demands made by correspondence, telephone, or office interviews. It safeguards the Government's interest by causing the filing of notices of tax liens and serving or causing the service of notices of levies. It transfers to Revenue Officer groups those assignments

which require field investigations or can be more efficiently completed by field Revenue Officers. The Branch carries out the Division's responsibility for district-wide execution of the year-round taxpayer service program. It provides taxpayer service within the Headquarters Office and surrounding metropolitan commuting area, including responses to correspondence requests of tax information, and provides functional supervision of taxpayer service at other posts of duty. The Branch screens and assigns cases and maintains assignment files. It prepares periodic reports of collection and taxpayer service activities. It receives and deposits to the credit of the Service Center Director remittances received in the District Office. It receives, processes, and maintains files of wagering, alcohol and tobacco tax, firearms returns, and applications. It also receives and transmits other returns and documents received in the District Office.

1118.53 *Field Branch.* The Field Branch is responsible for the management and control of five or more Revenue Officer groups (Type I Field Branch), or three or more Revenue Officer groups and an Office Group (Type II Field Branch). Within the assigned area, the Branch makes collections of delinquent accounts and conducts a continuing program for the securing of delinquent returns. It safeguards the Government's interest through the filing of notices of tax liens, and enforces collection by the serving of levies, and seizure and sale of real and personal property. It recommends jeopardy assessment when deemed necessary to protect revenue, civil actions to secure payment, suits to enforce penalty for failure to honor levies, and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations. The Branch recommends the issuance of certificates of discharge of property from the effects of tax liens, recommends issuances of certificates of subordination of Federal tax liens, and conducts the investigations necessary to support such recommendations. The Branch examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment, and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties. The Branch provides taxpayer service within the assigned area (except in the Headquarters Office location).

## 1118.6 INTELLIGENCE DIVISION

The Intelligence Division enforces the criminal statutes applicable to income, estate, gift, employment, and excise tax laws (except those relating to alcohol, tobacco, narcotics, and certain firearms), by developing information concerning alleged criminal violations thereof, evaluating allegations and indications of such violations to determine investigations to be undertaken, investigating suspected criminal violations of such laws, recommending prosecution when warranted, and measuring effectiveness of the investigation and prosecution processes. The Division assists other Intelligence offices in special inquiries, drives and compliance programs and in the normal enforcement programs, including those combating organized wagering, racketeering and other illegal activity, by providing investigative resources upon Regional or National Office request. It also assists U.S. Attorneys and Regional Counsel in the processing of Intelligence cases, including the preparation for and trial of cases.

1118.61 *Branches A and B.* In districts where a branch structure has been authorized for Intelligence Division, the branch functions are as follows: The Branch conducts in-

vestigations of criminal tax violations, except those relating to alcohol, tobacco, narcotics, and certain firearms tax cases. The Branch coordinates actions with the Office of the United States Attorney and with other Divisions in the District Office. The Branch assists the U.S. Attorney and the Chief Counsel in the trial of cases. The Branch evaluates allegations of tax law violations and initiates surveys, examinations and investigation to identify cases which may have prosecution potential. The Branch makes appropriate recommendations as to the disposition of matters coming to the attention of the Intelligence Division and as to the disposition of cases investigated. The Branch assists in the planning, organizing, coordinating and directing the local adoption of intelligence policies, programs and procedures of Regional and National Offices. The Branch keeps informed on investigations to ensure uniformity of actions, adherence to established policies and compliance with procedures; to ensure that evidence is adequate and sufficient and that the action taken is sound and proper; and to ensure that high standards of performance are maintained.

## 1118.7 ADMINISTRATION DIVISION

(1) The Administration Division provides the personnel, training, budget, and fiscal, procurement and supply, records and communications services and other administrative services, within the limitations of the District Director's delegated authority, necessary to the effective operation and management of the District Office. It coordinates the District Office cost reduction and management improvement, reports management and incentive awards programs and other special projects.

(2) The organization of the Administration Division varies according to the size of the district, its managerial staffing, and other local conditions, as follows:

(a) The Division is headed by a Chief in districts above 1,000 employees and in those with no Assistant District Director.

(b) In districts below 1,000 employees with an Assistant District Director, the District Director and the Regional Commissioner may decide whether to have a Chief, a Staff Assistant, or neither.

(c) The typical branch structure in districts above 1,000 employees is Facilities Management; Personnel; and Training. Districts below 1,000 employees are also structured into these branches if the District Director and Regional Commissioner decide they are necessary. However, in small districts (normally those below 400 employees) with a Chief, Administration, the branch structure is not authorized in the absence of compelling circumstances.

(3) For districts with a branch structure, the following functional descriptions refer to branches. For other districts, the functional descriptions indicate functions performed by staff personnel.

1118.71 *Facilities Management Branch.* The Facilities Management Branch provides essential facilities and services necessary to the efficient operation of the District Office. The Branch carries out the space programs of the District Director and conducts periodic surveys to insure effective space utilization. It procures, requisitions, issues, and insures effective utilization of equipment, property and office supplies; maintains records on all equipment and property located within the district; and provides communications, duplicating paperwork management, and internal management document distribution services. The Branch also furnishes data necessary for the preparation of that portion of the District Office budget estimates and financial plans which is concerned

with funds required for materials and facilities in the district. As required for district management control, it maintains blotter type records of fund commitments for materials and facilities (object classes 22, 23, 24, 25, 26 and 31 as defined in Bureau of the Budget Circular A-12). It administers document and property security, emergency planning for civil defense, and the safety programs in the district.

1118.72 *Personnel Branch*. The Personnel Branch performs the recruitment and placement functions at the district level, and conducts the district's employee relations program and incentive awards program. It processes personnel action documents in accordance with prescribed procedure and maintains all district personnel records.

1118.73 *Training Branch*. The Training Branch provides leadership and coordination to the district training program. It coordinates the district execution of training programs; gives advice on all training programs conducted in the District Office, and assists in their development from the standpoint of training techniques. It participates in and coordinates the development of district training programs, to meet local training needs that cut across organizational lines. In addition, it evaluates and reports on all district training programs.

#### 1118.8 OFFICES BELOW THE DISTRICT HEADQUARTERS

(1) Offices below the district headquarters (Area, Zone, and Local offices as defined below) perform one or more of certain Collection, Taxpayer Service, Audit, and Intelligence functions such as: The collection of delinquent accounts and the securing of delinquent returns; the receiving and deposit of moneys tendered in payment of taxes; conducting taxpayer service and related assistance activities to meet local taxpayer needs; the examination of returns to determine correct liability of taxpayers for tax and penalties; the holding of conferences with taxpayers and their representatives regarding the determination of liability for tax and penalties; and the investigation of alleged criminal violation of the tax statutes. They also contain, to a limited extent, other functions such as administrative support.

(2) Offices below the district headquarters are classified according to these types:

(a) *Area office*—An Area office is a major subdivision of the District Office and usually contains all of its principal functional elements including one or more groups of Revenue Agents, one or more groups of Revenue Officers, an Office Group, and a Teller. Generally, it also contains one or more Special Agents.

(b) *Zone office*—A Zone office is an intermediate size office which includes one or more groups of Revenue Agents or one or more groups of Revenue Officers. Generally, it also contains one or more Special Agents. Usually it does not have a Teller and if it has Office Group personnel, they are supervised from some other office.

(c) *Local office*—All other offices below the district headquarters are classified as Local offices. Primarily, these are small posts of duty where the workload does not warrant the stationing of Revenue Agents and Revenue Officers in group strength.

(3) Program planning and functional supervision for personnel of an Area, Zone, or Local office are the responsibilities of the appropriate divisions of the District Office. However, administrative supervision of such an office may be assigned to an individual upon a determination by the District Director that such a position is needed in order to represent all IRS functions to the public, to coordinate functions, and to provide common administrative services. This position is to be assigned as an additional

responsibility to one of the regular functional personnel of the office, usually the ranking or senior officer. Each person assigned this additional responsibility will be designated as the "\_\_\_\_\_ (Inserting name of city) representative" of the District Director.

(4) Generally, offices below the district headquarters do not contain Branch Chiefs in any of the functional activities. However, if the workload of an office (including nearby offices supervised by such office) is sufficient to justify five or more Audit groups, the District Director may determine that the needs for local supervision warrant the stationing of an Audit Branch Chief in the office. Similarly, if the workload justifies five or more Revenue Officer groups (counting less than ten Office Branch employees as the equivalent of a group; or 10 or more Office Branch personnel as two groups), the District Director may establish a Field Branch Chief. Recommendations for establishing such positions shall be forwarded to the Regional Commissioner for approval in accordance with regular procedures for effecting changes in organization.

(5) When the personnel of an office below the district headquarters are supervised by Group Supervisors or Branch Chiefs, all of the functions in such offices will generally receive the line supervision from the same city in order to foster functional coordination and efficient utilization of clerical and other manpower. However, when the District Director finds that the best interests of the Service require a different arrangement, he is authorized to make an exception. Exceptions may be particularly needed for those activities, such as Intelligence, which are more thinly represented than the Audit and Collection and Taxpayer Service functions; and for specialists, such as those trained in estate, gift, and excise tax work.

#### APPENDIX A

##### INTERNAL REVENUE REGIONAL OFFICES

San Francisco, CA, ZIP 94102, 870 Market Street.  
Atlanta, GA, ZIP 30303, Federal Office Building, 275 Peachtree Street NE.  
Chicago, IL, ZIP 60601, 35 East Wacker Drive.  
New York, NY, ZIP 10007, Federal Office Building, 90 Church Street.  
Cincinnati, OH, ZIP 45202, Federal Office Building, 550 Main Street.  
Philadelphia, PA, ZIP 19102, 2 Penn Center Plaza.  
Dallas, TX, ZIP 75202, Federal Office Building, 1114 Commerce Street.

#### APPENDIX B

##### APPELLATE BRANCH OFFICES

Birmingham, AL, ZIP 35203, 2121 Eighth Avenue N.  
Phoenix, AZ, ZIP 85004, 222 North Central Avenue.  
Los Angeles, CA, ZIP 90012, 300 North Los Angeles Street.  
San Francisco, CA, ZIP 94108, 447 Sutter Street, Room 301.  
Denver, CO, ZIP 80202, 17504 Federal Building, 1961 Stout Street.  
New Haven, CT, ZIP 06511, 1221 Chapel Street.  
Washington, DC, ZIP 20009, 432 Universal Building North, 1875 Connecticut Avenue, NW.  
Jacksonville, FL, ZIP 32202, Federal Office Building, 400 West Bay Street.  
Miami, FL, ZIP 33130, Federal Office Building, 51 Southwest First Avenue.  
Atlanta, GA, ZIP 30303, 275 Peachtree Street NE.  
Chicago, IL, ZIP 60601, 35 East Wacker Drive.  
Springfield, IL, ZIP 62705, Post Office Box 1977 (suboffice, Chicago Branch Office).

Indianapolis, IN, ZIP 46204, 510 Guaranty Building, 20 North Meridian Street.

Wichita, KS, ZIP 67202, 418 South Main Street (suboffice, Oklahoma City Branch Office).

Louisville, KY, ZIP 40202, 267 Federal Building, 600 Federal Place.

New Orleans, LA, ZIP 70130, 444 Federal Office Building, 600 South Street.

Baltimore, MD, ZIP 21201, Room 934, Federal Building, 31 Hopkins Plaza.

Boston, Mass., ZIP 02203, John F. Kennedy Federal Building, Government Center.

Detroit, Mich., ZIP 48226, 600 Griswold Building.

St. Paul, MN, ZIP 55101, 500 Federal Building and U.S. Courthouse, 316 North Robert Street.

Kansas City, MO, ZIP 64106, 1700 Federal Office Building, 911 Walnut Street.

St. Louis, MO, ZIP 63101, 1114 Market Street, Room 919.

Omaha, NE, ZIP 68102, 3132 New Federal Building, 215 North 17th Street.

Newark, NJ, ZIP 07102, Room 701 Federal Building, 970 Broad Street.

Buffalo, NY, ZIP 14202, 300 U.S. Courthouse, 68 Court Street.

New York, NY, ZIP 10007, 90 Church Street.

Greensboro, NC, ZIP 27401, 320 Federal Place, Room 525.

Cincinnati, OH, ZIP 45201, Post Office Box 2026.

Cleveland, OH, ZIP 44199, 1653 Federal Office Building, 1240 East Ninth Street.

Oklahoma City, OK, ZIP 73102, 200 Northwest Fourth Street.

Portland, OR, ZIP 97201, 1500 Southwest First Avenue.

Philadelphia, PA, ZIP 19102, 2 Penn Center Plaza, Room 927.

Pittsburgh, PA, ZIP 15222, Room 1428 Federal Building, 1000 Liberty Avenue.

Nashville, TN, ZIP 37203, 801 Broadway, Room 654.

Dallas, TX, ZIP 75202, 1100 Commerce Street, Room 12B25.

Houston, TX, ZIP 77002, 8031 Federal Building, 515 Rusk Avenue.

Salt Lake City, UT, ZIP 84111, 125 South State Street, Room 3438.

Richmond, VA, ZIP 23240, 400 North Eighth Street, Room 11028.

Seattle, WA, ZIP 98121, Sixth and Lenora Building, Room 1112.

Huntington, WV, ZIP 25701, Ninth Street and Fifth Avenue (suboffice, Cincinnati Branch Office).

Milwaukee, WI, ZIP 53233, 735 West Wisconsin Avenue, Room 700.

#### APPENDIX C

##### INTERNAL REVENUE SERVICE CENTERS

Fresno, CA, ZIP 93730, 5045 East Butler Avenue.

Chamblee, GA, ZIP 30005, 4800 Buford Highway.

Covington, KY, ZIP 41012, 200 West Fourth Street.

Andover, MA, ZIP 01812, 310 Lowell Street.

Kansas City, MO, ZIP 64170, Federal Building, 2306 East Bannister Road.

Holtsville, NY, ZIP 11799, 1040 Waverly Avenue.

Philadelphia, PA, ZIP 19154, 11601 Roosevelt Boulevard.

Memphis, TN, ZIP 38110, 3131 Democrat Road.

Austin, TX, ZIP 78740, 3651 South Interstate Highway.

Ogden, UT, ZIP 84405, 1160 West 1200 South Street.

#### APPENDIX D

##### INTERNAL REVENUE DISTRICT OFFICES

Birmingham, AL, ZIP 35203, 2121 Building, 2121 Eighth Avenue N.

Anchorage, Alaska, ZIP 99501, Alaska Mutual Savings Building, Fifth and F Streets.

## NOTICES

Phoenix, AZ, ZIP 85025, Federal Building, U.S. Courthouse, 230 North First Avenue. Little Rock, AR, ZIP 72201, Federal Office Building, 700 West Capitol Avenue. Los Angeles, CA, ZIP 90012, Federal Building, 300 North Los Angeles Street. San Francisco, CA, ZIP 94102, Federal Building and Courthouse, 450 Golden Gate Avenue. Denver, CO, ZIP 80202, Federal Office Building, 1961 Stout Street. Hartford, CT, ZIP 06103, Federal Building, U.S. Courthouse, 450 Main Street. Wilmington, DE, ZIP 19801, 800 Delaware Avenue. Jacksonville, FL, ZIP 32202, Federal Building, 400 West Bay Street. Atlanta, GA, ZIP 30303, Federal Building, 275 Peachtree Street NE. Honolulu, HI, ZIP 96813, U.S. Post Office, Court and Custom House, 335 South King Street. Boise, ID, ZIP 83702, Federal Building and U.S. Courthouse, 550 West Fort Street. Chicago, IL, ZIP 60602, State-Madison Building, 17 North Dearborn Street. Springfield, IL, ZIP 62704, Land of Lincoln Building, 325 West Adams Street. Indianapolis, IN, ZIP 46204, Federal Building and Courthouse, 46 East Ohio Street. Des Moines, IA, ZIP 50309, Federal Building, 210 Walnut Street. Wichita, KS, ZIP 67202, Federal Office Building, 412-418 South Main. Louisville, KY, ZIP 40202, Post Office, Courthouse and Custom House, 601 West Broadway. New Orleans, LA, ZIP 70130, Federal Office Building, 600 South Street. Augusta, ME, ZIP 04330, Federal Office Building, 68 Sewall Street. Baltimore, MD, ZIP 21201, Federal Building, 30 Hopkins Plaza. Boston, Mass., ZIP 02203, John Fitzgerald Kennedy Federal Building. Detroit, MI, ZIP 48226, Cadillac Tower Building, 65 Cadillac Square. St. Paul, MN, ZIP 55101, Federal Building and Courthouse, 316 North Robert Street. Jackson, MS, ZIP 39202, 301 Building, 301 North Lamar Street. St. Louis, MO, ZIP 63101, U.S. Court and Custom House, 1114 Market Street. Helena, MT, ZIP 59601, Federal Office Building, West Sixth Street and Park Avenue. Omaha, NE, ZIP 68102, Federal Office Building, 106 South 15th Street. Reno, NV, ZIP 89502, Federal Building, U.S. Courthouse, 300 Booth Street. Portsmouth, NH, ZIP 03810, Federal Building, U.S. Post Office, 80 Daniel Street. Newark, NJ, ZIP 07102, Federal Building, 970 Broad Street. Albuquerque, NM, ZIP 87101, Federal Office Building, 517 Gold Avenue SW. Albany, NY, ZIP 12206, 855 Central Avenue. Brooklyn, NY, ZIP 11201, U.S. Courthouse and Federal Building, 35 Tillary Street. Buffalo, NY, ZIP 14202, Federal Office Building, 111 West Huron Street. New York, NY, ZIP 10007, Federal Office Building, 120 Church Street. Greensboro, NC, ZIP 27401, Federal Building, 320 Federal Place. Fargo, ND, ZIP 58102, Federal Building and Post Office, 653 Second Avenue North. Cincinnati, OH, ZIP 45202, Federal Office Building, 550 Main Street. Cleveland, OH, ZIP 44199, Federal Building, 1240 East Ninth Street. Oklahoma City, OK, ZIP 73102, Federal Office Building and Courthouse, 200 Northwest Fourth Street. Portland, OR, ZIP 97204, Multnomah Building, 319 Southwest Pine Street. Philadelphia, PA, ZIP 19108, 401 North Broad Street.

Pittsburgh, PA, ZIP 15222, Federal Building, 1000 Liberty Avenue. Providence, RI, ZIP 02903, 130 Broadway. Columbia, SC, ZIP 29201, Federal Building, 901 Sumter Street. Aberdeen, SD, ZIP 57401, Executive Building, 640 Ninth Avenue SW. Nashville, TN, ZIP 37203, Federal Building, Eighth Avenue and Broadway. Austin, TX, ZIP 78701, Federal Office Building, 300 East Eighth Street. Dallas, TX, ZIP 75202, Federal Office Building and Courthouse, 1100 Commerce Street. Salt Lake City, UT, ZIP 84110, U.S. Post Office and Courthouse, 350 South Main Street. Burlington, VT, ZIP 05401, Federal Building, 11 Elmwood Avenue. Richmond, VA, ZIP 23240, Federal Building, 400 North Eighth Street. Seattle, WA, ZIP 98121, Sixth and Lenora Building, 2033 Sixth Avenue. Parkersburg, WV, ZIP 26101, Federal Office Building, Julian and Fifth Streets. Milwaukee, WI, ZIP 53202, Federal Building and Courthouse, 517 East Wisconsin Avenue. Cheyenne, WY, ZIP 82001, Federal Office Building, 21st and Carey Streets.

## APPENDIX E

## REGIONAL INSPECTORS' OFFICES

Cincinnati, OH, ZIP 45202, Federal Office Building, 550 Main Street. Philadelphia, PA, ZIP 19107, Bankers Securities Building, Walnut Street. Chicago, IL, ZIP 60601, 35 East Wacker Drive. New York, NY, ZIP 10007, 26 Federal Plaza, 14th Floor. Atlanta, GA, ZIP 30303, Federal Office Building, 275 Peachtree NE. Dallas, TX, ZIP 75202, U.S. Courthouse and Federal Office Building, 1100 Commerce Street. San Francisco, CA, ZIP 94103, U.S. Post Office Building, 1076 Mission Street.

## APPENDIX F

## REGIONAL COUNCIL OFFICES

Birmingham, AL, ZIP 35203, Room 724, 2121 Eighth Avenue North. Phoenix, AZ, ZIP 85004, Suite 1214, Security Center Building, 222 North Central Avenue. Los Angeles, CA, ZIP 90053, 3018 Federal Building, 300 North Los Angeles Street. San Francisco, CA, ZIP 94108, Room 628, 447 Sutter Street. Denver, CO, ZIP 80202, Room 17038, 1961 Stout Street. Jacksonville, FL, ZIP 32202, Federal Building, 400 West Bay Street. Miami, FL, ZIP 33130, Room 1220, Federal Office Building, 51 Southwest First Avenue. Atlanta, GA, ZIP 30301, Federal Office Building, 275 Peachtree Street NE. Chicago, IL, ZIP 60601, Room 1622, 35 East Wacker Drive. Indianapolis, IN, ZIP 46204, 1001 Illinois Building, 17 West Market. Louisville, KY, ZIP 40201, 579 Federal Office Building. New Orleans, LA, ZIP 70130, Room 845, Federal Office Building, 600 South Street. Boston, MA, ZIP 02203, John Fitzgerald Kennedy Building, Government Center. Detroit, MI, ZIP 48226, 2300 Cadillac Tower. St. Paul, MN, ZIP 55101, Room 572, Federal Building and U.S. Courthouse, 140 East Fourth Street. Kansas City, MO, ZIP 64106, 2700 Federal Office Building, 911 Walnut Street. St. Louis, MO, ZIP 63101, 935 U.S. Court and Custom House, 1114 Market Street. Omaha, NE, ZIP 68101, Room 3101, U.S. Post Office and Court House, 215 North 17th Street.

Newark, NJ, ZIP 07102, Ninth Floor, 970 Broad Street. Buffalo, NY, ZIP 14202, 306 U.S. Courthouse, Niagara Square Station. New York, NY, ZIP 10007, 26 Federal Plaza, 12th Floor.

Greensboro, NC, ZIP 27420, Room 509, 320 Federal Place. Cincinnati, OH, ZIP 45202, 7504 Federal Office Building, 550 Main Street. Cleveland, OH, ZIP 44114, 1620 Williamson Building, 215 Euclid Avenue.

Oklahoma City, OK, ZIP 73101, Courthouse and Federal Office Building, 220 Northwest Fourth Street. Portland, OR, ZIP 97201, 810 Crown Plaza, 1500 Southwest First Avenue. Philadelphia, PA, ZIP 19102, Fourth Floor, 2 Penn Center Plaza. Pittsburgh, PA, ZIP 15230, Room 726, Federal Building. Nashville, TN, ZIP 37202, 703 U.S. Courthouse Building, 801 Broadway. Dallas, TX, ZIP 75202, Room 12D27, Federal Office Building, 1100 Commerce Street. Houston, TX, ZIP 77002, 515 Rusk Avenue, Room 8102.

Salt Lake City, UT, ZIP 84111, 3438 Federal Building, 125 South State Street. Richmond, VA, ZIP 23240, 2108 Federal Building, Eighth and Marshall Streets. Washington, DC, ZIP 20009, Room 422, Universal Building North, 1875 Connecticut Avenue NW. Milwaukee, WI, ZIP 53233, Sixth Floor, Continental Plaza, 735 West Wisconsin Avenue. Seattle, WA, ZIP 98121, 1101 Sixth and Lenora Building.

[FR Doc. 72-16824 Filed 10-4-72; 8:45 am]

## Office of the Secretary

[Treasury Dept. Order 160, Revised]

NATIONAL SECURITY INFORMATION  
Identification, Classification, Downgrading, Declassification and Safeguarding Procedures

AUGUST 3, 1972.

**SECTION 1. Purpose and Scope.** This Order applies to Treasury Department operations Executive Order 11652 of March 8, 1972, 37 F.R. 5209 entitled "Classification and Declassification of National Security Information and Material" and the National Security Council Directive of May 17, 1972, 37 F.R. 10053 implementing that Executive Order. The Executive Order and Directive (hereinafter jointly referred to as the Executive Order and Directive) provide the principles, practices, and procedures to govern the identification, classification, downgrading, declassification, and safeguarding of national security information and material and establish a monitoring system to insure effectiveness. The Executive Order and Directive are supplemented by this Order to the extent necessary.

The Assistant Secretary for Administration shall be responsible for insuring effective compliance with the implementation of the Executive Order and this Order.

This Treasury Order supersedes Part I of Treasury Department Order No. 160,

revised as of July 16, 1968, entitled "Safeguarding Official Information," issued under Executive Order 10501, as amended.

**SEC. 2. National Security Classification Categories.** The Executive Order and Directive provide for the classification of official information and material which requires protection against unauthorized disclosure "in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed 'national security')." Official information and material classified under Executive Order 11652 is exempt from required disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1).

Classification in the interest of national security shall be in one of three categories, namely, Top Secret, Secret, or Confidential depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute. The classification categories are defined in section 1 (A), (B), and (C) of the Executive Order.

**SEC. 3. Authority to Classify.** (a) *Restrictions.* The authority to originally classify official information or material is restricted to the officials designated under this section. The authority inheres in the office and may be exercised by the person acting in that office but shall not be delegated. Each person possessing classifying authority shall be held accountable for the propriety of the classifications attributed to him. Both unnecessary classification and overclassification shall be avoided.

(b) *Officials Authorized.* The authority for original classification of information or material as Top Secret within the Department of the Treasury shall be exercised only by the Secretary, the Deputy Secretary, the Under Secretary, the Under Secretary for Monetary Affairs, the General Counsel, the Deputy Under Secretary, all of the Assistant Secretaries, the Special Assistant to the Secretary (National Security Affairs), the Special Assistant to the Secretary (Public Affairs), and the Special Assistant to the Secretary (Congressional Relations).

The authority for original classification of official information or material as Secret within the Department of the Treasury shall be exercised only by those officials who have Top Secret classification authority and by the heads of bureaus.

The authority for original classification of official information or material as Confidential within the Department of the Treasury shall be exercised only by those officials who have Top Secret and Secret classification authority and such other officials as those persons possessing the aforementioned classification authority shall specifically designate in writing by title of position. The designations of such positions shall be limited to the minimum number necessary for the efficient conduct of the business of the Department.

(c) *Classification Requirements.* Each official classifying a document shall do so in the manner provided in the Executive Order and Directive, with the marking of each document as provided in Part IV of the Directive. This marking will show the classification, the classifier, and the application or nonapplication of the General Declassification Schedule: *Provided, however,* That exemption from the General Declassification Schedule may only be made by an officer having Top Secret classification authority.

(d) *Record Requirement.* The Assistant Secretary for Administration shall maintain a listing by name and position of the officials in the Office of the Secretary who are authorized under this Order to classify documents as Top Secret, Secret and Confidential. The head of each bureau shall maintain such a listing of the officials in his office authorized to apply a national security classification and shall supply a copy of each listing to the Assistant Secretary for Administration. This listing is compiled as of July 1, 1972, and updated at least on a quarterly basis.

**SEC. 4. Authority To Downgrade and Declassify.** The authority to downgrade and declassify national security information or material in accordance with the rules for declassification and downgrading in the Executive Order and Directive shall be exercised by the following officials:

(a) The official authorizing the original classification, a successor in that capacity, or a supervisory official of either:

(b) An official specifically authorized in writing by an official authorized to classify information or material as Top Secret or Secret. The authorization so given shall be reported to the Assistant Secretary for Administration.

**SEC. 5. Requirements for Downgrading and Declassification.** Classified information and material shall be downgraded and declassified in accordance with the requirements of section 5 of the Executive Order and Part II of the Directive. The Assistant Secretary for Administration is hereby authorized to assign personnel to assist the Archivist of the United States in the exercise of his responsibility to systematically review for declassification all Treasury Department material classified before June 1, 1972, and more than 30 years old, and to perform the other functions assigned to such personnel in Part II, D of the Directive.

**SEC. 6. Review of Classified Material for Declassification Purposes.** Members of the public or other departments wishing to request review of classified material more than 10 years old in the custody of the Treasury Department should identify the record or information desired and apply in writing to the office of the Assistant Secretary for Administration, Washington, D.C.

(a) The Assistant Secretary for Administration shall immediately forward the request for review of records 10 to 30 years old to the appropriate officer of the Treasury Department having Top

Secret classification authority and shall acknowledge receipt of the request to the requester in writing.

The request shall be reviewed and a determination made within 30 days whether continued classification is required under the criteria of section 5(B) of the Executive Order.

If the request is denied that office must indicate to the Assistant Secretary for Administration in a brief statement the reason for continued classification and, unless impossible, specify the date on which such matter shall be declassified. Whenever possible, the Assistant Secretary for Administration shall furnish the requester with a copy of that statement.

If the request is denied or no answer is received after 60 days, the requester may appeal to the Departmental Committee on National Security Information established under section 7 of this Order. The Departmental Committee shall act on the appeal and reply to the requester within 30 days. If the Departmental Committee determines that continued classification is required, it shall also notify the requester that he may appeal that denial to the Interagency Classification Review Committee.

(b) The Assistant Secretary for Administration shall immediately forward the request for review of records more than 30 years old to an appropriate office of the Treasury Department and shall acknowledge receipt of the request to the requester in writing. That office shall review the request and within 21 days forward to the Secretary of the Treasury a recommendation whether continued classification is required under the criteria of section 5(E) of the Executive Order.

If the Secretary of the Treasury determines that continued classification is required, the Assistant Secretary for Administration shall promptly notify the requester that he may appeal that denial to the Interagency Classification Review Committee and, whenever possible, shall furnish the requester with a brief statement why continued classification is required.

**SEC. 7. Departmental Committee on National Security Information.** There is hereby established a Departmental Committee on National Security Information which shall be composed of the Assistant Secretary for Administration, as Chairman, and the General Counsel and the Special Assistant to the Secretary (National Security Affairs), as members.

The Departmental Committee shall review and act upon applications and appeals regarding requests for declassification, as provided in section 6 of this Order; shall, upon request, review all decisions denying Treasury Department information and material on the ground of exemption under 5 U.S.C. 552(b)(1), and shall act upon complaints in the administration of the Executive order, any Directives thereunder and this Treasury order.

**SEC. 8. Access.** Access to classified information shall be granted only in accordance with the regulations provided

## NOTICES

in Part VI of the Directive as supplemented by this Order. No individual shall be entitled to receive or handle classified information or material solely because of his official position or because he has a valid security clearance. He must have in addition the need for access to the particular classified information or material sought in connection with the performance of his official duties or contractual obligations. The determination of the need shall be made by the official having the responsibility for the safeguarding of the classified information or material.

Officials and employees of Federal Reserve Banks, which are authorized to serve as fiscal agents of the United States and perform functions related to the issue and redemption of U.S. securities may be granted access to classified national security information or material by the Under Secretary for Monetary Affairs, or his designee, when (a) the information was classified by a Treasury official or consent for dissemination to the Federal Reserve Bank was obtained from the classifying agency, under the Directive; (b) the Federal Reserve Bank officials or employees need to have knowledge of such information or material in connection with activities approved by the Under Secretary for Monetary Affairs, or his designee, as being in the interests of the United States; and (c) the Federal Reserve Bank officials and employees were cleared by the Department of the Treasury under the procedures and standards applicable to Treasury officials and employees.

The Under Secretary for Monetary Affairs, or his designee, shall also be responsible for adjusting or withdrawing the security clearance of any person who no longer needs access to classified national security information or material at a particular level in connection with the official performance of his duties.

**SEC. 9. Accountability.** The Director of the Executive Secretariat is hereby designated as the Top Secret Control Officer within the Office of the Secretary to receive, maintain current accountability records of, and dispatch Top Secret material. He shall maintain the physical inventory required in Part VI, G of the Directive.

Each Treasury bureau shall designate a Top Secret Control Officer who shall receive, maintain current accountability records of, and dispatch all Top Secret material.

The foregoing officials shall maintain the data index for Top Secret, Secret, and Confidential information in the manner provided for in Part VII of the Directive for the categories of information approved by the Interagency Classification Review Committee.

**SEC. 10. Safe Keeping.** Classified information or material may be used, held, or stored only where there are facilities or under conditions adequate to prevent unauthorized persons from gaining access to it. Whenever such information or materials are not under the personal supervision of an authorized person, the methods set forth in Appendix A to the Directive shall be used to protect it.

Records of combinations on locks of safekeeping equipment shall be stored in a central repository designated by the bureau security officer or, in the case of offices in the Office of the Secretary, in the office of the Director, Office of Central Services.

**SEC. 11. Transmission.** Classified information or material shall be transmitted between Treasury bureaus and buildings and outside the Treasury Department only in accordance with the requirements of Appendix B of the Directive. Within the main Treasury building and within each separate bureau building such information or material may be transmitted between offices by direct contact of the officials concerned in a single sealed opaque envelope with no security classified category being shown on the outside of the envelope. Classified information or material shall never be delivered to unoccupied rooms or offices.

Department of Treasury Form 2747 (Receipt for Classified Material) shall be used in the transmission of all Top Secret and Secret information or material when transmitted outside the organizational control of the sender. Form 2747 may be used for the transmission control of any other information or material at the discretion of the sender. Receipts for Top Secret information or material may be (at the discretion of the holder) destroyed after 5 years. Receipts for Secret, Confidential, and administratively controlled information or material may be destroyed after 3 years. The receipt shall identify the enclosures as to type of document, subject, copy number and date of document, but shall contain no classified information. Several items may be transmitted to the same address under cover of the same receipt. The receipt shall be signed by the recipient and returned to the sender. When a receipt for classified information or material is not returned promptly to the sender, appropriate security personnel shall be notified and followup action initiated.

**SEC. 12. Loss or Subjection to Compromise.** Any Treasury Department employee who has knowledge of the loss or possible compromise of classified information or material shall immediately report the circumstances to the appropriate bureau head or his designee who shall take appropriate action forthwith. In turn, the originating department and any other interested department shall be notified about such loss or possible compromise.

If the loss or possible compromise occurs in any Treasury Department bureau, the Assistant Director (Physical Security), Office of Administrative Programs, Office of the Secretary, shall be notified who, in turn, shall direct an immediate inquiry to be conducted for the purpose of taking corrective measures and assessing damages. Recommendations shall be made as to the appropriate administrative, disciplinary, or legal action to be taken.

**SEC. 13. Destruction.** When information or material, classified under the

authority of Executive Order 11652 is to be destroyed, destruction shall be by burning, mulching, or shredding in the presence of an individual or individuals specifically designated by the appropriate bureau head. Prior to a bureau obtaining a mulching or shredding machine, the Assistant Director (Physical Security), Office of Administrative Programs, shall approve use of such a machine. Any classified information or material to be destroyed by burning shall be torn and placed in containers designated as burnbags and shall be clearly and distinctly labeled "Burn." Burnbags awaiting destruction shall be protected by security safeguards commensurate with the classification or control designation of the material involved. Each bureau head shall cause appropriate accountability records to be maintained for his bureau to reflect the destruction of classified national security information or material. Non-record classified material such as extra copies and duplicates, including short-hand notes, preliminary drafts, used carbon paper and other material of similar temporary nature, shall also be destroyed by burning, mulching, or shredding as soon as it has served its purpose, but no records of such destruction need be maintained.

**SEC. 14. Training, Orientation, and Inspection.** The Assistant Director (Physical Security), Office of Administrative Programs, shall establish, coordinate, and maintain active training, orientation, and inspection programs for employees concerned with classified information or material to assure that the provisions of the Executive Order and any Directives thereunder are effectively administered throughout the Department. He shall also make any inspection which, in his judgment, is necessary to ascertain facts or facilitate administration. Each bureau head shall designate a person or persons to coordinate and supervise the activities applicable to his bureau to maintain the programs of training, orientation, and inspection established by the Assistant Director (Physical Security), Office of Administrative Programs, and to carry out related activities of section 7(B)(3) of Executive Order 11652.

**SEC. 15. Review.** Each bureau head shall designate a member or members of his staff to conduct a continuing review of the implementation of the Executive Order and Directive and this Order within his bureau. The Assistant Director (Physical Security), Office of Administrative Programs, shall coordinate bureau reviews and he is authorized to determine what periodic or special reports may be required.

**SEC. 16. Bureau Regulations.** Copies of all regulations and procedures of general applicability issued by the heads of bureaus shall be forwarded to the Assistant Director (Physical Security), Office of Administrative Programs.

Effective date: Upon publication in the **FEDERAL REGISTER** (10-5-72).

[SEAL] **GEORGE P. SHULTZ,**  
*Secretary of the Treasury.*  
[FR Doc.72-17091 Filed 10-4-72;8:55 am]

**OFFICIALLY LIMITED INFORMATION**  
**Classification and Declassification**  
**Procedures**

1. **Purpose.** In connection with the development of Treasury policy, the enforcement of criminal and civil laws relating to Treasury operations, the making of decisions on personnel matters, and the consideration of confidential financial information, Treasury officials are required to handle documents and materials containing information which must be restricted to necessary official use and may not be otherwise disclosed, either to persons employed by, or to persons outside of, the Treasury Department. Such information of a non-defense character has in the past been administratively classified with the legend Limited Official Use or Official Use Only, in accordance with Part II of Treasury Order No. 160, as revised in 1962 and 1968. This present order restates the authority for administrative classification, and the requirements for declassification, of information necessarily restricted for official purposes which is not appropriately classified as national security information under Treasury Order No. 160, revised, in accordance with Executive Order 11652 of March 8, 1972.

2. **Statutory authority.** The Secretary of the Treasury has the authority to determine the records held by the Treasury which are to be restricted for official purposes, and the appropriate duration of such restrictions, under his authority to control the management of Department records in 5 U.S.C. 301 and 44 U.S.C. 3101, to enforce the laws requiring the protection of tax information, trade secrets, and confidential financial information under 18 U.S.C. 1905, 26 U.S.C. 7213(b), 31 U.S.C. 1052(j), and 44 U.S.C. 3508, and to determine the records to be made available and disclosed to the public under the requirements of the Freedom of Information Act, 5 U.S.C. 552.

3. **Relationship to the Freedom of Information Act.** The classification of a record in accordance with this order is a determination that the record is not one to be made available for public inspection and copying under 5 U.S.C. 552(a)(2). It is not a determination that the record may not be made available upon request for it under section 552(a)(3). If a request for the record is received under section 552(a)(3), a determination must be made pursuant to 31 CFR Part 1, or under the appropriate regulations of the bureau concerned, as to whether the record should be made available to the requester, in accordance with 5 U.S.C. 552.

4. **Classification and protection.** Official information which is not entitled to protection in the interest of national security, under Executive Order No. 11652, but which requires restriction in accordance with the need therefor stated in this order, shall be classified and protected in compliance with the following rules.

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(a) **Limited official use.** This legend is to be used for documents or materials dealing with important, delicate, or sensitive matters which must be so restricted as to be available only for the information of officials who have a need-to-know such information. Documents or material so marked shall be handled and transmitted in a manner equivalent to that provided in National Security Council Directive, dated May 17, 1972, for the handling and transmission of documents and materials marked Confidential under Treasury Order No. 160.

(b) **Official use only.** This legend is to be used for documents or materials which require restriction to a lesser degree than those marked Limited Official Use, but which may be made available only to authorized officials. Documents or materials so marked shall be handled and transmitted in a manner which will not make them available to unauthorized persons.

(c) **Existing legends.** A bureau which has in use its own classification legends, for other than national security information, may continue to use such legends if the bureau head finds that this will serve its purposes better than the legends described in (a) and (b) above. Each bureau electing to continue its present legends shall furnish their definitions to the Assistant Secretary for Administration, together with the rules governing the protection of documents and material so classified. In addition, each such bureau shall assure that the definitions of its legends are known to those persons, if any, outside the bureau who are authorized recipients of documents or material so classified.

5. **Authority to classify.** Authority to classify documents or material in accordance with section 4(a), (b) or (c) may be exercised only by persons authorized by Treasury Department Order No. 160 to classify national security information as Confidential. Such persons are hereby authorized to delegate the authority to affix the legend Official Use Only as may be necessary for efficient administration, but the redelegated authority shall be limited to as few persons as possible.

6. **Authority to declassify.** The authority to declassify documents or material classified under this order may be exercised by the official authorizing the original classification, a successor in that capacity, a supervisory official of either, or an official specially authorized in writing by any one of the preceding officials.

7. **Declassification.** Information and material classified under this order and under Part II of prior Treasury Order No. 160 shall be declassified as soon as there is no longer any reason for continued classification. It is the responsibility of the official originating the classification, or his successor in office, to remove the classification of documents or material as soon as consistent with the fulfillment for the reasons for the classification. After a determination that a classified record is available upon request, under 5 U.S.C. 552(a)(3), that record shall be automatically declassified. Consideration must then be given to the

declassification of records of a similar character or dealing with the same or similar information.

8. **Revocation.** Part II of Treasury Order No. 160, revised as of July 16, 1968, is revoked as of the effective date of this order.

9. **Effective date.** This order shall be effective upon issuance.

Dated: August 3, 1972.

[SEAL] **GEORGE P. SHULTZ,**  
*Secretary of the Treasury.*

[FR Doc. 72-17092 Filed 10-4-72; 8:55 am]

**DEPARTMENT OF JUSTICE**

**Bureau of Narcotics and Dangerous Drugs**

**NARCOTICS AND COCAINE**  
**Proposed Aggregate Production**  
**Quotas**

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in schedule I and II by July 1 of each year.

The Bureau of Narcotics and Dangerous Drugs had originally anticipated that the proposed aggregate production quotas for all controlled substances in schedule I and II would be established at one time following analysis of the anorectic review study of the Food and Drug Administration. The Bureau has now decided, however, to publish the proposed aggregate production quotas for narcotics and cocaine separately from those for stimulants. Publication of the proposed aggregate production quotas for stimulant controlled substances listed in schedule I and II shall be forthcoming in the near future.

In determining the narcotic and cocaine aggregate production quotas for 1972, which are adequate to provide for the estimated medical, scientific, research, and industrial needs of the United States, lawful export requirements and establishment and maintenance of reserve stocks, the Bureau has considered the following as required by section 306 of the CSA (21 U.S.C. 826) and § 303.11 of Title 21 of the Code of Federal Regulations:

(1) Total net disposal by all manufacturers during the current and preceding 2 years and trends in the national rate of net disposal;

(2) Total actual (or estimated) inventory of narcotics and cocaine and of all substances manufactured from them and trends in inventory accumulation;

(3) Projected demand as indicated by procurement quotas requested pursuant to § 303.13 of Title 21 of the Code of Federal Regulations.

Based upon consideration of the above factors, the Director, Bureau of Narcotics and Dangerous Drugs, under the authority vested in the Attorney General by

## NOTICES

§ 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, proposes that the aggregate production quotas for 1972 for narcotics and cocaine, expressed in grams in terms of their respective anhydrous bases, be established as follows:

Substance	Proposed—1973
1. Alphaprodine	52,000
2. Anileridine	276,000
3. Apomorphine	3,000
4. Cocaine	1,161,902
5. Codeine (for conversion)	310,000
6. Codeine (for sale)	32,563,961
7. Diphenoxylate	660,000
8. Dihydrocodeine	139,812
9. Ecogonine	123,700
10. Ethylmorphine	22,074
11. Fentanyl	3,000
12. Hydrocodone	485,310
13. Hydromorphone	58,000
14. Levorphanol	8,000
15. Methadone	3,339,000
16. Methodone Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)	1,089,500
17. Morphine (for conversion)	30,556,748
18. Morphine (for sale)	534,662
19. Norpethidine	550,000
20. Opium (tinctures, extracts, etc., expressed in terms of opium)	1,145,500
21. Oxycodone (for conversion)	10,000
22. Oxycodone (for sale)	1,240,000
23. Oxymorphine	6,000
24. Pethidine	16,291,638
25. Phenazocine	275
26. Thebaine (for conversion)	597,000
27. Thebaine (for sale)	3,500,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Attention: Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW, Washington, DC 20537, and must be received by October 23, 1972.

Dated: September 29, 1972.

JOHN E. INGERSOLL,  
Director, Bureau of Narcotics  
and Dangerous Drugs.

[FR Doc. 72-17050 Filed 10-4-72; 8:51 am]

## DEPARTMENT OF AGRICULTURE

Office of the Secretary

## COLORADO

## Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), as amended by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606) and section 5 of Public Law 92-385, it has been determined that in the following counties in the State of Colorado natural disasters have caused a general need for agricultural credit:

## COUNTIES

Delta.  
Mesa.  
Montrose.

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

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

Done at Washington, D.C., this 2d day of October 1972.

EARL L. BUTZ,  
Secretary.

[FR Doc. 72-17087 Filed 10-4-72; 8:53 am]

## OKLAHOMA

## Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as amended by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606) and section 5 of Public Law 92-385, it has been determined that in the following county in the State of Oklahoma a natural disaster has caused a general need for agricultural credit:

## COUNTY

Choctaw.

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

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

Done at Washington, D.C., this 2d day of October 1972.

EARL L. BUTZ,  
Secretary.

[FR Doc. 72-17088 Filed 10-4-72; 8:53 am]

## DEPARTMENT OF COMMERCE

## Bureau of International Commerce

[File: 23(70)-16]

## NORMAN WEDGE

## Order Terminating Indefinite Denial Order

In the matter of Norman Wedge, 2 Oak Grove, Wednesfield, Stafford, England, respondent, File: 23(70)-16.

On November 10, 1971 (36 F.R. 21837), an order was entered against the above

named Norman Wedge and other respondents denying them, for an indefinite period, all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States. This order was issued in accordance with § 388.15 of the Export Control Regulations because the respondents failed to answer interrogatories without showing good cause for such failure.

The above named Norman Wedge has now furnished responsive answers to some of the interrogatories and has given adequate reasons for failure to furnish complete answers to other interrogatories. In accordance with § 388.15 he is entitled to have the indefinite denial order terminated as against him.

Accordingly, the above mentioned indefinite denial order of November 10, 1971, is hereby terminated as against Norman Wedge individually. The order remains in effect against Norman Wedge Ltd. and Keith Hutt, the other respondents named therein.

Dated: September 29, 1972.

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

[FR Doc. 72-17014 Filed 10-4-72; 8:48 am]

## Office of Minority Business Enterprise

## NATIONAL ADVISORY COUNCIL FOR MINORITY BUSINESS ENTERPRISE

## Notice of Public Meeting

Pursuant to the provisions of section 13 of Executive Order 11671 of June 5, 1972, notice is hereby given that a meeting of the National Advisory Council for Minority Business Enterprise will be held October 19-20, 1972, at the Los Angeles Hilton Hotel, 930 Wilshire Boulevard, Los Angeles, CA. The meeting on October 19, 1972, will convene at 10 a.m., and the meeting on October 20, 1972, will convene at 9 a.m.

The Council's purpose is to advise and assist the Secretary of Commerce and the Director, Office of Minority Business Enterprise on the development and implementation of policies in support of the Minority Business Enterprise program, with specific emphasis on mobilizing and applying the support of the private sector of the economy.

The Advisory Council consists of 82 members who are knowledgeable and dedicated to the objectives of the national program for Minority Business Enterprise.

The Advisory Council and its committees will consider the capital development, opportunities, education, training, and purchasing available to or needed by minority business.

The meeting shall be open to the public. A verbatim transcript of the Council and committee meetings will be kept and will be available for public inspection through the Information Center, Office of Minority Business Enterprises, U.S. Department of Commerce, 14th and

Constitution Avenue NW., Washington, DC. A list of the Advisory Council members can also be obtained from the Information Center.

Persons wishing additional information concerning this meeting should contact the Council's staff, 1000 Vermont Avenue, Washington, DC, or call them at 202-967-3922.

Dated: October 3, 1972.

DAVID S. BROWN,  
Acting Deputy Director, Office  
of Minority Business Enterprise.

[FR Doc.72-17165 Filed 10-4-72;8:51 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of the Secretary COMMITTEE MANAGEMENT

#### Notice of Determination

The Department of Health, Education, and Welfare utilized advice and recommendations of advisory committees in carrying out many of its functions and activities.

On June 5, 1972, the President issued Executive Order 11671 governing the formation, use, conduct, management, and accessibility to the public of advisory committees formed to advise and assist the Federal Government. Section 13 of the order specifies that department and agency heads shall make adequate provision for participation by the public in the activities of advisory committees, except to the extent a determination is made in writing by the department or agency head that committee activities are matters which fall within policies analogous to those recognized in the Freedom of Information Act, section 552 (b) of title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure. Consequently, the Department will open to the public as many advisory committee meetings as possible.

While the Department has a policy of the fullest possible disclosure of records pursuant to the Freedom of Information Act, obligations of confidentiality and administrative necessity require that the Department invoke the exemptions from mandatory disclosure specified in the Act for certain of its records.

Records containing trade secrets, commercial or financial information, personnel or medical files, or investigatory files compiled for law enforcement purposes are illustrative of such exempt records. The functions and responsibilities with which some committees are charged require that certain of the exempt records be submitted for the use of the committee during their deliberations. If these committees were required to discuss these records in open meetings the protection of the exemptions of the Freedom of Information Act would be lost and their

purpose frustrated. Moreover, if the deliberations were reduced to writing, the records thus created likewise would be entitled to the same exemption from mandatory disclosure.

Advisory committee meetings at which testimony or other evidence is received by the committee from persons outside the Department should be open to the public. When, however, an advisory committee has reached, in the performance of its responsibilities, the point of considering, discussing, and formulating its advice, conclusions or report, effective functioning of a committee requires that its members have an opportunity to express their individual views and judgments to each other without the presence of the public in arriving at the views and judgments of the committee.

Pursuant to section 13(d) of the order, it is hereby determined therefore that only the following meetings of advisory committees or portions thereof shall be closed to the public:

(1) Meetings or portions thereof, to the extent that they directly involve review, discussion, or consideration of records of the Department which are exempt under section 3(e) (4), (6), and (7) of the Act (5 U.S.C. 552(b) (4), (6), and (7)) namely, records (a) containing trade secrets and commercial or financial information obtained from a person and privileged or confidential; (b) which are personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (c) which are investigatory files compiled for law enforcement purposes;

(2) Meetings or portions thereof held for the sole purpose of considering and formulating advice which the committee will give or any report it will render and involving exclusively the internal expression of views and judgments of the members, which if reduced to writing would be exempt as internal memoranda from mandatory disclosure under section 3(e) (5) of the Act (5 U.S.C. 552(b) (5)).

It is further determined that the public interest requires that meetings or portions of meetings devoted to activities described in the preceding two numbered paragraphs be closed to the public in the interest of maintaining the Department's obligation of confidentiality and administrative necessity and so the Department may continue to receive needed information and advice through the advisory committee process.

No person other than members of the committee or staff of this Department shall be present at any meeting or portion of a meeting closed to the public pursuant to this determination. Decisions concerning specific matters exempt from disclosure under the Act will be made in accordance with the regulation promulgated by the Department under the Act.

ELLIOT L. RICHARDSON,  
Secretary.

SEPTEMBER 27, 1972.

[FR Doc.72-17075 Filed 10-4-72;8:52 am]

## ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-295, 50-304]

### COMMONWEALTH EDISON CO.

#### Notice of Hearing on a Facility Operating License

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, to begin in or in the vicinity of Lake County, Ill., to consider the application filed under § 104(b) of the Act by the Commonwealth Edison Co. (applicant) for facility operating licenses which would authorize the operation of the pressurized water reactors (the facilities), identified as Zion Nuclear Power Station, Units Nos. 1 and 2, at steady-state power levels up to a maximum of 3250 megawatts (thermal) each, at the applicant's site in Lake County, Ill.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission), consisting of Jerome Garfinkel, Esq. (Chairman), Mr. Gustave A. Linenberger, and Dr. E. Leonard Cheatum. Dr. Ernest O. Salo has been designated as a technically qualified alternate, and Thomas W. Reilly, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facility was authorized by Provisional Construction Permits Nos. CPPR-58 and CPPR-59, issued by the Commission on December 26, 1968, following a public hearing.

A notice of consideration of issuance of an operating license for the facility was published on June 30, 1972 (37 F.R. 12982). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the issuance of a license could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, rules of practice. A joint petition for leave to intervene was thereafter filed by: Businessmen for the Public Interest, the Sierra Club, the Metropolitan Sanitary District of Greater Chicago, and David Dinsmore Comey. A separate petition also was filed, by Mrs. Eileen Jenkins. Answers to these petitions were filed by the applicant and by the Atomic Energy Commission's Regulatory Staff.

As set forth in a memorandum and order on this matter dated September 29, 1972, the Commission has determined that a public hearing will be held and that the petitioners, Businessmen for the Public Interest and David Comey should be admitted as parties to the proceeding. The Commission further directed the Licensing Board to take whatever action

## NOTICES

may be appropriate to rule on the remaining petitioners' requests to intervene, narrow petitioners' contentions, and specify the issues to be considered during the hearing.

A special prehearing conference will be held by the Board, 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 any further prehearing conferences, and of the hearing itself, will be set by the Board at or after the special prehearing conference. Notices as to the dates and places of the special prehearing conference and the hearing will be published in the **FEDERAL REGISTER**.

Depending on the resolution of the issues specified by the Licensing Board, authorization for issuance of the license may be granted or denied, or the license may be authorized as appropriately conditioned. An operating license would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below which are not embraced by the Board's decision (and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50, dealt with hereinafter):

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.

The Commission has issued regulations for the implementation in its licensing proceedings of the National Environmental Policy Act of 1969 (NEPA). Appendix D to 10 CFR Part 50. The instant proceeding is covered by section C of said Appendix D, 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.

The application for the facility operating licenses and other documents perti-

nant to the matters under consideration, including the transcripts of the prehearing conference and of the hearing, have or will be placed in the Commission's Public Document Room, 1717 H Street NW, Washington, DC, where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Waukegan Public Library, 128 North County Street, Waukegan, IL, for inspection by members of the public. Copies of the applicant's supplemental environmental reports dated November 8, 1971, December 3, 1971, February 29, 1972, April 13, 1972, and May 18, 1972; the Commission's draft detailed statement of environmental considerations pursuant to 10 CFR Part 50; the report of the Advisory Committee on Reactor Safeguards on the application for a facility operating license for the Zion facility; the Commission's final detailed statement of environmental considerations pursuant to 10 CFR Part 50, Appendix D; the safety evaluation prepared by the Division of Reactor Licensing; and the proposed facility operating licenses, when available and to the extent of supply, may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

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 either a petition for leave to intervene or a request for a hearing 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 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. 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 the proceeding (other than the Regulatory Staff) not later than twenty (20) days from the date of publication of this notice in the **FEDERAL REGISTER**. Any petitioner subsequently admitted as a party by the Licensing Board shall file an answer as may be required by the Licensing Board. Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Com-

mission, 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 Board, 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 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. The membership of the Appeal Board for this proceeding will be designated by the Commission in a subsequent notice to be published in the **FEDERAL REGISTER**.

Dated at Germantown, Md., this 29th day of September 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,  
[SEAL] PAUL C. BENDER,  
*Secretary of the Commission.*

[FR Doc. 16978 Filed 10-4-72; 8:45 am]

[Dockets Nos. 50-315, 50-316]

INDIANA & MICHIGAN ELECTRIC CO.  
AND INDIANA & MICHIGAN POWER CO.

**Notice of Hearing on a Facility Operating License**

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, to begin in or in the vicinity of Berrien County, Mich., to consider the application filed under section 104b. of the Act by the Indiana & Michigan Electric Co. and Indiana & Michigan Power Co. (Applicants) for facility operating licenses which would authorize the operation of the pressurized water reactors (the Facilities), identified as Donald C. Cook Nuclear Plant, Units 1 and 2, at steady-state power levels up to a maximum of 3,250 megawatts (thermal) each, at the applicants' site in Berrien County, Mich. The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission), consisting of Jerome Garfinkel, Esq. (Chairman), Mr. Gustave A. Linenberger, and Dr. Ernest O. Salo. Dr. Gerard A. Rohlich has been designated as a technically qualified alternate, and

Thomas W. Reilly, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facility was authorized by Provisional Construction Permits Nos. CPPR-60 and CPPR-61, issued by the Commission on March 25, 1969, following a public hearing.

A notice of consideration of issuance of an operating license for the Facility was published on June 29, 1972 (37 F.R. 12886). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the issuance of a license could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, rules of practice. A joint petition for leave to intervene was thereafter filed by Businessmen for the Public Interest, the Sierra Club, the West Michigan Environmental Council, Inc., and the Rosemary Beach Association. Petitions were also filed by the Dunewood Property Owners Association, Mr. Frank Condon and Miss Jane Condon, and a joint petition by 17 individuals (Brooks et al.). Answers to these petitions were filed by the Applicant and by the Atomic Energy Commission's Regulatory Staff.

As set forth in a memorandum and order on this matter dated September 29, 1972, the Commission has determined that a public hearing will be held and that joint petitioners Brooks et al. and BPI should be admitted as parties to the proceeding. The Commission further directed the Licensing Board to take whatever action it considered necessary to enable it to rule on the remaining petitions, as well as to narrow and specify the issues to be considered during the hearing.

A special prehearing conference will be held by the Board, 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 any further prehearing conferences, and of the hearing itself, will be set by the Board at or after the special prehearing conference. Notices as to the dates and places of the special prehearing conference and the hearing will be published in the *FEDERAL REGISTER*.

Depending on the resolution of the issues specified by the Licensing Board, authorization for issuance of the licenses may be granted or denied, or the licenses may be authorized as appropriately conditioned. An operating license would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below which are not embraced by the Board's decision (and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50, dealt with hereinafter):

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.

The Commission has issued regulations for the implementation in its licensing proceedings of the National Environmental Policy Act of 1969 (NEPA). Appendix D to 10 CFR Part 50. The instant proceeding is covered by section C of said Appendix D, 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.

The application for the facility operating licenses and other documents pertinent to the matters under consideration, including the transcripts of the prehearing conference and of the hearing, have or will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public. Copies of those documents will also be made available at the St. Joseph Public Library, 500 Market Street, St. Joseph, MI, for inspection by members of the public. Copies of the Applicants' supplemental environmental report dated November 8, 1971; the Commission's draft detailed statement of environmental considerations pursuant to 10 CFR Part 50; the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses for the Cook facility; the Commission's final detailed statement of environmental considerations pursuant to 10 CFR Part 50, Appendix D; the safety evaluation prepared by the Division of Reactor Licensing; and the proposed facility operating licenses, when available and to the extent of supply, may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

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 either a petition for leave to intervene or a request for a hearing 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 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. 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 the proceeding (other than the Regulatory Staff) not later than twenty (20) days from the date of publication of this notice in the *FEDERAL REGISTER*. Any petitioner subsequently admitted as a party by the Licensing Board shall file an answer as may be required by the Licensing Board. 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, D.C.

Pending further order of the Board, 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 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. The membership of the Appeal Board for this proceeding will be designated by the Commission in a subsequent notice to be published in the *FEDERAL REGISTER*.

Dated at Germantown, Md., this 29th day of September 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,  
PAUL C. BENDER,  
Secretary of the Commission.

[FR Doc.16977 Filed 10-4-72;8:45 am]

## NOTICES

[Docket No. 50-322]

**LONG ISLAND LIGHTING CO.****Notice of Availability of AEC Final Environmental Statement for the Shoreham Nuclear Power Station**

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 document entitled "Final Environmental Statement Related to the Proposed Construction of the Shoreham Nuclear Power Station by the Long Island Lighting Co." has been prepared by the Directorate of Licensing, U.S. Atomic Energy Commission and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW, Washington, DC, and in the Comsewogue Public Library, 170 Terryville Road, Port Jefferson, NY 11776. The statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, NY 12207 and at the Tri-State Regional Planning Commission, 100 Church Street, New York, NY 10007.

The notice of availability of the Long Island Lighting Co.'s environmental report was published in the **FEDERAL REGISTER** on February 12, 1972 (37 F.R. 3204).

The notice of availability of the Commission's draft environmental statement for the Shoreham Nuclear Power Station and request for comments from interested persons was published in the **FEDERAL REGISTER** on June 13, 1972, 37 F.R. 11740. The comments received from Federal, State, and local officials have been included as appendixes to the final environmental statement.

Single copies of the statement 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 2d day of October 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,  
Assistant Director for Boiling Water Reactors, Directorate of Licensing.

[FR Doc. 72-17161 Filed 10-4-72; 8:51 am]

[Docket No. 50-244]

**ROCHESTER GAS AND ELECTRIC CORP.****Notice of Availability of Applicant's Environmental Report**

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 "Rochester Gas and Electric Corporation, R. E. Ginna Nuclear Power Plant Unit No. 1 Environmental Report," submitted by the Rochester Gas & Electric Corp.

has been placed in the Commission's Public Document Room at 1717 H Street NW, Washington, DC, and at the local Public Document Room at the Lyons Public Library in Lyons, N.Y. The report is also being sent to the New York State Office of Planning Services, 488 Broadway, Albany, NY 12207 and at the Genesee Finger Lakes Regional Planning Board, 65 Broad Street, West Rochester, NY 14614.

This report discusses environmental considerations related to the proposed issuance of a full-term operating license for the R. E. Ginna Plant Unit No. 1, located in Lake Ontario, Wayne County, N.Y.

After the report has been analyzed by the Commission's Director of Regulations or his designee, a draft statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the **FEDERAL REGISTER** a summary notice of availability of the draft detailed statement. 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 available when received.

Dated at Bethesda, Md., this 27th day of September 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,  
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc. 72-16976 Filed 10-4-72; 8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket No. 24791; Order 72-9-119]

**AMERICAN AIRLINES, INC.****Order of Investigation and Suspension**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September, 1972.

By tariff revisions<sup>1</sup> marked to become effective October 1, 1972, American Airlines, Inc. (American) proposes to revise the application of existing local individual inclusive tour basing fares (IT) and establish new midweek IT fares between 23 interior mainland points and Hawaii. Under the proposal, existing IT fares—currently applicable at all times—would apply at all times throughout the peak summer season and on weekends during the offpeak season, while new lower fares would be established for midweek travel in the offpeak season.<sup>2</sup> The

<sup>1</sup> Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB Nos. 136 and 142.

<sup>2</sup> The tariff designates the peak season as June 1 through September 30, and weekends as 12:01 a.m. Friday through midnight Monday.

new midweek IT fares would be approximately 10 percent below the existing IT fare level.<sup>3</sup> The rules applicable to travel remain essentially unchanged from existing provisions; namely, 7 to 21 day minimum/maximum stay, \$45 minimum tour add-on, and two free stopovers in the continental USA. The midweek fares bear an expiration date of May 31, 1973.

In support of its proposal, American alleges that the fares are specifically designed to generate additional vacation traffic during offpeak travel periods. The carrier has submitted data showing that during the 8-month period ending May 1972, its weekend load factors in the Chicago, New York, St. Louis-Hawaii markets averaged 52 percent, whereas weekday load factors averaged only 29 percent. In addition, the carrier has provided traffic data which indicate that in the peak third quarter of 1971, traffic was more than twice that carried in the first quarter of that year. Accordingly, American contends that it can accommodate additional offpeak weekday passengers without increasing capacity.

Braniff Airways, Inc. (Braniff) and United Air Lines, Inc. (United) have filed complaints requesting that the proposal be suspended and investigated. The complainants allege that the instant proposal remains basically unchanged from that filed by American in February which was suspended by the Board, and that the same deficiencies are present here; that the proposed IT fares are below the minimum levels prescribed by the Board for group inclusive tour travel to Hawaii; that the \$45 minimum tour add-on, when combined with the proposed midweek IT fares, amounts to a throwaway as the total is below the regular fare level; and that American's estimates of dilution and diversion are unsubstantiated and underestimated.

American has answered the complaints,<sup>4</sup> alleging that it does not read Order 72-3-17 as barring a carrier from offering a limited offpeak IT fare at a level lower than a GIT fare that is available during all times of the year; that the throwaway problem alluded to by the complaints already exists; and that by limiting the fares to offpeak days during the offpeak season it is insuring its ability to accommodate the new traffic on existing capacity and thereby carry it profitably even though the yield is low.

Upon consideration of the tariff proposal, the complaints and answer thereto, and all other relevant matters the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial,

<sup>3</sup> Earlier this year, American made a similar but somewhat less restrictive proposal which would have reduced its IT fares to Hawaii on Tuesdays through Fridays during both peak and off-peak seasons, by 12 percent and 15 percent respectively. That proposal was suspended by the Board (Order 72-3-17, March 8, 1972).

<sup>4</sup> American's answer was filed 6 days late, accompanied by a motion for leave to file a late document. Since the tariff was posted, and neither complainant has objected, the motion will be granted.

or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Information furnished by the carriers in connection with their pending request for a general increase in normal fares to Hawaii indicates that one-half of all coach/economy traffic moves on one of the discount fares available in this market. IT fares alone account for 29 percent of United's traffic from interior points, between 13 and 18 percent of Braniff's traffic on the 3 midweek days involved, and apparently somewhat in excess of 20 percent in the case of American. In our opinion, the magnitude of discount fare travel raises a very real question as to the reasonableness of these fares in relation to the overall pattern of fares in the Hawaii market, both in terms of the relative value of the various services and the cost of providing them. In this connection, we note that the size of the discount for IT travel was increased in July 1972, by virtue of an increase in normal fares implemented at that time pursuant to the Board's decision in the U.S. Mainland-Hawaii Fares case. Moreover, it seems only reasonable to conclude that capacity is being provided at least in part to accommodate discount fare traffic, which raises the question of what costs should properly be assigned to these services. Accordingly, we are not prepared to permit a further reduction in IT fares to Hawaii to be implemented without investigation.

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

*It is ordered*, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A<sup>5</sup> and rules, regulations, and practices affecting such fares and 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 fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A<sup>5</sup> 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 motion of American Airlines, Inc. for leave to file a late document is hereby granted;

4. Except to the extent granted herein, in the complaints in Dockets 24703 and 24704 are hereby dismissed;

5. 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

<sup>5</sup> Filed as part of the original document.

6. Copies of this order be filed in the aforesaid tariffs and be served on American Airlines, Inc., Braniff Airways, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

NOTE: Members Minetti and Murphy filed a dissent, filed as part of the original document, in part.

[FR Doc. 72-17080 Filed 10-4-72; 8:53 am]

[Docket No. 23333; Order 72-9-113]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Approving Agreement

Adopted by the Civil Aeronautics Board in its office in Washington, D.C. on the 29th day of September, 1972.

By Order 72-7-40, dated July 12, 1972, the Board approved through September 30, 1972, that portion of an agreement adopted by the members of the International Air Transport Association (IATA) relating to the establishment of rates and provisions for carriage between the United States and the Federal Republic of Germany of containerized freight in unit-load device Type 2. This device, more commonly known as the "bungalow," is specifically designed for use in wide-bodied B-747 freighter aircraft. Previously, the Board's deferral of action<sup>1</sup> on the agreement had noted the relationship between the proposed provisions governing the rating of bungalows, and a request by Seaboard World Airlines, Inc. (Seaboard) in Docket 24425 for Board suspension of bungalow rate tariffs filed unilaterally by Lufthansa during the IATA "open-rate" period that prevailed prior to the agreement's effectiveness. (The Board continued to defer action on rates and provisions for Type 1 bungalows, inasmuch as no carrier has proposed to commence utilization of this larger container.)

Our condition limiting approval through September 30, 1972, stemmed from differences between Seaboard and Lufthansa raising issues of public interest which have since been resolved. We therefore find that extension of Board approval, for the full term of the agreement is not adverse to the public interest or in violation of the Federal Power Act of 1958.

As regards rates, charges, and provisions for the larger bungalow (Type 1), we will continue to defer action inasmuch as no carrier has proposed to introduce it into service.

Accordingly, *it is ordered*, That:

1. Agreement C.A.B. 22969, R-16, insofar as it provides rates, charges, and provisions applicable to containerized freight moving between the United

States and the Federal Republic of Germany in Type 2 unit-load devices, be and hereby is approved.

2. Action be and hereby is further deferred with respect to that portion of Agreement C.A.B. 22969, R-16, encompassing rates, charges, and provisions applicable to containerized freight moving between the United States and the Federal Republic of Germany in Type 1 unit-load devices.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc. 72-17079 Filed 10-4-72; 8:52 am]

## FEDERAL POWER COMMISSION

### NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEES

#### Establishment and Designation of Initial Membership and Chairmanship

SEPTEMBER 28, 1972.

The Federal Power Commission hereby determines that the establishment of National Power Survey Technical Advisory Committees, as identified hereinafter, is in the public interest and necessary and appropriate for the purposes of the Federal Power Act, 16 U.S.C. 791(a) et seq., and the Commission establishes these committees in accordance with the provisions of the Commission's order issued June 29, 1972, 37 F.R. 13380—Order Authorizing the Establishment of National Power Survey Advisory Committees and Prescribing Procedures—and the provisions of this order. Any Task Forces under the Technical Advisory Committees will be established by subsequent Commission orders.

Technical Advisory Committee on Conservation of Energy.

Technical Advisory Committee on Finance.

Technical Advisory Committee on Fuels.

Technical Advisory Committee on Power Supply.

Technical Advisory Committee on Research and Development.

1. *Purpose.* The Technical Advisory Committees shall be subordinate to the National Power Survey Executive Advisory Committee and shall report to such Committee, to the Director of the National Power Survey (Director), and to the Commission on all matters delegated to them pertaining to the planning, conduct and execution of the National Power Survey. The principal functions of the Technical Advisory Committees shall be as follows: (1) To carry out all directions of the National Power Survey Executive Advisory Committee, the Director or the Commission pertaining to the planning, conduct and execution of the National Power Survey; (2) to recommend guidelines as requested by the National Power Survey Executive Advisory Committee, the Director or the Commission for the detailed work encompassed

<sup>1</sup> Order 72-6-137, dated June 29, 1972, dealing with the North Atlantic cargo agreement.

## NOTICES

in the conduct of the National Power Survey and to allocate work assignments to any task forces which may be organizationally subordinate to them; (3) to recommend a proposed time schedule for the development and completion of all assignment phases of the National Power Survey; (4) to coordinate all facets of work allocated to any organizationally subordinate task forces; (5) to submit periodic reports to the National Power Survey Executive Advisory Committee, the Director and the Commission as to the progress and status of the National Power Survey, together with such recommendations pertaining thereto as may be appropriate; and (6) to furnish such other assistance and advice to the National Power Survey Executive Advisory Committee, the Director and the Commission as they may be called upon from time-to-time to contribute for the successful planning and conduct of the National Power Survey.

2. *Membership.* The chairmen, coordinating representatives, secretaries and other members of the respective Technical Advisory Committees established herein, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the appendix hereto.

3. *Selection of future Committee members.* All future Technical Advisory Committee members and persons designated to act as Committee chairmen, coordinating representatives, secretaries, shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the aforementioned Commission order issued June 29, 1972, are hereby incorporated by reference:

3. Conduct of meetings.
4. Minutes and records.
5. Secretary of the committee.
6. Location and time of meetings.
7. Advice and recommendations offered by the Committee.
8. Duration of the Committee.

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

By the Commission.

[SEAL] **KENNETH F. PLUMB,**  
Secretary.  
APPENDIX

**NATIONAL POWER SURVEY**  
**TECHNICAL ADVISORY COMMITTEES**  
**TECHNICAL ADVISORY COMMITTEE ON**  
**CONSERVATION OF ENERGY**

Chairman: Dr. Bruce Netschert, Vice President, National Economic Research Associates, Inc.

FPC Coordinating Representatives: Richard F. Hill, Office of Environmental Quality.

Drexel D. Journey, Office of the General Counsel.

Thomas J. Joyce, Bureau of Natural Gas.

Martin J. Thorpe, Bureau of Power.

Dr. Haskell P. Wald, Office of Economics.

Secretary: A. F. Bochenek, Bureau of Power.

Alternate Secretary: C. R. Beyer, Bureau of Power.

Members:

John J. Bugas, General Manager, Colorado Ute Electric Association, Inc.

Raymond C. Burt, Engineer-in-Charge, Generating Plant and Generation Facilities, Los Angeles Department of Water and Power.

Jack K. Busby, President, Pennsylvania Power and Light Co.

Dr. Robert K. Davis, Department of Geography and Environmental Engineering, Johns Hopkins University.

Asa George, General Manager and Chief Engineer, Power Authority of the State of New York.

Eugene A. Gulledge, Assistant Secretary for Housing Production and Mortgage Credit, Department of Housing and Urban Development.

John P. Madgett, General Manager, Dairyland Power Cooperative.

Dr. Lawrence I. Moss, Executive Secretary, Committee on Public Engineering Policy, National Academy of Engineering (Also Sierra Club Officer).

Eugene Quindlen, Assistant Director for Government Preparedness, Office of Emergency Preparedness.

Nathaniel P. Reed, Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior.

Louis H. Roddis, Jr., President, Consolidated Edison Company of New York.

Robert Sansom, Assistant Administrator, Environmental Protection Agency.

Dr. Herbert H. Woodson, Chairman, Department of Electrical Engineering, University of Texas.

Quinton R. Wells, Assistant Commissioner for Technical and Credit Standards, Department of Housing and Urban Development.

**TECHNICAL ADVISORY COMMITTEE ON FINANCE**

Chairman: Gordon R. Corey, Chairman, Finance Committee, Commonwealth Edison Co.

FPC Coordinating Representatives:

William W. Lindsay, Bureau of Power.

Arthur L. Litke, Office of Accounting and Finance.

James F. Simes, Bureau of Natural Gas.

Secretary: Peter W. Nygard, Bureau of Power.

Alternate Secretary: Edward J. Fowlkes, Bureau of Power.

Members:

David H. Askegaard, Program Analyst, Rural Electrification Administration.

Richard S. Bodman, Assistant Secretary, Management and Budget, Department of the Interior.

Thomas H. Burbank, Vice President, Edison Electric Institute.

John F. Childs, Senior Vice President, Irving Trust Co.

Fred C. Eggerstedt, Jr., Senior Vice President and Treasurer, Long Island Lighting Co.

Paul Fry, Staff Economist, American Public Power Association.

G. P. Gaw, Director of Finance, Seattle Department of Lighting.

Professor John D. Glover, Harvard Graduate School of Business Administration.

Edwin L. Kennedy, Managing Director, Lehman Bros., Inc.

T. M. McDaniel, Jr., President, Southern California Edison Co.

John O'Connor, Staff Adviser, Environmental Protection Agency.

Charles H. Whitmore, President and Chairman of the Board, Iowa-Illinois Gas & Electric Co.

John G. Winger, Vice President, Energy Economics Division, Chase Manhattan Bank.

**TECHNICAL ADVISORY COMMITTEE ON FUELS**

Chairman: Paul D. Martinka, Vice President, Coal Supply, American Electric Power Service Corp.

FPC Coordinating Representatives:

Alexander Gakner, Bureau of Power.

Gordon Zareski, Bureau of Natural Gas.

Secretary: Charles W. Lines, Bureau of Power.

Alternate Secretary: Lawrence J. Prete, Bureau of Power.

Members:

Robert B. Atwater, General Director, Fuel Supply, Consumers Power Co.

Dr. James E. Connor, Director, Office of Plans and Analysis, Atomic Energy Commission.

J. E. Corson, Manager, Fuel Supply, Florida Power & Light Co.

H. L. Deloney, Vice President, Fuels, Middle South Services, Inc.

Hollis M. Dole, Assistant Secretary, Mineral Resources, Department of the Interior.

Martin E. Fate, Jr., Manager for Power Resources, Public Service Co. of Oklahoma.

Clark Grover, Chief, Fuels Planning Branch, Division of Power, Tennessee Valley Authority.

Robert Hamilton, Executive Vice President, Southern Railway Co.

H. O. Hodson, Vice President, Engineering & Construction, Southwestern Public Service Co.

C. M. Laffoon, Senior Vice President, San Diego Gas & Electric Co.

R. W. Lundgren, Vice President, Detroit Edison Co.

W. G. McCauley, Fuel Agent, Northeast Utilities Service Co.

C. K. Millen, Vice President, Electric Operations, Public Service Co. of Colorado.

L. K. Mundth, Vice President, Power Production, Arizona Public Service Co.

Joseph Padgett, Director of Strategies and Air Standards Division, Environmental Protection Agency.

W. T. Robertson, Manager, Fuel Purchases, Duke Power Co.

Jack A. Simon, Principal Geologist, Geology Group, Illinois State Geological Survey.

Donald Smith, Staff Economist, National Rural Electric Cooperative Association.

Dr. Otto H. Zinke, Professor of Physics, University of Arkansas.

**TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY**

Chairman: M. F. Hebb, Jr., Vice President, System Engineering, Florida Power Corp.

FPC Coordinating Representatives:

B. E. Biggerstaff, Bureau of Power.

Mrs. Phyllis Kline, Office of Economics.

Secretary: Norton Savage, Bureau of Power.

Alternate Secretary: James T. Roseberry, Bureau of Power.

Members:

J. W. Ackerman, Manager, Marketing Operation & Power Generation, Babcock & Wilcox.

Donald N. Anderson, Deputy Administrator, Southwestern Power Administration.

Paul S. Button, Director, Division of Power Marketing, Tennessee Valley Authority.

James E. Connor, Director, Office of Plans and Analysis, Atomic Energy Commission.

Jack Davey, System Planning Manager, Louisiana Power & Light Co.

E. K. Dille, Executive Vice President, Union Electric Co.

E. H. Gehrig, Head, System Planning, Bonneville Power Administration.

J. D. Geist, Vice President, Engineering Operation, Public Service Co. of New Mexico.

Edward C. Glass, Director of Planning, Northern States Power Co.

Milton F. Kent, Vice President & General Manager, Power Generation Sales Division, General Electric Co.

B. L. Lloyd, Manager, Province Planning & Power System Planning, Westinghouse Electric Corp.  
 Hon. James R. Smith, Assistant Secretary, Water and Power Resources, Department of the Interior.  
 Frank Stazeskey, Executive Vice President, Boston Edison Co.

TECHNICAL ADVISORY COMMITTEE ON  
 RESEARCH AND DEVELOPMENT

Chairman: Dr. H. Guyford Stever, Director, National Science Foundation.  
 FPC Coordinating Representatives: Bernard B. Chew, Bureau of Power.  
 L. H. Drennan, Office of Accounting and Finance.  
 Secretary: Jerry R. Milbourn, Bureau of Power.  
 Alternate Secretary: James K. Newton, Bureau of Power.

Members:  
 Dr. Richard Balzhiser, Assistant Director, Office of Science and Technology.  
 G. L. Beard, Senior Vice President, Pacific Power & Light Co.

Dr. Robert A. Bell, Director, Research & Development, Consolidated Edison Co. of New York, Inc.

Paul F. Donovan, Division Director for Advanced Technology Applications, National Science Foundation.

Howard R. Drew, Director of Research, Texas Electric Service Co.

J. D. Flynn, Assistant Manager, General Engineering Department, Cincinnati Gas & Electric Co.

Dr. Stanley Greenfield, Assistant Administrator, Research and Monitoring, Environmental Protection Agency.

E. S. Halfmann, Director, Research, Philadelphia Electric Co.

Dr. George R. Hill, Director, Office of Coal Research, Department of the Interior.

Raymond A. Huse, Manager of Research & Development, Public Service Electric & Gas Co.

L. T. Papay, Director of Research and Development, Southern California Edison Co.

Frederick H. Warren, Senior Vice President, NUS Corp.

M. J. Whitman, Assistant Director for Program Analysis, Division of Reactor Development and Technology, Atomic Energy Commission.

[FR Doc. 72-17072 Filed 10-4-72; 8:54 am]

NATIONAL POWER SURVEY

Notice of Agenda for Meeting of  
 Technical Advisory Committees

Agenda for the meeting of the Technical Advisory Committees to be held at the Federal Power Commission Offices, 441 G Street NW, Washington, DC, GAO Auditorium (seventh floor), October 17, 1972—9:30 a.m.

Presiding: Chairman John N. Nassikas.

1. Meeting called to order and introductory remarks.
2. Technical Advisory Committees.
3. Plans for FPC staff work relating to the Survey.
4. Schedule for the continuing National Power Survey.
5. Adjournment into five individual committee groups (meeting rooms to be announced).

A. Discussion led by Advisory Committee Chairman:

- a. Committee work and objectives.
- b. Schedule for Committee projects.
- c. Assignments to Committee members.
- d. Other business.
- e. Selection of next meeting date.

B. Adjournment.

KENNETH F. PLUMB,  
 Secretary.

[FR Doc. 72-17064 Filed 10-4-72; 8:52 am]

[Dockets Nos. RI73-54, et al.]

AMOCO PRODUCTION CO. ET AL.  
 Order Providing for Hearing on and  
 Suspension of Proposed Changes in  
 Rates, and Allowing Rate Changes  
 To Become Effective Subject to  
 Refund<sup>1</sup>

SEPTEMBER 27, 1972.

Respondents have filed proposed changes in rates and charges for juris-

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

ditional sales of natural gas, as set forth in Appendix A below.

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

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

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

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

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

By the Commission,

[SEAL] KENNETH F. PLUMB,  
 Secretary.

## NOTICES

## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*	Rate in effect	Proposed increased rate	Rate in effect subject to refund in docket No.
RI73-54	Amoco Production Co.	1 100	15	El Paso Natural Gas Co. (San Juan Basin, N. Mex. and Colo.).	\$20,770	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do	117	14 36	do	(4)	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	42	8-28-72		2-28-73	\$ 20.6	\$ 22.0	R172-231.	
	do			do	(4)	8-28-72		2-28-73	\$ 20.6	\$ 22.0	R172-231.	
	do			do	83,361	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	(4)	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do	1 193	16	do	15,410	8-28-72		2-28-72	\$ 21.33	\$ 22.0	R172-231.	
	do	1 195	13 32	do	6,670	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	25,261	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	(4)	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do	1 124	16	do	720	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do	1 199	19 24	do	2,848	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	6,700	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	(4)	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
	do	1 233	13	do	9,347	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	334	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
	do	1 302	12	do	3,417	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	(4)	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	4,200	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
	do	1 363	12 35	do	205,657	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	(4)	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	600	8-28-72		2-28-73	\$ 21.33	\$ 22.0	R172-231.	
	do	371	28	El Paso Natural Gas Co. (San Juan Basin, N. Mex.).	3,149	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
	do			do	(4)	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
	do	397	14 10	do	3,417	8-30-72		3-2-73	\$ 21.33	\$ 22.0	R172-231.	
RI73-55	Northwest Production Corp.	4	14 10	do	3,417	8-30-72	9-29-72	= Accepted		R169-856.		
	do		11	do	5	8-29-72	10-30-72	10-30-72	14.2343	\$ 21.33	R169-856.	
	do		5	16 10	do	8-29-72	9-29-72	= Accepted			R169-432.	
	do			do								
	do			do	97	8-20-72		10-30-72	14.2343	\$ 21.33	R169-432.	
	do		6	18 10	do	8-29-72	9-29-72	= Accepted			R169-432.	
	do			do	92	8-29-72		10-30-72	14.2343	21.33	R169-432.	
RI73-56	The Wiser Oil Co.	3	16 10	do	8-28-72	9-28-72	= Accepted					
	do		11	do	14,400	8-28-72		2-28-73	13.0	\$ 22.0		
	do		4	18 18	do	8-28-72	9-28-72	= Accepted				
	do		19	do	15,000	8-28-72		2-28-73	12.0	\$ 22.0		
	do		19	do	15,000	8-28-72		10-29-72	12.0	\$ 22.0		
	do		5	18 12	do	8-28-72	9-28-72	= Accepted				
	do		13	do	9,000	8-28-72		2-28-73	13.0	\$ 22.0		
	do		13	do	9,000	8-28-72		10-29-72	13.0	\$ 22.0		
	do			do	3,629	8-28-72		11-19-72	21.33	\$ 26.5	R172-154.	
RI73-57	Phillips Petroleum Co.	488	3	El Paso Natural Gas Co. (Ector Plant, Ector County, Tex., Permian Basin).								
RI73-58	Sun Oil Co.	108	18 6	El Paso Natural Gas Co. (San Juan Basin, N. Mex.).		9-1-72	10-2-72	= Accepted			R169-268.	
	do		7	do	(8)	9-1-72	10-2-72	11-2-72	15.0619	21.33	R169-268.	
	do		376	16 11	do	9-1-72	10-2-72	= Accepted			R169-464.	
RI73-59	Marathon Oil Co.	109	4	Kansas-Nebraska Natural Gas Co. (West Sidney Area, Cheyenne County, Nebr.).	10,270	9-1-72		11-2-72	15.2869	21.33	R171-335.	
	do			do				11-2-72	18.6989	19.2043		

\*Unless otherwise stated, the pressure base is 15,025 p.s.i.a.

<sup>1</sup> New Mexico production.

<sup>2</sup> Colorado production.

<sup>3</sup> For gas from wells completed prior to June 1, 1970.

<sup>4</sup> For gas from wells completed on or after June 1, 1970.

<sup>5</sup> Subject to B.t.u. adjustment.

<sup>6</sup> No production at present.

<sup>7</sup> Increase from fractured renegotiated rate to total renegotiated rate.

<sup>8</sup> For sales of gas from acreage added by Supplement No. 26 which was dated after June 17, 1970.

<sup>9</sup> Does not include acreage added by Supplements Nos. 21 and 24 for which 22 cents is being collected.

<sup>10</sup> Does not include acreage added by Supplement No. 18 for which 22 cents is being collected.

<sup>11</sup> For sales of gas from acreage added by Supplement No. 8 which was dated after June 17, 1970.

<sup>12</sup> For sales of gas from acreage added by Supplement No. 30 which was dated after June 17, 1970.

The proposed increases of Northwest Production Corp. under Supp. No. 11 to its FPC Gas Rate Schedule No. 4, Supp. No. 11 to its FPC Gas Rate Schedule No. 5, and Supp. No. 11 to its FPC Gas Rate Schedule No. 6, and the proposed rates of Sun Oil Co. under Supp. No. 7 to its FPC Gas Rate Schedule No. 108, and Supp. No. 12 to its FPC Gas Rate Schedule No. 376, and the increases which pertain to sales of gas from acreage added by amendments dated after October 1, 1968, of The Wiser Oil Co. under Supp. No. 19 to its FPC Gas Rate Schedule No. 4 and Supp. No. 13 to its FPC Gas Rate Schedule No. 5 do not exceed the rate limit for 1 day suspensions and therefore the proposed rates are suspended for one day after expiration of the 60 day notice period.

The proposed increase of Marathon Oil Co.

is for a sale of gas in Cheyenne County, Nebr., for which no increased ceiling rates have been announced. The Commission has applied the increased rate ceiling of 13 cents in adjacent Colorado as a guide in determining action on Nebraska increases. Since the proposed increase exceeds the 13 cents ceiling rate but does not exceed the rate limit for 1 day suspensions, it is suspended for 1 day after expiration of the 60 days notice period.

All the remaining proposed increases exceed the corresponding rate filing limitations imposed in Southern Louisiana and therefore are suspended for 5 months.

With the exception of Northwest Production Corp. and El Paso Natural Gas Co.,

<sup>13</sup> Does not include acreage added by Supplements Nos. 25 and 27 for which 22 cents is being collected.

<sup>14</sup> Does not include acreage added by Supplement No. 30 for which 22 cents is being collected.

<sup>15</sup> Does not include acreage added by Supplement No. 5 for which 22 cents is being collected.

<sup>16</sup> Contract amendment.

<sup>17</sup> 61-day suspension for sales from acreage added by Supplements Nos. 14, 15, and 16 dated after Oct. 1, 1968.

<sup>18</sup> 61-day suspension for sales from acreage added by Supplement No. 10 dated after Oct. 1, 1968.

<sup>19</sup> One-day suspension period for sales under Mitchell-type certificates at rates under 27 cents per order issued Aug. 2, 1972.

<sup>20</sup> No announced increased ceiling rate.

<sup>21</sup> The pressure base is 14.05 p.s.i.a.

<sup>22</sup> Accepted for filing to be effective on the dates shown in the "Effective Date" column.

there is no known affiliation between buyers and sellers.

All of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

#### CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket

No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

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

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

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

[FR Doc.72-16864 Filed 10-4-72;8:45 am]

[Docket No. E-7775]

#### APPALACHIAN POWER CO.

#### Notice of Proposed Changes in Rates and Charges

OCTOBER 2, 1972.

Take notice that Appalachian Power Co. (APC) on September 21, 1972, tendered for filing proposed changes in its FPC Rate Schedules Nos. 26, 27, 30-38, 40-44, 46-51, and 54; to become effective on October 21, 1972. The proposed changes would increase revenues from jurisdictional sales and service by approximately \$1,918,718 based on a 12-month period ending December 31, 1971.

The proposed rate changes are described in the company's transmittal letter as (i) increasing demand and energy charges, (ii) providing a single rate design applicable to each of such wholesale customers, superseding several different forms of rates presently in effect, and (iii) revising the fuel adjustment clause.

APC avers that the proposed rate increases are occasioned by increases in the cost of providing electric service, and increased costs of capital and increased construction requirements. The company is proposing a single form of rate for the wholesale customers so as to eliminate lack of uniformity reflected in existing rates and to simplify billing and administrative aspects for this class of customers.

Copies of this application have been served on all jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a pe-

tion 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 16, 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.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-17060 Filed 10-4-72;8:52 am]

[Dockets Nos. G-4424, et al.]

#### W. E. BAKKE OIL CO. ET AL.

#### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

SEPTEMBER 27, 1972.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests

in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,  
Secretary.

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4424 E 9-1-72	W. E. Bakke d.b.a. W. E. Bakke Oil Co. (successor to Sun Oil Co.), Post Office Box 6568, San Antonio, TX 78209.	Colorado Interstate Gas Co., Kearny County, Hugoton Field, Kans.	14.5	14.65
G-13385 F 8-7-72 <sup>1</sup>	Atlantic Richfield Co. (successor to Champion Petroleum Co.), Post Office Box 2819, Dallas, TX 75221.	Northern Natural Gas Co., Anna C. Miller Gas Unit, Hugoton Field, Finney County, Kans.	13.5	14.65
G-17911 C 8-25-72	Ashland Oil, Inc., Post Office Box 1503, Houston, TX 77001.	Texas Gas Transmission Corp., Carlton and Calhoun Field, Jackson and Omachita Parishes, La.	20.0	15.025
CI61-290 D 8-24-72	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Southern Natural Gas Co., St. Gabriel Field, Iberville and Ascension Parishes, La.	(?)	-----
CI61-433 E 5-22-72 <sup>2</sup>	American Natural Gas Production Co., 1 Woodward Ave., Detroit, MI 48226.	Michigan Wisconsin Pipeline Co., Shuteston Field, St. Landry Parish, La.	22.375	15.025
CI61-1182 C 8-25-72	Ashland Oil, Inc., Post Office Box 1503, Houston, TX 77001.	Texas Gas Transmission Corp., Tremont and Calhoun Fields, Lincoln and Jackson Parishes, La.	20.0	15.025
CI62-531 B 8-25-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Northern Natural Gas Co., Harper Ranch, Clark County, Kans.	(?)	-----
CI62-1184 F 8-4-72 <sup>3</sup>	Atlantic Richfield Co. (successor to Humble Oil & Refining Co.), Post Office Box 2819, Dallas, TX 75221.	Arkansas Louisiana Gas Co., W. P. Lerblance Unit, Latimer County, Okla.	16.255	14.65
CI63-1046 E 5-22-72 <sup>4</sup>	American Natural Gas Production Co., One Woodward Ave., Detroit, MI 48226.	Michigan Wisconsin Pipeline Co., Shuteston Field, St. Landry Parish, La.	22.375	15.025
CI64-859 E 9-1-72	C. B. Gas Gathering, Inc. (successor to Bluebonnet Gas Corp.), Post Office Box 1873, Corpus Christi, TX 78403.	Florida Gas Transmission Co., S. Bayou Mallet, St. Martin Parish, La.	15.0	15.025
CI65-842 C 8-17-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Trunkline Gas Co., Kelsey, et al., Fields, Brooks, Starr and Hidalgo Counties, Tex.	24.0	14.65
CI66-875 D 9-7-72	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Northern Natural Gas Co., Meybin Ranch Field, Crockett County, Tex.	(?)	-----
CI67-96 C 9-7-72	Texaco Inc., Post Office Box 430, Bellaire, TX 77401.	Tennessee Gas Pipeline Co., West Jennings, Zapata County, Tex.	24.0	14.65

Footnotes at end of table.

## NOTICES

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf <sup>1</sup>	Pressure base	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI68-1231 E 8-16-72	Wainoco, Inc. (successor to Atapaz Petroleum, Inc.), 1435 Bank of the Southwest Building, Houston, Tex. 77002	Natural Gas Pipeline Company of America, Lockridge Field, Ward County, Tex.	9 17.4633	14.65	CI73-176 F 9-5-72	Harold D. Courson (successor to Sun Oil Co.), Box 809, Perryton, Tex. 79701	0.185	14.65
CI68-1232 E 8-16-72	Mobil Oil Corp. (successor to Midway Oil Corp.), Post Office Box 174, Houston, Tex. 77001	Arkansas Louisiana Gas Co., Arkansas Area, Yell and Logan Counties, Ark.	10 14.9802	14.65	CI73-177 F 9-5-72	Harold D. Courson (successor to Shelly Oil Co.), Box 809, Perryton, Tex. 79701	0.125	14.65
CI72-311 E 8-14-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, Ks. 67202	El Paso Natural Gas Co., West Kutz Pictured Cliffs Field, San Juan County, N. Mex.	16.0	14.65	CI73-178 B 9-8-72	Sun Oil Co., Southland Center, Post Office Box 2880, Dallas, Tex. 76221	Cities Service Gas Co., Eureka Area, Grant and Alfalfa Counties, Okla.	(18)
CI72-311 F 6-2-72	American Petroleum Company of Texas, Post Office Box 2159, Dallas, Tex. 75292	El Paso Natural Gas Co., Burrough County, N. Mex.	16.0	14.65	CI73-179 B 9-8-72	Peninsula Producing Co., 900 Southwest Tower, Houston, Tex. 77002	Natural Gas Pipeline Company of America, Cawsoo Creek Field, Aransas County, Tex.	Depleted
CI72-311 D 8-14-72	Texas Oil & Gas Corp., 2520 Fidelity Union Tower, Dallas, Tex. 75201	Com A No. 2 Well, San Juan County, N. Mex.	16.0	14.65	CI73-180 A 9-6-72	Louis H. Weltman, 1011 Wilson Bldg, Corpus Christi, Tex. 78401	United Gas Pipe Line Co., Willard Field, San Patricio County, Tex.	14.65
CI73-110 F 9-6-72	Coltex Corp., Post Office Box 300, Tulsa, Ok. 74102	Michigan Wisconsin Pipe Line Co., West Orion Field, Major County, Okla.	16.0	14.65	CI73-181 F 9-6-72	Long Star Producing Co. (successor to Glover Hefner Kennedy Oil Co.), 301 South Harwood St., Dallas, Tex. 75201	NL-Gas Supply, Inc., Beckham and Washita Counties, Okla.	14.65
CI73-122 A 8-18-72	Cities Service Oil Co., Post Office Box 300, Tulsa, Ok. 74102	Columbia Gas Transmission Corp., Valenish Sand Unit, Lafourche Parish, La.	21.1	15.025	CI73-182 A 9-7-72	Champlin Petroleum Co., Post Office Box 98365, Fort Worth, Tex. 76107	Tennessee Gas Pipeline Co., North Rincon Field, Starr County, Tex.	17.243474
CI73-136 A 8-25-72	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001	Tennessee Gas Pipeline Co., East Cameron Block 77, Offshore, Louisiana	15.025	14.65	CI73-183 B 9-8-72	Success Oil and Gas Co., Inc. (formerly American Oil & Gas Properties of Texas, Inc.), 4711 North Main, Baytown, Tex. 77520	Arkansas-Louisiana Gas Co., Monroe Field, Morehouse Parish, La.	Uneconomical
CI73-148 A 9-7-72	Texas Oil & Gas Corp. (successor to R. L. Kirkwood, Kirkwood & Morgan, Inc. assignors of M. J. Browne), Fidelity Union Tower Bldg., Dallas, Tex. 75201	Tennessee Gas Pipeline Co., Block 77, East Cameron, Offshore, Louisiana	15.025	14.65	CI73-185 A 9-11-72	Texas Oil & Gas Corp., Fidelity Union Tower Bldg., Dallas, Tex. 75201	El Paso Natural Gas Co., Yucca Butte, Terrell County, Tex.	14.65
CI73-160 A 9-5-72	Shell Oil Co., One Shell Plaza, Houston, Tex. 77001	Natural Gas Pipeline Company of America, Vermillion Block 247, Offshore, Louisiana	15.025	14.65	CI73-187 B 9-11-72	General American Oil Company of Texas, 1800 First National Bank Bldg., Dallas, Tex. 75202	Texas Gas Transmission Corp., North Hayes Field, Calcasieu Parish, La.	(29)
CI73-161 A 9-5-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221	Montana-Dakota Utilities Co., Indian Butte Field, Fremont County, Wyo.	15.025	14.65	CI73-188 A 9-8-72	Phillips Petroleum Co., Bartlesville, Okla. 74004	Columbia Gas Transmission Corp., Block 146, Offshore Cameron Parish, La.	15.026
CI73-182 A 9-5-72	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202	Northern Natural Gas Co., Reed #1-1 Unit Well, Pecos County, Tex.	15.025	14.65	CI73-189 A 9-13-72	Shelly Oil Co., Post Office Box 1650, Tulsa, Ok. 74102	El Paso Natural Gas Co., Cedar Canyon Unit (sections 8, 9, 10, 11, 14, 15, 16, 17, 21, 22, and 28-24-S-29E), Eddy County, N. Mex.	14.65
CI73-164 A 9-5-72	Shell Oil Co., One Shell Plaza, Houston, Tex. 77001	Natural Gas Pipeline Company of America, West Cameron Block 566, Offshore, Louisiana	15.025	14.65	CI73-191 B 9-11-72	Bowers Drilling Co., Inc., 1434 Wichita Plaza, Wichita, Kans. 67202	Cities Service Gas Co., IL S, Barber, Kans.	(29)
CI73-165 A 9-5-72	Suburban Propane Gas Corp., 2210 Mercantile Bank Bldg., Dallas, Tex. 75201	Northern Natural Gas Co., Ozona County, Tex.	15.025	14.65	CI73-192 B 9-11-72	Shelly Oil Co., Post Office Box 1650, Tulsa, Ok. 74102	Cities Service Gas Co., Little Bear Creek, Barber, Kans.	(29)
CI73-166 A 9-5-72	Shelly Oil Co., Post Office Box 1650, Tulsa, Ok. 74102	El Paso Natural Gas Co., Canada Mesa Unit (N/2 Sec. 24-2N-6W), Rio Arriba County, N. Mex.	15.025	14.65	CI73-193 B 9-11-72	do.....	do.....	(29)
CI73-170 F 9-5-72	Union Texas Petroleum (a Div. of Allied Chemical Corp.), Post Office Box 2120, Houston, Tex. 77001	Columbia Gas Transmission Corp., Block 146, West Cameron Area, Offshore, Louisiana	15.025	14.65	CI73-194 B 9-11-72	do.....	Cities Service Gas Co., IL S, Barber, Kans.	(29)
CI73-172 A 9-7-72	Delta Drilling Co. (operator) et al. (successor to Amoco Production Co., 2210 Mercantile Bank Bldg., Dallas, Tex. 75201), Post Office Box 2120, Houston, Tex. 77001	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.	15.025	14.65	CI73-195 A 9-11-72	Long Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201	Natural Gas Pipe Line Company of America, Section 25, Township 18 North, Range 17, West of the Indian Meridian, Dewey County, Okla.	19.515
CI73-175 A 9-7-72	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	El Paso Natural Gas Co., Basin Dakota Field, Denver, Colo. 80222	16.025	14.65	CI73-196 A 9-14-72	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001	El Paso Natural Gas Co., Florence No. 1, E 1/2 Sec. 30, T. 30 N., R. 8 W., Basin County, N. Mex.	22.0

<sup>1</sup> Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-14380 to be made pursuant to Champian Petroleum Co. FPC Gas Rate Schedule No. 70.

<sup>2</sup> Mobil assigned to Energy Corp. of America effective July 15, 1972 (Small Producer in Docket No. CS71-940), all of its interest in and to that certain acreage fully described in assignment.

<sup>3</sup> Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Falcon Seaboard, Inc., now holder of a small producer certificate.

<sup>4</sup> Expiration of lease and acreage has been released from contract.

<sup>5</sup> Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI63-20 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 337.

<sup>6</sup> Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Falcon Seaboard, Inc., now holder of a small producer certificate.

<sup>7</sup> Subject to upward and downward B.t.u. adjustment.

<sup>8</sup> Leases have been terminated.

<sup>9</sup> Rate in effect subject to refund in Docket No. R171-136.

<sup>10</sup> Rate in effect subject to refund in Docket No. R172-118.

<sup>11</sup> *Supra.*

<sup>12</sup> Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-10799 to be made pursuant to Amoco Production Co. FPC Gas Rate Schedule No. 163.

<sup>13</sup> Duplicate coverage of subject acreage.

<sup>14</sup> Application previously noticed Oct. 2, 1972 in G-13447, *et al.* at a rate of 20.0/Mcf. By letter filed Sept. 8, 1972, Applicant amended its application to reflect a rate of 20.3 cents per Mcf for gas-well gas, and 18.78 cents per Mcf for casinghead gas.

<sup>15</sup> Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-3907 to be made pursuant to Rebstock & Reeves Drilling Co. *et al.* FPC Gas Rate Schedule No. 1.

<sup>16</sup> By letter dated Sept. 7, 1972 and filed Sept. 11, 1972, Applicant states its willingness to accept a permanent certificate at 26 cents per Mcf.

<sup>17</sup> *Supra.*

<sup>18</sup> Expiration of leases and Applicant no longer has any interest in acreage covered by Rate Schedule No. 298.

<sup>19</sup> Plus 2.4 cents per Mcf upward B.t.u. adjustment.

<sup>20</sup> Property is no longer operating at sufficient pressure to deliver gas into pipeline and the parties have terminated the contract by letter agreement dated Aug. 8, 1972.

<sup>21</sup> Subject to upward and downward B.t.u. adjustment. Rate in effect subject to refund in Docket No. R170-1723.

<sup>22</sup> Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Vernon F. Neuhaus (Operator), now holder of a small producer certificate.

<sup>23</sup> *Supra.*

<sup>24</sup> Applicant is willing to accept a certificate at an initial rate of 27 cents subject to B.t.u. adjustment; however, the contract price is 35 cents.

<sup>25</sup> Leases have been abandoned and released.

<sup>26</sup> Dry-plugged and abandoned.

<sup>27</sup> *Supra.*

<sup>28</sup> Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Sarkey Inc., now holder of a small producer certificate.

[FR Doc.72-16865 Filed 10-4-72;8:45 am]

[Docket No. CP73-70]

## COLUMBIA GULF TRANSMISSION CO.

### Notice of Application

SEPTEMBER 29, 1972.

Take notice that on September 12, 1972, Columbia Gulf Transmission Co. (Applicant) filed in Docket No. CP73-70 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities and the transportation of natural gas for Columbia Gas Transmission Corp. (Columbia Transmission) and Amoco Production Co. (Amoco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas for Columbia Transmission by attaching to its existing transmission system natural gas reserves in Block 33 Field, East Cameron Area, offshore Louisiana, which Columbia Transmission has contracted to purchase from Amoco. Applicant states that it will construct some gathering facilities in order to receive such gas under authorization granted in Docket No. CP72-134.

Applicant further proposes to transport natural gas for Amoco and deliver such gas to Florida Gas Transmission Co. (Florida) at the point at which Applicant's and Florida Gas' pipelines intersect near Judge, Lafayette Parish, La. Applicant plans to receive such gas from Amoco as follows:

a. At East Cameron Block 33 from gas uncommitted to Columbia Transmission;

b. At the interconnection of Sea Robin Pipeline Co. system with Applicant's

Earth Lateral system in Vermillion Parish, La.;

c. At the tailgate of Texaco Inc.'s Henry Plant in the Earth Field; and

d. At other points which Applicant and Amoco may agree upon.

Applicant states that such volumes of gas received at points b and c above will be made available from sources other than Block 33. Applicant expects that it will receive volumes of gas from Amoco up to 21,000 M.c.f. per day at the Sea Robin delivery point, up to 5000 M.c.f. per day at the Henry Plant delivery point, and of approximately 20,000 M.c.f. in Block 33, half of which is uncommitted volumes of gas.

Applicant proposes to charge Amoco a rate of 0.434 cent per M.c.f. for each M.c.f. of gas received and redelivered to Florida.

Applicant states that it will be necessary, in order to effectuate the redelivery of natural gas to Florida, to construct and operate interconnecting piping, meter station, and 500 horsepower compressor facilities at Judge. Applicant estimates the cost of such facilities at \$604,200 which it plans to finance from current funds. Applicant further proposes to charge Amoco, for the service of constructing and operating the facilities, a rate of 1.25 cents per M.c.f. delivered to Florida.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 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 regu-

lations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-17065 Filed 10-4-72;8:54 am]

[Project No. 2590]

## CONSOLIDATED WATER POWER CO.

### Notice of Availability of Environmental Statement for Inspection

SEPTEMBER 29, 1972.

Notice is hereby given that on November 2, 1970, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act for the constructed Wisconsin River Division Project No. 2590 located on the Wisconsin River near Stevens Point, Wis.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW, Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project is a run-of-the-river development consisting of: (1) A dam having a crest elevation of 1070.02 (USGS) datum; (2) a 76-acre reservoir about 3 miles long, and (3) a powerhouse containing 1800 kw. hydroelectric capacity

## NOTICES

and 6090 H.P. hydromechanical capacity. Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from September 28, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-17063 Filed 10-4-72;8:52 am]

[Docket No. E-7769]

**DELMARVA POWER & LIGHT CO.**

**Order Accepting for Filing and Suspending Proposed Tariff Changes, Providing for Hearing, and Establishing Procedures**

SEPTEMBER 29, 1972.

On September 1, 1972, Delmarva Power & Light Company (Delmarva), Delmarva Power & Light Company of Maryland (Delmarva-Maryland), and Delmarva Power & Light Company 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.

The Commission finds:

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

(2) It is necessary and appropriate in the public interest and in carrying out the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, services, and other provisions contained in the foregoing FPC Electric Tariffs as proposed to be amended herein, and that such tariffs be suspended and the use thereof deferred as hereinafter provided.

(3) Since the proposed tariff changes were filed 30 days before the effective date and Staff completed its review within the 30-day period, the suspension period will begin running on October 1, 1972.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, services, and other provisions contained in the foregoing proposed FPC Electric Tariffs, commencing with a prehearing conference to be held on February 1, 1973.

(B) Pending such hearing and decision thereon, the proposed changes in the foregoing FPC Electric Tariffs are accepted for filing and are suspended and their use deferred until March 1, 1973.

(C) On or before January 23, 1973, the Commission staff shall serve its prepared testimony and exhibits, if any. The prepared testimony and exhibits of intervenors, if any, shall be served on or before January 30, 1973. Rebuttal evidence of the applicants shall be served on or before February 15, 1973. Cross-examination of the evidence filed shall commence at 10 a.m. e.s.t. on February 28, 1973, in a hearing room of the Federal Power Commission, 441 G Street NW, Washington, DC 20426.

(D) The Chief Administrative Law Judge or any other designated by him for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in these proceedings and shall prescribe relevant procedural matters not herein provided. At the prehearing conference the direct evidence of the parties shall be copied into the transcript, subject to appropriate motions, if any, by the parties to the proceeding, and procedures adopted for an orderly and expeditious hearing.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-17062 Filed 10-4-72;8:52 am]

[Docket No. CI73-217]

**CLAUD B. HAMILL**

**Notice of Application**

OCTOBER 2, 1972.

Take notice that on September 25, 1972, Claud B. Hamill (Applicant), 2306 First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CI73-217 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the Weil Loma Field, Jim Hogg County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas on September 20, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that he proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 Mcf of gas per day at 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 72-17057 Filed 10-4-72; 8:51 am]

[Docket No. CS71-179]

HERMAN GEO. KAISER ET AL.

**Notice of Petition for Waiver of Regulations**

SEPTEMBER 29, 1972.

Take notice that on September 19, 1972, Herman Geo. Kaiser (Operator) et al. (Petitioner), filed in Docket No. CS71-179 a petition for waiver in part of section 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.40(c)) to permit the sale of natural gas under his small producer certificate from reserves acquired in place from Anadarko Production Co. (Anadarko), a large producer. Section 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer.

Petitioner states that Anadarko assigned to Kaiser-Francis Special Account B Anadarko's interests in the producing properties described in the appendix hereto and that Kaiser-Francis Special Account B desires sales from its interests to be made pursuant to Petitioner's small producer certificate. Petitioner states further that due to the large number of leases involved where the majority are nonoperated with interests ranging down to less than 5 percent, including some salvage properties and properties with minimal reserves, one cannot justify the time, paperwork, and expense in making separate certificate and rate schedule filings with the Commission. Applicant expresses his willingness to sell gas from these properties at rates not in excess of the applicable area rates.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than October 24, 1972, views and comments in writing concerning the petition for waiver. An original and 14 conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before acting on the petition.

KENNETH F. PLUMB,  
Secretary.

**APPENDIX**

Anadarko Production Co. FPC Rate Schedule No.	Location	Purchaser	Average monthly volume (Mcf)
53	Hugoton Field, Morton County, Kans.	Cities Service Gas Co.	1,000
72	Northwest Quinlan Field, Woodward County, Okla.	do	2,000
72	do	do	200
36	Panoma Field, Stevens County, Kans.	Panhandle Eastern Pipeline Co.	700
128	Collard Field, Hansford County, Tex.	do	4,000
128	do	do	9,000
128	do	do	5,000
158	Hugoton Field, Haskell County, Kans.	Northern Natural Gas Co.	450
108	Perryton Field, Ochiltree County, Tex.	do	3,000
33	do	do	1,500
124	do	do	3,750
108	do	do	5,500

[FR Doc. 72-17066 Filed 10-4-72; 8:54 am]

[Docket No. CI72-470]

**MOBIL OIL CORP.**

**Notice of Request for Termination of Certificate**

SEPTEMBER 28, 1972.

Take notice that on September 5, 1972, Mobil Oil Corp. (Mobil), Post Office Box 1774, Houston, TX 77001, filed in Docket No. CI72-470 a request pursuant to section 7(c) of the Natural Gas Act that the certificate of public convenience and necessity issued in said docket be terminated, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

By order issued March 27, 1972, Mobil was granted a certificate of public convenience and necessity in Docket No. CI72-470 authorizing the continuation of sales of natural gas under its FPC Gas Rate Schedule No. 480 to Phillips Petroleum Co. (Phillips), which were previously made under six percentage-type contracts, from the McElroy and Dune Fields, Crane and Upton Counties, Tex. Mobil requests that the certificate in Docket No. CI72-470 be terminated because by amendatory agreement dated July 18, 1972, the original percentage-type casinghead gas contracts have been reinstated and amended, and the Commission does not permit the filing of percentage-type contracts (18 CFR 154.91(e)).

Mobil states that it filed for rate increases for the sales under its FPC Gas Rate Schedule No. 480, but that the increases were suspended in Dockets Nos. RI72-181 and RI72-222. Mobil further states that no payments have been made to it at the rates under suspension in the two above-mentioned rate dockets, since Phillips has continued to pay Mobil for all gas purchased under the provisions of the percentage-type contracts and has not paid the rates set forth in the rate schedule. Mobil requests that the proceedings in Dockets Nos. RI72-181 and RI72-222 be terminated.

Any person desiring to be heard or to make any protest with reference to said requests should on or before October 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 72-17067 Filed 10-4-72; 8:54 am]

[Project No. 2709—West Virginia]

**MONONGAHELA POWER CO., THE POTOMAC EDISON CO., AND WEST PENN POWER CO.**

**Notice of Availability of Environmental Statement for Inspection**

SEPTEMBER 28, 1972.

Notice is hereby given that on September 28, 1972, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for major license filed pursuant to the Federal Power Act for unconstructed Davis Pumped Storage Project No. 2709 to be located on the Blackwater River and Red Creek in Tucker and Grant Counties, W.Va.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW, Washington, D.C. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

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The Davis Pumped Storage Project would consist of a 600-acre upper reservoir on Cabin Mountain (full pond elevation 4,042 feet m.s.l.), a 7,000-acre lower reservoir (full pond elevation 3,182 feet m.s.l.) located in Canaan Valley, a tunnel and above-ground penstocks, and a surface powerhouse which would contain four 250 mw. pump-turbine generating units. Also associated with the project would be two 500 kv. transmission lines about 12 miles long. Proposed recreation facilities include fisherman access areas, a camping area, a marina, an information center and an interpretive center overlooking the lower reservoir. All recreation facilities within Canaan Valley would be day-use types.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from September 28, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,  
Secretary.

[FIR Doc.72-17068 Filed 10-4-72;8:54 am]

[Docket No. CP73-73]

**NATIONAL GAS PIPELINE COMPANY  
OF AMERICA**

**Notice of Application**

SEPTEMBER 29, 1972.

Take notice that on September 15, 1972, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-73 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas by Applicant for Columbia Gas Transmission Corp. (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport for Columbia up to 25,000 Mcf of natural gas per day pursuant to a transportation agreement dated August 30, 1972. Pursuant to said agreement applicant will receive natural gas at an existing tap on its pipeline in West Cameron Block 146, offshore Louisiana, and will redeliver such gas to Columbia through existing facilities at the interconnection of Applicant's and Columbia's pipeline systems at Texaco, Inc.'s Henry Plant located in Vermilion Parish, La. Applicant states that this proposal will enable

Columbia to receive natural gas, which it has available under contracts with Phillips Petroleum Co., Skelly Oil Co., Texas Gulf, Inc., and Union Texas Petroleum, a division of Allied Chemical Corp., covering blocks in the area of West Cameron Block 146.

Applicant proposes to charge Columbia an initial one part, monthly demand rate of 34.4 cents per each Mcf of the contract transportation quantity for the transportation service.

Applicant states that upon issuance of authorization to Stingray Pipeline Co. (Stingray) as proposed in the application in Docket No. CP73-27, it plans to lease its existing offshore Louisiana pipeline to Stingray and the volumes of gas to be transported by it for Columbia hereunder will be treated as a portion of Applicant's volume of gas to be transported by Stingray.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,  
Secretary.

[FIR Doc.72-17069 Filed 10-4-72;8:54 am]

[Docket No. CI71-187]

**PHILLIPS PETROLEUM CO.**

**Notice of Petition To Amend**

SEPTEMBER 28, 1972.

Take notice that on September 8, 1972, Phillips Petroleum Co. (Petitioner),

Bartlesville, Okla. 74004, filed in Docket No. CI71-187 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the exchange of natural gas with Natural Gas Pipeline Company of America (Natural) at additional points and in additional volumes, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued December 7, 1970, in Docket No. CI69-160, et al., Petitioner is authorized to deliver natural gas to Natural in Gray and Roberts Counties, Tex., in exchange for natural gas to be delivered by Natural to Petitioner in Beaver County, Okla., and Gray County, Tex. Petitioner now proposes to deliver gas to Natural in Woodward County, Okla., in addition to the other points and to receive gas from Natural at an additional point in Roberts County, Tex. Petitioner also proposes to increase the volume to be exchanged by 25,000 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FIR Doc.72-17070 Filed 10-4-72;8:54 am]

[Dockets Nos. RP72-91, etc.]

**SOUTHERN NATURAL GAS CO.**

**Order Accepting Substitute, Redesigned Rates for Filing, Subject to Hearing and Refund**

SEPTEMBER 29, 1972.

Southern Natural Gas Co. (Southern) on August 30, as supplemented on September 5, 1972, tendered for filing revised tariff sheets to its FPC Gas Tariff, proposed to become effective on October 1, 1972, subject to refund and to Southern's refund undertaking agreement filed in Docket No. RP72-91.<sup>1</sup>

Southern's proposed rates and charges which became effective as of September 1, 1972, subject to refund in Docket

<sup>1</sup> Sixth Revised Volume No. 1: 9th Revised Sheets Nos. 8E, 15E; 11th Revised Sheet No. 11F; 14th Revised Sheet No. 11J; 15th Revised Sheets Nos. 8A, 8D, 11H, 15A, 15D; 19th Revised Sheets Nos. 9, 16.

No. RP73-16<sup>2</sup> have been redesigned so as to increase the commodity components of the straight line General Service and two-part Contract Demand rates, with corresponding decreases in the demand components. In addition, the rates under Southern's AO and AOL Rate Schedules, for authorized overrun gas service in excess of contract demand volumes, have been redesigned to reflect volumes taken at 100 percent, in lieu of 300 percent, load factor service.

Southern states that this rate filing is intended solely to redesign its rates to reflect the rate design principles enunciated by the Commission in its Opinion No. 600-A, in El Paso Natural Gas Co., issued May 8, 1972, 47 FPC \_\_\_<sup>3</sup> and that the cost of service reflected in the redesigned rates is the same as that utilized in its rate increase cases effective subject to refund on July 1, 1972, in Docket No. RP72-91, as adjusted to reflect increases in Louisiana severance taxes effective August 1 and September 1, 1972, in Dockets Nos. RP73-13 and RP73-16, respectively. The redesigned rates would increase rates approximately \$3,137,197, over those effective July 1, 1972, in Docket No. RP72-91, which includes \$1,083,454 and \$2,124,014, effective August 1 and September 1, less \$70,217 reduction due to reallocation and rate design.

Southern indicates that it desires to incorporate by reference its entire rate filings in Dockets Nos. RP72-91, RP73-13, and RP73-16, containing the same underlying cost of service, and requests that the Commission waive the supporting data requirements of § 154.63 of its regulations under the Natural Gas Act.

Copies of the rate filing have been served upon all jurisdictional customers and interested State commissions. The Commission published notice of the filing in the *FEDERAL REGISTER* on September 15, 1972 (37 F.R. 18757).

Carolina Pipeline Co. (Carolina), a customer and intervenor in Docket No. RP72-91, on September 19, 1972, filed a protest and motion to reject Southern's rate design filing of August 30, or in the alternative, to suspend the filing for the full 5 months statutory suspension period. Carolina's principal contention is that Southern's request for a waiver of the regulations based upon the Commission's statements in Opinion No. 600-A is not supported, and in addition, Carolina urges that the filing on its face is unduly discriminatory and will create a severe hardship upon Carolina and its customers. Carolina, finds it "understandable", however, that because of the Commission's announcement in that opinion, Southern would want to adjust its con-

tract demand and general service rates, being collected subject to refund, to reflect an unmodified Seaboard allocation, and Carolina indicates it might not have objected to acceptance of the filing of those rate changes without suspension subject to hearing in Docket No. RP72-91. But, with respect to the modification of the AO rate, Carolina states " \* \* \* a similar course is neither called for nor in the public interest". In other words, Carolina urges that the AO and AOL rate changes were not made in compliance with Opinion No. 600-A and therefore, are without proper foundation.<sup>4</sup>

Upon review of Southern's redesigned rate filing and Carolina's motion, in light of all the current circumstances, particularly with respect to Southern's and the pipeline industry's gas supply, we should not grant Carolina's motion. In Opinion No. 600-A, we clearly indicated that the scope of our searching reappraisal of cost classification, allocation and rate design also included " [o]ther measures with a tendency to limit the use of gas for large volume industrial and boiler-fuel purposes \* \* \*". Our order approving Southern's settlement in Dockets Nos. RP70-38, et al., announced that we intend to review "pricing mechanisms" of pipeline companies, including (not limited to) cost classification, allocation and rate design in Docket No. 72-91.

Indeed, in approving the settlement of those prior rate proceedings (RP70-38, et al.) we have implemented the provisions of the stipulation and agreement which called for expediting the hearings involving the so-called "tariff issues," in this proceeding (RP72-91). These issues particularly include Southern's tariff provisions which permit the grouping of delivery points for billing purposes. These provisions especially contested by Carolina) permit customers having multiple delivery points (Carolina has only one) to fill up the "valleys" in the takes at some points by taking in excess of contract demand at other points for resale industrial loads without paying additional demand charges for such excess volumes.

In support of its contention that the proposed redesigned AO and AOL rates constitute discriminatory treatment, since Southern does not at this time also propose to eliminate its delivery point grouping (conjunctive billing), Carolina cites our order in El Paso Natural Gas Co., Docket No. RP71-137. There we remanded a settlement proposal because it failed to consider the propriety of the continuation of conjunctive billing tariff provisions. We did not indicate what regulatory standard should be expressed in the El Paso case, in lieu of such provisions, and we have not done so in this proceeding. Rather, there we sent the matter back to hearing for such purposes. Here, that procedural route is already prescribed and hearings, commencing October 10, 1972, have been "phased" so as to expedite hearing of that issue.

Accordingly, we do not agree with Carolina's contention that it is subjected to undue discrimination pending our determination of that billing issue. Meanwhile, we are not unaware of the heavy impact which the redesigned rates will have upon Carolina and certain other customers. We, therefore, urge upon all parties and the presiding administrative law judge, the importance of bringing resolution of all of these issues to an early conclusion.

Petitions for leave to intervene in Dockets Nos. RP73-16 and RP72-91 were deemed granted by consolidation of those proceedings by our order issued September 26, 1972. The only other response to Southern's redesigned rate filing is the notice of intervention of the Tennessee Public Service Commission which is timely filed in Docket No. RP72-91.

The Commission finds:

It is necessary and appropriate and in the public interest in carrying out the provisions of the Natural Gas Act to permit Southern to file the revised rates reflecting changes in the levels of demand and commodity charges, in its Contract Demand and General Service Rate Schedules and reflecting reductions in the load factor computations of its Authorized Overrun Service rates (AO and AOL), as tendered on August 30, 1972, as hereinafter ordered and conditioned.

The Commission orders:

The revised tariff sheets described above, tendered for filing by Southern on August 30, as supplemented on September 5, 1972, are accepted for filing effective on October 1, 1972, in substitution for the tariff sheets heretofore made effective subject to refund in Dockets Nos. RP72-91, et al.; *Provided, further,* That the rates and charges and all proposed changes in the revised tariff sheets so tendered on August 30, as supplemented on September 5, 1972, shall be subject to hearing and the rate reduction and refund obligations heretofore prescribed in Dockets Nos. RP72-91, RP73-13, and RP73-16, including Southern's undertaking agreement filed pursuant to section 154.67 of the regulations.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 72-17061 Filed 10-4-72; 8:52 am]

[Docket No. CI73-63]

**SOUTHERN UNION GATHERING CO.**  
**Order Providing for Hearing, Granting**  
**Interventions, and Establishing Pro-**  
**cedures**

SEPTEMBER 29, 1972.

On July 20, 1972, Southern Union Gathering Co. (Southern) filed a petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure requesting that the Commission issue a declaratory order determining that it is not required by section 7(b) of the Natural Gas Act to obtain Commission approval prior to discontinuing certain wellhead purchases of gas in San Juan

<sup>2</sup> By order issued September 26, 1972, in Docket No. RP73-16, the Commission accepted for filing the proposed rates reflecting the increase in the Louisiana severance tax effective September 1, 1972, and consolidated that proceeding with Dockets Nos. RP72-91, et al.

<sup>3</sup> The filing also indicates that it is made in response to the Commission's statement (page 4, par. 1) in its order accepting the settlement, issued July 7, 1972, in Dockets Nos. RP70-38, et al.

<sup>4</sup> Southern, on September 27, 1972, filed an answer to Carolina's protest and motion.

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County, N. Mex. Alternatively, Southern requests (1) Commission permission and approval to abandon such purchases as of November 30, 1972, or some earlier date; (2) temporary authorization from the Commission to abandon the purchases in the event that no final Commission order has been issued on or before November 30, 1972; and (3) rejection of the rate increase filing in Docket No. RI72-276 by Aztec Oil & Gas Co. (Aztec) for not complying with the requirements of § 154.94(f)(3) of the Commission's regulations under the Natural Gas Act.

In support of its aforesaid requests, Southern states that it has been purchasing gas from the Day-State No. 1 Well, San Juan County, N. Mex., operated by Aztec, pursuant to a contract on file with the Commission designated as Aztec FPC Gas Rate Schedule No. 26. The gas from this Well is resold by Southern partly to El Paso Natural Gas Co. (El Paso) under a contract dated August 31, 1953, as supplemented.<sup>1</sup> According to Southern, the supplement to the contract under which the gas is resold to El Paso was filed with the Commission on August 20, 1957, and a certificate covering the sales by Southern to El Paso<sup>2</sup> was issued by Commission order on May 2, 1958, Southern Union Gas Company et al., 19 FPC 594 (1958). A "grandfather" certificate of public convenience and necessity was granted to Southern by order issued October 14, 1955, 14 FPC 1220, covering sales then made to El Paso.

On April 28, 1972, Aztec advised Southern that it intended to terminate their contract effective July 1, 1972, and filed with the Commission in Docket No. RI72-276 a unilateral rate increase for all sales from the well to Southern to be effective as of that date. By order issued June 29, 1972, therein, \_\_\_\_\_ FPC \_\_\_\_\_, the Commission suspended the effectiveness of Aztec's proposed increase until December 1, 1972. Southern alleges that although the proposed increase under the well contract would amount to only about \$15,587 per year, the overall effect of Aztec's proposed rate increase would be to trigger "favored nation" clauses in Southern's other Mesa Verde gas purchase contracts, thereby producing an annual increase in its purchased gas costs of approximately \$4,100,000. Southern anticipates discontinuance of purchases from the well no later than November 30, 1972.

Southern points out that discontinuance of its purchases would result in abandonment of 4,000 feet of 4-inch field line (together with related equipment), extending from the well to the point where gas purchased therefrom first is commingled with gas from other wells. Petitioner asserts that these facilities are only gathering facilities, which are not subject to Commission jurisdiction, and

consequently Commission authorization to abandon them under section 7(b) of the Act is not necessary. In further support of this contention, Southern alleges that (1) as established by Commission order issued May 8, 1972, in Docket No. CP71-26, petitioner does not engage in transportation other than gathering; (2) the Commission's October 14, 1955, order certifying the sales by it to El Paso at that time contained standard language typical of "grandfather" certificates which did not denominate specifically any of petitioner's facilities as jurisdictional; and (3) numerous judicial decisions support Southern's claim that these "gathering" facilities are exempted from Commission jurisdiction by section 1(b) of the Act.

As a basis for Southern's alternative plea for approval to abandon its purchases of gas from the well, it points to the aforementioned \$4,100,000 annual increase in overall gas costs resulting from the triggering of "favored nation" clauses in Southern's other gas purchase contracts by Aztec's currently suspended rate increase for purchases from the well. According to petitioner, discontinuance of its purchases from the well would not deprive Aztec of a market for such gas for any appreciable period of time, and likely would not diminish the overall supply of San Juan Basin gas available to El Paso. If a Commission order granting exemption or abandonment approval is not issued on or before November 30, 1972, Southern requests temporary authorization to cease purchasing from the well as of that date. Additionally, petitioner renews its request that the Commission reject Aztec's rate increase filing in Docket No. RI72-276.

On August 16, 1972, Aztec filed a timely petition for leave to intervene in this proceeding. Aztec contends, among other things, that Southern's petition herein should be consolidated with Docket No. RI72-276; Southern's alternative request for a permit to discontinue purchases from the well is not filed in the proper form prescribed by Commission rules and regulations; and repudiation of the Commission's action on Aztec's rate increase filing in Docket No. RI72-276 is unwarranted since the increased rate will become effective subject to refund pending a final order therein. In addition, Aztec urges that the Commission should enter a declaratory order finding Southern in violation of section 7(b) of the Natural Gas Act in that it has refused to connect its gathering facilities to and make purchases of natural gas from the Vasaly-Federal 1-Y well completed by Aztec as operator thereof.

On August 28, 1972, Southern filed an answer to Aztec's petition to intervene and motions, together with a request for a prehearing conference. Southern does not object to intervention by Aztec, but generally opposes the other actions that Aztec requests.

On August 21, 1972, Aztec filed a motion for extension of time until September 7, 1972, to file a supplemental response; on August 22, 1972, Southern filed an answer opposing the motion. Aztec's

motion was denied by the Secretary's notice issued August 31, 1972.

An untimely notice of intervention was filed on August 28, 1972, by the New Mexico Public Service Commission. It will be in the public interest to accept that notice of intervention for filing since no delay in this proceeding will result therefrom.

In our view a full evidentiary record is desirable in this proceeding to explore the public convenience and necessity issues involved in the proposed abandonment as well as the issue pertaining to whether the facilities involved are exempt from our jurisdiction under section 1(b) of the Act. It is also necessary that an expedited decision be reached in these matters since Aztec's proposed rate increase will go into effect subject to refund on December 1, 1972. However, we do not believe that temporary authorization for abandonment will be necessary at this time because of our expedited procedures and the fact that Aztec's increased rates, as stated, will be subject to refund in Docket No. RI72-276. Additionally, since the matters raised in section 4 and section 7 proceedings differ greatly, we will deny Aztec's raised in section 4 and section 7 proceeding with this proceeding.

The Commission finds:

(1) Good cause exists for the Commission to enter upon a hearing concerning Southern's request for permission and approval to abandon certain wellhead purchases of gas from Aztec and for establishing the procedures as herein ordered.

(2) Good cause exists for the acceptance for filing of the notice of intervention tendered late by the New Mexico Public Service Commission; the participation of Aztec in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing with a prehearing conference on October 12, 1972, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW, Washington, DC 20426, concerning the propriety of granting Southern permission and approval under the criteria of section 7(b) of the Natural Gas Act to abandon certain wellhead purchases as requested in its petition of July 20, 1972, as well as the other relevant issues set forth in the pleadings filed herein in accordance with this order.

(B) On or before October 10, 1972, Southern, Aztec, and all other parties shall serve their testimony and exhibits comprising their cases-in-chief on the Presiding Administrative Law Judge, the Commission Staff, and on all parties to this proceeding. At the prehearing set in paragraph (A) above, the testimony and exhibits shall be placed in the record, subject to appropriate motions, and the conference shall then be recessed to discuss settlement of any of the issues and

<sup>1</sup> The remainder of the gas from the well is resold to Southern Union Gas Co. under a separate contract.

<sup>2</sup> A new point of delivery from Southern to El Paso was involved under this contract supplement.

procedures for expediting final determination of this proceeding.

(C) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose [see, Delegation of Authority, 18 CFR, 3.5(d)1, shall prescribe relevant procedural matters not herein provided.

(D) The notice of intervention of the New Mexico Public Service Commission is hereby accepted for filing. Aztec is hereby permitted to intervene in this proceeding, subject to the rules of practice and procedure and the regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-17201 Filed 10-4-72;8:54 am]

[Docket No. CI72-218]

SUN OIL CO.

**Notice of Petition To Amend**

OCTOBER 2, 1972.

Take notice that on September 22, 1972, Sun Oil Co. (Petitioner), Post Office Box 2880, Dallas, TX 75221, filed in Docket No. CI72-218 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to United Gas Pipe Line Co. (United) from the East Dykesville Field, Claiborne Parish, La., for an additional period of 1 year commencing November 22, 1972, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is presently authorized in the subject docket to sell natural gas to United for 1 year from the date of initial delivery within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Petitioner proposes to continue the sale of an average daily quantity of 3,000 Mcf of gas at 35 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to

be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-17058 Filed 10-4-72;8:51 am]

[Docket No. CI73-214]

TEJAS GAS CORP.

**Notice of Application**

OCTOBER 2, 1972.

Take notice that on September 22, 1972, Tejas Gas Corp. (Applicant), Post Office Box 2806, Corpus Christi, TX 78403, filed in Docket No. CI73-214 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp., from the La Sara Field Area, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on August 17, 1972, within the contemplation of section 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell 3,000 Mcf of gas per day at 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-17059 Filed 10-4-72;8:51 am]

**FEDERAL RESERVE SYSTEM**

BANCO DI ROMA

**Order Disapproving Retention of Investment in EuroPartners Securities Corp.**

Banco di Roma, Rome, Italy, has applied for the Board's approval under section 4(c)(9) of the Bank Holding Company Act to retain 33 1/3 percent of the voting shares of EuroPartners Securities Corp. (EuroPartners), New York City, if Banco di Roma becomes a bank holding company.

Banco di Roma has received the Board's permission to become a bank holding company through the acquisition of all of the voting stock (less directors' qualifying shares) of a proposed new bank in Chicago, Ill., to be named Banco di Roma (Chicago). If the proposed acquisition is consummated, Banco di Roma will be a foreign bank holding company within the meaning of § 225.4 (g) (1) (iii) of Regulation Y.

EuroPartners was originally incorporated under the name of Credit Lyonnais Corp. by Credit Lyonnais, a French bank, in 1968. Later the name of the corporation was changed, and Banco di Roma and Commerzbank, a German bank, each acquired 33 1/3 percent of the voting shares of the corporation. EuroPartners was originally formed and operates primarily to facilitate investments in the United States by the European clients of its three European bank shareholders.

The general plan and character of the business of EuroPartners is to engage in and conduct as a broker-dealer a securities business, including brokerage activities, underwriting, and investment banking and investment advisory services. The corporation is a member of the National Association of Securities Dealers, Inc., the Philadelphia-Baltimore-Washington Stock Exchange, and the Midwest Stock Exchange.

In the calendar year 1971, EuroPartners did a substantial underwriting business, accounting for approximately 15 percent of its gross income. Almost 90 percent of gross income from this source was derived from U.S. customers. The predominant activity of EuroPartners

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was brokerage business. Commission income from this source accounted for approximately two-thirds of its gross income. Historically, foreign customer accounts have generated more than 90 percent of its gross brokerage commissions on all customer accounts.

EuroPartners offers financial advice and services to European and other foreign clients interested in obtaining financing in the United States or in effecting in the United States direct investments, acquisitions, joint ventures, mergers and other corporate transactions. It offers similar services with respect to foreign markets to American and Canadian companies having interests abroad.

Section 4(c)(9) of the Act provides that the prohibitions of section 4 shall not apply to the investments or activities of foreign bank holding companies that conduct the greater part of their business outside the United States, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of the Act and would be in the public interest. Banco di Roma has applied for a special exemption for its investment in EuroPartners under § 225.4(g)(3) of Regulation Y, contending that retention of such investment would be consistent with the purposes of the Act and would be in the public interest. Its principal arguments are that (1) a very substantial proportion (73 percent) of EuroPartners' gross income is derived from foreign sources,<sup>1</sup> (2) the possibility of abuses associated with common ownership of a commercial bank and an investment banking firm could be eliminated by specific undertakings of Banco di Roma to insulate the activities of Banco di Roma (Chicago) from those of EuroPartners, (3) the operations of EuroPartners would have a beneficial impact on the balance of payments of the United States by facilitating foreign investment in this country, and (4) it would be inequitable to deny an exemption in circumstances that would force Banco di Roma to choose between a securities operation in New York and a banking operation in Illinois, when other foreign banks are permitted to

<sup>1</sup> It does not appear that EuroPartners is or will be engaged in the United States exclusively in activities incidental to its international or foreign business, nor has Banco di Roma given any assurances to the Board concerning the future scope—whether foreign or domestic oriented—of the operations of EuroPartners. Since the underwriting business of EuroPartners predominantly relates to U.S. customers, an exemption under §§ 225.4(g)(2), (ii) or (iv) of Regulation Y would not seem appropriate, and Banco di Roma has not applied under those sections. The Board expresses no opinion on the question whether a company engaged in the United States exclusively in brokerage business for primarily foreign customers could qualify for exemption under either of these sections.

have both a securities operation and a banking operation in New York.<sup>2</sup>

Banco di Roma's investment in EuroPartners is an investment that would not be permissible to a domestic bank holding company. The Board has consistently applied the policies of the Glass-Steagall Act to all bank holding companies registered under the Bank Holding Company Act irrespective of whether they have subsidiaries that are member banks. (See, e.g., 12 CFR 225.125 and 12 CFR 225.126.) In enacting the Glass-Steagall Act, Congress indicated that affiliations of commercial banks and securities companies give rise to potential conflicts of interests and unsound banking practices.

The Board is not persuaded that the public benefits that are alleged for the affiliation of a foreign bank holding company and a securities company would outweigh the possible adverse effects with which Congress was concerned in the enactment of the Glass-Steagall Act. An affiliation with a securities company would give a foreign bank holding company an unfair competitive advantage over a domestic bank holding company in that a foreign bank holding company would be able to offer its customers an alternative means of obtaining financing to credit facilities, namely, underwriting facilities. While there is no reason to doubt the sincerity of the Banco di Roma's plan to insulate the operations of its subsidiary bank in Chicago from the operations of EuroPartners, adoption of such a plan as a general guideline for conforming the operations of any bank holding company to the policies of the Glass-Steagall Act would pose very difficult supervision problems for the Board which, in the Board's judgment, render such a plan unworkable.<sup>3</sup>

Moreover, the Board is of the opinion that differences in State laws on bank branching should not be permitted to override the policies of the Bank Holding Company Act regarding the separation of banking from commerce. The Banco di Roma is at no disadvantage to

<sup>2</sup> The fourth argument refers to branch operations of foreign banks in New York. Foreign banks are permitted to establish branches under New York State law and are not so permitted under Illinois law. A branch of a foreign bank in the United States would not be a "bank" as that term is defined in § 2(c) of the Bank Holding Company Act, and such a branch may therefore be established wherever permitted by State law without the Board's prior approval under the Act.

<sup>3</sup> A comprehensive plan would need to be more extensive than that proposed by applicant and would be unduly complex to administer. For example, applicant's plan would not deal with several potential conflict of interests problems: (1) A bank's loans to finance the operations of corporate investment banking clients of its securities affiliate, (2) a bank's loans to finance the purchase of securities from or through its securities affiliate, (3) promotional activities of a bank on behalf of its securities affiliate, and (4) reciprocal lending between banks and each other's securities affiliates.

any other bank in its inability to obtain a branch in Illinois, since Illinois law does not authorize branching by any bank. Were the Board to adopt a policy of permitting exceptions to the prohibitions of section 4 in the interest of compensating for differences in State law, the application of section 4 would be seriously compromised.

Based on the foregoing and other considerations reflected in the record, the Board hereby denies the request of Banco di Roma for an exemption under section 4(c)(9) of the Bank Holding Company Act for its investment in EuroPartners. Under section 4(a)(2) of the Act, if Banco di Roma consummates the acquisition of its proposed subsidiary bank in Chicago, it will be required by law to divest its ownership of shares of EuroPartners within 2 years after the date as of which it becomes a bank holding company.

By order of the Board of Governors,  
effective September 28, 1972.

[SEAL]

TYNAN SMITH,  
*Secretary of the Board.*

[FR Doc. 72-17013 Filed 10-4-72; 8:48 am]

#### BANCO DI ROMA S.P.A.

#### Order Approving Formation of Bank Holding Company

SEPTEMBER 29, 1972.

Banco di Roma S.P.A., Rome, Italy, 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)) of formation of a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Banco di Roma (Chicago), Chicago, Ill. (Bank), a proposed new bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, majority owned by the Italian government, is the third largest commercial bank in Italy, operates approximately 300 branches and agencies, and has worldwide deposits of \$7.3 billion. Applicant presently operates an agency office in San Francisco, Calif., and representative offices in New York, N.Y., and Chicago, Ill. Applicant also owns a one-third interest in EuroPartners Securities Corp., New York, N.Y., which engages in a general securities business.

Acquisition of Bank would enable Applicant to convert the activities of its representative office into full scale banking operations. It is contemplated that while Bank will offer general banking

<sup>4</sup> Voting for this action: Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Robertson.

services, it will specialize in the provision of foreign banking services, particularly those relating to Italy and Western Europe in general. Consummation of the proposal would have no adverse effects on existing or potential competition and may increase competition to some degree in the market of international banking services.

The financial and managerial resources and prospects of Applicant and Bank are satisfactory and consistent with approval of the application. At the present time, although approximately 30 percent of United States trade with Italy originates in the Midwest, approximately 90 percent of the payment settlements for this trade are channeled through New York banks. Bank could help alleviate the problems this causes in delays in payment and consequent loss of available funds. Considerations relating to the convenience and needs of the communities to be served thus lend weight toward approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

In connection with the present application, Applicant also applied for the Board's permission to retain its one-third interest in EuroPartners Securities Corp. That application was separately considered by the Board under section 4(c)(9) of the Act and is the subject of a denial Order issued by the Board today.

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) Banco di Roma (Chicago), Chicago, Ill., shall be opened for business not later than 6 months after the 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 Chicago pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective September 28, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc. 72-17012 Filed 10-4-72; 8:48 am]

#### BOATMEN'S BANCSHARES, INC.

#### Order Approving Acquisition of Bank

Boatmen's Bancshares, Inc., St. Louis, Mo., 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 all of the voting shares (less directors' qualifying shares) of Boatmen's National Bank of North St. Louis County, St. Louis County, Mo., a proposed new bank ("Bank").

<sup>1</sup> Voting for this action: Governors Mitchell, Daane, Brimmer, Sheehan and Bucher. Absent and not voting: Chairman Burns and Governor Robertson.

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, the recommendation of the Comptroller of the Currency that the application be approved, and all other comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Missouri, controls five banks which have total deposits of \$376.5 million, representing 3 percent of the total commercial bank deposits in the State. (Deposit data are as of December 31, 1971, and reflect holding company acquisitions approved through July 14, 1972.) Bank is a proposed new bank and its acquisition by Applicant would not increase the concentration of banking resources nor have any significant adverse effect on any competing bank in the relevant areas.

Bank will be located in an unincorporated area in the northeastern section of St. Louis County. Applicant's banking subsidiary closest to Bank is its lead bank, Boatmen's National Bank of St. Louis (Boatmen's), which is located 14 miles south in downtown St. Louis. Applicant has two banking subsidiaries in St. Louis County but both are more than 27 miles from Bank. Applicant does not have a dominant position in the St. Louis City and County area where it is the third largest banking organization with 6.8 percent of total commercial bank deposits. Moreover, Bank's estimated primary service area is served by only one other bank. Thus, Applicant's acquisition of Bank would likely have a pro-competitive effect in providing an additional banking alternative. Accordingly, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on existing or potential competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank are regarded as satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community lend weight to the approval since Bank would provide an additional source of banking services to a rapidly growing suburban area.

Within the time provided for public comment, a bank located in Bank's proposed service area protested the application, contending that acquisition of Bank by Applicant would be in violation of the branch banking restrictions of the State of Missouri. After careful consideration of the arguments raised by protestant and the documentary materials submitted in support thereof, the Board hereby affirms the position expressed in Application of First Arkansas Bankstock Corporation, 1970 Federal Reserve Bulletin 778, that a State's restrictive branch banking laws do not, in the light of the legislative history of the Bank Holding Company Act of 1956, prohibit the formation or expansion of a bank holding

company in that State. It is the Board's judgment that the proposed acquisition 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 that date, and (c) Boatmen's National Bank of North St. Louis County, St. Louis County, Mo., 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 St. Louis pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective September 26, 1972.

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

[FR Doc. 72-16985 Filed 10-4-72; 8:46 am]

#### COMBANKS CORP.

#### Order Approving Acquisition of Banks

Combanks Corp., Winter Park, 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 not less than 51 percent of the voting shares of each of the following banks all located in Florida: (1) South Seminole Bank, Fern Park; (2) North Orlando Bank, Fairville; (3) The Commercial Bank at Pine Castle, Pine Castle (Commercial/Pine Castle Bank); and (4) The Commercial Bank at Apopka, Apopka (Commercial/Apopka Bank).

Notice of the applications affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications 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 one bank with total deposits of approximately \$59 million, representing about 0.4 percent of deposits in commercial banks in Florida.<sup>1</sup> Consummation of the proposed transactions would increase Applicant's share of statewide deposits by only 0.4 percentage points and would not result in a significant increase in the concentration of banking resources in Florida.

South Seminole Bank (about \$28 million in deposits), North Orlando Bank (about \$14 million in deposits), Commercial/Pine Castle Bank (about \$6 million in deposits), and Commercial/

<sup>1</sup> Voting for this action: Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governors Robertson and Daane.

<sup>1</sup> All banking data are as of December 31, 1971.

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Apopka Bank (about \$5 million in deposits) are all located in the Orlando area, as is The Commercial Bank at Winter Park, Applicant's present banking subsidiary. Control of the five banks by Applicant would make it the second largest banking organization in the Orlando area with about 12 percent of area deposits. However, since the largest organization in the area controls approximately 43 percent of area deposits, there is no real possibility that Applicant would obtain a dominant position in the area through consummation of these transactions. Moreover, there is no existing competition between Applicant's lead bank and any of the four banks sought to be acquired, nor is there a reasonable probability of future significant competition developing between them. Applicant presently owns directly slightly less than 25 percent of each of the four banks, and the largest stockholder of Applicant owns substantial additional shares in each of the four banks. A working relationship between Applicant's bank and the four proposed subsidiaries has existed for several years, manifesting itself in the advertising of the banks as affiliated banks and in the sharing of executive personnel and the establishment of common operating policies. The Board concludes that, in light of the affiliate relationships among the banks involved, consummation of the proposal will not have a significant anticompetitive effect in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary bank and South Seminole Bank, North Orlando Bank, Commercial/Pine Castle Bank, and Commercial/Apopka Bank are regarded as generally satisfactory. Applicant, as a multibank holding company, is expected to have greater accessibility to the money markets as a source of additional capital for its subsidiaries and plans to provide additional capital for its present banking subsidiary shortly after consummation of these transactions. These considerations weigh in favor of approval of the acquisitions. Considerations relating to the convenience and needs of the community are consistent with approval of the applications. It is the Board's judgment that the proposed transactions are in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions 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,<sup>1</sup> effective September 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
*Assistant Secretary of the Board.*  
[FR Doc.72-16983 Filed 10-4-72;8:46 am]

### ELMER CROSLEY AND SONS INVESTMENT CORP.

#### Formation of Bank Holding Company

Elmer Crosley and Sons Investment Corp., Center, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 79.4 percent or more of the voting shares of Center State Bank, Center, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1972.

Board of Governors of the Federal Reserve System, September 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
*Assistant Secretary of the Board.*  
[FR Doc.72-16988 Filed 10-4-72;8:46 am]

### FIRST AT ORLANDO CORP.

#### Order Approving Acquisition of Bank

First at Orlando Corp., Orlando, 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 all of the voting shares (less directors' qualifying shares) of North Semoran First National Bank, Fern Park, Fla. (Semoran 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 none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 26 banks with aggregate deposits of \$904.6 million, representing 5.6 percent of the total commercial bank deposits in the State, and is the fourth largest banking orga-

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

nization and bank holding company in Florida. Since Semoran Bank is a proposed new bank, no existing competition would be eliminated nor would concentration be increased in any relevant area. Semoran Bank would be located in the southern portion of Seminole County, a recently developing trade area with an estimated population of 45,000, and would be competing in the Orlando banking market, in which market Applicant controls 42.9 percent of deposits. Applicant presently operates six banks in the Orlando banking market, the nearest of which—First National Bank at Orlando—is 9.5 miles south of Fern Park where the proposed Semoran Bank would be located. There is very little employment in the downtown Orlando area which would draw off commuters from Fern Park and thus place the two banks in competition. Additionally, there are numerous intervening banks.

Applicant's share of deposits in the relevant market area has not increased since approval of its last Orlando de novo acquisition in 1969. The second largest bank holding company in the market controls 11.6 percent of commercial deposits therein, while the third and fourth largest control 10.7 and 9.2 percent, respectively. At the present time, there are seven multibank holding companies represented in the Orlando market, six of which are among the State's 10 largest banking organizations. It appears that consummation of the proposal herein would not alter adversely the competitive situation nor the concentration of resources in the market, nor is there any evidence that Applicant's proposal is an attempt to preempt a site before there is a need for a bank. Applicant is not represented in Seminole County, the northern section of the Orlando market, where extensive suburban type growth is occurring.

The financial and managerial resources and the future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Prospects for bank appear favorable. Semoran Bank would be able to provide a local alternative banking source within the proposed service area, which is experiencing rapid growth. Considerations relating to the convenience and needs of the area to be served lend slight support to, and are consistent with, approval of the application. It is the Board's judgment that the proposed acquisition 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 that date, and (c) North Semoran First National Bank, Fern Park, Fla., 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 Atlanta pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective September 28, 1972.

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

[FR Doc.72-17009 Filed 10-4-72;8:47 am]

### FIRST CITY BANCORPORATION OF TEXAS, INC.

#### Order Approving Acquisition of Voting Shares 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 334 of the voting shares of The Lake Jackson Bank of Lake Jackson, Texas, Lake Jackson, Tex.

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. 1842(c)).

Applicant controls 10 banks with aggregate deposits of about \$1.6 billion dollars, representing approximately 5.2 percent of the deposits of commercial banks in Texas.<sup>2</sup> Applicant presently controls 8.9 percent of the voting shares of Bank (deposits of about \$13 million), which is located about 70 miles south of Houston, the headquarters of applicant's lead bank. Applicant proposes to acquire 334 shares of bank through a stock rights offering on a pro rata basis and applicant's interest in bank is expected to remain the same after acquisition of the shares (rights not exercised by shareholders are to be purchased by others). The transaction involves neither an expansion of applicant nor an increase in the banking resources controlled by it. Consummation of the proposal will not adversely affect existing or potential competition. Competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of applicant, its subsidiaries, and bank are regarded as generally satisfactory. The proposed sale of stock under the stock rights offering will add needed capital to the bank; ac-

quisition of the 334 voting shares by applicant will help provide such capital. The convenience and needs of the community involved would not be affected by consummation of applicant's proposal. 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, unless such period is 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,<sup>3</sup> effective September 28, 1972.

[SEAL] TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-17010 Filed 10-4-72;8:47 am]

### FIRST FINANCIAL CORP.

#### Order Approving Acquisition of Bank

First Financial Corp., Tampa, 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 not less than 57.967 percent of the voting shares of Venice-Nokomis Bank & Trust Co., Venice, Fla. (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. 1842(c)).

Applicant controls nine banks with aggregate deposits of approximately \$520 million, and is the sixth largest banking organization in Florida, with 3.2 percent of commercial bank deposits in the State. (All banking data are as of December 31, 1971, and reflect bank holding company formations and acquisitions approved by the Board through August 31, 1972.) Acquisition of Bank (\$34.8 million in deposits) would increase applicant's share of commercial bank deposits in the State by an insignificant amount and its ranking in the State would be unchanged.

Bank is the second largest of three banking organizations competing in the Venice banking market which encompasses the city of Venice and nearby residential areas located in southwest Sarasota County. Bank controls 43.4 percent of the total commercial bank deposits in the market.

<sup>1</sup> Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, and Bucher. Dissenting from this action: Governor Robertson. Absent and not voting: Governor Mitchell.

<sup>2</sup> All banking data are as of Dec. 31, 1971, and reflect bank holding company formations and acquisitions approved by the Board through Sept. 15, 1972.

Applicant's subsidiary bank located closest to Bank is 29 miles north of Bank, in Bradenton. It appears that there is no significant competition between Bank and applicant's Bradenton bank or any of applicant's other subsidiary banks. Moreover, it appears unlikely that such competition would develop in the future in the light of the facts of record, notably, the distances separating Bank from applicant's present subsidiary banks, the number of banks located in intervening areas, and the State prohibition against branch banking. It appears, therefore, that consummation of the proposal herein would neither eliminate meaningful existing competition nor foreclose significant potential competition. It appears that adverse publicity relating to Bank's former management has resulted in Bank's not providing the degree of competition in the market that it is capable of offering. Affiliation with applicant should enable Bank to compete more aggressively within the Venice banking market; thus, approval of this application should have a procompetitive effect on competition in the area. On the basis of the record before it, the Board concludes that consummation on the proposed acquisition would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and prospects of applicant and its subsidiary banks are regarded as generally satisfactory and consistent with approval of the application, particularly in the light of applicant's commitment and program for increasing the capital of its subsidiaries. Bank has experienced some management problems. Affiliation with applicant should enable Bank to draw upon applicant's managerial resources to aid Bank in strengthening management and the condition of Bank, and enhancing its prospects. Also applicant has agreed to add \$1 million in equity capital to Bank upon acquisition. The banking factors lend weight for approval. The banking needs of the Venice banking market appear to be adequately served at the present time; however, applicant proposes to improve, expand, and revitalize those services Bank is offering to its community, and thereby enable Bank to become once again a strong competitor. Considerations relating to the convenience and needs of the community to be served weigh in favor of approval of the application. It is the Board's judgment that the proposed transaction 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, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

## NOTICES

By order of the Board of Governors,<sup>1</sup> effective September 26, 1972.

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

[FR Doc.72-16984 Filed 10-4-72;8:46 am]

## FIRST NATIONAL BANK IN DALLAS

## Retention of Banks

First National Bank in Dallas, Dallas, Tex., has applied in two separate applications as set forth below for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To retain indirect ownership of 1,029 of the voting shares of Citizens State Bank of Irving, Irving, Tex., which were acquired during 1971 through a rights offering without the prior approval of the Board. Applicant, which now indirectly controls 17.14 percent of the outstanding shares of said bank, states that the acquisition was made directly by First National Securities Co. in Dallas, Dallas, Tex., applicant's trustee affiliate; and

(2) To retain indirect ownership of 743 of the voting shares of De Soto State Bank, De Soto, Tex., which were acquired during 1971 through a rights offering without the prior approval of the Board. Applicant, which now indirectly controls 24.76 percent of the outstanding shares of said bank, states that the acquisition was also made directly by First National Securities Co. in Dallas, Texas.

By virtue of section 2(g)(2) of the Act (12 U.S.C. 1841(g)(2)), shares held or controlled by applicant's affiliate are deemed to be controlled by applicant. Applicant states that it was unaware at the time of the acquisition that prior approval from the Board would be necessary to exercise its preemptive rights to acquire additional stock in Citizens State Bank of Irving and in De Soto State Bank.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1972.

Board of Governors of the Federal Reserve System, September 28, 1972.

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

[FR Doc.72-16989 Filed 10-4-72;8:46 am]

## FIRST NATIONAL STATE BANCORPORATION

## Order Approving Acquisition of Bank

First National State Bancorporation, Newark, N.J., 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 First National State Bank of Ocean County, Lakewood, N.J., the successor by merger to Trust Company of Ocean County, Lakewood, N.J. (Ocean Bank). The bank into which Ocean Bank is to be merged (the resulting bank) has no significance except as a means to facilitate the acquisition of Ocean Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of shares of Ocean 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. 1842(c)).

Applicant controls six banks with aggregate deposits of \$1.2 billion, representing 7.2 percent of the total commercial bank deposits in New Jersey and is the largest banking organization in the State.<sup>1</sup> Acquisition of Ocean Bank (\$31.3 million deposits) would increase Applicant's share of New Jersey bank deposits by 0.2 percentage points.

Subject acquisition would represent Applicant's initial entry into New Jersey's Third Banking District. Ocean Bank is the 23rd largest of 60 banks in this district and the sixth largest of eight banks located in the Lakewood-Toms River market. It controls 1 percent and 8.4 percent of total deposits for the district and market, respectively, and is the third largest of five competing area banks which control deposits ranging from \$198 million to \$3 million. It appears that Applicant's acquisition of Ocean Bank would not adversely affect the other area banks.

No significant present competition exists between Applicant's present subsidiaries and Ocean Bank. Their nearest offices are 12 miles apart with five banks located in the intervening area. It also appears unlikely that an appreciable amount of future competition would develop between them because of the separation of their market areas, and the restrictions on branching imposed by State laws. Moreover, the proposed acquisition would not act as a deterrent to entry by other groups into the market since there are a number of independent banks available for acquisition. Competitive considerations are consistent with approval of the application.

The financial conditions and managerial resources of Applicant, its subsidiary banks, and Ocean Bank are generally satisfactory, and prospects for each are favorable. Banking factors appear to be consistent with approval of the applica-

tion. Whereas the major banking needs of the area are served at the present time, the introduction by Applicant of trust and computer services and accounts receivable financing at Ocean Bank would serve the convenience of its customers. In addition, the affiliation would enable Ocean Bank to serve the larger credit requirements of the rapidly growing area. Considerations relating to the convenience and needs of the communities to be served are consistent with and add some weight 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 New York pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective September 28, 1972.

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

[FR Doc.72-17011 Filed 10-4-72;8:47 am]

## MID AMERICA BANCORPORATION, INC.

## Order Approving Acquisition of Bank

Mid America Bancorporation, Inc., St. Paul, Minn., 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 First State Bank of Coon Rapids, Coon Rapids, Minn. (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. 1842(c)).

Applicant controls five operating banks (and has received Board approval for an additional bank not yet opened for business) with aggregate deposits of approximately \$59 million, representing 0.6 percent of the total commercial bank deposits in the State, and is the seventh largest bank holding company in Minnesota. (All banking data are as of December 31, 1971, and reflect bank holding company formations and acquisitions approved by the Board through August 31, 1972.) Applicant's acquisition of Bank (\$10.2 million in deposits) would increase

<sup>1</sup> Banking data are as of December 31, 1971, and reflect holding company formations and acquisitions approved by the Board through August 31, 1972.

<sup>2</sup> Voting for this action: Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Robertson.

Applicant's share of deposits in Minnesota by 0.1 percentage point, without changing its ranking within the State.

Bank, the only bank in Coon Rapids, is located in a growing areas 15 miles north of downtown Minneapolis, adjacent to a small local shopping center. The relevant market area is the Minneapolis-St. Paul banking market in which Applicant has five banking subsidiaries (including the bank not yet opened for business), the closest being located 16 miles southeast of Bank. There is no substantial existing competition between Applicant's present banking subsidiaries and Bank; and, for several reasons, including the distances involved, the presence of banking alternatives in the intervening areas, and Minnesota's prohibition against branch banking, there is no substantial likelihood of future competition developing between those subsidiaries and Bank. For similar reasons, there is no significant possibility of substantial competition developing between Bank and Applicant's other banking subsidiary, which is located approximately 60 miles west of the Minneapolis-St. Paul area.

Moreover, consummation of this transaction might have a beneficial effect on competition in the Minneapolis-St. Paul banking market. Six bank holding company groups hold, in the aggregate, nearly 82 percent of the deposits in the market, while Applicant controls only 0.8 percent of the deposits. Acquisition of Bank would increase Applicant's share of market deposits by 0.2 percentage points and would give it a service outlet in an area of the Twin Cities in which it is presently not represented. Thus, acquisition of Bank might enable Applicant to provide more effective competition for the much larger banking organizations in the Minneapolis-St. Paul banking market with which it must compete. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

Considerations relating to the financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory. Applicant can provide lending policy guidance that might strengthen the overall asset condition and management of Bank and this consideration lends some weight for approval. The Coon Rapids community might benefit as a result of Bank's improved ability, through the capacity of Applicant's system, to serve the growing credit needs of the area more effectively. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

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 Minneapolis pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective September 26, 1972.

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

[FR Doc. 72-16981 Filed 10-4-72; 8:45 am]

## NORTHERN STATES FINANCIAL CORP. AND TWIN GATES CORP.

### Acquisition of Bank

Northern States Financial Corp., Detroit, Mich., and Twin Gates Corp., Wilmington, Del., have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for Northern States Financial Corp. to acquire 100 percent of the voting shares of the successor by merger to the Bank of Lansing, Lansing, Mich. By virtue of its ownership of 22.48 percent of the voting shares of Northern States Financial Corp., Twin Gates Corp. will indirectly acquire an interest in the Bank of Lansing. The factors that are considered in acting on these applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 27, 1972.

Board of Governors of the Federal Reserve System, September 27, 1972.

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

[FR Doc. 72-16980 Filed 10-4-72; 8:45 am]

## NORTHWEST KANSAS INSURANCE AGENCY

### Acquisition of Bank and Proposed Merger

Northwest Kansas Insurance Agency, Colby, Kans., has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire 41.5 percent or more of the voting shares of The Thomas County National Bank of Colby, Colby, Kans., from the Hi-Plains Insurance Agency, Inc., Colby, Kans., by means of a statutory merger. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Northwest Kansas Insurance Agency has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Hi-Plains Insurance Agency, Inc., Colby, Kans., through a statutory merger. Notice of the application was published on August 24, 1972, in the Colby Free Press

<sup>1</sup> Voting for this action: Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governors Robertson and Daane.

Tribune, a newspaper circulated in Thomas County, Kans.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal under section 4(c)(8) can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

These applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views on these applications or request for hearing on the section 4(c)(8) application should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 27, 1972.

Board of Governors of the Federal Reserve System, September 26, 1972.

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

[FR Doc. 72-16982 Filed 10-4-72; 8:46 am]

## OUTREACH NATIONAL ENTERPRISES, INC.

### Retention of Bank

Outreach National Enterprises, Inc., Beaumont, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 81.67 percent of the voting shares of Texas Bank of Beaumont, Texas, Beaumont, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

By order dated June 22, 1971, the Board has authorized any company which, between December 31, 1970, and June 22, 1971, has acquired an interest in a bank without obtaining requisite Board approval to apply to the Board for subsequent approval of that action if certain conditions are present. Whether these conditions are met in this case is currently under study.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors

## NOTICES

of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1972.

Board of Governors of the Federal Reserve System, September 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.  
[FR Doc. 72-16986 Filed 10-4-72; 8:46 am]

### PENINSULAR HOLDING CORP. OF MICHIGAN

#### Formation of Bank Holding Company

Peninsular Holding Corp., of Michigan, Grand Rapids, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Union Bank & Trust Co. (National Association), Grand Rapids, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1972.

Board of Governors of the Federal Reserve System, September 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.  
[FR Doc. 72-16987 Filed 10-4-72; 8:46 am]

### TEXAS COMMERCE BANCSHARES, INC.

#### Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 95 percent or more of the voting shares of Citizens National Bank of Lubbock, Lubbock, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1972.

Board of Governors of the Federal Reserve System, September 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.  
[FR Doc. 72-16990 Filed 10-4-72; 8:46 am]

### THIRD NATIONAL CORP.

#### Acquisition of Bank

Third National Corp., Nashville, Tenn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of First National Bank of Lawrenceburg, Lawrenceburg, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1972.

Board of Governors of the Federal Reserve System, September 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.  
[FR Doc. 72-16992 Filed 10-4-72; 8:47 am]

### UNITED BANKS OF WISCONSIN, INC.

#### Acquisition of Bank

United Banks of Wisconsin, Inc., Madison, Wis., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 95 percent or more of the voting shares of The Kraft State Bank, Menomonie, Wis. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1972.

Board of Governors of the Federal Reserve System, September 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.  
[FR Doc. 72-16991 Filed 10-4-72; 8:46 am]

## OFFICE OF EMERGENCY PREPAREDNESS

### MAINE

#### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on September 28, 1972, the President declared a major disaster as follows:

I have determined that the impact on the State of Maine of the toxic algae in the coastal waters, beginning about September 14, 1972, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Maine. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. John F. Sullivan, Regional Director, OEP Region 1, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

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

THE COUNTIES OF:  
Cumberland. Sagadahoc.  
Hancock. Waldo.  
Knox. Washington.  
Lincoln. York.

Dated: September 29, 1972.

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

[FR Doc. 72-17016 Filed 10-4-72; 8:48 am]

### MASSACHUSETTS

#### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on September 28, 1972, the President declared a major disaster as follows:

I have determined that the impact on the State of Massachusetts of the toxic algae in the coastal waters, beginning about September 14, 1972, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Massachusetts. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. John F. Sullivan, Regional Director, OEP Region 1, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

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

THE COUNTIES OF:  
Barnstable Nantucket  
Bristol Norfolk  
Dukes Plymouth  
Essex Suffolk

Dated: September 29, 1972.

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

## MINNESOTA

### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Minnesota, dated August 30, 1972, and published September 2, 1972 (37 F.R. 17990) is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 25, 1972:

THE COUNTIES OF:

Lake.  
Pine.

Dated: September 29, 1972.

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

[FR Doc. 72-17015 Filed 10-4-72; 8:48 am]

## POSTAL RATE COMMISSION

### CHICAGO, ILL. POSTAL FACILITIES

#### Notice of Visits

OCTOBER 2, 1972.

In furtherance of the Postal Rate Commission's training program published in the *FEDERAL REGISTER* on September 20, 1972 (37 F.R. 19404), employees of the Commission will be visiting the Chicago, Ill. Post Office and associated facilities in the Chicago area on October 16 through October 20, 1972.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

Reports of the visits will be on file in the Commission's docket room.

By direction of the Commission.

JOSEPH A. FISHER,  
Secretary.

[FR Doc. 72-17078 Filed 10-4-72; 8:52 am]

## PRICE COMMISSION

[Order No. 11]

### RECLASSIFIED LUMBER FIRMS

#### Reports Requirements

Pursuant to the amendments to §§ 101.13 and 101.15 of Part 101 of the regulations of the Cost of Living Council, effective October 3, 1972, each firm (other than a firm described in § 101.11) with \$5 million or more in annual sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and

associated wood products such as hardboard and particle board that is not currently classified as a Category II firm is reclassified from Category III to Category II, Reporting Firms. For the purposes of this order, each such firm shall be referred to as a "reclassified firm". The effect of that amendment is to place certain reporting requirements on those reclassified firms, as required in § 300.52 of the Price Commission regulations.

The purpose of this order is to establish the time frames for these particular reporting requirements of § 300.52 and to specify certain additional reporting requirements on a one-time basis.

Section 300.52 requires that each reporting firm provide certain information to the Price Commission on prescribed forms on a quarterly basis. The base period profit margin calculation must be reported once on Form PC-50. Supporting documents must include audited financial statements for all years reported. The current profit margin is reported quarterly on Form PC-51. Each such report must be supported by the firm's usual quarterly accounting statement. The midyear and yearend PC-51 reports must each contain a statement from an independent public accounting firm pursuant to § 300.221 of Price Commission regulations. The yearend PC-51 report must contain an audited financial statement, consistently stated with those attached to the PC-50.

Category II manufacturers and service organizations must report quarterly, on Form PC-1, any price increases above base price. This form provides the cost justification for the price increases and must be supported by schedules, as necessary. Category II wholesalers, brokers, and retailers must initially declare their customary initial percentage markups on Form PC-10 and report compliance with those markup limitations on a quarterly basis, also on Form PC-10.

The Price Commission considers that the requirement of audited financial statements be filed with Forms PC-50 and 51 may work an unnecessary hardship on newly reclassified lumber firms that do not customarily have audited statements available. The Commission has thus determined that, where audited statements are not customarily available, a certificate to that effect shall be an acceptable substitute. However, this does not obviate the requirements of § 300.221 of the regulations of the Commission.

Therefore, in consideration of the foregoing, and notwithstanding any provision of Part 300 of the Price Stabilization Regulations of the Commission (6 CFR Part 300), it is hereby ordered as follows:

(1) Each reclassified firm shall file with the Price Commission all reports (Forms PC-1, PC-10, and PC-50 or both) required by or pursuant to § 300.52 of the regulations of the Commission (a) with respect to the initial reports due after October 2, 1972, within the time limits prescribed in this order, and (b) with respect to all subsequent reports, within the time limits prescribed by or pursuant to § 300.52 of the regulations of the Commission.

(2) Each reclassified firm that is a manufacturer shall, before November 6, 1972, file with the Commission a Form PC-1, together with supporting documentation, with respect to each product or service for which it charged, at any time after November 13, 1971, a price which exceeded the base price for that product or service.

(3) Each reclassified firm that is a wholesaler or a retailer shall, before November 6, 1972, file with the Commission a Form PC-10, together with supporting documentation, covering the markup base period and latest fiscal quarter ended before October 3, 1972, with respect to any product, products, service, or services for which it charged, at any time during that fiscal quarter, a price or prices which exceeded the base price for the product, products, service or services.

(4) Each reclassified firm that has, at any time after November 13, 1971, charged a price for any product or service which exceeded the base price therefore shall:

(a) Before November 20, 1972, file with the Commission Form PC-50, together with supporting documentation;

(b) Before November 20, 1972, file with the Commission Form PC-51, together with supporting documentation, with respect to the last fiscal quarter ended before October 3, 1972; and

(c) Before January 2, 1973, file with the Commission Form PC-51, together with supporting documentation, with respect to its last complete fiscal year, if that fiscal year ended before October 3, 1972.

(5) Any firm filing a PC-50 or PC-51 with the Commission for the first time as a result of this order shall also file a statement from an independent accounting firm that such initial reports meet generally accepted accounting principles and procedures consistently applied, and appear to comply with the regulations of the Price Commission.

(6) Any firm which has not customarily prepared audited financial statements may file in place thereof a certificate to the effect that no such statements are customarily prepared, that the firm has stated all financial data in a consistent manner in accordance with generally accepted accounting principles, and that the data reported complies with the regulations of the Commission.

(7) A reclassified firm that has not increased any selling price above base price may, in place of complying with this order, file a certificate of no price increase similar to that set forth in the instructions to Form PC-50.

(8) Each form, report, or other document required to be filed with the Price Commission pursuant to this order shall be addressed as follows:

Price Commission, 2000 M Street NW., Washington, DC 20508.  
Lumber 72-11  
Form No. PC-

(9) Each person who fails, within the time limits prescribed in this order, to file any form, report, or other document, required by this order shall be subject to

§ 300.53 of the regulations of the Price Commission.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558; 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1218, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971.)

Issued in Washington, D.C. on October 3, 1972.

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

[FR Doc. 72-17181 Filed 10-3-72; 5:10 p.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CLINTON OIL CO.

### Order Suspending Trading

SEPTEMBER 28, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.03 1/3 par value, and all other securities of Clinton Oil Co., 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 29, 1972 through October 8, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc. 72-17032 Filed 10-4-72; 8:50 am]

[File No. 500-1]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

SEPTEMBER 28, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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 October 2, 1972, through October 11, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc. 72-17033 Filed 10-4-72; 8:50 am]

## NOTICES

[File No. 500-1]

### FIRST LEISURE CORP.

#### Order Suspending Trading

SEPTEMBER 28, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value and all other securities of First Leisure 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 10:45 a.m. (e.d.t.) on September 28, 1972, through October 7, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc. 72-17034 Filed 10-4-72; 8:50 am]

[812-3204]

### LOEB, RHOADES & CO.

#### Notice of Application for Exemption

SEPTEMBER 27, 1972.

Notice is hereby given that Loeb, Rhoades & Co., a partnership (Applicant), 42 Wall Street, New York, NY 10005, has filed an application pursuant to section 9(c) of the Investment Company Act of 1940 (Act) for an order of exemption from the provisions of section 9(a) of the Act. This application seeks an exemption for Loeb, Rhoades & Co., its partners, agents, servants, and employees, except that Gerald L. Burchard, a named defendant in the Lynbar case, be exempted only to the extent that his continued employment would be a bar to Applicant under section 9(a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein which are summarized below.

On November 14, 1968, in an action entitled Securities and Exchange Commission v. Lynbar Mining Corporation, Ltd., et al. (U.S. District Court for the Southern District of New York, Civil Action No. 68-4493), a final judgment was entered upon consent against, among others, Applicant, a registered broker-dealer, which consent provides in pertinent part:

Ordered, Adjudged and Decreed that Defendants, \* \* \* Loeb, Rhoades & Co. and their partners, agents, servants, and employees, and any other person acting in active concert or participation with them, are hereby restrained and enjoined from, directly or indirectly, by use of the means or instrumentalities of interstate commerce or the mails from offering to sell, selling or delivering after sale the securities of Lynbar Mining Corp., Ltd., in violation of section 5 of the Securities Act of 1933 \* \* \*

On the same date, the Securities and Exchange Commission issued an order accepting an offer of settlement from Ap-

plicant for the purpose of disposing of issues raised under section 15(b) of the Securities Exchange Act of 1934 arising out of the offer, sale, and delivery after sale of securities of Lynbar Mining Corp., Ltd., and directing Applicant to discontinue any and all trading in Canadian over-the-counter securities for a period of sixty (60) calendar days commencing with the opening of business on November 15, 1968. The Commission determined that it was in the public interest to accept the offer of settlement in view of Applicant's consent to the injunction, certain mitigating factors presented and upon the assumption that appropriate and effective procedures would be placed in effect prior to resumption by Applicant of trading in Canadian over-the-counter securities.

Applicant asserts that in the transactions leading to the above-mentioned civil action, it had no intent to violate any provisions of law, it had purchased the securities through its Canadian correspondent which had specific instructions not to purchase any stock for Applicant which was in distribution in Canada; the activities in the stock were infinitesimal in relation to Applicant's overall Canadian trading activities during the same period; all transactions were with other broker-dealers and no sales were made to public customers; upon its own initiative, Applicant halted trading in all over-the-counter Canadian securities as soon as it was apprised of the concern of the staff of the Commission with the distribution of unregistered securities from Canada into the United States; it made a complete review of its compliance procedures with respect to Canadian securities; and Applicant had not been charged with violations of any of the antifraud provisions of the Securities Act although certain other respondents had been so charged.

Injunctions entered against Applicant in 1958 in Securities and Exchange Commission v. Arvida Corp., et al. U.S.D.C., SDNY, Civ. Action 138-67, and in 1961 in Securities and Exchange Commission v. Fruit of the Loom, Inc. et al., U.S.D.C., SDNY, 61 Civ. 640, were the subject of two prior applications pursuant to section 9 of the Act. Both applications for exemption were granted and the orders granting the applications are reported in Investment Company Act Releases Nos. 2820 and 3250, respectively.

Section 9(a)(2) of the Act makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any securities, to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered open-end company. Section 9(a)(3) prohibits a company any affiliated person of which is ineligible by reason of 9(a)(2) to serve or act in the foregoing capacities.

On January 27, 1970, the Commission, upon application, entered an order exempting Applicant from any restriction of section 9(a) of the Act that arose as

a result of the order in the Lynbar case, but only to the extent that the section precluded a wholly owned subsidiary of Applicant from acting as investment adviser to and principal underwriter for Chelsea Fund, Inc., and prevented affiliated persons of Applicant from acting as officers and directors of Chelsea Fund, Inc. (Memorandum Opinion and Order, Investment Company Act Release No. 5962). Applicant now seeks an unconditional exemption from the prohibition of section 9.

On November 10, 1971, the Commission, upon application, entered an order exempting Frank A. Weil, then a partner of Applicant, from any restriction of section 9(a)(2) of the Act that arose as a result of the order in the Lynbar case; and on November 18, 1971, the Commission upon application, granted a similar exemption to Dudley F. Cates, a partner of Applicant.

Applicant entered into an agreement in April 1971 with Voyager Life Insurance Co., investment adviser to Voyager Variable Annuity Fund, an open-end investment company. Applicant states that it was not aware that the agreement required an exemptive order from the Commission and does not admit that any such order is required. However, Applicant states that it has remitted to Voyager Variable Annuity Fund, \$5,816 which represents the total fees received to date pursuant to its agreement with Voyager Life Insurance Co. and that it will remit such sums received in the future unless and until the Commission enters an order granting the exemption sought by the Applicant in this application.

In support of its application, Applicant further represents: (1) That Applicant has been subject to the restrictions and disqualifications for more than 3½ years; (2) that the alleged violations which resulted in their imposition was a result, at most, of error and inadvertence and not of fraud, overreaching, or an attempt to evade the law, and was minor in scope and extent; and (3) that Applicant should not be limited in its opportunity to serve its clients and the public in the capacities which for 3½ years have been subject to the limitations of section 9(a)(2) of the Act.

Gerald L. Burchard, an employee of Applicant, also consented and was named in the final judgment entered in the Lynbar case. Applicant requests that the order of exemption apply to Gerald L. Burchard only to the extent that his continued employment would be a bar to Applicant under section 9(a)(3) of the Act. Furthermore, Gerald L. Burchard's function is to execute and handle trading in Canadian securities for the Applicant; and that none of his functions have involved, or will involve, activities, responsibilities, or duties touching upon the areas to which section 9 relates.

Section 9(c) of the Act provides that any person who is ineligible by reason of subsection (a) to serve or act in the capacities enumerated therein may file with the Commission an application for an exemption from the provisions of that subsection and further provides that the Commission shall by order grant such

application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicant asserts that the prohibitions of section 9(a) of the Act, if applicable by reason of the above-mentioned final judgment, would be unduly and disproportionately severe if applied to Applicant. Applicant further asserts its conduct has been such as to make it not against the public interest or protection of investors to grant the requested application.

Notice is further given that any interested person may, not later than October 23, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 25049. 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.

By the Commission.

RONALD F. HUNT,  
Secretary.

[FR Doc.72-17037 Filed 10-4-72;8:50 am]

[File No. 500-1]

#### MINUTE APPROVED CREDIT PLAN, INC.

##### Order Suspending Trading

SEPTEMBER 28, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.05 par value, and all other securities of Minute Approved Credit Plan, 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 October 1, 1972 through October 10, 1972.*

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-17035 Filed 10-4-72;8:50 am]

[File No. 500-1]

#### NORTH AMERICAN PLANNING CORP.

##### Order Suspending Trading

SEPTEMBER 28, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class B non-voting common stock, \$0.01 par value and all other securities of North American Planning 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 the trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 2, 1972 through October 11, 1972.*

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-17036 Filed 10-4-72;8:50 am]

[812-3206]

#### UNITED FUNDS CANADA-INTERNATIONAL LTD., AND UNITED CONTINENTAL GROWTH FUND, INC.

##### Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

SEPTEMBER 28, 1972.

Notice is hereby given that United Funds Canada-International Ltd. (International Fund) and United Continental Growth Fund, Inc. (Growth Fund), 1 Crown Center, Kansas City, Mo. 64141, both diversified management open end investment companies registered under the Investment Company Act of 1940 (Act), have filed a joint application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the sale by International Fund of substantially all of its assets to Growth Fund in exchange for shares of Growth Fund as more fully described below. 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.

The proposed sale by International Fund of its assets to Growth Fund is part of a proposed reorganization whereby, pursuant to an agreement between the two funds, Growth Fund would acquire substantially all of International

## NOTICES

Fund's assets in exchange for shares of Growth Fund. International Fund will retain only sufficient assets to pay its estimated liabilities. Following the proposed reorganization substantially all of the assets of International Fund will consist of shares of Growth Fund, and International Fund will then distribute to its shareholders the shares of Growth Fund.

The application indicates that since 1954, when International Fund was incorporated, substantial changes have been made in the tax legislation of the United States and Canada which have not only precluded the sale of additional shares of International Fund, a Canadian corporation, but have also created enormous complexities governing the investment income earned and capital gains realized by it. The Board of Directors of International Fund, recognizing that redemptions of shares of International Fund could not be offset by sales of its shares, recommended that shareholders approve the proposed reorganization. The Board of Directors made this recommendation in view of the foregoing factors and their belief that the reorganization would be beneficial to shareholders of International Fund in view of the increased diversification that would be provided by Growth Fund, which is a larger fund than International Fund, the lower investment advisory fee which is paid by Growth Fund, and the continuity of management that would result since Waddell & Reed, Inc. acts as investment adviser to both funds.

The application also indicates that shares of Growth Fund of a net asset value equal to the aggregate value of all of International Fund's assets to be acquired by Growth Fund (subject to certain adjustment set forth in the agreement for increased or decreased possible tax liability) shall be issued in exchange for International Fund's assets. The valuation date shall be the close of business on October 13, 1972, or on such other date as may be mutually agreed upon. The actual exchange of International Fund's assets for shares of Growth Fund will be made on October 14, 1972, or another mutually agreeable date.

The effectiveness of the reorganization is contingent on the receipt of a tax ruling from the Internal Revenue Service of the United States indicating that the proposed reorganization will be a tax-free reorganization and no gain or loss or taxable income will be recognized by the two funds or their shareholders.

International Fund will, before the reorganization, sell those securities the acquisition of which by the Growth Fund would cause the payment of an interest equalization tax, and invest the proceeds in cash and cash equivalents.

The Board of Directors of Growth Fund have approved the proposed reorganization, and on September 18, 1972, a majority of the outstanding voting securities of International Fund were voted in favor of the proposed reorganization.

The application represents that no person owns beneficially, either directly

or indirectly, 25 percent or more of the voting securities of either International Fund or Growth Fund; consequently, it is applicants' view that the two funds are presumed not to be under common control. However, since the two funds have the same investment adviser, and have certain directors and officers in common, applicants have filed the present application, pursuant to section 17(b) of the Act, requesting an exemption from the provisions of section 17(a) of the Act.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company any security or other property, subject to certain exceptions, unless the Commission upon application, pursuant to section 17(b) of the Act, grants an exemption from the provisions of section 17(a) of the Act upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

In order to enable the reorganization to be effectuated before October 15, 1972, the usual period of time within which an interested person may request a hearing on the application has been shortened. In view of the nature of the application and the necessity for action before October 15, the shortened period of public notification is deemed necessary and reasonable.

Notice is further given that any interested person may, not later than October 12, 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 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 the 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.72-17038 Filed 10-4-72;8:50 am]

[70-5230]

### UTAH POWER & LIGHT CO.

#### Proposed Issue and Sale of Notes to Banks and Dealer in Commercial Paper and Exception From Competitive Bidding

SEPTEMBER 28, 1972.

Notice is hereby given that Utah Power & Light Co. (Utah), 1407 West North Temple Street P.O. Box 899 Salt Lake City, Utah 84110 and electric utility company and a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes to issue and sell, from time to time prior to September 30, 1973, short-term notes in the form of commercial paper and notes to banks, in an aggregate amount not exceeding \$52 million at any one time outstanding. Utah intends to utilize the proceeds of the sale of its notes for construction expenditures estimated to be approximately \$62 million for 1972 and \$72 million for 1973. The notes will be repaid by Utah through the issue and sale of additional long-term debt and equity securities prior to September 30, 1973.

The proposed bank notes will mature not more than 9 months after the date of issue, and, in any event on or before September 30, 1973, and will provide for payment in whole or in part prior to maturity. The notes will bear interest at not more than the prime commercial rate then in effect for unsecured loans at the bank to which the note is issued, and any change in such rate shall become effective on date of the change in the prime commercial rate at the bank to which the note is issued. Utah anticipates that it will be able to obtain lines of credit for the proposed borrowings with the 15 commercial banks listed below up to the maximum amount indicated for each bank.

Name of Bank:	Maximum Amount to be Borrowed
The Continental Bank and Trust Co., Salt Lake City, Utah	\$500,000
First Security Bank of Utah, N.A., Salt Lake City, Utah	3,300,000

Maximum Amount to be Borrowed	
Walker Bank & Trust Co., Salt Lake City, Utah	\$3,000,000
Zions First National Bank, Salt Lake City, Utah	2,000,000
United Bank of Denver, Denver, Colo.	2,000,000
Bank of Utah, Ogden, Utah	200,000
Carbon Emery Bank, Price, Utah	100,000
Commercial Security Bank, Ogden, Utah	1,000,000
First Security State Bank, Salt Lake City, Utah	100,000
Valley Bank & Trust Co., South Salt Lake, Utah	300,000
The Chase Manhattan Bank, N.A., New York, N.Y.	10,500,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	10,000,000
Mellon National Bank and Trust Co., Pittsburgh, Pa.	10,000,000
Harris Trust and Savings Bank, Chicago, Ill.	3,000,000
Irving Trust Co., New York, N.Y.	6,000,000
Total	52,000,000

It is stated that there are no specified requirements for compensating balances in conjunction with the proposed lines of credit; nevertheless Utah represents that it has traditionally maintained working capital deposits in banks in proportion to the lending commitment of each bank, and adequate to support each commitment.

The proposed commercial paper will be in the form of promissory notes with varying maturities not to exceed 270 days, will be issued in denominations of not less than \$50,000 and not more than \$5 million, and will not be prepayable prior to maturity. The commercial paper will be sold by Utah directly to a dealer in commercial paper; however, no commercial paper will be issued having a maturity of more than 60 days at an effective interest cost that exceeds the effective interest cost at which Utah could borrow from banks, unless Utah finds it impractical to do otherwise. No commission or fee will be payable in connection with the issue and sale of commercial paper. The dealer will reoffer and sell the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the prevailing discount rate of Utah to not more than 200 customers of the dealer identified and designated in a list (non-public) prepared in advance by the dealer. No additions will be made to such list of customers. No sale will be made to any purchasers unless and until such purchasers have received a current report of the financial condition of Utah. It is expected that such commercial paper will be held to maturity by the purchasers, but, if any such purchaser wishes to resell prior to maturity, the dealer will repurchase the paper for resale to others on said list of customers. Utah requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. Utah states that the proposed commercial paper notes will have a maturity of 9 months or less, that current rates for commercial paper for such prime borrowers as Utah are published daily in financial publications and that generally the

effective interest cost thereon will not exceed the effective interest for borrowing from commercial banks. Utah also requests authority to file certificates under Rule 24 on a quarterly basis with respect to the issue and sale of notes hereafter consummated pursuant to this proceeding.

It is represented that no fees or commissions (including legal fees) will be paid or incurred, directly or indirectly, in connection with the proposed transactions, and that incidental expenses are estimated to be less than \$2,000. Utah states that the Idaho Public Utilities Commission has jurisdiction over the proposed issue and sale of the notes, including commercial paper, and has by order expressly authorized the proposed transactions. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 13, 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-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 applicant-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 application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc. 72-17039 Filed 10-4-72; 8:50 am]

## DEPARTMENT OF LABOR

Office of the Secretary  
RCA CORP.

### Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the

petition for adjustment assistance filed on behalf of workers formerly employed by Indianapolis and Rockville plants of RCA Corp., Indianapolis, Ind. (Report No. TEA-W-144) under section 301(c) (2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to television yokes, tuners, and horizontal output transformers, the President decided, under the authority of section 330(d) (1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the groups of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigations to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20110 on or before October 9, 1972.

Signed at Washington, D.C. this 28th day of September 1972.

GLORIA G. VERNON,  
Director, Office of  
Foreign Economic Policy.

[FR Doc. 72-17054 Filed 10-4-72; 8:51 am]

### "TEMPORARY OFF" INDICATOR

### Notice of Determination and Ending of Temporary Compensation Period in Four States

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, Title II), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination that there is a "temporary off" indicator for the week ending August 19, 1972, in the State of Massachusetts and the week ending August 26, 1972, in the States of Connecticut, Vermont, and West Virginia.

As provided in section 202(c) (3) (A) (i) (II) of the Act and 20 CFR 617.5 (b)

## NOTICES

and (c), the temporary compensation period in each of these States shall end on the last day of the third week following the week for which there is a "temporary off" indicator. Under the Act, temporary compensation is not payable in the State of Massachusetts for any week of unemployment which begins after September 9, 1972, and in the States of Connecticut, Vermont, and West Virginia for any week of unemployment that begins after September 16, 1972.

Signed at Washington, D.C. this 29th day of September 1972.

J. D. HODGSON,  
Secretary of Labor.

[FR Doc. 72-17055 Filed 10-4-72; 8:51 am]

**Wage and Hour Division**

**CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE**

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 F.R. 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

A & W Root Beer Drive Inn, restaurant; 2800 Elizabeth Street, Pueblo, CO; 7-5-73.

Allen Mercantile Co., variety-department store; 95 East Main Street, Hyrum, UT; 6-25-73.

Arrington's Food Market, foodstore; Front Street, Taylorsville, MS; 7-11-73.

Ashcraft Market, Inc., foodstore; 158 First Street, Harrison, MI; 7-9-73.

Ballard's Food Store, foodstore; 301 East Charles, Pauls Valley, OK; 6-30-73.

Barones Food Market, foodstore; 1103 Holland, Saginaw, MI; 7-5-73.

Ben Franklin Store, variety-department stores; 528 West Main Street, Jackson, MO, 7-14-73; Berkeley Square Shopping Center, Goose Creek, S.C., 7-13-73.

Big K Department Store, variety-department stores, 7-14-73; U.S. Highway 78 and Airport Road, Jasper, AL; U.S. Highway 127 North, Crossville, TN; Old Hickory Boulevard, Jackson, TN; West Second at South Jackson Street, Morristown, TN; Memorial Boulevard, Springfield, TN.

Bill Crook's Food Town, foodstore; No. 1, Nashville, Tenn.; 6-30-73.

Bob White's Chevlanday, Inc., auto dealer; 301-307 West Church Street, Martinsville, VA; 7-14-73.

Bosma Brothers Farms, agriculture; 1187 Poulsom Road, Muskegon, MI; 7-1-73.

W. C. Bradley Co., agriculture; Columbus, GA; 6-25-73.

Bretts Department Store, variety-department store; 325-329 South Front Street, Mankato, MN; 7-15-72 to 6-30-73.

Burger Chef, restaurant; 1000 West Clairmont Avenue, Eau Claire, WI; 7-14-73.

Carlie C. McLamb's Grocery, foodstore; Route 2, Dunn, NC; 6-25-73.

Central Market, foodstore; Third and Lincoln, Hebron, NE; 6-23-73.

Charlie Womack Garden & Nursery, agriculture; 1602 Cherokee Road, Florence, SC; 7-9-73.

Coborn's, Inc., foodstores, 6-27-73; Foley, Minn.; 327 South Fifth Avenue, St. Cloud, MN; Six North Broadway, Sauk Rapids, MN.

Covey Livestock Co., agriculture; Cokerville, WY; 6-29-72 to 5-25-73.

DeByle's, Inc., apparel stores, 7-2-73; Eagle River, WI; Minocqua, WI; Rhinelander, WI; Wisconsin Rapids, WI.

Downtown Drugs, drugstore; 110 East Broadway, Mount Pleasant, MI; 7-15-72 to 1-14-73.

Easyway Food Market, foodstore; Carter Street, Harriman, TN; 7-10-73.

Elliott's Restaurant, restaurant; I-20 and U.S. No. 1 North, Columbia, SC; 6-30-73.

Elmore, variety-department store; Sunset Plaza Shopping Center, Decherd, Tenn.; 7-2-73.

Ferguson Free Car Wash, service station; 2315 Ferguson Road, Cincinnati, OH; 6-30-73.

Food Fair, Inc., foodstore; Burnside, Ky.; 7-14-73.

Foodtown, foodstores; 305 North Second, Rogers, AR; 7-31-73; Highway 71 South, Rogers, AR; 7-15-73.

Frank Dill's Bestway Market, foodstore; Highway 79, Dover, TN; 6-21-73.

Franks IGA Foodliner, foodstore; 130 South Grand Avenue, Fowlerville, MI; 6-29-73.

Glenn W. Clay, agriculture; Route 1, Sharpsburg, Ky.; 7-1-72 to 9-30-73.

W. T. Grant Co., variety-department stores; No. 739, Whittier, Calif., 6-30-73; No. 997, Mundelein, Ill.; 6-26-73; No. 343, Milwaukee, Wis., 7-20-73.

Gray Hall Pharmacy, Inc., drugstore; 5740 West Littleyork, Houston, TX; 6-30-73.

Greenville Car Wash East, Inc., service station; 1522 Laurens Road, Greenville, SC; 7-25-73.

H. E. B. Food Store, foodstores; No. 117, Crystal City, Tex.; 6-24-73; No. 119, Gatesville, Tex.; 8-3-73; No. 86, Ingleside, Tex.; 7-30-73; No. 114, McAllen, Tex.; 7-24-73.

Hall's 5 & 10¢ Stores, variety-department store; 122-128 South Main Street, Woodruff, SC; 7-2-73.

Hansen's Drug Store, drugstore; 20 West Eighth Street, Holland, MI; 7-2-73.

Hayfield Farm, agriculture; 1234 United Penn Bank Building, Wilkes-Barre, Pa.; 7-6-72 to 6-25-73.

Hillside Farms, Inc., agriculture; 1235 United Penn Bank Building, Wilkes-Barre, Pa.; 7-4-73.

Hlowa, restaurant; 901 Prospect, Helena, MT; 6-30-73.

Hudson Memorial Nursing Home, nursing home; 700 North College, El Dorado, AR; 6-30-73.

J & S Enterprise Market, variety-department store; Hawk Point, Mo.; 7-19-72 to 7-13-73.

Kline's Department Store, variety-department store; 14 East Front Street, Monroe, MI; 6-26-73.

S. S. Kresge Co., variety-department stores; No. 4311, Brandon, Fla.; 6-30-73; No. 4415, Daytona Beach, Fla.; 6-30-73; No. 4410, Jacksonville, Fla.; 7-14-73; No. 4420, Ocala, Fla.; 6-30-73; No. 4358, Orlando, Fla.; 7-29-73; No. 4138, Atlanta, Ga.; 7-6-73; No. 4140, Atlanta, Ga.; 7-9-73; No. 4563, Bedford, Ind.; 6-23-73; No. 4632, Atchison, Kans.; 6-26-73; No. 4215, Kansas City, Kans.; 7-9-73; No. 157, Newport, Ky.; 7-13-73; No. 4428, Muskegon, Mich.; 6-30-73; No. 4488, Rochester, Mich.; 8-14-73; No. 4350, Columbia, Mo.; 6-23-73; No. 555, Jennings, Mo.; 7-1-73; No. 4577, Fremont, Nebr.; 6-20-73; No. 498, North Eatontown, N.J.; 6-22-73; No. 260, Passaic, N.J.; 6-30-73; No. 65, Trenton, N.J.; 6-22-73; No. 4060, Charlotte, N.C.; 6-22-73; No. 4476, Greensboro, N.C.; 7-31-73; No. 4353, Minot, N.Dak.; 7-12-72 to 7-5-73; No. 4417, Cleveland, Ohio; 7-14-73; No. 4301, Lima, Ohio; 7-13-73; No. 3015, Mentor, Ohio; 7-14-73; No. 4093, Madison, Tenn.; 7-19-73; No. 4300, Dallas, Tex.; 6-23-73; No. 4197, Houston, Tex.; 6-22-73; No. 4354, Lubbock, Tex.; 6-30-73; No. 746, San Antonio, Tex.; 6-22-73; No. 91, Huntington, W. Va.; 7-2-73; No. 4219, Green Bay, Wis.; 7-4-73; No. 4559, La Crosse, Wis.; 6-22-73; No. 4374, Wausau, Wis.; 7-20-73.

Lerner Shops, apparel stores; No. 343, Merritt Island, Fla.; 7-21-73; No. 336, Meridian, Miss.; 7-31-73.

Lobel's Youth Center, Inc., apparel store; 100 Broadway, East Paterson, NJ; 6-30-73.

Low Cost Drug Center, Inc., drugstore; 101 North Main, Logan, UT; 6-26-72 to 6-9-73.

Lutheran Homes, Inc., nursing home; 1306 West Wisconsin Avenue, Oconomowoc, WI; 7-31-73.

Mark-It Foods, foodstores, 6-30-73; Nos. 51 and 52, Boise, Idaho; No. 50, Clearfield, Utah; No. 18, Salt Lake City, Utah.

Martin's Aquarium, Inc., pet shop; 101 Old York Road, Jenkintown, PA; 6-30-73.

Masonic Homes Farm, agriculture; Elizabethtown, Pa.; 7-7-72 to 6-23-73.

McCrory-McLellan-Green Stores, variety-department stores; No. 278, West Helena, Ark.; 6-25-73; No. 396, Punta Gorda, Fla.; 7-12-73; No. 389, Baltimore, Md.; 7-12-73; No. 166, Springfield, Mo.; 7-14-73; No. 255, Norfolk, Nebr.; 7-9-73; No. 219, Dayton, Ohio; 7-14-73; No. 397, Kutztown, Pa.; 7-6-72 to 6-26-73; No. 233, Sunbury, Pa.; 7-6-72 to 6-30-73; No. 545, Laredo, Tex.; 6-27-73.

McDonald's Hamburgers, restaurants; 7-9-73; 1401 South Noland Road, Independence, MO; 2650 West 26th Street, Erie, PA.

Minyard Food Stores, Inc., foodstore; No. 8, Dallas, Tex.; 7-2-73.

Morgan & Lindsey, variety-department stores; No. 3017, Rayville, La.; 8-14-73; No. 3020, Brookhaven, Miss.; 7-13-72 to 6-30-73.

Mount Carmel Home, nursing home; 18th Street and Fifth Avenue, Kearney, NE; 6-21-73.

G. C. Murphy Co., variety-department stores; No. 433, Anna, Ill.; 6-28-73; No. 77, Fort Wayne, Ind.; 6-22-73; No. 427, Winchester, Ind.; 6-30-72 to 6-28-73; No. 338, Raleigh, N.C.; 6-30-73; No. 809, McKees Rocks, Pa.; 7-14-73; No. 328, York, Pa.; 7-7-72 to 6-30-73; No. 318, Parkersburg, W. Va.; 7-14-73.

Neisner Bros., Inc., variety-department store; No. 66, Clermont, Fla.; 7-19-73.

J. J. Newberry Co., variety-department stores, 7-30-73; No. 36, Dover, N.J.; No. 190, Springfield, N.J.

Noble Street Sure Save, foodstore; 1710 Noble Street, Anniston, AL; 6-30-73.

Oak Creek Restaurant, restaurant; I-94 and Ryan Road, Oak Creek, WI; 7-31-73.

Penn Taft Pharmacy, drugstore; 1815 Pennsylvania Avenue, West Mifflin, PA; 7-7-72 to 6-26-73.

Peoples Wholesale Co., variety-department store; Water Valley, Miss.; 6-27-73.

Piggly Wiggly, foodstore; No. 33, Shreveport, La.; 7-14-73.

Raylass Department Store, variety-department store; 232 South Elm Street, Greensboro, NC; 8-14-73.

Red Dot Super Market, foodstore; Ellijay, Ga.; 7-5-72 to 7-2-73.

Roberts Market, foodstore; Afton, Wyo.; 7-22-73.

Rohman's Thriftway, foodstore; 810 Main, Concordia, MO; 6-22-73.

Rose's Stores, Inc., variety-department stores; No. 220, Clearwater, Fla.; 6-30-73; No. 216, Greenville, Miss.; 6-25-73; No. 221, Virginia Beach, Va.; 7-14-73.

Sandy's, Inc., restaurant; 1020 West Prince Road, Tucson, AZ; 7-31-73.

Scheddell & Wendt Bros. Drugs, drugstore; 104 South Main Street, Crown Point, IN; 7-5-73.

Schensul's, Inc., restaurant; Dunlap, Ind.; 8-14-73.

Scott Stores Co., variety-department stores; No. 9132, Elizabethtown, Ky.; 6-29-73; No. 9131, Harlan, Ky.; 6-23-73.

Shepard's Inn, nursing home; 300 East Culver Road, Knox, IN; 6-21-73.

Skinner Nursery, agriculture; 1402 Lower Silver Lake Road, Topeka, KS; 6-24-73.

Smart Shop, apparel store; Punxsutawney, Pa.; 7-14-72 to 6-30-73.

Spurgeon's, variety-department stores; 118 East Main Street, Streator, IL; 7-31-73; 903-905 Braden, Chariton, IA; 7-13-73.

Stamper Brothers Super Market, foodstore; Olive Hill, Ky.; 7-4-73.

Stanard Supply Co., variety-department store; No. 6, Grant Town, W. Va.; 7-31-73.

Sterling Stores Co., variety-department stores; Lamar Shopping Center, New Albany, Miss.; 6-30-73; 1563 South Highland, Jackson, TN; 7-15-73.

Steve's Shoes, Inc., shoe store; 4601 State Avenue, Kansas City, KS; 7-31-73.

Sunnyway Foods, Inc., foodstore; 212 North Antrim Way, Greencastle, PA; 7-6-72 to 6-28-73.

Super Drive-Ins, foodstores, 7-10-73, except as otherwise indicated; No. 9, Clarksville, Tenn.; (7-14-73); Nos. 2 and 5, Nashville, Tenn.; No. 11, Nashville, Tenn. (7-14-73).

T. G. & Y. Stores Co., variety-department stores, 6-30-73, except as otherwise indicated; No. 2106, Batesville, Ark.; (7-14-73); No. 571, Baldwin Park, Calif.; No. 526, Camarillo, Calif.; Nos. 502 and 558, Long Beach, Calif.; No. 507, Ojai, Calif.; No. 505, Riverside, Calif.; No. 532, Santa Barbara, Calif.; No. 1301, Gulf Breeze, Fla.; (7-5-73); No. 1312, Longwood, Fla.; No. 1316, Orlando, Fla.; No. 302, Kansas City, Kans.; (6-21-73); No. 145, Independence, Mo.; (6-28-73); No. 483, Kansas City, Mo.; No. 9255, Kansas City, Mo.; (6-26-73); No. 281, Los Alamos, N. Mex.; (7-6-73); No. 81, Enid, Okla.; (7-9-73); No. 434, Muskogee, Okla.; (7-2-73); No. 412, Oklahoma City, Okla.; No. 1012, Oklahoma City, Okla.; (7-20-73); No. 1007, Sapulpa, Okla.; (7-29-73); No. 405, Tulsa, Okla.; (7-14-73); No. 445, Tulsa, Okla.; (7-8-73); No. 1701, Lake City, S.C.; (8-11-73).

Terrill's Super Market, foodstore; 119 Main Street, Marcellus, MI; 6-30-73.

Warshaw's Giant Food, foodstores, 6-30-73; No. 45, Orem, Utah; 470 North Ninth East, Provo, UT.

West End Market, foodstore; 1200 Clydesdale, Anniston, AL; 6-30-73.

Wheaton Super Valu, foodstore; Wheaton, Miss.; 6-26-73.

Wilhoit Motors, Inc., auto dealer; Fifth and Market Street, Charlottesville, VA; 7-12-73.

Willbrandt Farms, agriculture; 693 West Wedgewood Drive, North Muskegon, MI; 7-10-73.

Winky's Drive-In Restaurant, restaurant; Route 119 South, Indiana, Pa.; 7-5-73.

Wood's 5 & 10¢ Stores, Inc., variety-department stores, 8-14-73, except as otherwise indicated; E-Town Shopping Center, Elizabethtown, N.C.; (7-13-73); Rockingham, N.C.; (7-14-73); Bi-Lo Plaza Shopping Center, Cheraw, S.C.; 1015 Broad Street, Sumter, SC. Wright's Markets, Inc., foodstore; 745 Shawnee Road, Lima, OH; 7-6-73.

Younker Brothers, Inc., variety-department stores, 7-31-73; North Grand Shopping Center, Ames, Iowa; 2500 South Center, Marshalltown, IA.

The following certificate issued to an establishment permitted to rely on the base-year employment experience of others was either the first full-time student certificate issued to the establishment, or provide standards different from those previously authorized. The certificate permits the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the occupation listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

The Historic Sheridan Inn, restaurant; Fifth and Broadway, Sheridan, WY; general restaurant worker; 5 to 20 percent; 6-21-73.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the *FEDERAL REGISTER* pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C. this 28th day of September 1972.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[FR Doc. 72-17056 Filed 10-4-72; 8:51 am]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 2, 1972.

Protests to the granting of an application must be prepared in accordance

with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the *FEDERAL REGISTER*.

#### LONG- AND SHORT-HAUL

FSA No. 42536—*Liquid caustic soda from Charleston, Tenn.* Filed by M. B. Hart, Jr., Agent, (No. A6321), for and on behalf of the Southern Railway Co. Rates on sodium (soda), caustic (sodium hydroxide), in tank-car loads, as described in the application, from Charleston, Tenn., to Augusta, Ga., and Graniteville, S.C.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 366 to Southern Freight Association, Agent, tariff ICC S-484. Rates are published to become effective on November 9, 1972.

FSA No. 42537—*Joint water-rail container rates—Mitsui O. S. K. Lines, Ltd.* Filed by Mitsui O. S. K. Lines, Ltd. (No. 2), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, and Hong Kong, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and gulf coast ports, on the other.

Grounds for relief—Water competition.

FSA No. 42538—*Joint water-rail container rates—Phoenix Container Liners Ltd.* Filed by Phoenix Container Liners Ltd. (No. 3), for itself and interested rail carriers. Rates on general commodities, between ports in Japan and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and gulf seaboard, on the other. Grounds for relief—Water competition.

FSA No. 42539—*Grain and related articles to Chicago, Ill.* Filed by Illinois Central Gulf Railroad Co., (No. 72-1), for interested rail carriers. Rates on barley, corn, grain sorghums, and soybeans, in carloads, as described in the application, from Illinois Central Gulf Railroad Co. stations in Illinois and Iowa. Grounds for relief—Market competition.

Tariffs—Rates are to be published in various tariffs of the Illinois Central Gulf Railroad Co. named in the application.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-17083 Filed 10-4-72; 8:53 am]

[Notice 135]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

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

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant

## NOTICES

effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73856. By order of September 29, 1972 the Motor Carrier Board on further consideration approved the transfer to Central Coast Truck Service, Inc., Watsonville, Calif., of the operating rights in Permit No. MC-119340 issued September 6, 1972, to Horace Sharp Trucking, Inc., Phoenix, Ariz., authorizing the transportation of foodstuffs, soaps, bleaches, washing and cleaning compounds, detergents, and fruits and vegetables, when moving in the same vehicle, from points in California to points in Arizona, under continuing contract with Safeway Stores, Inc., of Oakland, Calif. Michael P. Groom, 777 North First Street, Suite 500, San Jose, CA 95112, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-17082 Filed 10-4-72; 8:53 am]

[Notice 134]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 2, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-73999. By application filed September 28, 1972, HOODEK MOTOR SERVICE, INC., 625 North 12th Street, St. Charles, IL 60174, seeks temporary authority to lease the operating rights of GABLE EXPRESS CO., 4711 West 16th Street, Cicero, IL 60650, under section 210a(b). The transfer to HOODEK MOTOR SERVICE, INC., of the operating rights of GABLE EXPRESS CO., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-17081 Filed 10-4-72; 8:53 am]

[Notice No. 81]

#### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 29, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after

March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application, are governed by Special Rule 1100.24<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amend), published in the *FEDERAL REGISTER* issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issue or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the *FEDERAL REGISTER* issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the *FEDERAL REGISTER* of a

notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 257), filed August 25, 1972. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64142. Applicant's representative: Rodger John Walsh, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, MO 64142. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the distribution terminal of Spiegel, Inc., at Monocacy, Union Township, Berks County, Pa., as an off-route point in connection with applicant's regular route authority. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 2770 (Sub-No. 15), filed August 23, 1972. Applicant: SANBORN'S MOTOR EXPRESS, INC., 550 Forest Avenue, Portland, ME 04101. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Hancock, Kennebec, Penobscot, Piscataquis, and Somerset Counties, Maine, as off-route points in connection with applicant's presently authorized regular route authority. Note: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 2900 (Sub-No. 231), filed September 11, 1972. Applicant: RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Buffalo, N.Y. and the junction of U.S. Highway 20 and New York Highway 63 as an alternate route for operating convenience only, from Buffalo, N.Y. over U.S. Highway 20 to its junction with New York Highway 63 and return over the same route, serving no intermediate points; (2) Between Rochester, N.Y. and Wayland, N.Y. as an alternate route for operating convenience only, from Rochester, N.Y. over U.S. Highway 15 to Wayland, N.Y. and return over the same route, serving no intermediate points; (3) Between Frederick, Md. and Painted Post, N.Y. as an alternate route for operating convenience only, from Frederick, Md. over U.S. Highway 15 to Painted Post, N.Y. and return over the same route, serving the junction of U.S. Highway 15 and U.S. Highway 22 for purposes

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

of joinder only; (4) Between Waverly, N.Y. and the junction of U.S. Highway 6 and Interstate Highway 81 as an alternate route for operating convenience only, from Waverly, N.Y. over U.S. Highway 220 to its junction with U.S. Highway 6, thence over U.S. Highway 6 to its junction with Interstate Highway 81 and return over the same route serving the junction of U.S. Highway 6, and Interstate Highway 81 for purposes of joinder only;

(5) Between the junction of U.S. Highway 6 and Interstate Highway 81 and the junction of Interstate Highway 81 and Interstate Highway 83 as an alternate route for operating convenience only, from the junction of U.S. Highway 6 and Interstate Highway 81 over Interstate Highway 81 to its junction with Interstate Highway 83 and return over the same route, serving the termini for purposes of joinder only; (6) Between Syracuse, N.Y. and the junction of Pennsylvania Highway 115 and U.S. Highway 22, as an alternate route for operating convenience only, from Syracuse, N.Y. over Interstate Highway 81 to its junction with U.S. Highway 611, thence over U.S. Highway 611 to its junction with Interstate Highway 81-E, thence over Interstate Highway 81-E to its junction with Interstate Highway 80, thence over Interstate Highway 80 to its junction with Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to its junction with U.S. Highway 22 and return over the same route, serving the junction of Interstate Highway 81 and New York Highway 17, the junction of Interstate Highway 81 and U.S. Highway 611, and the junction of U.S. Highway 6 and Interstate Highway 81 for the purposes of joinder only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Jacksonville, Fla.

No. MC 11207 (Sub-No. 318), filed September 11, 1972. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic pipe, fittings, and accessories for the installation thereof, from the plantsite and facilities of Johns-Manville Corp. at Butner, N.C., to points in Arkansas, Delaware, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Washington, D.C., Alabama, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Birmingham, Ala.

No. MC 17211 (Sub-No. 12), filed September 8, 1972. Applicant: JESCO MOTOR EXPRESS, INC., 139 Columbus Road, Mount Vernon, OH. Applicant's representative: A Charles Tell, 100 East Broad Street, Columbus, OH 43215. Au-

thority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Plumbing fixtures and supplies, from Perryville, Ohio, and Ripley Township (Holmes County), Ohio, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina; and (2) materials used in the manufacture of plumbing fixtures and supplies, from the above specified destination points to Perryville, Ohio, and points in Ripley Township (Holmes County), Ohio, restricted to operations performed under a continuing contract, or contracts, with Manfield Sanitary, Inc., of Perryville, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 20992 (Sub-No. 25), filed August 25, 1972. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 82028, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Agricultural machinery, equipment, and implements; (2) loaders and scrapers; and (3) parts, accessories, and attachments of or for commodities described in (1) and (2) moving independently thereof or in connection therewith, from West Bend, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 27817 (Sub-No. 104), filed September 18, 1972. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, PA 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned or preserved foodstuffs, from Martinsburg and Inwood, W. Va., and Winchester, Mount Jackson, and Timberville, Va., to points in Alabama, Florida, and Georgia. NOTE: Applicant states that the requested authority can be tacked with its existing authority as follows: (1) With the final paragraph of Sub-36 so as to permit the transportation of apple products, apple byproducts, and prune juice originating at Peach Glen, Pa. over Winchester, to all destinations here involved. (2) Tacking would be possible with the authority at Sub-57 so as to permit transportation of canned fruit and vegetable products, and vinegar originating at points in Adams, Franklin, and York Counties, Pa., over any of the origins to all of the destinations. (3) Tacking is also possible on canned goods and dry flake cereal preparations originating at Aspers, Pa., over any of these origins to all of the destinations; and similarly at Sub-57 (except frozen foods and except commodities in bulk, in tank vehicles), on traffic originating at the

Duffy-Mott Co., Inc. at Aspers, over all of these origins to the entire destination territory. (4) Tacking is possible in connection with Sub-69 on canned goods from Little Miss Canning Co., Inc. near Rock Gap, W. Va., over any of the Virginia origins to all of the destinations.

(5) Tacking is possible in connection with Sub-72 on foodstuffs, other than frozen and except liquids in bulk, from the H. J. Heinz Co. facilities in Chambersburg, over any of these origins to the entire destination territory. (6) Tacking is possible in connection with Sub-80 on canned goods and dried fruit originating at Baltimore, over any of the origins to the entire destination area.

(7) Tacking is possible in connection with Sub-81 on general commodities originating at Harrisonburg, Va., over Timberville to the entire destination territory, limited, of course, to the commodities here involved; and on general commodities, to the extent they involve these commodities, originating at Falls Church, over Winchester to the entire destination area involved. (8) Tacking is also possible as to Sub-81 on apples, either canned or preserved, originating at Rileyville, Little Washington, Berryville, Front Royal, Broadway, Luray, Strasburg, and Woodstock, Va., Tabler's Station, W. Va., and Hagerstown, Md., and points within 10 miles thereof, over any of the origins to all of the destinations; and on peaches, if canned or preserved, originating at Romney, W. Va., over Winchester to the entire destination. (9) Tacking is also possible on general commodity authority at Sub-81, on the commodities here involved, originating at points in Berkeley County, W. Va., over Winchester to the entire destination area involved. (10) Tacking is possible in connection with Sub-81 on apple products and prune juice from Waynesboro, Va., over Martinsburg to the entire destination area involved; and on vinegar originating at Baltimore, over Winchester to the entire destination area involved; and if sugar is a preserved foodstuff, tacking would be possible from Baltimore, Md., over Winchester to the entire destination area involved, and (11) tacking would be possible in connection with pending proceedings at MC-F-11167 on canned foodstuffs and dried beans originating at Oakfield, N.Y., and points within 25 miles thereof, via points in Adams, Franklin, and York Counties, as previously mentioned in connection with Sub-57, and thence with the authority here sought as previously indicated. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 30844 (Sub-No. 425), filed September 1, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Fresh or frozen dressed poultry, poultry products, and frozen foods and (B) Commodities, the transportation of which is

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partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property when moving in the same vehicle at the same time with (A) above, from West Liberty, Iowa to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to the plantsite and storage facilities of Louis Rich Foods, Inc. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Washington, D.C.

No. MC 41240 (Sub-No. 16), filed September 11, 1972. Applicant: NELSON TRUCKING SERVICE, INC., Mediapolis, Iowa 52637. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the terminal of the Burlington River Terminal Co., Burlington, Iowa, on the one hand, and, on the other, points in Illinois, Missouri, and Iowa, restricted to traffic having a prior or subsequent movement by water. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Burlington, Iowa.

No. MC 50544 (Sub-No. 66), filed September 5, 1972. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT, 210 North 13th Street, St. Louis, MO 63103. Applicant's representative: Robert S. Davis (same address as applicant). The instant application seeks the lifting of Shreveport, La., as a key point from applicant's Certificate MC 50544, on traffic to, from, or via the key point of Dallas-Fort Worth, Tex., but restricted against all-motor hauling of traffic between Dallas-Fort Worth key point, on the one hand, and, on the other, points south of Shreveport on The Texas and Pacific Railway Co. in Louisiana; and Shreveport to remain as a key point against the New Orleans key point and subject to all other restrictions in said certificate. No new routes or points are sought to be served. Applicant's Certificate MC 50544 presently authorizes transportation of general commodities over regular routes, between various points in Louisiana, Texas, and New Mexico in service auxiliary to and supplemental of rail service of The Texas and Pacific Railway Co., but subject to key points of El Paso, Dallas-Fort Worth, Tex., Shreveport and New Orleans, La. **NOTE:** Applicant is a wholly owned subsidiary of The Texas and Pacific Railway Co. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Shreveport, La.

No. MC 59150 (Sub-No. 69), filed September 18, 1972. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill

Street, Jacksonville, FL 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Temple Industries' plantsite, Thomson, Ga., to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., Washington, D.C., or Atlanta, Ga.

No. MC 64932 (Sub-No. 507), filed September 11, 1972. Applicant: ROGERS CARGO CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products and blends*, in bulk, from Lafayette, Ind., to points in the United States (except Alaska and Hawaii), and (2) *potassium permanganate*, in bulk, in tank vehicles, from La Salle, Ill., to points in Missouri, Ohio, Minnesota, Wisconsin, Iowa, Indiana, Pennsylvania, New Jersey, New York, Michigan, Tennessee, and Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65019 (Sub-No. 7), filed September 13, 1972. Applicant: BEATRICE MOTOR FREIGHT, INC., 123 Court Street, Beatrice, NE 68310. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures*, from Beatrice, Nebr. to points in Kansas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 87720 (Sub-No. 133), filed September 20, 1972. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, paint additives, ink and ink additives*, from Fords, Garfield, Elizabeth, Belleville, Paterson, Moonachie, Piscataway, and Linden, N.J., to points in Indiana, Michigan, Ohio, Illinois, Missouri, Minnesota, Wisconsin, Kentucky, Iowa, and Kansas; and (2) *materials, supplies and equipment*, utilized in the manufacture, sale, and distribution of the commodities described above, from the named destination States to the above-described origins. **Restriction:** The proposed service to be restricted against the transportation of commodities in bulk,

and performed under contract with Tenneco, Inc. **NOTE:** Applicant holds common carrier authority under MC 135684 and (Sub-No. 1), therefore common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 101474 (Sub-No. 22), filed September 18, 1972. Applicant: RED TOP TRUCKING COMPANY, INC., 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue, NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and contractors' machinery, equipment, materials, and supplies*, from Indian Oaks, Ill., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. **NOTE:** Applicant states that duplicating authority may be involved under certificate No. MC 101474 and Subs thereunder. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 104683 (Sub-No. 30), filed August 28, 1972. Applicant: TRANSPORT, INC., Russell Drive, Meridian, MS. Applicant's representative: Dan H. Shell, 552 First National Bank Building, Post Office Box 157, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Baton Rouge, Chalmette, Good Hope, Meraux, Welcome, and Carville, La., to points in Mississippi. **NOTE:** Applicant states that tacking will be made at Meridian, Miss., to serve points in Alabama within 175 miles of Meridian, Miss. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 106398 (Sub-No. 624) filed August 25, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers and motor homes*, from points in Yamhill County, Oreg., to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 106398 (Sub-No. 625), filed August 2, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from all points in West Virginia to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 106400 (Sub-No. 91), filed September 8, 1972. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 12628, North Kansas City, MO 64116. Applicant's representative: Robert L. Hawkins, Jr., Post Office Box 456, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Iowa, Nebraska, Oklahoma, Colorado, Minnesota, Wisconsin, Wyoming, North Dakota, South Dakota, and Arkansas. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106407 (Sub-No. 28), filed August 25, 1972. Applicant: T. E. MERCER TRUCKING CO., a corporation, 920 North Main Street, Post Office Box 1809, Fort Worth, TX 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, pipe fitting and pipe accessories*, from Baton Rouge, La., to points in Texas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 106407 (Sub-No. 29), filed August 25, 1972. Applicant: T. E. MERCER TRUCKING CO., a corporation, 920 North Main Street, Post Office Box 1809, Fort Worth, TX 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing and plastic fittings*, from Houston, Tex., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 109307 (Sub-No. 15), filed September 18, 1972. Applicant: THE KANSAS-ARIZONA MOTOR EXPRESS, INC., 2630 1/2 West Beverly Boulevard, Montebello, CA 90640. Applicant's representative: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packing-houses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from the plant sites of John Morrell & Co. located at or near Ottumwa, Iowa; Sioux Falls, S. Dak.; Estherville, Iowa to points in New Mexico, Arizona, California, and El Paso, Tex. **Restriction:** The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with John Morrell & Co. **NOTE:** Applicant presently holds authority to render most of same service involved from Ottumwa, Iowa and Sioux Falls, S. Dak.; and the purpose of this application is to clarify and modify the scope of its permits for the rendition of a complete service. If a hearing is deemed necessary, applicant requests it be held at either (1) Los Angeles, Calif.; (2) Kansas City, Mo.; or (3) Omaha, Nebr.

No. MC 111231 (Sub-No. 179), filed August 24, 1972. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, AR 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving Bolivar, Mo., as an off-route point in connection with applicant's regular route operations to and from Springfield, Mo., and (2) serving Booneville, Ark., as an off-route point in connection with applicant's regular route operations to and from Fort Smith, Ark. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo., or Dallas, Tex.

No. MC-111401 (Sub-No. 371), filed August 31, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representatives: Alvin L. Hamilton, Post Office Box 632, Enid, OK 73701, and Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lubricating oil*, in bulk, in tank vehicles, from Fort Worth, Tex. to points in Oregon and Washington; (2) *Wheat products*, in bulk (except animal and poultry feeds and animal and poultry feed ingredients) from Atchison, Kans.

to points in Alabama, Michigan, Minnesota, Texas, and Wisconsin; and (3) *Processed clay*, in bulk, from Flatonia, Tex. to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Kansas City, Mo.

No. MC 115379 (Sub-No. 43), filed August 30, 1972. Applicant: JOHN D. BOHR, INC., Post Office Box 217, Annville, PA 17003. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feed* from Camp Hill, Pa. to points in Delaware, Maryland, New Jersey, Pennsylvania, and New York. **NOTE:** Applicant states duplicating authority may be involved under No. MC 115379 and subs thereunder. Applicant also states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 115841 (Sub-No. 441), filed August 31, 1972. Applicant: COLONIAL REFRIGERATION TRANSPORTATION, INC., 1215 Bankhead Highway W., Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Atlanta, Ga. and its commercial zone to points in Alabama, Florida, Mississippi, Louisiana, Texas, North Carolina, South Carolina, Tennessee, and Kentucky. **NOTE:** Common control may be involved. Applicant states it holds authority from and to points in Florida, Tennessee, Alabama, and Georgia and the requested authority could be tacked to points in those states to provide service to and from points in the southeast, southwest, northeast and eastern seaboard, midwest, and west coast States as already authorized. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115876 (Sub-No. 23), filed September 11, 1972. Applicant: ERWIN HURNER, 2605 South Rivershore Drive, Moorhead, Minn. 56560. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Preformed milk and dairy products cartons*, and (2) *related materials and supplies* used in the manufacturing and processing of the commodities named in (1) above, from Kansas City, Kans., to Fargo, N. Dak., under contract with Cass Clay Creamery, Inc. **NOTE:** Applicant holds common carrier authority under MC 117148, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it

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be held at Fargo, N. Dak., or St. Paul, Minn.

No. MC 116142 (Sub-No. 19), filed August 21, 1972. Applicant: BEVERAGE TRANSPORTATION, INC., 1154 Lafayette Street, York, PA 17403. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising materials*, from Detroit, Mich., to points in Pennsylvania (except Harrisburg, Pittsburgh, Lancaster, and York). Note: Applicant states that the requested authority can be tacked with its existing authority as follows: (1) Tacking is possible in connection with applicant's authority at Sub-1, Sheet 1, at Lebanon, Pa., to Newark, N.J., and at Sheet w, at Lebanon and Hudson, Pa., to Nadick, Mass. (2) Tacking is possible in connection with Sub-8, Sheet 2, at Latrobe, Pa., to points in Maryland and New Jersey. (3) Tacking is possible at Sub-8, Sheet 4, at Williamsport, Pa., to points in Long Island, N.Y., and points in New Jersey, Maryland, Virginia, and the District of Columbia, and (4) Tacking on advertising material over the same points to the same destination would be possible in conjunction with Sub-14. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 117068 (Sub-No. 21), filed September 11, 1972. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW, Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and contractor's machinery, equipment, materials and supplies* (except commodities in bulk), from Indian Oaks, Ill., to points in Minnesota, Iowa, Missouri, Wisconsin, Kansas, Nebraska, South Dakota, North Dakota, and Upper Peninsula of Michigan. Note: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117119 (Sub-No. 463), filed September 8, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by wholesale or retail discount or variety stores from points in the United States (except Alaska, Arkansas, Hawaii, Kansas, Missouri, and Oklahoma)*, to the warehouse and store locations of Wal-Mart Stores, Inc., located at points in Arkansas, Missouri, Oklahoma, and Kansas. Note: Common

control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Little Rock, Ark.

No. MC 117119 (Sub-No. 464), filed September 8, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace logs*, from the plant and warehouse of Old Kentucky Fireplace Log Co. located at Orange, Va., to points in Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, Missouri, Texas, Oklahoma, Arkansas, Kansas, and Nebraska. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 119441 (Sub-No. 29), filed August 30, 1972. Applicant: BAKER HIGHWAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry building panels and materials and supplies useful in the manufacture of masonry building panels (except commodities in bulk)*, between points in Ohio on the one hand, and, on the other, points in Wisconsin, Illinois, Indiana, Kentucky, Tennessee, West Virginia, Michigan, New York, and Pennsylvania. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119493 (Sub-No. 93), filed August 24, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road (Post Office Box 1196), Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, corn meal and baking mixes, feed and feed ingredients*, from Shawnee, Okla., to points in Florida, Alabama, Arkansas, Mississippi, and Missouri. Note: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119641 (Sub-No. 109), filed August 30, 1972. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 47944. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial and construction machinery and equipment*

from the plantsite of Mastercraft Engineering, Inc., at or near Belleville, Mich., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 120364 (Sub-No. 3) (Amendment), filed July 21, 1972, published in the *FEDERAL REGISTER* issue of August 10, 1972, and republished as amended this issue. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except A and B explosives, dangerous articles, articles of unusual value, commodities in bulk, commodities which because of size or weight require the use of special equipment), (a) between points in Boone, Bureau, Carroll, Cook, De Kalb, DuPage, Jo Daviess, Kane, Lake, La Salle, Lee, McHenry, Ogle, Stephenson, Whiteside, and Winnebago Counties, Ill., and (b) between points in (a) above and points in Illinois. Note: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add (b) above. If a hearing is deemed necessary, applicant requests it be held at any place convenient to the Commission.

No. MC 123048 (Sub-No. 228), filed August 21, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment and implements*, (2) *loaders*, (3) *attachments and accessories* for (1) and (2) above, and (4) *parts* for (1), (2), and (3) above, from West Bend, Wis., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 229), filed August 28, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial and construction machinery and equipment*, from the plantsite of

Mastercraft Engineering, Inc., located at or near Belleville, Mich., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123282 (Sub-No. 10), filed August 31, 1972. Applicant: MCKINLAY TRANSPORT LIMITED, Highway 25 at 401, Milton, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* (except in bulk) from Ludington and Midland, Mich., to the international boundary line between the United States and Canada at Detroit, Port Huron, and Sault Ste. Marie, Mich., and points in Pennsylvania on and west of the following highways: U.S. Highway 220 from the Maryland border north of its junction with U.S. Highway 15, thence north on U.S. Highway 15 to its junction with Pennsylvania Highway 14, thence north on Pennsylvania Highway 14 to the New York border; points in New York on and west of U.S. Highway 11 and on and south of New York Highway 13 from Lake Ontario to its junction with U.S. Highway 11 at Pulaski, N.Y. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 123965 (Sub-No. 5), filed September 13, 1972. Applicant: KEAL DRIVEAWAY COMPANY, a corporation, 852 East 73d Street, Cleveland, OH 44103. Applicant's representative: William P. Sullivan, 1819 H Street, NW, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveway service, between points in Attala County, Miss., on the one hand, and, on the other, points in the United States (excepting Hawaii but including Alaska). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 124605 (Sub-No. 4), filed September 14, 1972. Applicant: HOWELL TRANSPORTATION, INC., 210 West Platt Street, West Lafayette, OH 43845. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated paper boxes* (knocked down),

*fillers, liner pads, paper box parts, and paperboard sheets* from Coshocton, Ohio to Shelby County, Ind., and, from Newark, Ohio to Washington, Pa., and to points in Wayne, Randolph, Jay, and Shelby Counties, Ind., and Hancock, Brooke, Ohio, Marshall, Wetzel, Pleasants, Wood, Jackson, Mason, Cabell, and Wayne Counties, W. Va.; and (2) *Scrap paper* from Shelby County, Ind., to Coshocton, Ohio, and from Washington, Pa., points in Wayne, Randolph, Jay, and Shelby Counties, Ind., and those in Hancock, Brooke, Ohio, Marshall, Wetzel, Pleasants, Wood, Jackson, Mason, Cabell and Wayne Counties, W. Va. to Newark, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124692 (Sub-No. 95), filed August 31, 1972. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products and millwork*, from points in Oregon, Washington, Idaho, and Montana, to points in Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 125126 (Sub-No. 2), filed August 28, 1972. Applicant: CO-TRUX RENTALS, INC., Box 1006, Bristol, PA 19007. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household and industrial cleaning compounds and products and water purifying products*, between Philadelphia and Bristol, Pa., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, New York, New Jersey, and the District of Columbia; (2) *foodstuffs*, from Bristol, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, New York, New Jersey, and the District of Columbia; and (3) *materials and supplies* used in the manufacture, sale, packaging, and distribution of household and industrial compounds and products, and water purifying products and foodstuffs, from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Delaware, Maryland, Rhode Island, New York, New Jersey, and the District of Columbia, to Bristol, Pa., under contract with Purex Corp., Ltd. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 126736 (Sub-No. 61), filed September 11, 1972. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 6000 Powers Avenue, Jack-

sonville, FL 32217. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Black liquor skimmings, and brine, saline solution, or sodium sulphate*, between Jacksonville, Fla., on the one hand, and Clyattville, Ga., on the other hand. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 127099 (Sub-No. 18), filed September 18, 1972. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Zanesville, OH 43701. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast concrete products*, from Zanesville, Ohio, to points in West Virginia, and Fayette, Greene, and Washington Counties, Pa., and from Parkersburg and New Martinsville, W. Va., to points in Ohio; and (2) *Equipment and supplies* (except commodities in bulk), used in the manufacturing of precast concrete products, from points in West Virginia, and Fayette, Greene, and Washington Counties, Pa., to points in Zanesville, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 127584 (Sub-No. 5), filed September 14, 1972. Applicant: AERO TRANSPORTERS, INC., Box 551, Ellenville, NY 12428. Applicant's representative: Martin Werner, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe and steel tubing*, on flatbed vehicles with self-unloading equipment, between Syosset, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Ohio, Indiana, Illinois, Michigan, Maryland, Virginia, North Carolina, South Carolina, and the District of Columbia, under a continuing contract or contracts with Cerro Wire & Co., Division of Cerro Corp. **NOTE:** If a hearing is necessary, applicant requests it be held at New York, N.Y.

No. MC 128305 (Sub-No. 6), filed August 28, 1972. Applicant: STALCUP TRUCKING, INC., 795 Teakwood Street, Coos Bay, OR 97420. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, between points in Humboldt and Del Norte Counties, Calif., on the one hand, and, on the other, points in Coos County, Oreg. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Coos Bay, Portland, or Eugene, Oreg.

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No. MC 128520 (Sub-No. 4), filed September 13, 1972. Applicant: THE ROBINSON FREIGHT LINES, INC., 3600 Papermill Road, Knoxville, TN 37919. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Nitrogen fertilizer solutions or other liquid fertilizer solutions*, in tank vehicles, from Tyner, Tenn., to points in Kentucky; and (b) *Fertilizer*, dry, in bags or bulk, from Tyner, Tenn., to points in Kentucky, Virginia, North Carolina, and South Carolina. Note: An officer of the applicant indicates interest in Certificate No. MC 110144 and subs thereunder suggesting common control may be involved. Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Knoxville, Tenn.

No. MC 129600 (Sub-No. 8) (Amendment), filed August 10, 1972, published in the *FEDERAL REGISTER* issue of September 7, 1972, and republished in part, as amended, this issue. Applicant: POLAR TRANSPORT, INC., 27 York Avenue, Randolph, MA 02368. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Note: The sole purpose of this partial republication is to amend the territorial scope of the application under Item 2(b) to also include as destination points, Florida and Georgia; and under Item 7(b) to add Baltimore, Md., as a destination. The rest of the application remains as previously published.

No. MC 133363 (Sub-No. 3), filed September 12, 1972. Applicant: WILLIAM T. HARRIS and THEATRIS HARRIS, a partnership, doing business as HARRIS BROS. CO., 1317-1325 South 49th Street, Philadelphia, PA 19134. Applicant's representative: Morris J. Levin, 1620 I Street NW, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stereo equipment, radios, sewing machines, sewing machine cabinets, and parts and materials* therefor, between Atlanta and Savannah, Ga.; New York, N.Y.; Kansas City, Mo.; Dallas, Tex.; Charleston, S.C.; Cleveland, Ohio; Chicago, Ill.; Detroit, Mich.; Los Angeles, Calif.; Seattle, Wash.; Boston, Mass.; Philadelphia, Pa.; Miami and Jacksonville, Fla.; Birmingham, Ala.; Memphis and Nashville, Tenn.; Baltimore, Md., and Washington, D.C., under contract with Morse Electro Products Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 134455 (Sub-No. 2), filed August 30, 1972. Applicant: SCHOELMAN LINES, INC., 3330 Spring Rock, Houston, TX 77055. Applicant's representative: William D. Lynch, Post Office Box 912, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Feed ingredients: Defluorinated phosphate feed supplements in grain bed trailers, from Houston, Tex., to points in Mississippi, under contract with the Olin Corp.* Note: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 135100 (Sub-No. 11), filed August 24, 1972. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, LaPorte, IN 46350. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends* when moving with metal containers, from the plantsite of American Can Co. at St. Louis, Mo., to Indianapolis, Ind. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135185 (Sub-No. 12) (Amendment), filed July 21, 1972, published in the *FEDERAL REGISTER* issue of August 10, 1972, and republished as amended this issue. Applicant: COLUMBINE CARRIERS, INC., 2149 South Clermont, Denver, CO 80222. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment utilized by hospitals, nursing homes, health care centers and laboratories*, (a) from points located in and south of San Luis Obispo, Kern, and San Bernardino Counties, Calif., to points in the United States (except Alaska, Hawaii, Washington, Oregon, and California), and (b) from Johnson City, Tenn., to points in California, returned, refused, or rejected shipments, on return, restricted to shipments either originating or terminating at the plantsites and distribution facilities of American Hospital Supply Corp., under contract with American Hospital Supply Corp. Note: The purpose of this republication is to add (b) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135735 (Sub-No. 2), filed August 30, 1972. Applicant: AIR-LAND TRANSPORT, INC., 5615 West Marginal Way SW, Seattle, WA 98106. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in cargo vans and containers only, between points in King, Pierce, and Snohomish Counties, Wash., limited to traffic having an immediate prior or subsequent movement by water, and (2) *empty cargo vans, containers and chassis* between points in Kings, Pierce, and Snohomish Counties, Wash. Note: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136161 (Sub-No. 4), filed August 30, 1972. Applicant: ORBIT TRANSPORT, INC., Rural Route 1, Spring Valley, IL 61362. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale and retail grocery houses, from the facilities of United Facilities, Inc., at Galesburg, Ill., to points in Missouri, Iowa, Wisconsin, Minnesota, Tennessee, Kentucky, Indiana, Michigan, Kansas, Nebraska, and Illinois.* Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136343 (Sub-No. 4), filed September 12, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, plastic, plastic articles, plastic film in rolls, pulpboard, pulpboard products, corrugated and other than corrugated*, (a) from the facilities of the Sherman Division of the St. Regis Paper Co., at or near Moorestown, N.J., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, New York, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and the District of Columbia, and (b) from the facilities of the Sherman Division of the St. Regis Paper Co. at or near Newton Upper Falls, Mass., to points in New Jersey, and points in the named destination States listed under (a) above (except Massachusetts), and (c) from the facilities of the Sherman Division of the St. Regis Paper Co. at or near Bridgeview, Ill., to points in New Jersey, and points in the named destination States listed under (a) above (except Illinois), and (2) *paper, paper products, pulpboard containers, pulpboard products, corrugated and other than corrugated*, from the facilities of the St. Regis Paper Co. at or near Bridgeview, Ill., to points in the named destination States listed under (c) above. Restriction: Restricted against interlining or tacking at origin or destination. Note: Applicant presently holds on No. MC 96098 and Subs thereunder a permit for motor contract carrier authority, therefore dual operations may be involved. Applicant also indicates an interest in permit No. MC 134776 for motor contract carrier authority, suggesting common control may be involved. Applicant further states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136378 (Sub-No. 2), filed September 12, 1972. Applicant: R & L

TRUCKING CO., INC., 105 Rocket Avenue, Opelika, AL 36801. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Play balls, games or toys and athletic goods*, from points in Lee County, Ala., to points in Kentucky, Tennessee, and Missouri; (2) *Malt beverages*, from Memphis, Tenn., to points in Lee County, Ala., and (3) *Malt beverages*, from St. Louis, Mo., to points in Houston County, Ala., under contract with Abco Industries, Inc., of Opelika, Ala.; Premium Beverage Co. of Opelika, Ala., and Busch Distributing Co. of Dothan, Ala. Note: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Atlanta, Ga.

No. MC 136564 (Sub-No. 1), filed June 21, 1972. Applicant: SHIPPERS LEASING, INC., 870 North First Street, San Jose, CA 95112. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Office supplies, equipment, accessories and related articles other than furniture*, manufactured by Globe-Weiss Systems Co., from Wauseon, Ohio, to Springfield and Chicago, Ill.; Oklahoma City, Okla.; Austin, Tex.; Albuquerque, N. Mex.; Phoenix, Ariz.; Springfield, St. Louis, and Kansas City, Mo.; Denver, Colo.; Salt Lake City, Utah; Reno, Nev.; Los Angeles, Sacramento, Stockton, San Francisco, San Jose, Redding, and Fresno, Calif.; Des Moines, Iowa; Lincoln, Nebr.; Cheyenne, Wyo.; Boise, Idaho; Olympia and Seattle, Wash.; Portland, and Auburn, Oreg.; and (2) *office supplies, equipment and accessories, other than furniture*, from Fresno, Calif., to Wauseon, Ohio; Reno, Nev.; Salt Lake City, Utah; Denver, Colo.; Cheyenne, Wyo.; Omaha, Grand Island, and Lincoln, Nebr.; Kansas City, Mo.; Indianapolis, Ind.; Los Angeles, Calif.; Phoenix, Ariz.; Albuquerque, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Chicago and Springfield, Ill., under contract with Sheller-Globe Corp. Note: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136675 (Sub-No. 2), filed September 11, 1972. Applicant: K-K TRUCKING, INC., 2380 South Sarah Street, Fresno, CA 93206. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, CA 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), between Fresno, Oakland, Richmond, San Francisco, and San Leandro, Calif., on the one hand, and, on the other, Yosemite Village (Yosemite National Park), Calif. Note: Applicant

states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136699 (Sub-No. 1), filed August 11, 1972. Applicant: ROBERT ASCHENBRENNER, doing business as BOB'S TRUCKING, Post Office Box 37, Surrey, ND 58785. Applicant's representative: Harris P. Kenner, 615 South Broadway, Minot, ND 58701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Beverages* in cans, from Minneapolis and St. Paul, Minn., and points in Eagan Township, Dakota County, Minn., to Minot, N. Dak.; (b) *glass beverage containers*, from Minneapolis, St. Paul, Rosemount, and Shakopee, Minn., to Minot, N. Dak.; and (c) *sugar* in bags, from Sidney, Mont., to Minot, N. Dak., under contract with Coca-Cola Bottling Co. of Minot, N. Dak. Note: If a hearing is deemed necessary, applicant requests it be held at Minot or Fargo, N. Dak.

No. MC 136896 (Sub-No. 1), filed September 15, 1972. Applicant: TFT, INC., R.F.D. No. 3, Post Office Box 58, Washington, MN 56187. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, (1) from Council Bluffs, Iowa to points in Nebraska, North Dakota, South Dakota, Minnesota, and Iowa, (2) from Inver Grove, Minn., to points in Minnesota, Wisconsin, North Dakota, and South Dakota, and (3) from Denver, Colo., to points in Colorado, Nebraska, South Dakota, and Wyoming. Restriction: Restricted to traffic having a prior or subsequent movement by rail. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 136972, filed August 14, 1972. Applicant: MIDWEST CONTRACT CARRIERS, INC., 1042 South Hadden, El Reno, OK 73036. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, OK. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, scooters, pleasure vehicles*, from Los Angeles, Calif. and Houston, Tex., to points in Oklahoma, Kansas, Nebraska, Missouri, Arkansas, and Colorado. Note: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Wichita, Kans., or Dallas, Tex.

No. MC 136990 (Sub-No. 1), filed September 8, 1972. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor parts and*

*attachments therefor*, from Romeo, Mich., to points in that part of Illinois east of U.S. Highway 51 and north of U.S. Highway 50; Indiana, Ohio, that part of Kentucky east of U.S. Highway 127, that part of New York west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Hamburg, N.Y., and thence along U.S. Highway 62 to Niagara, N.Y., that part of Pennsylvania west of U.S. Highway 219, and that part of West Virginia west of U.S. Highway 219. Restriction: The authority sought hereinabove is restricted to the transportation of shipments originating at the plantsite of Ford Motor Co. located at or near Romeo, Mich., and destined to the named destination points above. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138039, filed August 23, 1972. Applicant: BAY DELIVERY CORP., 105 Price Parkway, Farmingdale, NY 11735. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated swimming pools, sporting goods, swimming pool accessories, equipment and supplies, and toys*, from Farmingdale, N.Y., to points in Fairfield County, Conn.; Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, N.J., under contract with Greenman Bros., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138038, filed September 11, 1972. Applicant: PACER OIL CO., INC., 1636 West Circle Avenue, South Bend, IN 46621. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in drums and in cartons, from Oil City, Pa., to the warehouse and distribution facilities located in the State of Indiana, of the Portage Oil Corp. of South Bend, Ind., under contract with Portage Oil Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 138040, filed August 28, 1972. Applicant: CHRIS HOERR AND SON CO., a corporation, 600 West Camp Street, East Peoria, IL 61611. Applicant's representative: Thomas A. Graham, Suite 1620, 10 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages in cans, bottles, and kegs and on return shipments of the above commodities* which have been originally accepted by contracting shipper but subsequently returned to origin, from brewery plantsite of Falstaff Brewery Corp. located at St. Louis, Mo., to place of business and ware-

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house facility of Siebel Distributing Co., located at East Peoria, Ill., under contract with Siebel Distributing Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Peoria, Chicago, or Springfield, Ill.

No. MC 138041, filed September 11, 1972. Applicant: G. B. TANNER CONSTRUCTION CO., INC., 3818 State Road 62, Jeffersonville, IN 47130. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors earthmoving machinery and equipment* which because of size or weight required the use of special equipment or special handling, between Louisville, Ky., and its commercial zone, on the one hand, and, on the other, points in Indiana, Kentucky, Ohio, Illinois, and Tennessee. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 138042, filed September 12, 1972. Applicant: MARK CARRIERS CO., INC., 58-19 Maspeth Avenue, Maspeth, NY 11378. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shoes*, boxed in cartons, (1) from Jersey City and Secaucus, N.J., and New York, N.Y., to East Farmingdale, N.Y.; (2) from John F. Kennedy International Airport, New York, N.Y., to East Farmingdale, N.Y., restricted to shipments having a prior movement by air; (3) from points in the New York, N.Y., commercial zone as defined by the Commission in which exempt operations may be conducted, and from Port Newark and Port Elizabeth, N.J., to East Farmingdale, N.Y., restricted to shipments having a prior movement by water; and (4) from East Farmingdale, N.Y., to Alexandria, Va.; Greenbelt, Md.; Newark, Woodbridge, Wayne, Cherry Hill, and East Brunswick, N.J., and Philadelphia, Springfield, Levittown, and Glen Olden, Pa., under contract with F & M Shoe Corp., New York, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

## APPLICATION FOR WATER CARRIER

No. W-405 (Sub-No. 11) (Palantic Steamship Co., Inc., Extension—Portsmouth, R.I., et al.), filed September 8, 1972. Applicant: PALANTIC STEAM-

SHIP CO., INC., 1409 25th Avenue, Longview, WA 98632. Applicant's representative: John Cunningham, Tower Building, 1401 K Street NW, Washington, DC 20005. Application of Palantic Steamship Co., Inc., filed September 8, 1972, seeking authority to operate as a *contract carrier* by self-propelled vessels, in interstate or foreign commerce, in the transportation of *lumber and lumber products*, from the port of Longview, Wash., to the ports of Portsmouth, R.I., New London, Conn., New York, N.Y., and Baltimore, Md.

## APPLICATION FOR BROKERAGE LICENSE

No. MC-130180, filed August 12, 1972. Applicant: CINCINNATI CONVENTION AND CREATIVE SERVICES, INC., doing business as TOURCRAFTERS, 3 East Fourth Street, Suite 208, Cincinnati, OH 45202. Applicant's representative: David E. Nelson, 2900 Dubois Tower, 511 Walnut Street, Cincinnati, OH 45202. For a license (BMC-5) to engage in operations as a *broker* at Cincinnati, Ohio in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage* as individuals and in groups, in special and charter operations, beginning and ending at points in Cincinnati, Ohio, and extending to points in Kentucky and Indiana.

## APPLICATIONS FOR FILING OF POSTAL CERTIFICATES

Interstate Commerce Commission, No. MC-137018, (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 19, 1972. Applicant: JERRY C. RANKIN, 1033 Caldwell Street, Greenville, MS 38701. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, Greenville, MS 38701. By application filed September 19, 1972, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *mail* in the following territory:

Between Greenville, Miss., and Memphis, Tenn., from Greenville over U.S. Highway 82 to Leland, thence from Leland over U.S. Highway 61 to Memphis, Tenn., and return over the same route, serving the intermediate points of Shaw, Cleveland, Clarksdale, and Lula Junction, Miss. Appended to the application is a copy of a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 38614, relating to service between Greenville, Miss., and Memphis, Tenn.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the *FEDERAL REGISTER*. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137019 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 13, 1972. Applicant: WILLIAM R. VAN DE HEY, doing business as VAN DE HEY TRUCKING, 1659 Skyline Drive, Manitowoc, WI 54220. By application filed September 13, 1972, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *mail* in the following territory:

(1) Between Manitowoc and Milwaukee, Wis., from Manitowoc over U.S. Highway 141 to junction U.S. Highway 41, thence over U.S. Highway 41 to Milwaukee, and return over the same routes, serving the intermediate and offroute points of Green Bay and Oshkosh, Wis.; (2) between Manitowoc and Milwaukee, Wis., from Manitowoc over U.S. Highway 141 to Milwaukee, and return over the same route, serving the intermediate points of Sheboygan and Port Washington, Wis.; and (3) between Manitowoc and Two Rivers, Wis., from Manitowoc over Wisconsin Highway 42 to Two Rivers, and return over the same route, serving no intermediate points. Appended to the application are copies of three postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 53014 relating to service between Manitowoc and Milwaukee; Route No. 53018 relating to service between Manitowoc and Milwaukee; and Route No. 54163 relating to service between Manitowoc and Two Rivers.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the *FEDERAL REGISTER*. A copy of each such pleading should be served upon applicant.

By the Commission.

[SEAL]

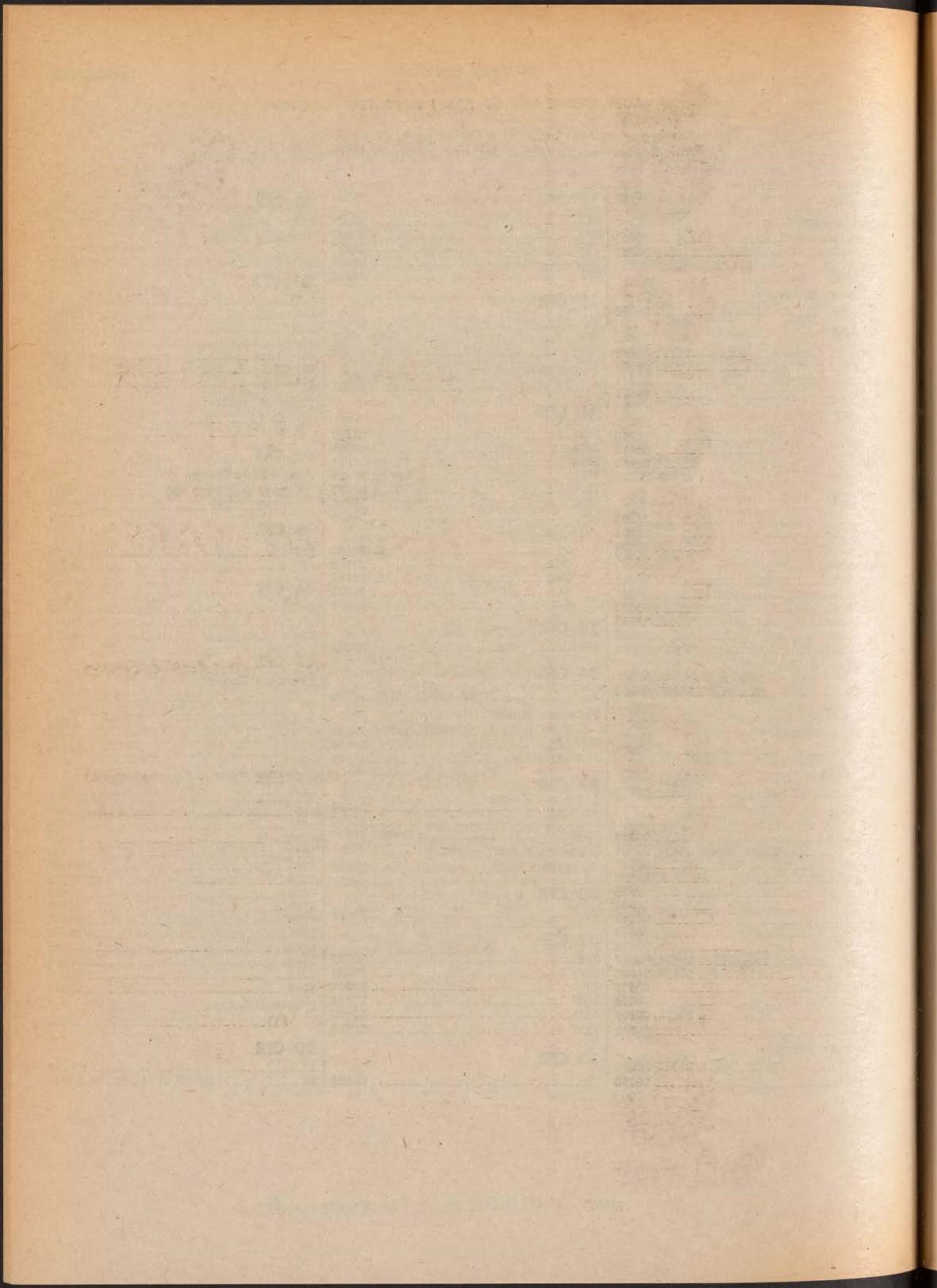
ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-16961 Filed 10-4-72; 8:45 am]

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# Regulation Federal Register

THURSDAY, OCTOBER 5, 1972

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PART II



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

International Food Standards; Proposed  
Review and Recommendations on Certain  
Nutritive Sweeteners, Frozen Peas and  
Canned Sweet Corn  
and

Notice of Opportunity for Review and  
Informal Comment on Recommended  
International Standards for  
Certain Edible Oils

## PROPOSED RULE MAKING

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 10]

REVIEW OF RECOMMENDED  
INTERNATIONAL FOOD STANDARDS

## Notice of Proposed Rule Making

The Codex Alimentarius Commission is an international agency created in 1963 under the joint sponsorship of the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) of the United Nations. Its function is to develop and administer a program of drafting recommended international food standards which, when adopted by participating countries, will be applied by those countries to their domestic products as well as to their imports and exports. The objective of these standards is to insure fair practices in the food trade by providing for wholesome food products with informative labeling. A decision to initiate work on a standard for any food will be based on the consumer protection a standard would afford, from the point of view of health and fraudulent practices; the volume of production and consumption in individual countries and the volume and pattern of trade between countries; the differences in national legislation and apparent resultant impediments to international trade; and the amenability of the food to standardization.

Since its creation, the Codex Alimentarius program has been actively supported by a large number of countries, including the United States. Work has been carried on concurrently in developing standards for many food products. A substantial number of completed standards have now been submitted to participating countries for their acceptance or rejection. The United States is obligated to review these standards for possible adoption. A country may accept a Codex standard fully with no reservations, or it may accept it with changes, or it may conclude not to accept it.

In order for the United States to accept a Codex standard fully or with minor changes, it will be necessary to have in effect a standard promulgated under sec. 401 of the Federal Food, Drug, and Cosmetic Act (except for meat and poultry products) which will have requirements corresponding to those of the Codex standard. In many instances, this will require promulgation of standards where none exist at present; in others, it will require amending existing standards.

Before proposing adoption of a codex standard as a new U.S. standard under sec. 401 of the act on his own initiative, which would require a substantial amount of FDA resources, the Commissioner of Food and Drugs will ordinarily request review and informal comment and suggestions from consumers, academic circles, the affected food industry, professionals, and other interested per-

sons on the overall value and desirability of adopting in whole or in part the provisions of each particular codex standard under consideration. An invitation to comment informally on a codex standard is not in substitution for, and should not be confused with, the opportunity to comment on any proposal to establish a standard pursuant to sec. 401 of the act. Should the Commissioner conclude that a formal proposal is appropriate, such a proposal will be published in the *FEDERAL REGISTER* with time for comment.

To initiate this procedure, the Commissioner is publishing elsewhere in this issue of the *FEDERAL REGISTER*, in their entirety, the recommended international standards for edible cottonseed oil, maize oil (corn oil), mustardseed oil, arachis oil (peanut oil), rapeseed oil, safflowerseed oil, sesameseed oil, soya bean oil (soybean oil), and sunflowerseed oil, and invites all interested parties to comment within 120 days on the desirability and need for standards for these foods, on the specific provisions of each codex standard, on additional or different requirements that should be incorporated, and on any other pertinent points.

In some instances, interested persons have already reviewed a Codex standard and have submitted to the Commissioner a petition for its adoption with or without changes. Where this occurs, there is no need to utilize the procedure under which the Codex standard will itself be published for informal review and comment. If reasonable grounds for the petition are provided, the petition will be published as a formal proposal for comment. In publishing such petitions, however, the Commissioner will either also publish the Codex standard in its entirety, or will identify the ways in which the proposal deviates from the Codex standard, in order to permit comment on these deviations.

To initiate this procedure, the Commissioner is publishing elsewhere in this issue of the *FEDERAL REGISTER* a proposal to establish standards of identity for certain nutritive sweeteners based upon a petition filed by the Corn Refiners Association, Inc., and a proposal, to establish standards of identity and quality for frozen peas based upon a petition submitted by the American Frozen Food Institute. Ninety days are provided for comment.

Finally, the Commissioner may on his own initiative propose that a Codex standard be adopted in whole or in part. This procedure will particularly be used where it involves consideration of possible amendments to an existing U.S. food standard. Amendments to existing food standards will ordinarily not require publication of the Codex standard for review and informal comment because of the existing finding that a standard for the food is desirable and the fact that the provisions contained in the existing standard often have a long history of consideration.

To initiate this procedure, the Commissioner is publishing elsewhere in this issue of the *FEDERAL REGISTER* a proposal,

on his own initiative, to amend the existing food standard for canned sweet corn, 21 CFR 51.20 et seq., to incorporate changes contained in the Codex standard. Ninety days are provided for comment.

Regardless of the alternative procedures used to review a Codex Alimentarius standard, the Commissioner believes it important that different interest groups, such as industry, consumers, members of various professions, and the academic community, be encouraged to meet and discuss these standards before petitions or comments are submitted. Recent experience has shown that such meetings and discussions often resolve misunderstandings and differences of opinion and avoid unnecessary controversy that can result in protracted disagreement and wasteful public hearings. The Commissioner therefore proposes to require that all petitions and comments of this type include a statement with respect to any meetings and discussions that have been held with other interested persons. Particular importance will be attached to any petitions or comments which represent a consensus of different interest groups.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner (21 CFR 2.120), it is proposed to add the following new § 10.8 to Title 21.

## § 10.8 Review of Codex Alimentarius Food Standards.

(a) All food standards adopted by the Codex Alimentarius Commission will be reviewed by the Food and Drug Administration and will be accepted without change, accepted with change, or not accepted.

(b) Review of Codex standards will be accomplished in one of the following three ways:

(1) Any interested person may petition the Commissioner to adopt a Codex standard, with or without change. Any such petition shall specify any deviations from the Codex standard, and the reasons for any such deviations. The Commissioner shall publish such a petition in the *FEDERAL REGISTER* as a proposal, with an opportunity for comment, if reasonable grounds are provided in the petition. Any published proposal shall state any deviations from the Codex standard and the stated reasons therefor.

(2) The Commissioner may on his own initiative propose by publication in the *FEDERAL REGISTER* the adoption of a Codex standard, with or without change. Any such proposal shall specify any deviations from the Codex standard, and the reasons for any such deviations.

(3) Any Codex standard not handled under paragraph (b) (1) or (2) of this section shall be published in the *FEDERAL REGISTER* for review and informal comment. Interested persons shall be requested to comment on the desirability and need for the standard, on the specific provisions of the standard, on ad-

ditional or different provisions that should be included in the standard, and on any other pertinent points. After reviewing all such comments, the Commissioner shall either publish a proposal to establish a food standard pursuant to sec. 401 of the act covering the food involved, or shall publish a notice terminating consideration of such a standard.

(c) All interested persons are encouraged and requested to confer with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating petitions or comments pursuant to paragraph (b) of this section. All such petitions or comments shall include a statement on meetings and discussions held with other interest groups. Particular weight will be given by the Commissioner to petitions or comments that reflect a consensus of different interest groups.

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

Dated: September 22, 1972.

CHARLES C. EDWARDS,  
Commissioner of Food and Drugs.

[FR Doc. 72-16642 Filed 10-4-72; 8:45 am]

## [ 21 CFR Part 26 ]

### NUTRITIVE SWEETENERS

#### Request for Comments on Recommended International Standards and a Petition

The Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission has submitted to the United States for consideration for acceptance recommended international standards for dextrose monohydrate, dextrose anhydrous, glucose syrup and dried glucose syrup. The United States, as a member of the Food and Agriculture Organization of the United Nations and of the World Health Organization, is under obligation to consider all codex standards. The rules of procedure of the Codex Alimentarius Commission state that a codex standard may be accepted by a participating country in one of three ways: Full acceptance; target acceptance; and acceptance with minor deviations. A participating country which concludes that it cannot accept the standard in any of these ways is requested to indicate the reasons for the ways in which its requirements differ from the codex standard. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission—Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision.

A petition has been filed by the Corn Refiners Association, Inc., 1001 Connecticut Avenue, Washington, DC 20036, proposing the establishment of definitions and standards of identity for the same four nutritive sweeteners recommended for acceptance by the Codex Alimentarius Commission.

In the opinion of the Commissioner of Food and Drugs, it will benefit consumers and facilitate international trade to adopt as far as practical the recommended worldwide standards for the four nutritive sweeteners. The basis for the Corn Refiners Association proposal is that these codex standards have been submitted to the United States for acceptance. In many respects they are similar to the codex standards.

The codex standards include certain basic labeling requirements that are not considered a part of food standards under section 401 of the Federal Food, Drug, and Cosmetic Act which is the legal basis for the promulgation of food standards. These labeling requirements are, however, a concern of FDA under other sections of the Federal Food, Drug, and Cosmetic Act and, therefore, are not discussed further in this request for comments.

Establishment of standards of identity for dextrose monohydrate, dextrose anhydrous, glucose syrup, and dried glucose syrup will be based upon consideration of the codex standards, Corn Refiners Association proposal, comments and supporting data received, and other available information.

[CAC/RS 7-1969]

#### RECOMMENDED INTERNATIONAL STANDARD FOR DEXTROSE ANHYDROUS

1. *Description.*—Dextrose anhydrous is purified and crystallized D-glucose without water of crystallization.

2. *Essential composition and quality factors.*—

2.1 *D-glucose content*—not less than 99.5 percent m/m, on a dry basis.

2.2 *Total solids content*—not less than 98.0 percent m/m.

2.3 *Sulphated ash*—not more than 0.25 percent m/m, on a dry basis.

3. *Food additives.*—

3.1 *Sulphur dioxide*—not more than 20 mg./kg.

4. *Contaminants.*—

4.1 *Arsenic (As)*—not more than 1 mg./kg.

4.2 *Copper (Cu)*—not more than 2 mg./kg.

4.3 *Lead (Pb)*—not more than 2 mg./kg. (temporarily endorsed).

5. *Hygiene.*—It is recommended that the product covered by the provisions of this standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

6. *Labeling.*—In addition to sections 1, 2, 4, and 6.1 of the General Standard for the Labeling of Repackaged Foods (Ref. No. CAC/RS 1-1969), the following specific provisions apply:

6.1 *The name of the food.*—All products designated as dextrose anhydrous must conform to this Standard, and products not conforming may not be so designated.

6.2 *Net contents.*—The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

6.3 *Name and address.*—The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

#### 6.4 *Country of origin.*—

6.4.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.4.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

7. *Methods of analysis and sampling.*—The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 *Determination of D-glucose content (reducing sugars expressed as D-glucose: Dextrose equivalent).*

According to the ICUMSA method (ICU MSA Methods of Sugar Analysis, 1964, p. 101 c. *Dextrose equivalent*); which is a modification of the Lane and Eynon Volumetric Method, *ibid.*, p. 13). Results are expressed as percent m/m. D-glucose on a dry basis (see 7.2).

7.2 *Determination of total solids content.*—According to the ICUMSA method of moisture determination (ICUMSA Methods of Sugar Analysis, 1964, p. 113, e. *Moisture*).

7.2.1 *Calculation and expression of results.*—Results are expressed as percent m/m. total solids content calculated as follows:

$$\% \text{ m/m. total solids content} = \frac{\text{dry sample mass (g)} \times 100}{\text{sample mass (g)}}$$

7.3 *Determination of sulphated ash.*—According to the ICUMSA single sulphation method (ICUMSA Methods of Sugar Analysis, 1964, p. 100, b. *Ash*).

7.3.1 *Calculation and expression of results.*—Results are expressed as percent m/m. sulphated ash, on a dry basis (see 7.2) calculated as follows:

$$\text{Percentage of ash, } \frac{\text{ash mass (g)} \times 100}{\text{dry sample mass (g)}}$$

7.4 *Determination of sulphur dioxide.*—According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 4-1969, *Determination of sulphur dioxide* (according to Monier-Williams method)). Results are expressed as mg. SO<sub>2</sub>/kg.

7.5 *Determination of arsenic.*—According to the colorimetric (silver diethyldithiocarbamate) method of the Association of Official Analytical Chemists (Official Methods—AOAC 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008). Results are expressed as mg. arsenic/kg.

7.6 *Determination of copper.*—According to the ICUMSA method (ICUMSA Methods of Sugar Analysis, 1964, p. 106, b. *Copper*). Results are expressed as mg. copper/kg.

7.7 *Determination of lead.*—According to the ICUMSA "wet ashing" method (ICUMSA Methods of Sugar Analysis, 1964, p. 48 c. *"Wet-ashing" Procedure for Low-grade Products*). Results are expressed as mg. lead/kg.

#### SELECTED BIBLIOGRAPHY

1. International Commission for Uniform Methods of Sugar Analysis (ICUMSA), 23 Avenue d'Iena, Paris 16ème, France:

Report of the proceedings of the 12th session held at the National Bureau of Standards and at the Shoreham Hotel, Washington, D.C., U.S.A., from June 2 to 6, 1958.

Report of the proceedings of the 13th session held at the University of Hamburg and at the Atlantic Hotel, Hamburg, Germany, from Aug. 26 to 31, 1962.

Report of the proceedings of the 14th session held at the A/S De Danske Sukkerfabrikker and at Ingeniorhuset, Copenhagen, Denmark, from May 22 to 27, 1966.

## PROPOSED RULE MAKING

ICUMSA Methods of Sugar Analysis, edited by H. C. S. De Whalley, Elsevier Publishing Co., Amsterdam, London, New York, 1964.

2. Official Methods of Analysis of the Association of Official Agricultural Chemists (10th ed. 1965), A.O.A.C., P.O.B. 540, Benjamin Franklin Station, Washington, D.C.

3. Standard Analytical Methods of the Member Companies of Corn Industries Research Foundation Inc. prepared by the Analytical Procedures Subcommittee of the Technical Advisory Committee, 2d Ed., 1001 Connecticut Ave., Washington, D.C. 20036.

4. United States Pharmacopoeia; 17th Revn. (New York), 1965, Mack Publishing Co., Easton, Pa.

[CAC/RS 8-1969]

## RECOMMENDED INTERNATIONAL STANDARD FOR DEXTROSE MONOHYDRATE

1. **Description.**—Dextrose monohydrate is purified and crystallized D-glucose containing one molecule of water of crystallization.

2. **Essential composition and quality factors.**—

2.1 **D-glucose content**—not less than 99.5 percent m/m, on a dry basis.

2.2 **Total solids content**—not less than 90.0 percent m/m.

2.3 **Sulphated ash**—not more than 0.25 percent m/m, on a dry basis.

3. **Food additives.**—

3.1 **Sulphur dioxide**—not more than 20 mg/kg.

4. **Contaminants.**—

4.1 **Arsenic (As)**—not more than 1 mg/kg.

4.2 **Copper (Cu)**—not more than 2 mg/kg.

4.3 **Lead (Pb)**—not more than 2 mg/kg. (temporarily endorsed).

5. **Hygiene.**—It is recommended that the product covered by the provisions of this standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

6. **Labeling.**—In addition to sections 1, 2, 4, and 6.1 of the General Standard for the Labeling of Prepackaged Foods (Ref. No. CAC/RS 1-1969), the following specific provisions apply:

6.1 **The name of the food.**—All products designated as *dextrose monohydrate* must conform to this standard, and products not conforming may not be so designated.

6.2 **Net contents.**—The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

6.3 **Name and address.**—The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

6.4 **Country of origin.**—

6.4.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.4.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

7. **Methods of analysis and sampling.**—The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 **Determination of D-glucose content (reducing sugars expressed as D-glucose: Dextrose equivalent).**

According to the ICUMSA method (ICUMSA Methods of Sugar Analysis, 1964, p. 101, c. *Dextrose equivalent*), which is a modification of the Lane and Eynon Volumetric Method, *ibid.*, p. 13). Results are ex-

pressed as percent m/m D-glucose on a dry basis (see 7.2).

7.2 **Determination of total solids content.**—According to the ICUMSA method of moisture determination (ICUMSA Methods of Sugar Analysis, 1964, p. 113, e. *Moisture*).

7.2.1 **Calculation and expression of results.**—Results are expressed as percent m/m total solids content calculated as follows:

$$\% \text{ m/m total dry sample mass (g)} \times 100 \\ \text{solids content} = \text{sample mass (g)}$$

7.3 **Determination of sulphated ash.**—According to the ICUMSA single sulphation method (ICUMSA Methods of Sugar Analysis, 1964, p. 100, b. *Ash*).

7.3.1 **Calculation and expression of results.**—Results are expressed as percent m/m sulphated ash, on a dry basis (see 7.2) calculated as follows:

$$\% \text{ of ash, ash mass (g)} \times 100 \\ \text{sulphated (as is)} = \text{dry sample mass (g)}$$

7.4 **Determination of sulphur dioxide.**—According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 4-1969, *Determination of sulphur dioxide* (according to Monier-Williams method)). Results are expressed as mg SO<sub>2</sub>/kg.

7.5 **Determination of arsenic.**—According to the colorimetric (silver diethyldithiocarbamate) method of the Association of Official Analytical Chemists (Official CAC/RS 1-1969), the following specific provisions apply:

Methods—AOAC 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008). Results are expressed as mg. arsenic/kg.

7.6 **Determination of copper.**—According to the ICUMSA method (ICUMSA Methods of Sugar Analysis, 1964, p. 106, b. *Copper*). Results are expressed as mg. copper/kg.

7.7 **Determination of lead.**—According to the ICUMSA "wet-ashing" method (ICUMSA Methods of Sugar Analysis, 1964, p. 48, c. *"Wet-ashing" Procedure for Low-grade Products*). Results are expressed as mg. lead/kg.

## SELECTED BIBLIOGRAPHY

1. International Commission for Uniform Methods of Sugar Analysis (ICUMSA), 23 Avenue d'Iena, Paris 16ème, France:

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Report of the proceedings of the 13th session held at the University of Hamburg and at the Atlantic Hotel, Hamburg, Germany, from Aug. 26 to 31, 1962.

Report of the proceedings of the 14th session held at the A/S De Danske Sukkerfabrikker and at Ingeniorhuset, Copenhagen, Denmark, from May 22 to 27, 1966.

ICUMSA Methods of Sugar Analysis, edited by U.C.S. De Whalley, Elsevier Publishing Co., Amsterdam, London, New York, 1964.

2. Official Methods of Analysis of the Association of Official Agricultural Chemists (10th ed. 1965), A.O.A.C., P.O.B. 540, Benjamin Franklin Station, Washington, D.C.

3. Standard Analytical Methods of the Member Companies of Corn Industries Research Foundation Inc. prepared by the Analytical Procedures Subcommittee of the Technical Advisory Committee, 2d Ed.—1001 Connecticut Ave., Washington, D.C. 20036.

4. United States Pharmacopoeia; 17th Revn. (New York), 1965, Mack Publishing Co., Easton, Pa.

[CAC/RS 9-1969]

## RECOMMENDED INTERNATIONAL STANDARD FOR GLUCOSE SYRUP

1. **Description.**—Glucose syrup is a purified concentrated aqueous solution of nutritive saccharides obtained from starch.

2. **Essential composition and quality factors.**—

2.1 **Total solids content**—not less than 70.0 percent m/m.

2.2 **Reducing sugar content (Dextrose equivalent)**—not less than 20.0 percent m/m, expressed as D-glucose, on a dry basis.

2.3 **Sulphated ash**—not more than 1.0 percent m/m, on a dry basis.

3. **Food Additives.**—

3.1 **Sulphur dioxide**—not more than 40 mg/kg.

3.2 **Sulphur dioxide in glucose syrup for the manufacture of sugar confectionery only**—not more than 400 mg/kg.

4. **Contaminants.**—

4.1 **Arsenic (As)**—not more than 1 mg/kg.

4.2 **Copper (Cu)**—not more than 5 mg/kg.

4.3 **Lead (Pb)**—not more than 2 mg/kg. (temporarily endorsed).

5. **Hygiene.**—It is recommended that the products covered by the provisions of this standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

6. **Labeling.**—In addition to sections 1, 2, 4 and 6.1 of the General Standard for the Labeling of Prepackaged Foods (Ref. No. CAC/RS 1-1969), the following specific provisions apply:

6.1 **The name of the food.**—All products designated as *glucose syrup* must conform to this standard, and products not conforming may not be so designated.

6.2 **Net contents.**—The net contents shall be declared either by weight or volume in either the metric ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

6.3 **Name and address.**—The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

6.4 **Country of origin.**—

6.4.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.4.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

7. **Methods of analysis and sampling.**—The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 **Determination of total solids content.**—According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 1-1969, *Determination of total solids content*). Results are expressed as percent m/m total solids content.

7.2 **Determination of reducing sugar content.**—According to the Lane and Eynon method (ICUMSA Methods of Sugar Analysis, 1964, p. 101, c. *Dextrose Equivalent*), which is a modification of the Lane and Eynon Volumetric Method, *ibid.*, p. 13).

7.2.1 **Calculation and expression of results.**—Results are expressed as percentage m/m reducing sugars (calculated as dextrose) on a dry basis (see 7.1).

7.3 **Determination of sulphated ash.**—According to the ICUMSA single sulphation method (ICUMSA Methods of Sugar Analysis, 1964, p. 100, b. *Ash*).

7.3.1 **Calculation and expression of results.**—Results are expressed as percentage m/m sulphated ash, on a dry basis (see 7.1) calculated as follows:

$$\% \text{ of ash, ash mass (g)} \times 100 \\ \text{sulphated (as is)} = \text{dry sample mass (g)}$$

7.4 **Determination of sulphur dioxide.**—According to the FAO/WHO Codex Alimen-

tarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 4-1969, *Determination of sulphur dioxide* (according to Monier-Williams method)). Results are expressed as mg. SO<sub>2</sub>/kg.

7.5 *Determination of arsenic*—According to the colorimetric (silver diethyldithiocarbamate) method of the Association of Official Analytical Chemists (Official Methods—AOAC 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008). Results are expressed as mg. arsenic/kg.

7.6 *Determination of copper*—According to the ICUMSA method (ICUMSA Methods of Sugar Analysis, 1964, p. 106, b. *Copper*). Results are expressed as mg. copper/kg.

7.7 *Determination of lead*—According to the ICUMSA "wet-ashing" method (ICUMSA Methods of Sugar Analysis, 1964, p. 48, c. "Wet-ashing" Procedure for Low-grade Products). Results are expressed as mg. lead/kg.

#### SELECTED BIBLIOGRAPHY

1. International Commission for Uniform Methods of Sugar Analysis (ICUMSA), 23 Avenue d'Iena, Paris 16eme, France:

Report of the proceedings of the 12th session held at the National Bureau of Standards and at the Shoreham Hotel, Washington, D.C., U.S.A., from June 2 to 6, 1958.

Report of the proceedings of the 13th session held at the University of Hamburg and at the Atlantic Hotel, Hamburg, Germany, from Aug. 26 to 31, 1962.

Report of the proceedings of the 14th session held at the A/S De Danske Sukkerfabrikker and at Ingeniorhuset, Copenhagen, Denmark, from May 22 to 27, 1966.

ICUMSA Methods of Sugar Analysis, edited by H.C.S. De Whalley, Elsevier Publishing Co., Amsterdam, London, New York, 1964.

2. Official Methods of Analysis of the Association of Official Agricultural Chemists (10th ed. 1965), A.O.A.C., P.O.B. 540, Benjamin Franklin Station, Washington, D.C.

3. Standard Analytical Methods of the Member Companies of Corn Industries Research Foundation Inc., prepared by the Analytical Procedures Subcommittee of the Technical Advisory Committee, 2d Ed.—1001, Connecticut Ave., Washington, D.C. 20036.

4. United States Pharmacopoeia; 17th Revn. (New York), 1965, Mack Publishing Co., Easton, Pa.

[CAC/RS 10-1969]

#### RECOMMENDED INTERNATIONAL STANDARD FOR DRIED GLUCOSE SYRUP

1. *Description*.—Dried glucose syrup is glucose syrup from which the water has been partially removed.

2. *Essential composition and quality factors*.—

2.1 *Total solids content*—not less than 93.0 percent m/m.

2.2 *Reducing sugar content (dextrose equivalent)*—not less than 20.0 percent m/m. expressed as D-glucose, on a dry basis.

2.3 *Sulphated ash*—not more than 1.0 percent m/m. on a dry basis.

3. *Food additives*.—

3.1 *Sulphur dioxide*—not more than 40 mg./kg.

3.2 *Sulphur dioxide in dried glucose syrup for the manufacture of sugar confectionery only*—not more than 150 mg./kg.

4. *Contaminants*.—

4.1 *Arsenic (As)*—not more than 1 mg./kg.

4.2 *Copper (Cu)*—not more than 5 mg./kg.

4.3 *Lead (Pb)*—not more than 2 mg./kg. (temporarily endorsed).

5. *Hygiene*.—It is recommended that the products covered by the provisions of this standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the

Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

6. *Labeling*.—In addition to sections 1, 2, 4, and 6.1 of the General Standard for the Labeling of Prepackaged Foods (Ref. No. CAC/RS 1-1969), the following specific provisions apply:

6.1 *The name of the food*—All products designated as dried glucose syrup must conform to this standard, and products not conforming may not be so designated.

6.2 *Net contents*.—The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

6.3 *Name and address*.—The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

6.4 *Country of origin*.—

6.4.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.4.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

7. *Methods of analysis and sampling*.—The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 *Determination of total solids content*.—According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 1-1969, *Determination of total solids content*). Results are expressed as percent m/m. total solids content.

7.2 *Determination of reducing sugar content*.—According to the Lane and Eynon method (ICUMSA Methods of Sugar Analysis, 1964, p. 101, c. *Dextrose equivalent*, which is a modification of the Lane and Eynon Volumetric Method, *ibid.*, p. 13).

7.2.1 *Calculation and expression of results*.—Results are expressed as percent m/m. reducing sugars (calculated as dextrose) on a dry basis (see 7.1).

7.3 *Determination of sulphated ash*.—According to the ICUMSA single sulphation method (ICUMSA Methods of Sugar Analysis, 1964, p. 100, b. *Ash*).

7.3.1 *Calculation and expression of results*.—Results are expressed as percent m/m. sulphated ash, on a dry basis (see 7.1) calculated as follows:

$$\% \text{ of ash, sulphated (as is)} = \frac{\text{ash mass (g)} \times 100}{\text{dry sample mass (g)}}$$

7.4 *Determination of sulphur dioxide*.—According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 1-1969, *Determination of sulphur dioxide* (according to Monier-Williams method)). Results are expressed as mg. SO<sub>2</sub>/kg.

7.5 *Determination of arsenic*.—According to the colorimetric (silver diethyldithiocarbamate) method of the Association of Official Analytical Chemists (Official Methods—AOAC, 1965, 24.011-24.014, 24.016-24.018, 24.006-24.008). Results are expressed as mg. arsenic/kg.

7.6 *Determination of copper*.—According to the ICUMSA method (ICUMSA Methods of Sugar Analysis, 1964, p. 106, b. *Copper*). Results are expressed as mg. copper/kg.

7.7 *Determination of lead*.—According to the ICUMSA "wet ashing" method (ICUMSA Methods of Sugar Analysis, 1964, p. 48, c. "Wet-ashing" Procedure for Low-grade Products). Results are expressed as mg. lead/kg.

The following are the proposed Corn Refiners Association proposed standards of identity for dextrose monohydrate, dextrose anhydrous, glucose syrup, and dried glucose syrup:

#### § 26.1 Dextrose monohydrate; identity.

(a) Dextrose monohydrate is purified and crystallized D-glucose containing one molecule of water of crystallization with each molecule of dextrose.

(b) The food shall meet the following specifications:

(1) The reducing sugar content (dextrose equivalent) expressed as D-glucose is not less than 99.5 percent calculated on a dry basis, and the total solids shall be not less than 90.0 percent m/m.

(2) The sulfated ash content shall not exceed 0.25 percent m/m. calculated on a dry basis, and the sulfur dioxide content shall not exceed a level of 20 mg./kg. (20 parts per million).

(c) The name of the food is "dextrose monohydrate" or "dextrose."

(d) Dextrose monohydrate or dextrose shall be prepared in accordance with the relevant provisions of 21 CFR Part 128.

(e) For the purposes of this section, the methods of analysis to be used to determine if the food meets the specifications of paragraph (b) (1) and (2) of this section are:

(1) Determination of reducing sugar content. "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, 31.212.

(2) Determination of total solids content. "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, 31.005.

(3) Determination of sulfated ash. "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, 31.208.

(4) Determination of sulfur dioxide. "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, 20.090-20.095.

#### § 26.2 Dextrose anhydrous; identity.

(a) Dextrose anhydrous is purified and crystallized D-glucose without water of crystallization, and conforms to the specifications of 21 CFR 26.1, except that the total solids content of dextrose anhydrous is not less than 98.0 percent m/m.

(b) The name of the food is "dextrose anhydrous" or "anhydrous dextrose."

#### § 26.3 Glucose syrup; identity.

(a) Glucose syrup is the purified, concentrated, aqueous solution of nutritive saccharides obtained from edible starch.

(b) The food shall meet the following specifications:

(1) The total solids of glucose syrup shall be not less than 70 percent m/m., of which not less than 20 percent m/m. (calculated on a dry basis) shall be reducing sugar content (dextrose equivalent) expressed as D-glucose.

(2) The sulfated ash content of glucose syrup shall not exceed 1 percent m/m. calculated on a dry basis, and the sulfur dioxide content shall not exceed a level of 40 mg./kg. (40 p.p.m.) in the finished syrup.

## PROPOSED RULE MAKING

(c) The name of the food is "glucose syrup"; provided, that when derived from a specific type of starch the product may be called "\_\_\_\_\_ syrup," the blank to be filled in with the name of the starch; for example, "corn syrup," "tapioca syrup," "wheat syrup."

(d) Glucose syrup shall be prepared in accordance with the relevant provisions of 21 CFR Part 128.

(e) For the purposes of this section, the methods of analysis to be used to determine if the food meets the specifications of paragraph (b) (1) and (2) of this section are:

(1) Determination of reducing sugar content. "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, 31.212.

(2) Determination of total solids content. "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, 31.200-31.201.

(3) Determination of sulfated ash. "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, 31.208.

(4) Determination of sulfur dioxide. "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, 20.090-20.095.

#### § 26.4 Dried glucose syrup; identity.

(a) Dried glucose syrup is glucose syrup from which the water has been partially removed, and meets the specifications of 21 CFR 26.3, except that total solids shall be not less than 93 percent m/m.

(b) The name of the food is "dried glucose syrup"; provided that when derived from a specific type of starch the product may be called "dried \_\_\_\_\_ syrup," the blank to be filled in with the name of the starch.

In most respects the provisions of the Codex Standards and the Corn Refiners Association's proposal are identical. The following, however, are features of the proposal on which the Commissioner particularly requests comments, with any available supporting data, and the action the Commissioner proposes to take in the event no comments are received:

1. In the United States, analytical testing procedures for the determination of reducing sugar content, total solids content, sulfated ash and sulfur dioxide are performed by the methods in the "Official Methods of Analysis of the Association of Official Analytical Chemist" (AOAC), 11th Ed., 1970, rather than FAO/WHO "Method of Analysis for Sugars," "International Commission for Uniform Methods of Sugar Analysis" (ICUMSA), and "Standard Analytical Methods of the Member Companies" (Corn Refiners Association). The Codex Standards state that the methods of analysis contained therein are not necessarily intended to replace routine methods, but are for use as international referee methods of analysis for the settlement of international disputes. The Commissioner proposes to recognize the methods of the AOAC as the official methods for these standards.

2. The Codex Standards provide for 400 mg. per kg. of sulfur dioxide in glucose syrup and dried glucose syrup for confectionery purposes. These high sulfur dioxide containing products are not distributed in the United States and, therefore, the Commissioner proposes that standards of identity for glucose syrup and dried glucose syrup not provide for these food additives.

3. The Codex Standards for the additional nutritive sweeteners, white sugar, powdered or icing sugar, soft sugars, and lactose will be dealt with at a later date.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055-1056, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 90 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 25, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-16643 Filed 10-4-72; 8:45 am]

## I 21 CFR Part 50 I

### FROZEN PEAS

#### Request for Comments on a Recommended International Standard and a Petition

The Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission has submitted to the United States for consideration for acceptance a recommended international standard for quick frozen peas. The United States, as a member of the Food and Agriculture Organization of the United Nations and of the World Health Organization, is under obligation to consider all Codex standards. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance; target acceptance; and acceptance with minor deviations. A participating country which concludes that it cannot accept the standard in any of these ways is requested to indicate the reasons for the ways in which its requirements differ from the Codex standard. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission—Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision.

A petition has been filed by the American Frozen Food Institute (AFFI), 919

18th Street NW., Washington, DC 20006, proposing the establishment of a definition and standards of identity and quality for frozen peas. In the opinion of the Commission of Food and Drugs, it will benefit consumers and facilitate international trade to adopt as far as practicable the recommended worldwide standard for quick frozen peas hereinafter referred to as the Codex standard. The basis for the AFFI proposal is that the Codex standard has been submitted to the United States for acceptance. In many respects the AFFI proposal is similar to the Codex standard.

The Codex standard provides that sampling and allowances for defects be in accordance with the Codex "Sampling Plans for Prepackaged Foods, 1969," developed by the Codex Committee on Processed Fruits and Vegetables and are being considered by the Codex Committee on Sampling and Analysis. No sampling plans have been proposed by AFFI. The Codex sampling plans have not reached the final step of development and therefore may be subject to further modification prior to submission to the United States for formal acceptance. The Commissioner believes that this is an opportune time to elicit comments on sampling plans and therefore proposes, on his own initiative, to include them for quality factor determinations for frozen peas. The Commissioner, however, proposes that another table be added to the existing table (Inspection Level II) in the Codex sampling plans to express lot size as number of pounds thereby permitting the correlation of sample size of large bulk containers to the sample size for smaller containers. This modification was submitted by the United States in 1970, to the Codex committee, to be incorporated in the Codex sampling plans. The Commissioner further proposes to limit the sampling plans to Codex Inspection Level II which is appropriate where disputes, enforcement, or need for better lot estimate is necessary. Definitions for "lot" and "sample unit" have been expanded to make them more applicable to a wider range of size of primary containers including bulk packs. In addition, definition of "defective" has been reworded to apply directly to the sampling plans for frozen peas. The Commissioner would consider a lot acceptable for quality factor determinations when the number of "defectives" does not exceed the stated "acceptance number" in the sampling plans as follows:

Definitions of terms to be used in the sampling plans are as follows:

*Lot.* A collection of primary containers or units of the same size, type and style manufactured or packed under similar conditions and handled as a single unit in trade.

*Lot size.* The number of primary containers, or units (pounds when in bulk), in the lot.

*Sample size (n).* The total number of sample units drawn for examination from the lot.

*Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite

mixture of product from small containers that is sufficient for the examinations or testing as a single unit.

**Defective.** Any sample unit shall be regarded as defective when any quality defects or conditions are present in excess of the defect tolerances.

**Acceptance number (c).** The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

**Acceptable quality level (AQL).** The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

#### ACCEPTABLE QUALITY LEVEL 6.5

Lot size	Size of container	
Number of primary containers:	Net weight equal to or less than 1 kilogram (2.2 pounds)	
	n	c
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19
Number of pounds:	Net weight greater than 1 kilogram (2.2 pounds)	
	n	c
20,000 or less	13	2
More than 20,000 to 100,000	21	3
More than 100,000 to 200,000	29	4
More than 200,000 to 400,000	48	6
More than 400,000 to 600,000	84	9
More than 600,000 to 1,000,000	126	13
More than 1,000,000	200	19

n=number of sample units.  
c=acceptance number.

The Codex standard uses the metric system whereas the AFFI proposal provides that the units of measurement for sizing peas be expressed in both inches and millimeters and the standard of quality be in ounces as well as grams and that in the methodology the units be in the metric system only. The Commissioner recognizes that the International (metric) System is used throughout the world and in the United States for technical analyses and may eventually be adopted by this country as the common usage for measurements. The Commissioner, therefore, proposes that the metric system be used in the standards for frozen peas with the equivalent units of the U.S. Customary System shown parenthetically except that the units of measurements in the methodology be in the metric system only.

The Codex standard also includes hygiene requirements and certain basic labeling requirements that are not considered a part of food standards under sec. 401 of the Federal Food, Drug, and Cosmetic Act which is the legal basis for the promulgation of food standards. Hygiene and the other factors are, however, a concern of FDA under other sections of the Federal Food, Drug, and Cosmetic Act and, therefore, are not discussed further in this request for comments.

#### RECOMMENDED INTERNATIONAL STANDARD FOR QUICK FROZEN PEAS

**1. Scope.** This standard shall apply to quick frozen peas of the species *Pisum sativum* L. as defined below and offered for direct consumption without further processing, except for size grading or repacking if required. It does not apply to the product when indicated as intended for further processing, or for other industrial purposes.

##### 2. Description.

**2.1 Product definition.** Quick frozen peas are the product prepared from fresh, clean, sound, whole, immature seed of peas which have been washed, sufficiently blanched to insure adequate stability of color and flavor during normal marketing cycles and which conform to the characteristics of the species *Pisum sativum* L.

**2.2 Process definition.** Quick frozen peas are the product subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. This freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached -18° C. (0° F.) at the thermal center after thermal stabilization. The product shall be maintained at a low temperature such as will maintain the quality during transportation, storage, and distribution up to and including the time of final sale.

The recognized practice of repacking quick frozen products under controlled conditions followed by the reapplication of the quick freezing process as defined is permitted.

##### 2.3 Presentation.

###### 2.3.1 Types.

2.3.1.1 Any suitable variety of pea may be used.

2.3.1.2 The product shall be presented as "peas" or may be presented as "garden peas" provided they meet the organoleptic and analytical characteristics of the type, e.g. "Kewdon Wonder," "Dark Skin Perfection" and others.

###### 2.3.2 Sizing.

2.3.2.1 Quick frozen peas of either type may be presented sized or unsized.

2.3.2.2 If peas are size graded they shall conform to one of the two following systems of specifications for the size names:

##### SPECIFICATIONS A FOR SIZING

Size designation	Round hole sieve size in mm.
Small	up to 8.75
Medium	up to 10.2
Large	over 10.2

##### SPECIFICATIONS B FOR SIZING

Size designation	Round hole sieve size in mm.
Extra small	up to 7.5
Very small	up to 8.2
Small	up to 8.75
Medium	up to 10.2
Large	over 10.2

3. Essential composition and quality factors.

###### 3.1 Optional ingredients.

3.1.1 Sugars (sucrose, invert sugar, dextrose, fructose, glucose syrup, dried glucose syrup);

###### 3.1.2 Salt;

###### 3.1.3 Condiments, such as spices and herbs.

###### 3.2 Quality factors.

3.2.1 Organoleptic and other characteristics.

3.2.1.1 The product shall be of a reasonably uniform green color according to type, whole, clean, practically free from foreign matter, free from any foreign taste or smell and practically free from damage by insects or diseases.

3.2.1.2 The product shall have a normal flavor, taking into consideration any seasonings or ingredients added.

3.2.2 Analytical characteristics. The alcohol-insoluble solids content as determined by the method specified in subsection 8.2 of this standard must not exceed: for peas, 23 percent m./m.; for garden peas, 19 percent m./m.

###### 3.3 Definition of defects.

3.3.1 "Blond Peas" means peas which are yellow or white but which are edible (that is, not sour or rotted).

3.3.2 "Blemished Peas" means peas which are slightly stained or spotted.

3.3.3 "Seriously Blemished Peas" means peas which are hard, shrivelled, spotted, discolored or otherwise blemished to an extent that the appearance or eating quality is seriously affected. These shall include worm-eaten peas.

3.3.4 "Pea Fragments" means portions of peas, separated or individual cotyledons, crushed, partial or broken cotyledons and loose skins, but does not include entire intact peas with skins detached.

3.3.5 "Extraneous Vegetable Material (E.V.M.)" means any vine or leaf or pod material from the pea plant, or other vegetable material such as poppyheads or thistles.

3.4 Tolerances for defects. Based on a sample unit of 500 g. the end product shall have not more than the following:

3.4.1 Blond peas, 2 percent m./m.

3.4.2 Blemished peas, 5 percent m./m.

3.4.3 Seriously blemished peas, 1 percent m./m.

3.4.4 Pea fragments, 12 percent m./m.

3.4.5 E.V.M., 0.5 percent m./m. but not more than 12 cm.<sup>2</sup> in area.

3.5 Tolerances for sizes. If size graded, the product shall contain not less than 80 percent either by number or mass of peas of the declared size or of smaller sizes. It shall contain no peas of sizes larger than the next two larger sizes nor more than 20 percent either by number or mass of peas of the next two larger sizes, if such there be. Not more than one-quarter of these peas whether by number or mass, shall belong to the larger of the next two sizes.

3.6 Classification of defectives. Any sample unit from a sample taken in accordance with the Sampling Plans for Prepackaged Foods, 1969, shall be regarded as "defective" when any of the defects listed under 3.3 is present in more than twice the amount of the specified tolerance for the individual defect as listed under 3.4 or if the total of 3.4.1 to 3.4.4 inclusive exceeds 15 percent m./m.

3.7 Lot acceptance. A lot is considered acceptable when the number of such "defectives" as specified in 3.6 does not exceed the acceptance number (c) of the Sampling Plans for Prepackaged Foods, 1969.

###### 4. Food additives.

###### Maximum level of use

Natural flavors and their identical synthetic equivalents except those which are known to represent a toxic hazard (\*).

(\*) Temporarily endorsed.

5. Hygiene. It is recommended that the product covered by the provisions of this standard be prepared in accordance with the Code of Hygienic Practice for Quick Frozen Fruit, Vegetables and Their Juices recommended by the Codex Alimentarius Commission (in the process of elaboration).

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6. Labeling. In addition to sections 1, 2, 4, and 6 of the General Standard for the Labeling of Prepackaged Foods (ref. No. CAC/RS 1-1969) the following specific provisions apply:

6.1 *The name of the food.* The name of the product shall only include:

6.1.1 The designation "peas," except that where peas are presented in conformity with 2.3.1.2 the designation shall be "garden peas" or the equivalent designation used in the country in which the product is intended to be sold. The words "quick frozen" shall also appear on the label, except that the term "frozen" <sup>1</sup> may be applied in countries where this term is customarily used for describing the product processed in accordance with subsection 2.2 of the standard;

6.1.2 Where a characterizing flavoring or ingredient has been added, this shall be stated as "with x," as appropriate;

6.1.3 Where a statement of size is made, either the sieve size or the words "extra small," "very small," "small," "medium" or "large," as appropriate, shall be indicated.

6.2 *List of ingredients.* A complete list of ingredients shall be declared, in descending order of proportion.

6.3 *Net contents.* The net contents shall be declared by weight in either the metric system ("Système international" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

6.4 *Name and address.* The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

6.5 *Country of origin.*

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

6.6 *Additional requirements.* Information for keeping and thawing of the product shall be given on retail packs.

6.7 *Bulk Packs.*—In the case of quick frozen peas in bulk the information required in 6.1 to 6.6 must either be placed on the container or be given in accompanying documents, except that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be applied in countries where this term is customarily used for describing the product processed in accordance with subsection 2.2 of this standard) and the name and address of the manufacturer or packer must appear on the container.

7. *Packaging.*—Packaging used for quick frozen peas must protect the organoleptic and quality characteristics of the product; protect the product from bacteriological and other contamination (including contamination from the packaging material itself); protect the product from moisture loss, dehydration, and, where appropriate, leakage as far as technologically practicable; and not pass on to the product an odour, taste, colour or other foreign characteristics.

8. *Methods of analysis, sampling and examination.*—The methods of analysis, sampling, and examination described hereunder are international referee methods.

8.1 *Sampling.*—Sampling shall be in accordance with the *Sampling Plans for Prepackaged Foods*, 1969.

8.2 *Determination of the alcohol-insoluble solids content.* (Ref. No. CAC/RM 35-1970.)

8.2.1 *Principle of the method.*—The alcohol-insoluble solids in peas consist mainly

of insoluble carbohydrates (starch) and protein. A weighed quantity of the sample is boiled with slightly diluted alcohol. The solids are washed with alcohol until the filtrate is clear. The alcohol-insoluble solids are dried and weighed. The percentage by mass present is used as a guide to maturity.

8.2.2 *Reagents.*

8.2.2.1 *Ethanol (95 percent) or denatured ethanol* (ethanol denatured with 5 percent v/v methanol).

8.2.2.2 *Diluted ethanol or diluted denatured ethanol 80 percent v/v*—(dilute 8 parts by volume of reagent under 8.2.2.1 to 9.5 parts by volume with  $H_2O$ ).

8.2.3 *Apparatus.*

8.2.3.1 *Analytical balance;*

8.2.3.2 *Beaker, 600 mL*, if sample is boiled or 250 mL (standard taper ground-glass joint) flask with reflux condenser if refluxed;

8.2.3.3 *Buchner funnel;*

8.2.3.4 *Drying dish with lid, flat bottomed;*

8.2.3.5 *Hot plates or boiling water bath for refluxing or boiling;*

8.2.3.6 *Clamps or weights to prevent agitation of package in water bath during thawing;*

8.2.3.7 *Desiccator with active desiccant;*

8.2.3.8 *Drying oven, well ventilated and thermostatically controlled and adjusted to operate at  $100 \pm 2^\circ C$ ;*

8.2.3.9 *Filter paper, Whatman No. 1 or equivalent;*

8.2.3.10 *Macerator or blender;*

8.2.3.11 *Plastic bag of sufficient capacity to hold the entire sample for thawing;*

8.2.3.12 *"Policemen" on glass rods, bent so as to facilitate cleaning flask or beaker;*

8.2.3.13 *Water bath, with continuous flow at room temperature or regulated at room temperature for thawing.*

8.2.4 *Preparation of test sample.*—Place frozen peas or frozen peas with sauce in plastic bag and tie off. Immerse sample in water bath with continuous flow at room temperature or regulated at room temperature. Avoid agitation of package during thawing by using clamps or weights if necessary. When completely thawed, remove package from bath. Blot off adhering water from the plastic bag. Transfer the peas from container to a sieve, the meshes of which are made by so weaving wire as to form square openings of 2.8 mm. by 2.8 mm. If sauce is present, wash with gentle spray of water at room temperature until the sauce is removed. Without shifting the peas, incline the sieve as to facilitate drainage, and drain 2 minutes. Wipe the bottom of the sieve. Weigh 250 g. peas into blender, add 250 mL distilled water and macerate to a smooth paste. If there is less than 250 g. sample, use the entire sample of peas with an equivalent quantity by mass of distilled water and macerate to a smooth paste.

8.2.5 *Procedure.*

8.2.5.1 Dry a filter paper in flat-bottomed dish, lid off, for 2 hours at  $100 \pm 2^\circ C$ . Cover dish, cool in a desiccator, and weigh accurately. (The filter paper should be larger than the base of the funnel and folded at the circumference to facilitate subsequent removal without loss of solids.)

8.2.5.2 Weigh 20 g.  $\pm 0.01$  g. paste into a 250 mL ground-joint flask, add 120 mL *denatured ethanol* or *ethanol*, and swirl to mix. Reflux on a steam or water bath for 30 minutes.

If boiling rather than refluxing is preferred, weigh 40 g.  $\pm 0.01$  g. paste into a 600 mL beaker. Add 240 mL *denatured ethanol* or *ethanol*, stir, and cover beaker. Bring solution in the beaker to a boil and simmer slowly for 30 minutes on a hotplate.

<sup>1</sup> *"Frozen":* This term is used as an alternative to "quick frozen" in some English speaking countries.

Immediately filter with suction on a Buchner funnel through the dried and weighed filter paper. Decant most of the supernatant liquid through the filter paper. Wash the solids in the flask or beaker without delay with small portions of *80 percent denatured ethanol* or *80 percent ethanol* until the washings are colourless, decanting through the filter paper each time. Do not allow solids to become dry during the washing. Transfer solids to the filter paper, spreading the solids evenly.

8.2.5.3 Remove the filter paper containing the residue from the funnel, transfer to the dish used in preparing the filter paper and dry uncovered in an air oven for 2 hours at  $100 \pm 2^\circ C$ . Cover the dish, cool in a desiccator, and weigh accurately. The weight of the *dry residue* is the difference between the weight under 8.2.5.1 and this final weight.

8.2.6 *Calculation and expression of results.*

8.2.6.1 *Method of calculation.*—Calculate the alcohol-insoluble solids content of the sample by means of the following formula:

If 20 g. sample is refluxed:

$$\text{Alcohol-insoluble solids content} \\ (\% \text{ m/m}) = 10 M$$

where:

$M$  = the mass in g. of *dry residue* (see 8.2.5.3)

If 40 g. sample is refluxed:

$$\text{Alcohol-insoluble solids content} \\ (\% \text{ m/m}) = 5 M$$

where:

$M$  = the mass in g. of *dry residue* (see 8.2.5.3)

8.2.7 *Repeatability of results.*—The difference between results of duplicate determination (results obtained simultaneously or in rapid succession by the same analyst) should not exceed 0.6 g. alcohol-insoluble solids for 100 g. of the product.

8.2.8 *Expression of results.*—Results are expressed as g. alcohol-insoluble solids per 100 g. of the product (% m/m).

8.3 *Net Weight Determination of Frozen Fruits and Vegetables* (Doc. No. CAC/RM 34-1970).

8.3.1 *Principle of the method.*—The weight of the container including the product therein is determined. The weight of the container itself is determined. The net weight is calculated from the difference of these two weights.

8.3.2 *Apparatus.*

8.3.2.1 *Balance of adequate capacity having a sensitivity of 0.25 g. (or 0.01 oz.), for containers not in excess of 2 kg. (or 5 lb.).*

8.3.2.2 *Balance of adequate capacity having a sensitivity of 0.70 g. (or 0.025 oz.), for containers in excess of 2 kg. (or 5 lb.).*

8.3.3 *Procedure.*

8.3.3.1 Set balance on firm, level support and adjust indicator to zero. Remove container from low temperature storage and with a towel remove frost and ice from outside of the container. Weigh unopened container immediately and record as *gross weight* (G).

8.3.3.2 Open container and remove contents including product particles, frost or ice crystals that may be adhering to the container. Blot-off free water with a towel and air dry empty container at room temperature. Weigh the dry, empty container and record as *tare weight* (T).

8.3.3.4 *Calculation and expression of results.*—The net weight of the sample is given by the following formula:

$$\text{Net weight} = G - T$$

where:

G = the gross weight found under 8.3.3.1.

T = the tare weight found under 8.3.3.2.

8.4 *Thawing and cooking procedures* (to be used prior to examination, as appropriate).

8.4.1 *Thawing procedure.*—According to the FAO/WHO Codex Alimentarius Method:

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350.1 Frozen Peas; identity; label statement of optional ingredients

peas, set forth in Item No. 1515 of "Composition of Foods," Agriculture Handbook No. 8 of the U.S. Department of Agriculture, 1963.

(5) Vegetables, nuts, or mixtures of these, such as onions, mushrooms, red or green peppers, and almonds as garnishes in an amount sufficient to impart to the food a flavor or other attribute characteristic of the garnish ingredient or ingredients, but not more than 20 percent by weight of the finished food.

(e) The optional ingredients referred to in paragraph (d) (4) of this section are substances which are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the Act. If such substances perform a useful function, they are regarded as suitable.

(f) (1) The label shall state the name "peas." In the case of varieties specified in paragraph (b) (1) of this section, the terms "green," "sweet green," "wrinkled," "garden," or "sweet" shall precede or follow the name. In the case of varieties specified in paragraph (b) (2) of this section, the terms "early," "June," or "early June" shall precede or follow the name.

(2) If one or more of the optional ingredients provided for in paragraph (d) (3), (d) (4) (i) and (iv), and (d) (5) of this section is used, in addition to the names of such ingredients as required under paragraph (f) (3) of this section, the label shall bear, in conjunction with the product name, or in conjunction with the name of the optional pea variety, the statement or statements hereinafter set forth following the indicated provisions of such paragraph.

(i) If spice or flavoring as provided for in paragraph (d) (3) and (4) (i) of this section are used, the label shall bear the statement "spices added," "Seasoned," "with selected seasonings," "with seasonings" or "Seasoned with \_\_\_\_\_" or "Flavored with \_\_\_\_\_," the blank being filled in with the name of the ingredient.

(ii) If the formulated sauces as provided for in paragraph (4) (iv) of this section are used, the label shall bear the statement, "in \_\_\_\_\_" or "with \_\_\_\_\_," the blank being filled in with the name of the sauce ingredient, such as "butter sauce."

(iii) If garnishes as provided for in paragraph (d) (5) of this section are used, the label shall bear the statement, "with \_\_\_\_\_" or "garnished with \_\_\_\_\_," the blank being filled in with the name of the ingredient; for example, "with onions," or "garnished with mushrooms."

If statements set forth in more than one of the paragraphs (i) (2) (i), (ii), or (iii) of this section are used, they may be combined as, for example, "green peas with onions in butter sauce," or "early peas with onions and selected seasonings."

(3) Whenever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements required in paragraph (f) of this section shall immediately and conspicuously precede or follow the name without intervening written, printed, or graphic matter, except that the specific varietal name of the peas may so intervene.

(4) The optional ingredients specified in paragraph (d) (1) through (5) of this section, including the ingredients used in formulating the sauces specified in paragraph (d) (4) (iv) of this section, shall be listed in order of predominance by weight by their common or usual names, on the principal display panel or panels or any appropriate information panel without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth of an inch in height. The entire ingredient statement shall appear on at least one panel of the label and in lines generally parallel to the base on which the container rests as it is designed to be displayed.

(5) When an optional ingredient specified in paragraph (d) (4) (v) of this section is used the label shall bear the words "Vitamin \_\_\_\_\_ content restored to the level of fresh raw shelled peas," the blank being filled in with the common name of the vitamin restored. When two or more vitamins are used, their names may be combined; for example, "Vitamin A and C content restored to the level of fresh raw shelled peas."

(6) If the peas are size graded, the size designations specified in paragraph (c) of this section may precede or follow the name of the food. However, the optional descriptive words "petite" or "tiny" may be used in conjunction with the product name when an average of 80 percent or more of the peas will pass through a circular opening of a diameter of  $2\frac{1}{16}$  inch (8.75 mm.) or less for the optional ingredient provided for in paragraph (f) (b) (1) of this section and  $2\frac{1}{16}$  inch (8.2 mm.) for the optional ingredient provided for in paragraph (b) (2) of this section.

doc by ref

**§ 50.2 Frozen peas; quality; label statement of substandard quality.**

(a) The sample unit of frozen peas used in determining compliance with the standard of quality is 17.64 ounces (500 g.) exclusive of any sauce.

(b) The standard of quality, for a sample unit of frozen peas, shall not exceed the following:

(1) Not more than 0.3 ounces (9 g.) peas are seriously spotted or otherwise materially blemished.

(2) Not more than 0.5 ounces (14 g.) are yellow, overly mature peas.

(3) Not more than 2.5 ounces (71 g.) are pieces of peas and loose skins.

(4) Not more than 0.08 ounce (2.3 g.) of harmless, extraneous vegetable material but not more than 2 square inches

Size designation	Diameter of circular openings of sieve			
	Will not pass through	Will pass through	Inches <sup>1</sup>	mm.
Extra small			$1\frac{1}{16}$	7.5
Very small	$1\frac{1}{16}$	$2\frac{1}{16}$	$7.5$	8.2
Small	$2\frac{1}{16}$	$8.2$	$2\frac{1}{16}$	8.75
Medium	$2\frac{1}{16}$	$8.75$	$2\frac{1}{16}$	10.2
Large	$2\frac{1}{16}$	10.2		

<sup>1</sup> Nearest 64th-inch equivalent to Codex designation shown in millimeters.

(d) Optional ingredients may be used as follows:

(1) Salt.

(2) Sucrose, invert sugar, dextrose, fructose, glucose syrup, and dried glucose syrup.

(3) Spices.

(4) Safe and suitable substances as follows, within the limitations provided by paragraph (e) of this section:

(i) Seasonings and natural and artificial flavorings alone or in safe and suitable carriers.

(ii) Monosodium glutamate and other glutamic acid salts.

(iii) Edible organic acids, antioxidants, and stabilizers.

(iv) Formulated sauces (including concentrates) such as butter sauce, onion sauce, cream sauce, and mushroom sauce, in an amount by weight of the finished food not more than necessary to produce the desired flavoring effect.

(v) Vitamins in an amount required to restore the vitamin content of the food to the level for fresh raw shelled

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(12.90 square centimeters) of flat material.

(5) The alcohol-insoluble solids of the variety of frozen peas provided for in 21 CFR 50.1(b)(1) shall be not more than 19 percent and the alcohol-insoluble solids of the variety provided for in 21 CFR 50.1(b)(2) of this chapter, shall be not more than 23 percent, as determined pursuant to paragraph (c) of this section.

(6) Not more than 15 percent by count of variety provided for in 21 CFR 50.1(b)(1) of this chapter shall sink in a solution containing 16 percent by weight of salt, as determined pursuant to paragraph (d) of this section.

(c) Determination of alcohol-insoluble solids.<sup>1</sup>

(1) Extracting solutions:

(i) One hundred parts of ethanol denatured with five parts of methanol volume to volume (formula 3A denatured alcohol,<sup>2</sup> or

(ii) A mixture of 95 parts of formula 3A denatured alcohol and five parts of isopropanol v/v.<sup>3</sup>

(2) Eighty percent alcohol (8 liters of extracting solutions (1)(i) or (1)(ii) diluted to 9.5 liters with water).

(3) Drying dish—a flat-bottom dish with a tight fitting cover.

(4) Drying oven—a properly ventilated oven thermostatically controlled at  $100 \pm 2^\circ\text{C}$ .

(5) Procedure—Transfer frozen contents of package to plastic bag; tie bag securely and immerse in water bath with continuous flow at room temperature. Avoid agitation of bag during thawing by using clamps or weights. When sample completely thaws, remove bag, blot off adhering water, and transfer peas to U.S. No. 8 sieve, using (20 cm.) size for container of less than 3 lb. net weight and (30.5 cm.) for larger quantities. If sauce is present, remove with gentle water spray at room temperature. Without shifting peas, incline sieve to aid drainage, drain 2 minutes. With cloth wipe surplus water from lower screen surface. Weigh 250 g. of peas into high-speed blender, add 250 g. of water and blend to smooth paste. For less than 250 g. sample, use entire sample with equal weight of water. Weigh 20 g.  $\pm 10$  mg. of the paste into 250 ml. distillation flask, add 120 ml. of extracting solutions specified in (1)(i) or (1)(ii) of this section, and reflux 30 minutes on steam or water bath or hotplate. Fit into a buchner funnel a filter paper of appropriate size

(previously prepared by drying in flat-bottom dish for 2 hours in drying oven, covering, cooling in desiccator, and weighing). Apply vacuum to buchner funnel and transfer contents of beaker so as to avoid running over edge of paper. Aspirate to dryness and wash material on filter with 80 percent alcohol until washings are clear and colorless.

Transfer paper and alcohol-insoluble solids to drying dish used to prepare paper, dry uncovered for 2 hours in drying oven, cover, cool in desiccator, and weigh at once. From this weight deduct weight of dish, cover, and paper. Calculate percent by weight of alcohol-insoluble solids.

(d) Brine flotation test.

(1) Explanation—The brine flotation test utilizes salt solutions of various specific gravities to separate the peas according to maturity. The brine solutions are based on the percentage by weight of pure salt (NaCl) in solution at  $20^\circ\text{C}$ . In making the test the brine solutions are standardized to the proper specific gravity equivalent to the specified "percent of salt solutions at  $20^\circ\text{C}$ ," by using a salometer spindle accurately calibrated at  $20^\circ\text{C}$ . A 250 ml. glass beaker or similar receptacle is filled with the brine solution to a depth of approximately 50 mm. The brine solution and sample (100 peas per container) must be at the same temperature and should closely approximate  $20^\circ\text{C}$ .

(2) Procedure—After carefully removing the skins from the peas, place the peas into the solution. Pieces of peas and loose skins should not be used in making the brine flotation test. If cotyledons divide, use both cotyledons in the test and consider the two separated cotyledons as 1 pea; and, if an odd cotyledon sinks, consider it as one pea. Only peas that sink to the bottom of the receptacle within 10 seconds after immersion are counted as "peas that sink."

(e) If the quality of the frozen peas falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in the Code of Federal Regulations but in lieu of the words prescribed in the second line of the rectangle the following words may be used where the frozen peas fall below the standard in only one respect: "Below standard in quality \_\_\_\_\_," the blank to be filled in with the specific reason for substandard quality as listed in the standard.

In many respects the AFFI proposal and the Codex standard are identical, but in certain instances there are variations. The following is a comparison of what, in the opinion of the Commissioner, are differences between the AFFI proposal and the Codex standard not previously discussed on which the Commissioner particularly requests comments with available supporting data.

Items of comparison	Proposal	Codex standard
1. Certain optional ingredients	MSG and glutamic acid salts Organic acids, antioxidants, stabilizers Sauces, including concentrated sauces Sufficient vitamins to restore vitamin content to the level of raw peas	Not provided for.
2. Name of the food:	Garnishes (a) Sweet pea varieties "Green peas," "sweet green peas," "wrinkled peas," "garden peas," or "sweet peas." (b) Smooth-skin pea varieties "Early peas," "June peas," or "early June peas."	"Garden peas" or an equivalent designation used in the country in which the product is intended to be sold. "Peas."
3. Label statement of ingredients	In boldface type of minimum size specified in Part 1 of Title 21 CFR, but not less than $\frac{1}{16}$ inch in height; entire statement on one panel of the label and in lines parallel to the base of the container.	Clear, prominent, readily legible by the consumer under normal conditions of purchase and use.

## DIAMETER OF CIRCULAR OPENINGS OF SIEVE

Size	Will not pass through		Will pass through		Codex standard
	Inches <sup>4</sup>	mm.	Inches <sup>4</sup>	mm.	
4. Designation:					
Extra small					For peas up to 7.5 mm.
Very small	$1\frac{1}{64}$	7.5	$2\frac{1}{64}$	8.2	For peas up to 8.2 mm.
Small	$2\frac{1}{64}$	8.2	$2\frac{5}{64}$	8.75	For peas up to 8.75 mm.
Medium	$2\frac{2}{64}$	8.75	$2\frac{9}{64}$	10.2	For peas up to 10.2 mm.
Large	$2\frac{5}{64}$	10.2			For peas over 10.2 mm.
					Where a statement of size is made either the sieve size or one of the above verbal designations, as appropriate, shall be stated.
					If size graded the product shall contain no peas larger than the next 2 larger sizes nor more than 20 percent either by number or mass of peas of the next 2 larger sizes, if such there be. Nor more than $\frac{1}{4}$ of these peas whether by number or mass, shall belong to the larger of the next 2 sizes.
5. Definitions of defects	Not defined		Included in item 6.		

<sup>1</sup> The method was adopted as official, first action at the 1970 meeting of the Association of Official Analytical Chemists. It has been published under the title "Determination of Alcohol-Insoluble Solids in Frozen Peas" by F. H. Winter (Food Science and Technology, University of California, Davis, CA. 95616), JAOAC vol. 54, No. 1 (1971), pp. 54-55; "Changes in Methods," JAOAC, vol. 54, No. 2, p. 472. (1971). This is also the method proposed in the Codex Standard.

<sup>2</sup> U.S. Treasury Department, Internal Revenue Service, 26 CFR 212.19.

<sup>3</sup> U.S. Treasury Department, Internal Revenue Service, 26 CFR 211.199.

Size	Will not pass through		Will pass through		Codex standard
	Inches <sup>1</sup>	mm.	Inches <sup>1</sup>	mm.	
6. Defect tolerances maximum per 500 g.					
	When any defect listed below exceeds the tolerance the sample unit fails to meet the standard of quality. There is no sampling plan for lot acceptance quality.		Any sample unit shall be regarded as defective when any of the defects listed below are present in more than twice the amount of the specified tolerance for the individual defect or if the total percentage defects found exceeds 15 percent by weight. "Seriously blemished peas" are hard, shrivelled, spotted, discolored, or otherwise blemished to an extent that the appearance or eating quality is seriously affected, 1 percent by weight.		
	"Seriously blemished peas" 0.3 oz. (8.5 g.), 1.7 percent by weight.		"Blemished peas" are slightly stained or spotted, 5 percent by weight. Overly mature peas not provided for.		
	"Yellow, overly mature" 0.5 oz. (14.2 g.), 2.8 percent by weight. Blond peas are usually removed during processing.		"Blond Peas" are yellow or white and edible, 2 percent by weight.		
	"Pieces of peas and loose skins", maximum 2.5 oz. (71.0 g.), 14.2 percent by weight.		"Pea fragments" are portions of peas, separated or individual cotyledons, crushed, partial or broken cotyledons, and loose skins, but does not include entire intact peas with skins detached, maximum 12 percent by weight.		
Regarding	Proposal		Codex standard		
7. Maturity	Not more than 15 percent by 100 count per container of sweet peas shall sink in a 16 percent by weight of salt solution at 20° C.		Brine flotation test not provided for.		
8. Units of measurement:	(a) Identity standard: Inches as well as millimeters.		Millimeters.		
	(b) Quality standard: Ounces as well as grams.		Grams.		

<sup>1</sup> Nearest 64th-inch equivalent to Codex designation shown in millimeters.

The following are features of the AFFI proposal on which the Commissioner particularly requests comments, with any available supporting data, and the action the Commissioner proposes to take in the event no comments are received:

1. *Vitamin restoration.* 21 CFR 50.1 (d) (4) (y) proposes the optional addition of vitamins. The Commissioner recognizes that peas contribute significant quantities of certain vitamins to the diet some of which may be reduced during the production of frozen peas. The petitioner proposes optional restoration of the vitamin content of frozen peas to the level of immature raw peas as set forth in Item No. 1515 of "Composition of Foods," Agriculture Handbook No. 8 of the U.S. Department of Agriculture, 1963. When the vitamin content is compared with the same source reference for raw peas which have been boiled and drained (Item No. 1516), with frozen peas not thawed (Item No. 1529), and with frozen peas which have been boiled and drained (Item No. 1530) the Commissioner is of the opinion that the losses are not nutritionally significant. Therefore to provide for the restoration of lost vitamins and to permit label references thereto would, in his opinion, mislead the consumer into believing that the vitamin content of the food had been altered in a nutritionally significant manner. In view of the foregoing the Commissioner proposes that the standard of identity not provide for the optional addition of vitamins.

2. *Addition of Sauces.* 21 CFR 50.1(d) (4) (iv) proposes formulated sauces (including concentrates) as optional ingredients, namely butter sauce, onion sauce, cream sauce, and mushroom sauce, are a liquid or a sauce dressing

that may contain finely divided particles of onions or mushrooms added as such or as a concentrate to the peas. The proposed identity standard does not specify the amounts of sauces that may be used or the minimum amounts of butter, onion, cream, or mushroom used in the sauce. The Commissioner, therefore, concludes that in the absence of such limitations, that frozen peas with sauces are nonstandardized foods and may be continued to be marketed as nonstandardized foods. Furthermore, since in the Commissioner's opinion the proposed optional ingredients provided for in 21 CFR 50.1(d) (4) (iii), namely edible organic acids, antioxidants, and stabilizers, appear to be suitable only as ingredients in sauces, he proposes not to provide for such ingredients.

3. *Garnishes.* The garnishes, provided for in 21 CFR 50.1(d) (5) as optional ingredients, are distinct units or particles of other vegetables, nuts, or mixtures of these, such as onions, mushrooms, red or green peppers, and almonds and are added to the peas in an amount sufficient to impart a flavor or other attribute (including color contrast) characteristic of the garnish ingredient(s), but not more than 20 percent by weight of the finished food. In the Commissioner's opinion frozen peas containing more garnish than 20 percent by weight of the finished food, would constitute a mixture of two foods and therefore would not be subject to the proposed identity standard.

4. *Size designations.* The terms "petite" or "tiny" are proposed for use in conjunction with the name of the product for frozen peas which pass through a sieve size opening of  $2\frac{1}{4}$  inch (8.75 mm.) for the optional ingredient pro-

vided for in 21 CFR 50.1(b) (1) and  $2\frac{1}{4}$  inch (8.2 mm.) proposed for the optional ingredient provided for in 21 CFR 50.1(b) (2). The Commissioner, however, recognizes that the current practice is to use the terms "petite" or "tiny" to describe canned peas that pass through a sieve with circular openings of  $1\frac{1}{4}$  inch (7.14 mm.). It is the Commissioner's opinion that if a consumer purchases a can of tiny sweet peas, a can of tiny Alaska peas, and a package of tiny frozen peas, either sweet or Alaska, they should all be within the same size range and not be different because they have been processed differently. Therefore, he proposes, for the purpose of uniformity that the terms "petite" or "tiny" be used to describe the size of frozen peas (sweet or Alaska) that pass through a sieve with circular openings of  $1\frac{1}{4}$  inch (7.14 mm.) as is presently the practice for canned peas.

5. *Labeling of optional ingredients.* 21 CFR 50.1(f) (4) provides for label declaration of the optional ingredients used in the food. The Commissioner, in order to provide for the labeling of standardized foods in line with the requirements for nonstandardized foods, proposes that the common name of each of the ingredients used shall be declared on the label as required by the applicable sections of Part 1 of Chapter 21 and shall appear in letters not less than one-half the size of that required by 21 CFR 1.8b for the declaration of net quantity of contents but in no case less than one-sixteenth of an inch in height.

6. *Pieces of peas and loose skins.* 21 CFR 50.2 provides for a maximum of 2.5 ounces (71 g.) of pieces of peas and loose skins per 17.64 ounces (500 g.) of frozen peas (14.2 percent). The Commissioner recognizes that the Codex standard for frozen peas provides for a maximum of 12 percent by weight and that the standard of quality for canned peas (21 CFR 51.2) permits a maximum of 10 percent of the drained weight for this quality factor and is of the opinion that the latter is reasonable for frozen peas. Accordingly, the Commissioner proposes for consideration a maximum of 10 percent by weight of pieces of peas and loose skins in frozen peas.

7. *Spices, seasonings and flavorings.* 21 CFR 50.2(f) (4) requires that where spices as well as safe and suitable seasonings and natural and artificial flavorings alone or in carriers are used in frozen peas, they be listed on the label by common or usual name. The Commissioner cannot require such declaration of spices and flavorings by common or usual name and therefore proposes that this be made optional.

Establishment of standards of identity and quality for frozen peas will be based upon consideration of the Codex standard, AFFI proposal, comments and supporting data received, and other available information.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055-1056, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner

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of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 90 days after its date of publication in the **FEDERAL REGISTER**. 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 25, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-16645 Filed 10-4-72; 8:45 am]

## [ 21 CFR Part 51 ]

## CANNED SWEET CORN

## Standards of Identity, Quality, and Fill of Container

The Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission has submitted to the United States for consideration for acceptance a "Recommended International Standard for Canned Sweet Corn." The United States, as a member of the Food and Agriculture Organization of the United Nations and of the World Health Organization, is under obligation to consider all Codex standards. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance; target acceptance; and acceptance with minor deviations. A participating country which concludes that it cannot accept the standard in any of these ways is requested to indicate the reasons for the ways in which its requirements differ from the Codex standard. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission—Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision. For many years the United States has had definitions and standards of identity (21 CFR 51.20), quality (21 CFR 51.21), and fill of container (21 CFR 51.22) for canned sweet corn, as promulgated by the Commissioner of Food and Drugs, which differ in several respects from the recommended international standard. The basis of this proposal to amend the FDA canned sweet corn standards is the fact that, in the opinion of the Commissioner of Food and Drugs, it will benefit consumers and facilitate international trade to adopt as far as practicable the recommended worldwide standard for canned sweet corn hereinafter referred to as the Codex standard.

The Codex standard references the Codex "Sampling Plans for Prepackaged Foods, 1969," that were developed by the Codex Committee on Processed Fruits and Vegetables and are being considered

by the Codex Committee on Sampling and Analysis. There are no sampling plans in any of the FDA food standards. The Codex sampling plans, although they are included in the Codex standard, have not reached the final step of development and therefore may be subject to further modification. The Commissioner, however, believes that this is an opportune time to elicit comments on sampling plans. The Commissioner proposes to limit the sampling plans to Codex Inspection Level II which is appropriate where disputes, enforcement or need for better lot estimate is necessary. Definitions for "Lot" and "Sample unit" have been expanded to make them more applicable to a wider range of size of primary containers. In addition, the definition of "Defective" has been reworded to apply directly to the proposed sampling plans for canned corn. The Commissioner would consider a lot acceptable for quality and fill of container factors (except minimum drained weight of whole-kernel corn) when the number of "Defectives" does not exceed the stated "Acceptance number." Concerning minimum drained weight of whole kernel corn, the Commissioner proposes that it be based on the average drained weight of the sample drawn according to the proposed sampling plans. The Commissioner recognizes that basing the minimum drained weight for whole kernel corn on sample average will allow for considerable variability in the amount of corn among the individual cans within a given lot. However, there is no evidence of slack filling and in the absence of actual data on industry fill practices for individual containers within a lot the proposed approach is deemed to be the most practical. The units of measurements in the FDA standard of quality are stated in ounces, inches, or in some instances the metric system, whereas the Codex standard uses only the metric system. The Commissioner recognizes that the international (metric) system is used throughout the world and in the United States for technical analysis and may eventually be adopted by this country as common usage for measurements. The Commissioner, therefore, proposes that the metric system be used in the FDA standards of quality and fill of container with the equivalent units of the U.S. Customary System shown parenthetically.

The Codex standard also includes hygiene requirements and certain basic labeling requirements that are not considered a part of food standards under sec. 401 of the Federal Food, Drug, and Cosmetic Act which is the legal basis for the promulgation of food standards. Hygiene and the other factors are, however, a concern of FDA under other sections of the Federal Food, Drug, and Cosmetic Act and, therefore, are not discussed further in this proposal.

Amendment of the FDA standards of identity, quality, and fill of container for canned sweet corn will be based upon consideration of the following Codex standard, comments and supporting data received, and other available information.

## RECOMMENDED INTERNATIONAL STANDARD FOR CANNED SWEET CORN

## 1. SCOPE

For the purposes of this standard, canned sweet corn does not include corn-on-the-cob.

## 2. DESCRIPTION

2.1 *Product Definition*—Canned sweet corn is the product (a) prepared from clean, sound kernels of sweet corn, conforming to the characteristics of *Zea mays L.*, (b) packed with a suitable liquid packing medium, which may be the creamy component from corn kernels, or with suitable nutritive sweeteners, seasoning ingredients, and other ingredients appropriate to the product, and (c) processed by heat, in an appropriate manner, before or after being sealed in a container, so as to prevent spoilage.

2.2 *Colour Type*.

2.2.1 Golden or yellow.

2.2.2 White.

2.3 *Styles*.

2.3.1 Whole Kernel or Whole Grain or Cut Kernel—Whole or substantially whole cut kernels packed with a liquid medium.

2.3.2 Cream Style—Whole or partially whole cut kernels packed in a creamy component from the corn kernels and other liquid or other ingredients to form a product of creamy consistency.

2.4 *Types of Whole Kernel Pack*—Whole Kernel or Whole Grain or Cut Kernel style shall be designated as:

2.4.1 "Brine" or "Liquid Pack" when a salt (NaCl) brine liquid medium is used and except for normal headspace completes the fill of the container; or

2.4.2 "Vacuum pack" or "Vacuum packed" if the liquid packing medium does not exceed 20 percent of the total net weight of product and the container is closed under conditions creating a high vacuum in the container.

## 3. ESSENTIAL COMPOSITION AND QUALITY FACTORS

3.1 *Other Ingredients*.

3.1.1 Butter: If added it must amount to not less than 3 percent mm. of the final product;

3.1.2 Salt;

3.1.3 Sucrose, invert sugar;

3.1.4 Pieces of green or red peppers or mixture of both, or other vegetables, not exceeding in total 15 percent mm. of the product;

3.1.5 Starches—Natural (native), physically or enzymatically modified—in creamy-style corn in a quantity not more than sufficient to insure a smooth consistency;

3.1.6 Starches—Natural (native), physically or enzymatically modified—in whole kernel style, only when used with butter.

3.2 *Quality Criteria*.

3.2.1 Colour—The colour of the product shall be normal for the colour type. The product shall also be reasonably free from "off-variety" kernels. Canned sweet corn containing other permitted ingredients shall be considered to be of characteristic colour when there is no abnormal discolouration for the respective ingredients used.

3.2.2 Flavour—Canned sweet corn shall have a normal flavour and odour free from flavours or odours foreign to the product and canned sweet corn with special ingredients shall have a flavour characteristic of that imparted by the sweet corn and the other substances used.

## 3.2.3 Texture

The kernels in either cream style or whole kernel corn shall be of a reasonably tender texture offering some resistance when chewed but are not hard or tough.

## 3.2.4 Consistency—Cream style

The product shall possess a consistency which may be thin but not excessively thin or may be thick and heavy but not excessively dry or pasty, and from which (at the end of two minutes) there may be a moderate but not excessive separation of free liquid.

## 3.2.5 Defects

With respect to all styles of corn, the finished product shall be substantially free from cob material, silk, husk, discoloured or blemished kernels, extraneous plant material, or other defects not specifically mentioned. Certain common defects shall not be present in amounts greater than the following limitations:

Whole kernel or whole grain or cut kernel corn, per 400 drained weight	Cream Style Corn per 600 g total contents
Pieces of cob.....	1 cubic centimetre.....
Pieces of husk.....	7 square centimetres.....
Blemished kernels.....	7 kernels or pieces that are damaged and seriously damaged but not more than 5 may be seriously damaged
(Brown or black discoloured kernels or pieces)	10 kernels or pieces that are damaged and seriously damaged but not more than 5 may be seriously damaged
	1 cubic centimetre.
	7 square centimetres.
	10 kernels or pieces that are damaged and seriously damaged but not more than 5 may be seriously damaged
Per 28 g drained weight	Per 28 g drained weight
All silk.....	180 mm
	150 mm

## 3.2.6 Classification of "defectives"

A container that fails to meet one or more of the applicable quality requirements, as set

out in subsections 3.2.1 through 3.2.5, shall be considered a "defective".

## 3.2.7 Acceptance

A lot will be considered as meeting the applicable quality requirements referred to in subsection 3.2.6 when the number of "defectives," as defined in subsection 3.2.6, does not exceed the acceptance number (c) of the appropriate Sampling Plan (AQL-6.5) in the Sampling Plans for Prepackaged Foods (1969).

## 4. FOOD ADDITIVES

	Maximum level of use
4.1 Monosodium glutamate.....	Not limited.
4.2 Citric acid.....	Not limited.
4.3 Vegetable gums as follows: <sup>1</sup>	
4.3.1 Arabic gum	
4.3.2 Carrageenan	
4.3.3 Furcellaran	
4.3.4 Guar gum	
4.4 Alginates (Ca, K, Na, NH <sub>4</sub> ) <sup>1</sup>	
4.4.1 Propylene glycol alginate <sup>1</sup>	
4.5 Modified starches, as follows:	
4.5.1 Acid-treated starches	
4.5.2 Alkali-treated starches	
4.5.3 Bleached starches	
4.5.4 Distarch phosphate (sodium trimetaphosphate treated)	10 g/kg of the additives specified under 4.3 to 4.5 inclusive, singly or in combination. <sup>2</sup>
4.5.5 Distarch phosphate, phosphated	
4.5.6 Monostarch phosphate	
4.5.7 Starch acetate <sup>1</sup>	
4.5.8 Starch, hydroxypropyl <sup>1</sup>	
4.5.9 Distarch adipate, acetylated <sup>1</sup>	
4.5.10 Distarch glycerol, hydroxypropyl <sup>1</sup>	
4.5.11 Oxidized starches <sup>1</sup>	

<sup>1</sup>Temporarily endorsed.

<sup>2</sup>May be used only in whole kernel style and only when butter is an ingredient.

## 5. HYGIENE

5.1 It is recommended that the product covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products recommended by the Codex Alimentarius Commission (Ref. CAC/RCP 2-1969).

5.2 To the extent possible in good manufacturing practice the product shall be free from objectionable matter.

5.3 The product shall not contain any pathogenic microorganisms or any toxic substance originating from microorganisms.

5.4 The product shall have received a processing treatment sufficient to destroy all spores of *Clostridium botulinum*.

## 6. WEIGHTS AND MEASURES

## 6.1 Fill of Container

## 6.1.1 Minimum Fill

The container shall be well filled with corn, and, except for "vacuum pack" corn, the product (including packing medium) shall occupy not less than 90 percent of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20°C which the sealed container will hold when completely filled.

## 6.1.2 Classification of "defectives"

A container that fails to meet the requirement for minimum fill (90 percent container capacity) of subsection 6.1.1 shall be considered a "defective".

## 6.1.3 Acceptance

A lot will be considered as meeting the requirement of subsection 6.1.1 when the number of "defectives", as defined in subsection 6.1.2, does not exceed the acceptance number (c) of the appropriate sampling plan (AQL-6.5) in the Sample Plans for Prepackaged Foods (1969).

## 6.1.4 Minimum Drained Weight

6.1.4.1 The drained weight of Whole Kernel corn shall be not less than 61 percent of the weight of distilled water at 20°C which the sealed container will hold when completely filled.

6.1.4.2 The requirements for minimum drained weight shall be deemed to be compiled with when the average drained weight of all containers examined is not less than the minimum required, provided that there is no unreasonable shortage in individual containers.

## 7. LABELING

In addition to Sections 1, 2, 4, and 6 of the General Standard for the Labeling of Prepackaged Foods (Ref. CAC/RS 1-1969), the following specific provisions apply:

## 7.1 The Name of the Food

7.1.1 The name of the product shall include:

(a) the designation: "corn", "sweet corn" or "sugar corn", as appropriate;

(b) a declaration of any seasoning which characterizes the product, e.g. "with X", when appropriate;

(c) if the colour type is white, the colour "white".

7.1.2 The following shall be so stated on the label as to be easily discernible to the consumer:

(a) the type: "whole kernel", "whole grain", "cut kernel" or "cream style", as appropriate;

(b) where the type is whole kernel, the style of pack: "in brine", "liquid pack", "vacuum pack" or "vacuum packed", as appropriate.

## 7.2 List of Ingredients

A complete list of ingredients shall be declared on the label in descending order of proportion in accordance with subsections 3.2(b), (c) and (d) of the General Standard for the Labeling of Prepackaged Foods.

## 7.3 Net Contents

The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

7.4 Name and Address—The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

## 7.5 Country of Origin—

7.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

## 8. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international referee methods.

8.1 Method of Sampling—Sampling shall be in accordance with the Sampling Plans for Prepackaged Foods (1969).

8.2 Determination of Drained Weight—According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentari-

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Items of comparison	Food and Drug Administration standard	Items of comparison	Food and Drug Administration standard	Items of comparison	Food and Drug Administration standard
4. Color type.....	White or yellow (golden) or mixture of the two. (21 CFR 51.20(b))	4. Color type.....	Golden or yellow (2.2.1) or white (2.2.2),	4. Color type.....	White or yellow (golden) or mixture of the two. (21 CFR 51.20(b))
No change. The FDA requirement provides the consumer with mixtures of yellow (golden) and white corn that are not provided for under Codex. We have no basis to make a change in the FDA requirement. In this respect the FDA and the Codex would differ.		No change. The FDA requirement provides the consumer with mixtures of yellow (golden) and white corn that are not provided for under Codex. We have no basis to make a change in the FDA requirement. In this respect the FDA and the Codex would differ.		No change. The FDA requirement provides the consumer with mixtures of yellow (golden) and white corn that are not provided for under Codex. We have no basis to make a change in the FDA requirement. In this respect the FDA and the Codex would differ.	
5. Style of pack (definitions): (a) Fritter.....	Pieces of the inner portion of the corn kernel substantially free from hull. (21 CFR 51.20(b)(2))	5. Style of pack (definitions): (a) Fritter.....	Pieces of the inner portion of the corn kernel substantially free from hull. (21 CFR 51.20(b)(2))	5. Style of pack (definitions): (a) Fritter.....	Pieces of the inner portion of the corn kernel substantially free from hull. (21 CFR 51.20(b)(2))
No change. Fritter style of pack be retained in the FDA standard in the absence of any support for deletion.		No change. Fritter style of pack be retained in the FDA standard in the absence of any support for deletion.		No change. Fritter style of pack be retained in the FDA standard in the absence of any support for deletion.	
Items of comparison	Food and Drug Administration standard	Items of comparison	Food and Drug Administration standard	Items of comparison	Food and Drug Administration standard
1. Removal of the tip caps in preparation of canned sweet corn.	Covered under product definition. Not specifically provided for. (21 CFR 51.20(a))	1. Removal of the tip caps in preparation of canned sweet corn.	Covered under product definition. Not specifically provided for. (21 CFR 51.20(a))	1. Removal of the tip caps in preparation of canned sweet corn.	Covered under product definition. Not specifically provided for. (21 CFR 51.20(a))
No change. The requirement for removal of tip caps in the FDA standard be accepted as being covered by Codex since the requirement for "texture" in Codex (3.2.3) requires that the kernels be of reasonably tender texture offering some resistance when chewed but not hard or tough (tip caps are sometimes hard) and there is a limit on the amount of cob in the finished food which is related to removal of tip caps.		No change. The requirement for removal of tip caps in the FDA standard be accepted as being covered by Codex since the requirement for "texture" in Codex (3.2.3) requires that the kernels be of reasonably tender texture offering some resistance when chewed but not hard or tough (tip caps are sometimes hard) and there is a limit on the amount of cob in the finished food which is related to removal of tip caps.		No change. The requirement for removal of tip caps in the FDA standard be accepted as being covered by Codex since the requirement for "texture" in Codex (3.2.3) requires that the kernels be of reasonably tender texture offering some resistance when chewed but not hard or tough (tip caps are sometimes hard) and there is a limit on the amount of cob in the finished food which is related to removal of tip caps.	
Items of comparison	Food and Drug Administration standard	Items of comparison	Food and Drug Administration standard	Items of comparison	Food and Drug Administration standard
2. The product be prepared from clean, sound kernels of sweet corn conforming to the characteristics of <i>Zea mays</i> L.	Not provided for.....	2. The product be prepared from clean, sound kernels of sweet corn conforming to the characteristics of <i>Zea mays</i> L.	Provided for. (2.1(a))	2. The product be prepared from clean, sound kernels of sweet corn conforming to the characteristics of <i>Zea mays</i> L.	Not provided for.....
No change. Adulteration is covered under section 402 of the Federal Food, Drug, and Cosmetic Act and not under section 401 of the act which is the basis for the promulgation of food standards. Furthermore, <i>Zea mays</i> L. is the scientific name for the food; the common or usual name in the United States is corn, sweet corn or sugar corn.		No change. Adulteration is covered under section 402 of the Federal Food, Drug, and Cosmetic Act and not under section 401 of the act which is the basis for the promulgation of food standards. Furthermore, <i>Zea mays</i> L. is the scientific name for the food; the common or usual name in the United States is corn, sweet corn or sugar corn.		No change. Adulteration is covered under section 402 of the Federal Food, Drug, and Cosmetic Act and not under section 401 of the act which is the basis for the promulgation of food standards. Furthermore, <i>Zea mays</i> L. is the scientific name for the food; the common or usual name in the United States is corn, sweet corn or sugar corn.	
Items of comparison	Food and Drug Administration standard	Items of comparison	Food and Drug Administration standard	Items of comparison	Food and Drug Administration standard
3. Canned corn shall consist of succulent sweet corn.	Provided for. (21 CFR 51.20(b))	3. Canned corn shall consist of succulent sweet corn.	Provided for. (21 CFR 51.20(b))	3. Canned corn shall consist of succulent sweet corn.	Provided for. (21 CFR 51.20(b))
No change. The Codex requirement (3.2.3) that the kernels be of reasonably tender texture offering some resistance when chewed but not be hard or tough provides by inference that the food consist of succulent sweet corn.		No change. The Codex requirement (3.2.3) that the kernels be of reasonably tender texture offering some resistance when chewed but not be hard or tough provides by inference that the food consist of succulent sweet corn.		No change. The Codex requirement (3.2.3) that the kernels be of reasonably tender texture offering some resistance when chewed but not be hard or tough provides by inference that the food consist of succulent sweet corn.	
Items of comparison	Food and Drug Administration standard	Items of comparison	Food and Drug Administration standard	Items of comparison	Food and Drug Administration standard
4. Reference to succulent sweet corn not specifically provided for.		4. Reference to succulent sweet corn not specifically provided for.		4. Reference to succulent sweet corn not specifically provided for.	
(d) Evaporated.....	Cut and cooked kernels from which most of the moisture has been evaporated. (21 CFR 51.20(b)(6))	(d) Evaporated.....	Cut and cooked kernels from which most of the moisture has been evaporated. (21 CFR 51.20(b)(6))	(d) Evaporated.....	Cut and cooked kernels from which most of the moisture has been evaporated. (21 CFR 51.20(b)(6))
No change. The evaporated style of pack be retained in the FDA standard in the absence of support for deletion.		No change. The evaporated style of pack be retained in the FDA standard in the absence of support for deletion.		No change. The evaporated style of pack be retained in the FDA standard in the absence of support for deletion.	

Items of comparison	Food and Drug Administration standard	Codex standard	Items of comparison	Food and Drug Administration standard	Codex standard
<p>Optional ingredients:</p> <p>(a) Starches in whole kernel style when butter is added.</p>	As safe and suitable emulsifiers or stabilizers, or both, in a quantity not more than reasonably necessary to accomplish the intended effect. Such emulsifiers and stabilizers are deemed to be safe if they are not food additives as defined in sec. 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to sec. 409 of the Act. <sup>2</sup> (21 CFR 51.20(d)(7))	Natural (native) physically or enzymatically modified. The chemically modified starches that may be specifically stated as follows:	<p>(e) Vegetables.....</p> <p>Bleached starches (4.5.3)</p> <p>Distarch phosphate (sodium trimetaphosphate treated) (4.5.4)</p> <p>Distarch phosphate, phosphated (4.5.6)</p> <p>Monostarch phosphate (4.5.6)</p> <p>Starch acetate (4.5.7)</p> <p>Starch, hydroxypropyl (4.5.8)</p> <p>Distarch adipate, acetylated (4.5.9)</p> <p>Distarch, glycerol, hydroxypropyl (4.5.10)</p> <p>Oxidized starches (4.5.11)</p> <p>10 g./kg. of the starches and vegetable gums inclusive, singly or in combination.</p>	<p>Green peppers or red peppers either of which may be sweet or hot and may be dried, mint leaves, onions and garlic either of which may be dried, and horseradish.<sup>1</sup> (21 CFR 51.20(d)(1) through (5))</p> <p>The optional addition of any vegetable(s), including pieces of green or red peppers or mixtures of both, either of which may be sweet or hot and may be dried, be provided for with a maximum limit not to exceed 15 percent by weight of the finished food. Permitting the use of any vegetable provides a greater variety of products to the consumer.</p>	<p>Pieces of green or red peppers or mixtures of both, or other vegetable(s) not exceeding in total 15 percent mass/mass of the product. (3.1(c))</p>
<p>No change. The specific starches and the maximum level in Codex are permitted under 21 CFR 121.1031.</p>			<p>(f) Other optional ingredients...</p> <p>Distodium guanylate when complying with 21 CFR 121.1060 and 121.1106 respectively of the Food Additive Regulation, hydrolyzed vegetable protein, and autolyzed yeast extract.<sup>2</sup> (21 CFR 51.20(c)(3) through (6))</p> <p>Lemon juice or lemon juice concentrate.<sup>2</sup> (21 CFR 51.20(d)(6))</p> <p>Spice and flavoring (not artificial) providing neither simulate the color or flavor imparted by butter.<sup>2</sup> (21 CFR 51.20(c)(8) and (9))</p>	<p>Disodium inosinate and disodium guanylate when complying with 21 CFR 121.1060 and 121.1106 respectively of the Food Additive Regulation, hydrolyzed vegetable protein, and autolyzed yeast extract.<sup>2</sup> (21 CFR 51.20(c)(3) through (6))</p> <p>Lemon juice or lemon juice concentrate.<sup>2</sup> (21 CFR 51.20(d)(6))</p> <p>Spice and flavoring (not artificial) providing neither simulate the color or flavor imparted by butter.<sup>2</sup> (21 CFR 51.20(c)(8) and (9))</p>	<p>Not provided for.</p>
<p>Physical or enzymatically modified starch be provided for as an alternative to natural (native) starch.</p>			<p>No change. The additional optional ingredients provided for by the FDA permit a wider choice of ingredients and the FDA has no basis to make any deletions.</p>		
<p>(c) Citric acid..... Not provided for.....</p>	Specifically provided for as a food additive. <sup>4,2</sup>	Codex standard	<p>7. Labeling:</p> <p>(a) Color group.....</p>	<p>The name of the color group used, "white," "yellow" or "golden," or with the names of the color groups used, "white and yellow" or "white and golden," when the white color group predominates, and "yellow and white" or "golden and white," when the yellow color group predominates. (21 CFR 51.20(e)(1))</p> <p>When the varietal name immediately precedes or follows the name or intervenes between parts of the name of the food and it accurately designates the color of the corn ingredient, no other designation of the color group need be made.<sup>1</sup> (21 CFR 51.20(e)(2))</p>	
<p>(d) Invert sugar -..... Not provided for.....</p>	Provided for. (3.1.3)	Codex standard			
<p>Invert sugar syrup be provided for as an additional optional sweetening agent. Invert sugar is not commercially available in this country. Invert sugar syrup is presently permitted in the standards for soda water (carbonated beverages) and many canned fruit products.</p>			<p>No change. FDA has no basis to recommend deletion of required label declaration for "yellow" corn or mixture of "yellow" and "white" corn.</p>		

## PROPOSED RULE MAKING

Items of comparison	Food and Drug Administration standard	Codex standard	Items of comparison	Food and Drug Administration standard	Codex standard
(b) Styles (types): "Whole kernel," "whole grain," or "cut kernel." Provided for with the exception of "cut kernel." (21 CFR 51.20(e)(1)(i))	To be stated on the label as to be easily discernible to the consumer. (7.1.2(a))		(e) Spice or flavoring----- If spice or flavoring is added, the label shall bear the word or words "spice" or "with added spice" or "spice added" or "with added flavoring" or "flavoring added," as appropriate. In lieu of the words "spice" or "flavoring" in such statement, the common or usual name of such spice or flavoring may be used. (21 CFR 51.20(e)(3))	Spice or flavoring not provided for.	
"Cut kernel" be provided for as an alternative name for "whole kernel," or "whole grain" since the FDA identity standard presently contains the term "cut kernel" in the definition for such food.			Delete. Declaration of spice or flavoring is included under item 7(i). The Federal Food, Drug, and Cosmetic Act provides that spices and flavorings may be designated as spices and flavorings rather than naming each by common name.		
Items of comparison	Food and Drug Administration standard	Codex standard	Items of comparison	Food and Drug Administration standard	Codex standard
(c) Styles of whole kernel pack: "Vacuum pack" or "vacuum packed." <sup>1</sup> (21 CFR 51.20(e)(1)(i))	"In brine," "liquid pack," "vacuum pack," or "vacuum packed," as appropriate shall be so stated on the label as to be easily discernible to the consumer. (7.1.2(b))		(f) Emulsifiers or stabilizers---- Any optional emulsifiers or stabilizers. Provided for.		
The FDA standard be amended to require the term "in brine" or as an alternative "liquid pack" to be so stated on the label to provide additional information to the consumer when the product contains more than 20 percent liquid.			(g) Starch in cream style corn---- When the optional starch ingredient specified for "cream style" is used, the label shall bear the statement "Starch added to insure smoothness." (21 CFR 51.20(e)(5))		
Items of comparison	Food and Drug Administration standard	Codex standard	Delete. Provided for by item 7(i).		
(d) Seasonings and/or garnishes. If one or more of the optional seasoning ingredients listed in 21 CFR 51.20(d) are used, the word "seasoned" may immediately precede the name of the optional corn ingredient. (21 CFR 51.20(e)(2))	The name of the product shall include a declaration of any seasoning which characterizes the product, e.g., "with x," when appropriate. (7.1.1(b))		Delete since not required by Codex and starch should not be singled out as the sole ingredient to be declared by its functionality.		
	If one or more of the optional seasoning or garnishing ingredients listed in 21 CFR 51.20(d) are used, the label shall bear the statement "seasoned with x," the blank being filled in with the name "green peppers," "dried green peppers," "dried red peppers," "spicy-peppers," "dried red peppers," specifying in each instance whether such peppers are sweet or hot, "mini-leaves," "onions," "dried onions," "garlic," "dried garlic," "horseradish," "lemon juice," "butter," "concentrated lemon juice," "butter" or a combination of these names as appropriate, except that the presence of the specified optional seasoning or garnishing ingredient green peppers or red peppers may be shown without the word "seasoned." The word "dehydrated" may be used in lieu of the word "dried." (21 CFR 51.20(e)(5))		Items of comparison	Food and Drug Administration standard	Codex standard
			(h) Certain optional ingredients. If one or more of the optional ingredients named in item 6(i) are used, the label declaration is provided under item 7(i).		
			If optional ingredients are used, the label shall bear the statement "added" or "With added," the blank being filled in with the name(s) of the ingredient(s) used. (21 CFR 51.20(e)(4))		
			Delete since the complete listing of all optional ingredients is proposed under item 7(i).		
			The name of the product shall include a declaration of any seasoning or garnishing ingredients used in the product, including those presently provided for.		

See footnotes on p. 21117.

Items of comparison	Food and Drug Administration standard	Codex standard
(i) A complete listing of ingredients.	Not provided for..... A complete list of ingredients shall be declared on the label in descending order of proportion. (7.2)	Items of comparison Food and Drug Administration standard
The common name of each of the optional ingredients used be declared on the label as required by 21 CFR Part 1, and as provided for by Codex including order of proportion. In addition, the declaration of ingredients be in letters not less than one-half of that required by 21 CFR 1.8b, for the declaration of net quantity of contents, but in no case less than one-sixteenth of an inch in height. The Food and Drug Administration issued a policy statement (21 CFR 3.88) in the FEDERAL REGISTER of March 10, 1972 (37 FR 5120) which stated that there is significant consumer interest that the labels of standardized foods bear complete information of the ingredients contained in the food. In the absence of legal authority to require that the label	bear such information, the Food and Drug Administration encouraged all manufacturers, packers, and distributors to voluntarily make such disclosure. The Food and Drug Administration further stated that it intended to amend the definitions and standards of identity of food by setting into motion as rapidly as possible the provisions of sec. 401 of the act to require label declaration of all optional ingredients with the exception of optional spices and flavorings which may continue to be designated as such without specific ingredient declaration. <i>Codex</i>	
Provided for under the "Recommended International General Standard for the Labeling of Prepackaged Foods."	FDA	Items of comparison Food and Drug Administration standard
1 Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such words shall immediately and conspicuously precede or follow such name, No change. This is a specific requirement on labeling that does not appear elsewhere in this standard.	Without intervening written, printed or graphic matter, except that the varietal name of the corn used may so intervene. (21 CFR 51.20(f) (1)) No change. This is a specific requirement on labeling that does not appear elsewhere in this standard.	Items of comparison Food and Drug Administration standard
2 Such words or statements in addition to salt and monosodium glutamate but excluding sugar shall be set forth on the label with such prominence and conspicuously as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase. Requires a complete listing of ingredients (2)	on the label in descending order of proportion. If two or more such optional ingredients are present, such statements as are required may be combined; for example, "With added salt, spice, flavoring, and monosodium glutamate." (21 CFR 51.20(f) (2)) Delete this paragraph (footnote 2) as item 7(1) provides requirement regarding the listing of each optional ingredient.	Items of comparison Food and Drug Administration standard
<b>COMPARISON OF THE QUALITY ASPECTS AND PROPOSED COURSE OF ACTIONS</b>		
Items of comparison	Food and Drug Administration standard	Codex standard
1: Color criteria.....	Not provided for.....	Items of comparison Food and Drug Administration standard
The color of product shall be normal for the color type. The product shall be reasonably free from "off-variety" kernels. Canned sweet corn containing other permitted ingredients shall be considered to be of characteristic color when there is no abnormal discoloration for respective ingredients used. (3.2.1)	The color of product shall be normal for the color type. The product shall be substantially free from cob material, silk, husk, discolored or blemished kernels, extraneous plant material, or other defects not specifically mentioned. (3.2.5)	Canned sweet corn shall have a normal flavor and odor free from flavors or odors foreign to the product and canned sweet corn with special ingredients shall have a flavor characteristic of that imparted by the sweet corn and the other substances used. (3.2.2)
No change. The Codex language is not specific enough to be useful in enforcing a legal requirement and therefore inclusion in the FDA quality standard is not proposed.	No change. Abnormal odor or flavor would make the food adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act.	No change. The finished product shall be substantially free from cob material, silk, husk, discolored or blemished kernels, extraneous plant material, or other defects not specifically mentioned. (3.2.5)
3. General overall statement on defects.	Not provided for.....	Not provided for.....
No change. The Codex language is not specific enough to be useful in enforcing a legal requirement and therefore inclusion in the FDA quality standard is not proposed.	Items of comparison Food and Drug Administration standard	Items of comparison Food and Drug Administration standard
4. Specific requirements on defects in whole kernel corn (and evaporated corn in case of FDA). (a) Blemished kernels.....	Not more than one brown or black discolored kernel or piece of kernel for each 2 ozs. of drained weight. (21 CFR 51.21(a)(1)) 1 blemished kernel per 2 ozs. or 56.7 g. 7 (2)	Seven kernels or pieces that are damaged (brown or black discolored kernels or pieces) and seriously damaged but not more than 5 may be seriously damaged per 400 g. of drained weight. (3.2.5) 1 blemished kernel(s)/400 g. or 1 blemished kernel/57.1 g.
FDA is essentially equivalent to the Codex requirement. In the absence of a definition for "seriously damaged" in the Codex, differentiation of "damaged" from "seriously damaged" would be impractical in the FDA requirement.	Items of comparison Food and Drug Administration standard	Items of comparison Food and Drug Administration standard
(b) Pieces of cob.....	Not more than 1 cm <sup>3</sup> for each 14 oz. of 1 cubic centimeter per 400 grams of drained weight. (21 CFR 51.21(a)(1)(ii)) 14 oz. = 397 g.	Codex standard
FDA is equivalent to the Codex requirement.		

## PROPOSED RULE MAKING

Items of comparison	Food and Drug Administration standard	Codex standard
(c) Pieces of husk	Not more than 1 sq. in. of husk for each 14 oz. of drained weight. (21 CFR 51.21(a)(1)(iii)) 6.46 cm <sup>2</sup> = 1 sq. in. 14 oz. = 387 g.	
<b>FDA is essentially equivalent to the Codex requirement.</b>		
Items of comparison	Food and Drug Administration standard	Codex standard
(d) Silk	Not more than 7 in. of silk for each 1 oz. of drained weight. (21 CFR 51.21(a)(1)(iv)) 7 in. = 178 mm.	
<b>FDA is essentially equivalent to the Codex requirement.</b>		
Items of comparison	Food and Drug Administration standard	Codex standard
5. Specific requirements on defects in cream style (also ditter and ground styles in case of FDA): (a) Blemished kernels	10 kernels or pieces that are damaged and seriously damaged but not more than 1 brown or black discolored kernel or piece of kernel for each 2 oz. of net weight. (21 CFR 51.21(a)(2)(i)) 1 blemished kernel/66.7 g.	Not more than 1 brown or black discolored kernel or piece of kernel for each 2 oz. of net weight. (21 CFR 51.21(a)(2)(i)) 1 blemished kernel/60.0 g.
		The allowance for blemished kernels in the FDA requirement is essentially equivalent to the Codex requirement. In the absence of a definition for seriously damaged in the Codex, differentiation of damaged from seriously damaged would be impractical in the FDA requirement.
Items of comparison	Food and Drug Administration standard	Codex standard
(b) Pieces of cob	Not more than 1 cm <sup>3</sup> for each 20 oz. of net weight. (21 CFR 51.21(a)(2)(ii)) 20 oz. = 567 g.	Not more than 1 cm <sup>3</sup> per 600 g. (total contents). (3.2.5)
		FDA is essentially equivalent to the Codex requirement. FDA does require a sample size of about 6 percent smaller than Codex, however, the difference that would result in analysis using the larger sample in the Codex is within the experimental variance of the method.
Items of comparison	Food and Drug Administration standard	Codex standard
(c) Pieces of husk	Not more than 1 sq. in. of husk for each 20 oz. of net weight. (21 CFR 51.21(a)(2)(iii)) 20 oz. = 567 g.	7 square centimeters per 600 grams (total contents). (3.2.5) 1 sq. in. = 6.46 cm <sup>2</sup> .
		The FDA requirement is essentially equivalent to the Codex.
Items of comparison	Food and Drug Administration standard	Codex standard
6. Quality tenderness and texture:		
(a) Whole kernel	The weight of the alcohol-insoluble solids of whole kernel corn (21 CFR 51.20(b)(1)) does not exceed 27 percent of the drained weight, when tested by the method prescribed under item 10(a). (21 CFR 51.21(a)(3)(ii))	The kernels (in either cream style or whole kernel corn) shall be of a reasonable tender texture offering some resistance when chewed but are not hard or tough. (3.2.3)
(b) Cream style	The weight of the alcohol-insoluble solids of the washed drained material of cream style corn (21 CFR 51.20(b)(4)) does not exceed 27 percent of the weight of such material, when tested by the method prescribed under item 10(b). (21 CFR 51.21(a)(3)(ii))	See above.
		No change. No support exists for the deletion of the AIS requirement from the FDA standard which provides a more objective measurement than does the Codex requirement.
Items of comparison	Food and Drug Administration standard	Codex standard
7. Consistency in cream style		
		The product shall possess a consistency which may be thin but not excessively thin or may be thick but not excessively dry or heavy but not excessively dry or pasty, and from which (at the end of 2 minutes) there may be a moderate but not excessive separation of free liquid.
		No change. FDA has no basis to delete the test for consistency from the standard as it provides a specific test, not available in the Codex.
Items of comparison	Food and Drug Administration standard	Codex standard
8. Sampling and acceptance procedure for quality factors	Not provided for.	A container that fails to meet one or more of the applicable quality requirements, as set out in subsections 3.2.1 through 3.2.5, shall be considered a "defective." (3.2.6)
		A lot will be considered as meeting the applicable quality requirements referred to in subsection 3.2.6 when the number of "defectives," as defined in subsection 3.2.6 does not exceed the acceptance number (c) of the appropriate Codex Sampling Plan (AQL 6.5) in the Sampling Plans for Pre-packaged Foods (1968). (3.2.7)
		The sampling and acceptance procedure for quality factors shall be based on the Codex Sampling Plans.

Items of comparison	Food and Drug Administration standard	Codex standard
9. Methods for determining quality: (a) Whole kernel corn.....	Contains specific methods for determining the quality of whole kernel corn as well as evaporated corn including the use of woven-wire cloth sieve complying with specifications set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published Mar. 1, 1940, in L.C. 634 of the U.S. Department of Commerce, National Bureau of Standards (21 CFR 51.21(b))	Not provided for.
2. Sampling and acceptance procedures.	Not provided for.	A container that fails to meet the requirement for minimum fill (90 percent container capacity) of subsection 6.1.1 shall be considered a "defective." (6.1.2)
3. Minimum drained weight for whole kernel corn.	Not provided for.	A lot will be considered as meeting the requirement of subsection 6.1.1, when the number of "defectives," as defined in subsection 6.1.2, does not exceed the acceptance number (c) of the appropriate sampling plan (AQL-4.5) in the Sampling Plans for Repackaged Foods (1660). (6.1.3)
<b>The sampling and acceptance procedure for minimum fill shall be based on the Codex Sampling Plans.</b>		
Items of comparison	Food and Drug Administration standard	Codex standard
4. No change. FDA has no basis to delete methods from the standard. The references to specifications for cloth sieve be amended in accordance with the "Definitions of Terms and Explanatory Notes," page xvii, of the "Official Methods of Analysis of the Association of Analytical Chemists," 11th edition, 1970. Also the angle of the sieve to facilitate drainage be stated as approximately 17-20°.		
Items of comparison	Food and Drug Administration standard	Codex standard
Cream style corn.....	Contains specific methods for determining quality of cream style corn that applies also to fritter corn and ground corn. (21 CFR 51.21(c)(1))	Not provided for.
No change. FDA has no basis to delete methods from the standard.		
Items of comparison	Food and Drug Administration standard	Codex standard
5. Substandard in quality labeling provision.	Provides for substandard in quality labeling of canned corn where the product does not meet the quality standards for discolored kernels, cob, husk, silk or liquid. (21 CFR 51.21(d))	Not provided for.
No change. FDA has no basis to delete the substandard legend in quality provision. The Codex standard is silent on what disposition is to be made of canned corn that does not meet the requirements of the standard. This is left entirely to the individual country accepting the standard.		
<b>COMPARISON OF CONTAINER ASPECTS AND PROPOSED COURSE OF ACTIONS</b>		
Items of comparison	Food and Drug Administration standard	Codex standard
1. Minimum fill.	A fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers presented in § 10.61(b) of this chapter. (Does not cover whole kernel corn) (21 CFR 51.22(e))	The container shall be well-filled with corn, and, except for "vacuum pack" corn, the product (including the packing medium) shall occupy not less than 90 percent of the water capacity of the container. The water capacity of the container is the volume of sealed container will hold when completely filled. (6.1.1)
2. Sampling and acceptance procedures.	Not provided for.	A container that fails to meet the requirement for minimum fill (90 percent container capacity) of subsection 6.1.1 shall be considered a "defective." (6.1.2)
3. Minimum drained weight for whole kernel corn.	Not provided for.	The drained weight shall not be less than 61 percent of the weight of distilled water at 20° C which the sealed container will hold when completely filled. (6.1.4.1)
4. No change. FDA has no basis to delete methods from the standard. The references to specifications for cloth sieve be amended in accordance with the "Definitions of Terms and Explanatory Notes," page xvii, of the "Official Methods of Analysis of the Association of Analytical Chemists," 11th edition, 1970. Also the angle of the sieve to facilitate drainage be stated as approximately 17-20°.		The requirements for minimum drained weight shall be deemed to be complied with when the average drained weight of all containers examined is not less than the minimum required, provided there is no unreasonable shortage in individual cans. (6.1.4.2)
<b>The following are the minimum drained weights in ounces and the percent fill calculated on the basis of the water capacity of the container in the United States voluntary grade standards issued by USDA for whole kernel corn except vacuum pack.</b>		
Container size or designation	Grade A	Grades B, C, and substandard for tenderness or maturity
8 oz, tall.....	5.25	60.7
No. 1 (picnic).....	6.75	61.9
No. 300.....	9.25	60.9
No. 308.....	10.80	62.3
No. 2.....	12.75	62.2
No. 10.....	70.00	64.0
	Ounces	Percent
	Ounces	Percent

## PROPOSED RULE MAKING

Items of comparison	Food and Drug Administration standard	Codex standard
4. Labeling of substandard fill....	If canned fritter corn, canned ground corn, or canned cream-style corn falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified. (21 CFR 51.22(b))	No such provision in Codex.
FDA requirement shall include whole kernel corn except that which is vacuum pack.		
Accordingly, the Commissioner proposes on his own initiative (21 CFR 2.120) that the existing canned sweet corn standards of identity (21 CFR 51.20), quality (21 CFR 51.21), and fill of container (21 CFR 51.22) be amended as set forth below to provide for certain features, based on the Codex standard that would, in his opinion, promote honesty and fair dealing in the interest of consumers.		
§ 51.20 Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients.		
(a) Canned corn, canned sweet corn, canned sugar corn is the food consisting of one of the corn ingredients specified in paragraph (b) of this section, with water necessary for proper preparation and processing. In preparing each such corn ingredient, the tip caps are removed. The food may contain one or more of the optional ingredients specified in paragraph (c) of this section, and it may be seasoned or garnished with one or more of the optional seasonings or garnishes specified in paragraph (d) of this section. The food is sealed in a container and so processed by heat as to prevent spoilage.		
(b) The corn ingredients referred to in paragraph (a) of this section consist of succulent sweet corn of the white or yellow color groups, or mixtures of these, and are as follows:		
(1) Cut kernels from which the hulls have not been separated.		
(2) Pieces of the inner portion of the corn kernel substantially free from hull.		
(3) Ground kernels from which the hulls have not been separated.		
(4) A mixture of the form described in subparagraph (1) of this paragraph with one or both of the forms described in subparagraphs (2) and (3) of this paragraph. When necessary to insure smoothness, native starch, which may be physically or enzymatically modified, may be added, in a quantity not more than sufficient for that purpose.		
(5) Cut and cooked kernels from which most of the moisture has been evaporated.		
(c) The following optional ingredients may be used:		
(1) Salt.		
(2) Monosodium glutamate.		
(3) Disodium inosinate complying with the provisions of § 121.1090 of this chapter.		
	(4) Disodium guanylate complying with the provisions of § 121.1109 of this chapter.	
	(5) Hydrolyzed vegetable protein.	
	(6) Autolyzed yeast extract.	
	(7) Sugar, invert sugar syrup.	
	(8) Spice.	
	(9) Flavoring (except artificial).	
	(10) Citric acid.	
	(d) The following optional seasonings or garnishings may be used:	
	(1) Pieces of green peppers or red peppers, or mixtures of both, either of which may be sweet or hot and may be dried, or other vegetables, not exceeding 15 percent by weight of the finished food.	
	(2) Lemon juice or concentrated lemon juice.	
	(3) Butter, in a quantity not less than 3 percent by weight of the finished food. When butter is added, safe and suitable emulsifiers or stabilizers, or both, may be added in a quantity not more than reasonably necessary to accomplish the intended effect. Such emulsifiers and stabilizers are deemed to be safe if they are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act. When butter is added, no spice or flavoring simulating the color or flavor imparted by butter is used.	
	(e) (1) The name of the food is "corn" or "sweet corn" or "sugar corn" with the name of the color group used, "white," "yellow," or "golden," or with the names of the color groups used, "white and yellow" or "white and golden," when the white color group predominates, and "yellow and white" or "golden and white," when the yellow color group predominates, and with:	
	(i) The words "whole kernel," "whole grain" or "cut kernels," when the corn ingredient specified in paragraph (b) (1) of this section is used. When the weight of the liquid in the container, as determined by the method prescribed in § 51.21(b) (1), is not more than 20 percent of the net weight, and the container is closed under conditions creating a high vacuum in the container, the words "vacuum pack" or "vacuum packed" are also part of the name. When the weight of the liquid in the container exceeds 20 percent, the words "in brine" or "liquid pack" are to be part of the name.	
	(ii) The word "fritter," when the corn ingredient specified in paragraph (b) (2) of this section is used.	
	(iii) The word "ground," when the corn ingredient specified in paragraph (b) (3) of this section is used.	
	(iv) The words "cream style," when the corn ingredient specified in paragraph (b) (4) of this section is used.	
	(v) The word "evaporated," when the corn ingredient specified in paragraph (b) (5) of this section is used.	
	(2) The parts of the name as specified in subparagraph (1) of this paragraph may be arranged in any order of precedence. The varietal name of the corn used may intervene between parts of the name of the food. For the purpose of arrangement of the name, the words "sweet" and "corn" may be treated as separate parts of the name. When the varietal name immediately precedes or follows the name or intervenes between parts of the name of the food and it accurately designates the color of the corn ingredient, no other designation of the color group need be made. If one or more of the optional seasoning ingredients specified in paragraph (d) of this section are used, the word "seasoned" may immediately precede the name of the optional corn ingredient.	
	(3) If one or more of the optional seasoning or garnishing ingredients named in paragraph (d) of this section are used, the label shall bear the statement "Seasoned with _____" or "with _____" as appropriate, the blank being filled in with the name "green peppers," "dried green peppers," "red peppers," "dried red peppers," specifying in each instance whether such peppers are sweet or hot, "mint leaves," "onions," "dried onions," "garlic," "dried garlic," "horseradish," "lemon juice," "concentrated lemon juice," "butter," or a combination of these names as appropriate, except that the presence of the optional seasoning or garnishing ingredient named in paragraph (d) (1) of this section may be shown without the word "seasoned." The word "dehydrated" may be used in lieu of the word "dried."	
	(f) (1) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by paragraph (e) (1) and (3) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the corn used may so intervene.	
	(2) The common name of each of the optional ingredients used shall be declared on the label as required by the applicable sections of 21 CFR Part 1 of this chapter and shall appear in letters not less than one-half the size of that required by § 1.8b of this chapter for the declaration of net quantity of contents, but in no case less than one-sixteenth of an inch in height.	
	§ 51.21 Canned corn, canned sweet corn, canned sugar corn; quality; label statement of substandard quality.	
	(a) The standard of quality for canned corn is as follows:	

(1) When tested by the method prescribed in paragraph (b) of this section, canned corn in which the corn ingredient is whole-kernel corn (§ 51.20(b)(1)) or evaporated corn (§ 51.20(b)):

(i) Contains not more than seven brown or black discolored kernels or pieces of kernel per 400 g. (14 ounces) of drained weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob for each 400 g. (14 ounces) of drained weight;

(iii) Contains not more than 7 square centimeters (1.1 square inch) of husk per 400g. (14 ounces) of drained weight; and

(iv) Contains not more than 180 mm. (7 inches) of silk per 28 g. (1 ounce) of drained weight.

(2) When tested by the method prescribed in paragraph (c) of this section, canned corn in which the corn ingredient is fritter corn (§ 51.20(b)(2)), ground corn (§ 51.20(b)(3)), or cream style corn (§ 51.20(b)(4)):

(i) Contains not more than 10 brown or black discolored kernels or pieces of kernel per 600 g. (21.4 ounces) of net weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob per 600 g. (21.4 ounces) of net weight;

(iii) Contains not more than 7 square centimeters (1.1 square inch) of husk per 600 g. (21.4 ounces) of net weight;

(iv) Contains not more than 150 mm. (6 inches) of silk for each 28 g. (1 ounce) of net weight; and

(v) Has a consistency such that the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 30.5 cm. (12 inches), except that in the case of cream-style corn the washed drained material of which contains more than 20 percent of alcohol-insoluble solids, the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 25.4 cm. (10 inches).

(3) (i) The weight of the alcohol-insoluble solids of whole-kernel corn (§ 51.20(b)(1)) does not exceed 27 percent of the drained weight, when tested by the method prescribed in paragraph (b) of this section.

(ii) The weight of the alcohol-insoluble solids of the washed drained material of cream style corn (§ 51.20(b)(4)) does not exceed 27 percent of the drained weight of such material, when tested by the method prescribed in paragraph (c) of this section.

(b) The method referred to in paragraph (a) of this section for testing whole-kernel corn (§ 51.20(b)(1)) and evaporated corn (§ 51.20(b)(5)) is as follows:

(1) Determine the gross weight of the container. Open and distribute the contents of the container over the meshes of a U.S. No. 8 circular sieve which has previously been weighed. The diameter of the sieve is 20.3 cm. (8 inches) if the quantity of the contents of the container is less than 1.36 kg. (3 pounds), and 30.5 cm. (12 inches) if such quantity is 1.36 kg. (3 pounds) or more. The bottom of

the sieve is woven-wire cloth which complies with the specifications for such sieve set forth in the "Definitions of Terms and Explanatory Notes," page xvii, of the "Official Methods of Analysis of the Association of Analytical Chemists," 11th edition, 1970. Without shifting the material on the sieve, so incline the sieve at approximately 17-20° angle to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in g. (ounces), the weight so found, less the weight of the sieve, as the drained weight. Dry and weigh the empty container and subtract this weight from the gross weight to obtain the net weight. Calculate the percent of drained liquid in the net weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 400 g. (14 ounces) of drained material. Remove pieces of silk more than 12.7 mm. (one-half inch) long, husk, cob, and any pieces of material other than corn. Measure the aggregate length of such pieces of silk and calculate the length of silk per 28 g. (1 ounce) of drained weight. Spread the husk flat, measure its aggregate area, and calculate the area of husk per 400 g. (14 ounces) of drained weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume can be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 400 g. (14 ounces) of drained weight.

(3) If the corn is whole kernel (§ 51.20(b)(1)), comminute a representative 100 g. sample of the drained corn from which the silk, husk, cob, and other material which is not corn (i.e., peppers) have been removed. An equal amount of water is used to facilitate this operation. Weigh to nearest 0.01 g. a portion of the comminuted material equivalent to approximately 10 g. of the drained corn into a 600 cubic centimeter beaker. Add 300 cubic centimeters of 80 percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend 12.7 mm. (one-half inch) or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° C., covering the dish with a tight fitting cover, cooling it in a desiccator, and promptly weighing to the nearest 0.001 g. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° C. Place the cover on the dish, cool

it in a desiccator, and promptly weigh to the nearest 0.001 g. From this weight subtract the weight of the dish, cover, and paper as previously found. Calculate the remainder to percentage.

(c) The method referred to in paragraph (a) of this section for testing fritter corn (§ 51.20(b)(2)), ground corn (§ 51.20(b)(3)), and cream-style corn (§ 51.20(b)(4)) is as follows:

(1) Allow the container to stand at least 24 hours at a temperature of 68° F. to 85° F. Determine the gross weight, open, transfer the contents into a pan, and mix thoroughly in such a manner as not to incorporate air bubbles. (If the net contents of a single container is less than 510 g. (18 ounces) determine the gross weight, open, and mix the contents of the least number of containers necessary to obtain 510 g. (18 ounces)). Fill level full a hollow, truncated cone so placed on a polished horizontal plate as to prevent leakage. The cone has an inside bottom diameter of 7.62 cm. (3 inches), inside top diameter of 5.08 cm. (2 inches), and height of 12.30 cm. (4 $\frac{27}{32}$  inches). As soon as the cone is filled, lift it vertically. Determine the average of the longest and shortest diameters of the approximately circular area on the plate covered by the sample 30 seconds after lifting the cone. Dry and weigh each empty container and subtract the weight so found from the gross weight to obtain the net weight.

(2) Transfer the material from the plate, cone, and pan onto an U.S. No. 8 sieve as prescribed in paragraph (b)(1) of this section. The diameter of the sieve is 20.3 cm. (8 inches) if the quantity of the contents of the container is less than 1.36 kg. (3 pounds), and 30.5 cm. (12 inches) if such quantity is 1.36 kg. (3 pounds) or more. Set the sieve in a pan. Add enough water to bring the level within 9.53 mm. (three-eighths inch) to 6.35 mm. (one-fourth inch) of the top of the sieve. Gently wash the material on the sieve by combined up-and-down and circular motion for 30 seconds. Repeat washing with a second portion of water. Remove sieve from pan, incline to facilitate drainage, and drain for 2 minutes.

(3) From the material remaining on the U.S. No. 8 sieve, count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 600 g. (21.4 ounces) of net weight. Remove pieces of silk more than 12.7 mm. (one-half inch) long, husk, cob, and other material which is not corn (i.e., peppers). Measure aggregate length of such pieces of silk and calculate the length per 28 g. (ounce) of net weight. Spread the husk flat and measure its aggregate area and calculate the area per 600 g. (21.4 ounces) of net weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume may be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 600 g. (21.4 ounces) of net weight. If the corn is cream-style corn (§ 51.20(b)(4)), take a

## PROPOSED RULE MAKING

representative 100 g. sample of the material remaining on the U.S. No. 8 sieve (if such material weighs less than 100 g. take all of it) and determine the alcohol-insoluble solids as prescribed in paragraph (b) (3) of this section for whole kernel corn.

(d) Sampling and acceptance procedure. A lot is to be considered acceptable when the number of "defectives" does not exceed the acceptance number in the sampling plans given in subparagraph (2) of this paragraph.

(1) Definitions of terms to be used in the sampling plans in subparagraph (2) of this paragraph are as follows:

(i) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(v) *Defective.* Any sample unit shall be regarded as defective when any of the defects or conditions specified in the quality (paragraph (a) of this section) and fill of container (§ 51.22) standards are present in excess of the stated tolerances.

(vi) *Acceptance number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(viii) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) Sampling plans and acceptance procedure:

## ACCEPTABLE QUALITY LEVEL 6.5

Lot size (Primary Containers)	Size of container	
Net weight equal to or less than 1 kilogram (2.2 pounds)		
4,800 or less	n	c
4,801 to 24,000	13	2
24,001 to 48,000	21	3
48,001 to 84,000	29	4
84,001 to 144,000	48	6
144,001 to 240,000	84	9
Over 240,000	126	13
	200	19

Lot size (Primary Containers)	Size of container	
Net weight greater than 1 kilogram (2.2 pounds) but not more than 4.5 kilograms (10 pounds)		
2,400 or less	n	c
2,401 to 15,000	13	2
15,001 to 24,000	21	3
24,001 to 42,000	29	4
42,001 to 72,000	48	6
72,001 to 120,000	84	9
Over 120,000	126	13
	200	19
Net weight greater than 4.5 kilograms (10 pounds)		
600 or less	n	c
601 to 2,000	13	2
2,001 to 7,200	21	3
7,201 to 15,000	29	4
15,001 to 24,000	48	6
24,001 to 42,000	84	9
Over 42,000	126	13
	200	19

n = number of primary containers in sample.

c = acceptance number.

(e) If the quality of canned corn falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter, in the manner and form therein specified; however, if the quality of the canned corn falls below standard with respect to only one of the factors of quality specified by subdivisions (i) to (iv) of paragraph (a) (1) of this section, or by subdivision (i) to (v) of paragraph (a) (2) of this section, there may be substituted for the second line of such general statement of substandard quality, "Good Food—Not High Grade," a new line as specified after the corresponding subdivision designation of paragraph (a) of this section, which the canned corn fails to meet:

(1) (i) or (2) (i) "Excessive discolored kernels."

(1) (ii) or (2) (ii) "Excessive cob."

(1) (iii) or (2) (iii) "Excessive husk."

(1) (iv) or (2) (iv) "Excessive silk."

(2) (v) "Excessively liquid."

**§ 51.22 Canned corn, canned sweet corn, canned sugar corn; fill of container; label statement of substandard fill.**

(a) The standard of fill of container for canned corn is:

(1) Except in the case of vacuum pack corn the fill of the corn ingredient and packing medium, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(2) In whole kernel corn, the drained weight of the corn ingredient, as determined by sections 32.001 and 32.002

*Canned Products—Drained Weight—Procedure*, in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, 1970, page 559, is not less than the following:

(i) Sixty-two percent of the water capacity of the container, if such water capacity is 245 g. (8.65 oz. avdp.) or less.

(ii) Sixty-three percent of the water capacity of the container, if such water capacity is more than 245 g. (8.65 oz. avdp.) but less than 3,103 kg. (109.45 oz. avdp.).

(iii) Sixty-five percent of the water capacity of the container, if such water capacity is 3,103 kg. (109.45 oz. avdp.).

(b) (1) A container that falls below the requirement for minimum fill prescribed in paragraph (a) (1) of this section is considered a "defective." The food will be deemed to fall below the standard of fill when the number of defectives exceeds the acceptance number (c) in the sampling plans prescribed in § 51.21(d).

(2) Whole kernel will be deemed to fall below the standard of fill when the average drained weight of all of the containers examined according to the sampling plans prescribed in § 51.21(d) is less than that prescribed in paragraph (a) (2) of this section.

(c) If canned corn falls below the standard of fill of container prescribed in paragraphs (a) and (b) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055-1056, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 90 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 25, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-16644 Filed 10-4-72; 8:45 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### FOOD STANDARDS FOR CERTAIN TYPES OF EDIBLE OILS

#### Notice of Opportunity for Review and Informal Comment on Recommended International Standards

The United States has received from the Codex Alimentarius Commission final food standards for cottonseed oil, corn seed oil, mustard seed oil, peanut oil, rapeseed oil, safflower seed oil, sesame seed oil, soybean oil, and sunflower seed oil. No food standards for these foods presently exist in the United States. Pursuant to proposed § 10.8, which is published elsewhere in this issue of the **FEDERAL REGISTER**, the Commissioner is providing an opportunity for review and informal comment on the desirability and need for standards for these foods, on the specific provisions of these standards, on additional or different requirements that should be included in these standards, and on any other pertinent points.

Codex Alimentarius standards generally list permitted food additives and color additives. In view of the separate food additive and color additive provisions contained in sections 409 and 706 of the Federal Food, Drug, and Cosmetic Act, listing of all permitted ingredients is unnecessary in food standards promulgated under section 401 of the Act. Accordingly, the Commissioner would propose to permit any safe and suitable food additives and color additives, except those excluded by the terms of the standard, in the event that a U.S. standard is proposed for the class of foods covered by this notice.

Pursuant to the proposed § 10.8 (21 CFR 10.8), which is published as a proposal in this issue of the **FEDERAL REGISTER**, the Codex Alimentarius standard for rapeseed oil is being included with other oil standards for comment even though rapeseed oil is not presently permitted for food use in the United States. Any comment should be directed particularly toward the safety of this oil for human consumption.

All persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments. All comments shall include a statement on meetings and discussions held with other interested groups. Particular weight will be given to comments that reflect a consensus of different interested groups.

The Codex Alimentarius standards are as follows:

#### RECOMMENDED INTERNATIONAL STANDARD FOR EDIBLE SOYA BEAN OIL

##### 1. DESCRIPTION

Soya Bean Oil (synonym: Soybean Oil) is derived from soya beans (the seeds of *Glycine max* (L.) Merr.).

##### 2. ESSENTIAL COMPOSITION AND QUALITY

###### FACTORS

###### 2.1 Identity characteristics.

2.1.1 Relative density (20° C./water at 20° C.), 0.919-0.925.

2.1.2 Refractive index ( $n_D$  40° C.), 1.466-1.470.

2.1.3 Saponification value (mg. KOH/g. oil), 189-195.

2.1.4 Iodine value (Wijs), 120-143.

2.1.5 Unsaponifiable matter, not more than 15 g./kg.

###### 2.2 Quality characteristics.

2.2.1 Colour. Characteristic of the designated product.

2.2.2 Odour and taste. Characteristic of the designated product and free from foreign and rancid odour and taste.

2.2.3 Acid value, not more than 0.6 mg. KOH/g. oil.

2.2.4 Peroxide value, not more than 10 milliequivalents peroxide oxygen/kg. oil.

##### 3. FOOD ADDITIVES

3.1 Colours. The following colours are permitted for the purpose of restoring natural colour lost in processing or for the purpose of standardizing colour, as long as the

		Maximum level of use
3.1.1	Beta-carotene	Not limited.
3.1.2	Annatto <sup>1</sup>	Do.
3.1.3	Curcumin <sup>1</sup>	Do.
3.1.4	Canthaxanthine	Do.
3.1.5	Beta-apo-8'-carotenal	Do.
3.1.6	Methyl and ethyl esters of Beta-apo-8'-carotenoic acid.	
3.2	Flavours.	Natural flavours and their identical synthetic equivalents, except those which are known to represent a toxic hazard, and other synthetic flavours approved by the Codex Alimentarius Commission are permitted for the purpose of restoring natural flavour lost in processing or for the purpose of standardizing flavour, as long as the added flavour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value. <sup>1</sup>
3.3	Antioxidants.	
3.3.1	Propyl, octyl, and dodecyl gallates.	100 mg./kg. individually or in combination.
		<sup>1</sup> Temporarily endorsed.
3.3.2	Butylated hydroxytoluene (BHT) Butylated hydroxyanisole (BHA).	200 mg./kg. individually or in combination.
3.3.3	Any combination of gallates with BHA or BHT, or both.	200 mg./kg. but gallates not to exceed 100 mg./kg.
3.3.4	Ascorbyl palmitate	200 mg./kg. individually or in combination.
3.3.5	Ascorbyl stearate	Do.
3.3.6	Natural and synthetic tocopherols	Not limited.
3.3.7	Dilauryl thiodipropionate	200 mg./kg.
3.4	Antioxidant Synergists.	
3.4.1	Citric acid	Not limited.
3.4.2	Sodium citrate	Do.
3.4.3	Isopropyl citrate mixture	100 mg./kg. individually or in combination.
3.4.4	Monoglyceride citrate	Do.
3.4.5	Phosphoric acid	Do.
3.5	Anti-foaming agent. Dimethyl polysiloxane (syn. Dimethyl silicone) singly or in combination with silicon dioxide. <sup>1</sup>	10 mg./kg.
3.6	Crystallization inhibitor.	
	Oxystearin. <sup>1</sup>	1250 mg./kg.

<sup>1</sup> Temporarily endorsed.

##### 4. CONTAMINANTS

###### Maximum level

4.1	Matter volatile at 105° C.	0.2% m./m.
4.2	Insoluble impurities	0.05% m./m.
4.3	Soap content	0.008% m./m.
4.4	Iron (Fe)	1.5 mg./kg.
4.5	Copper (Cu)	0.1 mg./kg.
4.6	Lead (Pb)	0.1 mg./kg.
4.7	Arsenic (As)	0.1 mg./kg.

##### 5. HYGIENE

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

##### 6. LABELING

In addition to sections 1, 2, 4, and 6 of the General Standard for the Labeling of Prepackaged Foods (Ref. CAC/RS 1-1969)

added colour does not receive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value.

###### Maximum level of use

3.1.1	Beta-carotene	Not limited.
3.1.2	Annatto <sup>1</sup>	Do.
3.1.3	Curcumin <sup>1</sup>	Do.
3.1.4	Canthaxanthine	Do.
3.1.5	Beta-apo-8'-carotenal	Do.
3.1.6	Methyl and ethyl esters of Beta-apo-8'-carotenoic acid.	
3.2	Flavours.	Natural flavours and their identical synthetic equivalents, except those which are known to represent a toxic hazard, and other synthetic flavours approved by the Codex Alimentarius Commission are permitted for the purpose of restoring natural flavour lost in processing or for the purpose of standardizing flavour, as long as the added flavour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value. <sup>1</sup>
3.3	Antioxidants.	
3.3.1	Propyl, octyl, and dodecyl gallates.	100 mg./kg. individually or in combination.

<sup>1</sup> Temporarily endorsed.

the following specific provisions apply:

6.1 *The name of the food.* 6.1.1 All products designated as soya bean oil or soybean oil must conform to this standard.

6.1.2 Where soya bean oil has been subject to any process of esterification or to processing which alters its fatty acid composition or its consistency the name soya bean oil or any synonym shall not be used unless qualified to indicate the nature of the process.

6.2 *List of ingredients.* 6.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion.

6.2.2 A specific name shall be used for ingredients in the list of ingredients except that class titles may be used in accordance with subsection 3.2(c)(ii) of the General Standard for the Labeling of Prepackaged Foods.

6.3 *Net contents.* The net contents shall be declared in accordance with subsection 3.3(a) of the General Standard for the Labeling of Prepackaged Foods.

## NOTICES

6.4 *Name and address.* The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

6.5 *Country of origin.*

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

## 7. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international reference methods.

7.1 *Determination of relative density.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 9-1969, Determination of Relative Density at  $t/20^{\circ}\text{ C}.$ ).

Results are expressed as relative density at  $20^{\circ}\text{ C.}$  /water at  $20^{\circ}\text{ C.}$

7.2 *Determination of Refractive index.* According to IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.2 Refractive Index).

Results are given as the refractive index relative to the sodium D-line at  $40^{\circ}\text{ C.}$  ( $n_D^{40^{\circ}\text{ C.}}$ ).

7.3 *Determination of saponification value (I<sub>S</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.2 "Saponification value (I<sub>S</sub>)").

Results are expressed as the number of mg. KOH/g. oil.

7.4 *Determination of iodine value (I).* According to the (Wijs) IUPAC Method (1964) (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.7.1, II.D.7.2 and II.D.7.3 "The Wijs Method").

Results are expressed as % m./m. absorbed iodine.

7.5 *Determination of unsaponifiable matter.* According to the IUPAC (1964) diethyl ether method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.5.1 and II.D.5.3).

Results are expressed as g. unsaponifiable matter/kg. oil.

7.6 *Determination of acid value (I<sub>A</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.1.2 Acid value (IA)).

Results are expressed as the number of mg. KOH required to neutralize 1 g. oil.

7.7 *Determination of peroxide value (I<sub>P</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.13 "Peroxide value").

Results are expressed as milliequivalents active oxygen/kg. oil.

7.8 *Determination of matter volatile at  $105^{\circ}\text{ C.}$*  According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.C.1.1 "Moisture and volatile matter").

Results are expressed as % m./m.

7.9 *Determination of insoluble impurities.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.C.2 "Impurities").

Results are expressed as % m./m.

7.10 *Determination of soap content.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 13-1969, "Determination of Soap Content").

Results are expressed as % m./m. sodium oleate.

7.11 *Determination of iron.*<sup>2</sup> According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 14-1969, "Determination of Iron Content").

Results are expressed as mg. iron/kg.

7.12 *Determination of copper.*<sup>2</sup> According to the AOAC (1965) method (Official Methods of Analysis of the AOAC, "International Union of Pure and Applied Chemistry Carbamate Method," 24.023-24.028).

Results are expressed as mg. copper/kg.

7.13 *Determination of lead.*<sup>2</sup> According to the AOAC (1965) method, after complete digestion, by the colorimetric dithizone determination procedure (Official Methods of Analysis of the AOAC, 1965, 24.053 (and 24.008, 24.009, 24.043j, 24.046, 24.047, and 24.048)).

Results are expressed as mg. lead/kg.

7.14 *Determination of arsenic.* According to the colorimetric silver diethyldithiocarbamate method of the AOAC (Official Methods of Analysis of the AOAC, 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008).

Results are expressed as mg. arsenic/kg.

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<sup>2</sup> Might be replaced by Atomic Absorption Spectrophotometry in the future.

## RECOMMENDED INTERNATIONAL STANDARD FOR EDIBLE ARACHIS OIL

## 1. DESCRIPTION

Arachis Oil (synonyms: Peanut Oil; Groundnut Oil) is derived from groundnuts (the seeds of *Arachis hypogaea* L.).

## 2. ESSENTIAL COMPOSITION AND QUALITY FACTORS

2.1 *Identity characteristics—*

2.1.1 *Relative density (20° C./water at 20° C.)*, 0.914-0.917.

2.1.2 *Refractive index (nd 40° C.)*, 1.460-1.465.

2.1.3 *Saponification value (mg. KOH/g. oil)*, 187-196.

2.1.4 *Iodine value (Wijs)*, 80-106.

2.1.5 *Unsaponifiable matter*, not more than 10 g./kg.

2.2 *Arachidic and higher fatty acids content*—As determined by either of the methods specified in section 7.6 of this Standard, not less than 48 g./kg.

2.3 *Quality characteristics—*

2.3.1 *Colour.* Characteristic of the designated product.

2.3.2 *Odour and taste.* Characteristic of the designated product and free from foreign and rancid odour and taste.

2.3.3 *Acid Value*—Virgin oil, not more than 4 mg. KOH/g. oil; nonvirgin oil, not more than 0.6 mg. KOH/g. oil.

2.3.4 *Peroxide Value*, not more than 10 milliequivalents peroxide oxygen/kg. oil.

## 3. FOOD ADDITIVES

3.1 *Colours*—The following colours are permitted for the purpose of restoring natural colour lost in processing or for the purpose of standardizing colour, as long as the added colour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value:

	Maximum level of use
3.1.1 Beta-carotene	Not limited.
3.1.2 Annatto <sup>1</sup>	Do.
3.1.3 Curcumin <sup>1</sup>	Do.
3.1.4 Canthaxanthine	Do.
3.1.5 Beta-apo-8'-carotenal	Do.
3.1.6 Methyl and ethyl esters of Beta-apo-8'-carotenoic acid	Do.

3.2 *Flavours.* Natural flavours and their identical synthetic equivalents, except those which are known to represent atoxic hazard, and other synthetic flavours approved by the Codex Alimentarius Commission are permitted for the purpose of restoring natural flavour lost in processing or for the purpose of standardizing flavour as long as the added flavour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value.<sup>1</sup>

<sup>1</sup> Temporarily endorsed.

3.3	Antioxidants—	Maximum level of use	IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.1.2 Acid Value) ( $I_A$ ).
3.3.1	Propyl, octyl, and dodecyl gallates	100 mg./kg. individually or in combination.	Results are expressed as the number of mg KOH required to neutralize 1 g. oil.
3.3.2	Butylated hydroxyanisole (BHA), butylated hydroxytoluene (BHT).	200 mg./kg. individually or in combination.	7.8 Determination of peroxide value ( $I_P$ )—According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.13 "Peroxide Value").
3.3.3	Any combination of gallates with BHA or BHT, or both.	200 mg./kg. but gallates not to exceed 100 mg./kg.	Results are expressed as milliequivalents active oxygen/kg. oil.
3.3.4	Ascorbyl palmitate.	200 mg./kg. individually or in combination.	7.9 Determination of matter volatile at 105° C.—According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.1.1 "Moisture and Volatile Matter").
3.3.5	Ascorbyl stearate	Do.	Results are expressed as percent m/m.
3.3.6	Natural and synthetic tocopherols	Not limited.	7.10 Determination of insoluble impurities—According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.2 "Impurities").
3.3.7	Dilauryl thiodipropionate	200 mg./kg.	Results are expressed as percent m/m.
3.4	Antioxidant synergists—	Not limited.	7.11 Determination of soap content—According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 13-1969, "Determination of Soap Content").
3.4.1	Citric acid	Do.	Results are expressed as percent m/m.
3.4.2	Sodium citrate	100 mg./kg. individually or in combination.	7.12 Determination of iron.—According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 14-1969, "Determination of Iron Content").
3.4.3	Isopropyl citrate mixture	Do.	Results are expressed as mg. iron/kg.
3.4.4	Monoglyceride citrate	Do.	7.13 Determination of copper.—According to the AOAC (1965) method (Official Methods of Analysis of the AOAC, "International Union of Pure and Applied Chemistry Carbamate Method," 24.023-24.028).
3.4.5	Phosphoric acid <sup>1</sup>	Do.	Results are expressed as mg. copper/kg.
3.5	Anti-foaming agent—Dimethyl polysiloxane (syn. Dimethyl silicone) singly or in combination with silicon dioxide. <sup>1</sup>	10 mg./kg.	7.14 Determination of lead.—According to the AOAC (1965) method, after complete digestion, by the colorimetric dithizone determination procedure (Official Methods of Analysis of the AOAC, 1965, 24.053 (and 24.008, 24.009, 24.043), 24.046, 24.047 and 24.048)).
3.6	Crystallization inhibitor—Oxystearin <sup>1</sup>	1250 mg./kg.	Results are expressed as mg. lead/kg.

<sup>1</sup> Temporary endorsed.

#### 4. CONTAMINANTS

	Maximum level of use	
4.1	Matter of volatile at 105° C	0.2% m/m.
4.2	Insoluble impurities	0.05% m/m.
4.3	Soap content	0.005% m/m.
4.4	Iron (Fe)	
	Virgin oil	5 mg./kg.
	Nonvirgin oil	1.5 mg./kg.
4.5	Copper (Cu)	
	Virgin oil	0.4 mg./kg.
	Nonvirgin oil	0.1 mg./kg.
4.6	Lead (Pb)	0.1 mg./kg.
4.7	Arsenic (As)	0.1 mg./kg.

#### 5. HYGIENE

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

#### 6. LABELING

In addition to sections 1, 2, 4, and 6 of the General Standard for the Labeling of Pre-packaged Foods (Ref. CAC/RS 1-1969), the following specific provisions apply:

##### 6.1 The name of the food

6.1.1 All products designated as arachis oil, peanut oil or groundnut oil must conform to this standard.

6.1.2 Where arachis oil has been subject to any process of esterification or to processing which alters its fatty acid composition or its consistency the name arachis oil or any synonym shall not be used unless qualified to indicate the nature of the process.

##### 6.2 List of ingredients

6.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion.

6.2.2 A specific name shall be used for ingredients in the list of ingredients except that class titles may be used in accordance with subsection 3.2(c)(ii) of the General Standard for the Labeling of Pre-packaged Foods.

6.3 Net contents—The net contents shall be declared in accordance with subsection 3.3 (a) of the General Standard for the Labeling of Pre-packaged Foods.

6.4 Name and address. The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

##### 6.5 Country of origin

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

#### 7. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international referee methods.

##### 7.1 Determination of relative density

According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 9-1969, "Determination of Relative Density at t/20° C").

Results are expressed as relative density at 20° C./water at 20° C.

##### 7.2 Determination of refractive index

According to IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.B.2 "Refractive Index").

Results are given as the refractive index relative to the sodium D-line at 40° C. ( $n_D^{20}$  40° C.).

##### 7.3 Determination of saponification value ( $I_S$ )

—According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.2 "Saponification Value ( $I_S$ )").

Results are expressed as the number of mg KOH/g. oil.

##### 7.4 Determination of iodine value ( $I_I$ )

—According to the (Wijs) IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.7.1, II.D.7.2 and II.D.7.3 "The Wijs Method").

Results are expressed as percent m/m. absorbed iodine.

##### 7.5 Determination of unsaponifiable matter

—According to the IUPAC (1964) diethyl ether method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.5.1 and II.D.5.3).

Results are expressed as g unsaponifiable matter/kg. oil.

##### 7.6 Determination of arachidic and higher fatty acids content

7.6.1 According to the Modified Renard Test, Official Methods of Analysis of the AOAC (1965), 26.077.

Results are expressed as g arachidic acid/kg. oil or

7.6.2 According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 11-1969, "Arachis Oil Test" (Evers)).

##### 7.7 Determination of acid value ( $I_A$ )

—According to the IUPAC (1964) method

(IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.1.2 Acid Value) ( $I_A$ ).

Results are expressed as the number of mg KOH required to neutralize 1 g. oil.

7.8 Determination of peroxide value ( $I_P$ )—According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.13 "Peroxide Value").

Results are expressed as milliequivalents active oxygen/kg. oil.

7.9 Determination of matter volatile at 105° C.—According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.1.1 "Moisture and Volatile Matter").

Results are expressed as percent m/m.

7.10 Determination of insoluble impurities—According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.2 "Impurities").

Results are expressed as percent m/m.

7.11 Determination of soap content—According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 13-1969, "Determination of Soap Content").

Results are expressed as percent m/m. sodium oleate.

7.12 Determination of iron.—According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 14-1969, "Determination of Iron Content").

Results are expressed as mg. iron/kg.

7.13 Determination of copper.—According to the AOAC (1965) method (Official Methods of Analysis of the AOAC, "International Union of Pure and Applied Chemistry Carbamate Method," 24.023-24.028).

Results are expressed as mg. copper/kg.

7.14 Determination of lead.—According to the AOAC (1965) method, after complete digestion, by the colorimetric dithizone determination procedure (Official Methods of Analysis of the AOAC, 1965, 24.053 (and 24.008, 24.009, 24.043), 24.046, 24.047 and 24.048)).

Results are expressed as mg. lead/kg.

7.15 Determination of arsenic. According to the colorimetric silver diethyldithiocarbamate method of the AOAC (Official Methods of Analysis of the AOAC, 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008).

Results are expressed as mg. arsenic/kg.

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Supplement 1966 to the above.

<sup>1</sup> Might be replaced by Atomic Absorption Spectrophotometry in the future.

## NOTICES

RECOMMENDED INTERNATIONAL STANDARD FOR  
EDIBLE COTTONSEED OIL

## 1. DESCRIPTION

Cottonseed oil is derived from the seeds of various cultivated species of *Gossypium*.

## 2. ESSENTIAL COMPOSITION AND QUALITY FACTORS

## 2.1 Identity characteristics.

2.1.1 Relative density (20°C/Water at 20°C), 0.918-0.926.

2.1.2 Refractive Index ( $n_D^{40^\circ C}$ ), 1.458-1.466.

2.1.3 Saponification value (mg. KOH/g. oil), 189-198.

2.1.4 Iodine value (Wijs), 99-119.

2.1.5 Unsaponifiable matter, not more than 15 g./kg.

2.2 Halphen test,\* positive.

2.3 Quality characteristics.

2.3.1 Colour. Characteristic of the designated product.

2.3.2 Odour and taste. Characteristic of the designated product and free from foreign and rancid odour and taste.

2.3.3 Acid value, not more than 0.6 mg. KOH/g. oil.

\*Kapok oil and some other oils give a positive test and fats from animals fed on cottonseed meal may also give a positive test. Different lots of cottonseed oil may react with different intensities. Hydrogenation and heating of cottonseed oil reduce the intensity of the reaction and may destroy it entirely.

## 3.3 Antioxidants.

3.3.1 Propyl, octyl, and dodecyl gallates.

3.3.2 Butylated hydroxyanisole (BHA), butylated hydroxytoluene (BHT).

3.3.3 Any combination of gallates with BHA or BHT, or both.

3.3.4 Ascorbyl palmitate.

3.3.5 Ascorbyl stearate.

3.3.6 Natural and synthetic tocopherols.

3.3.7 Dilauryl thiodipropionate.

3.4 Antioxidant synergists.

3.4.1 Citric acid.

3.4.2 Sodium citrate.

3.4.3 Isopropyl citrate mixture.

3.4.4 Monoglyceride citrate.

3.4.5 Phosphoric acid<sup>1</sup>.

3.5 Anti-foaming agent. Dimethyl polysiloxane (syn. Dimethyl silicone) singly or in combination with silicon dioxide.<sup>1</sup>

3.6 Crystallization inhibitor. Oxystearin.<sup>1</sup>

<sup>1</sup>Temporarily endorsed.

## 4. CONTAMINANTS

	Maximum level
4.1 Matter volatile at 105°C	0.2% m/m.
4.2 Insoluble Impurities	0.05% m/m.
4.3 Soap Content	0.005% m/m.
4.4 Iron (Fe)	1.5 mg./kg.
4.5 Copper (Cu)	0.1 mg./kg.
4.6 Lead (Pb)	0.1 mg./kg.
4.7 Arsenic (As)	0.1 mg./kg.

## 5. HYGIENE

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

## 6. LABELING

In addition to sections 1, 2, 4 and 6 of the General Standard for the Labeling of Pre-packaged Foods (Ref. CAC/RS 1-1969) the following specific provisions apply:

2.3.4 Peroxide value, not more than 10 milliequivalents peroxide oxygen/kg. oil.

## 3. FOOD ADDITIVES

3.1 Colours. The following colours are permitted for the purpose of restoring natural colour lost in processing or for the purpose of standardizing colour, as long as the added colour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value:

	Maximum level of use
3.1.1 Beta-carotene	Not limited.
3.1.2 Annatto <sup>1</sup>	Do.
3.1.3 Curcumin <sup>1</sup>	Do.
3.1.4 Canthaxanthine	Do.
3.1.5 Beta-apo-8'-carotene	Do.
3.1.6 Methyl and ethyl esters of Beta-apo-8'-carotenoic acid	Do.

3.2 Flavours. Natural flavours and their identical synthetic equivalents, except those which are known to represent a toxic hazard, and other synthetic flavours approved by the Codex Alimentarius Commission are permitted for the purpose of restoring natural flavour lost in processing or for the purpose of standardizing flavour, as long as the added flavour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value.<sup>1</sup>

<sup>1</sup>Temporarily endorsed.

## Maximum level of use

100 mg./kg. individually or in combination.

200 mg./kg. individually or in combination.

200 mg./kg. but gallates not to exceed 100 mg./kg.

200 mg./kg. individually or in combination.

Do.

Not limited.

200 mg./kg.

Not limited.

Do.

100 mg./kg. individually or in combination.

Do.

Do.

10 mg./kg.

1250 mg./kg.

## 6.1 The name of the food.

6.1.1 All products designated as cottonseed oil must conform to this standard.

6.1.2 Where cottonseed oil has been subjected to any process of esterification or to processing which alters the fatty acid composition or its consistency the name cottonseed oil shall not be used unless qualified to indicate the nature of the process.

## 6.2 List of ingredients.

6.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion.

6.2.2 A specific name shall be used for ingredients in the list of ingredients except that class titles may be used in accordance with sub-section 3.2(c)(ii) of the General Standard for the Labeling of Pre-packaged Foods.

6.3 Net contents. The net contents shall be declared in accordance with subsection 3.3(a) of the General Standard for the Labeling of Pre-packaged Foods.

6.4 Name and address. The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

## 6.5 Country of origin.

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

## 7. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 Determination of relative density. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 9-1969, "Determination of Relative Density at t/20°C").

Results are expressed as relative density at 20°C/ water at 20°C.

7.2 Determination of refractive index. According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.B.2 "Refractive Index").

Results are given as the refractive index relative to the sodium D-line at 40°C ( $n_D^{40^\circ C}$ ).

7.3 Determination of Saponification value ( $I_S$ ). According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.2 "Saponification Value ( $I_S$ )").

Results are expressed as the number of mg. KOH/g. oil.

7.4 Determination of iodine value ( $I_I$ ). According to the (Wijs) IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.7.1, II.D.7.2 and II.D.7.3 "The Wijs Method").

Results are expressed as % m/m absorbed iodine.

7.5 Determination of unsaponifiable matter. According to the IUPAC (1964) diethyl ether method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.5.1 and II.D.5.3).

Results are expressed as g. unsaponifiable matter/kg. oil.

7.6 Halphen test. According to the AOCS method (Official and Tentative Methods of the American Oil Chemists' Society, AOCS Official Method Cb 1-25).

Result is expressed as a positive or negative.\*

7.7 Determination of acid value ( $I_A$ ). According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.1.2 "Acid Value ( $I_A$ )").

Results are expressed as the number of mg. KOH required to neutralize 1 g. oil.

7.8 Determination of peroxide value ( $I_P$ ). According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.13 "Peroxide Value").

Results are expressed as milliequivalents active oxygen/kg oil.

7.9 Determination of matter volatile at 105°C. According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.1.1 "Moisture and Volatile Matter").

Results are expressed as % m/m.

7.10 Determination of insoluble impurities. According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis

\*See 2.2 Note<sup>1</sup>.

of Oils, Fats and Soaps, 5th Edition, 1966, II.C.2 "Impurities".

Results are expressed as % m/m.

7.11 *Determination of soap content.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 13-1969, "Determination of Soap Content").

Results are expressed as % m/m sodium oleate.

7.12 *Determination of iron.*<sup>2</sup> According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 14-1969, "Determination of Iron Content").

Results are expressed as mg. iron/kg.

7.13 *Determination of copper.*<sup>2</sup> According to the AOAC (1965) method (Official Methods of Analysis of the AOAC, "International Union of Pure and Applied Chemistry Carbamate Method," 24.023-24.028).

Results are expressed as mg copper/kg.

7.14 *Determination of lead.*<sup>2</sup> According to the AOAC (1965) method, after complete digestion, by the colorimetric dithizone determination procedure (Official Methods of Analysis of the AOAC, 1965, 24.053 (and 24.008, 24.009, 24.043J, 24.046, 24.047 and 21.048)).

Results are expressed as mg lead/kg.

7.15 *Determination of arsenic.* According to the colorimetric silver diethyldithiocarbamate method of the AOAC (Official Methods of Analysis of the AOAC, 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008).

Results are expressed as mg arsenic/kg.

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RECOMMENDED INTERNATIONAL STANDARD FOR EDIBLE SUNFLOWERSEED OIL

#### 1. DESCRIPTION

Sunflowerseed Oil (synonym: Sunflower Oil) is derived from Sunflower seeds (the seeds of *Helianthus annuus*).

#### 2. ESSENTIAL COMPOSITION AND QUALITY FACTORS

##### 2.1 Identity characteristics.

2.1.1 Relative density (20° C./water at 20° C.), 0.918-0.923.

<sup>2</sup> Might be replaced by Atomic Absorption Spectrophotometry in the future.

2.1.2 Refractive index ( $n_D$  40° C.), 1.467-1.469.

2.1.3 Saponification value (mg. KOH/g. oil), 188-194.

2.1.4 Iodine value (Wijs), 110-143.

2.1.5 Unsaponifiable matter, not more than 15 g./kg.

##### 2.2 Quality characteristics.

2.2.1 *Colour.* Characteristic of the designated product.

2.2.2 *Odour and taste.* Characteristic of the designated product and free from foreign and rancid odour and taste.

2.2.3 Acid value, virgin oil, not more than 4 mg. KOH g./oil; nonvirgin oil, not more than 0.6 mg. KOH g./oil.

2.2.4 Peroxide value, not more than 10 milliequivalents peroxide oxygen/kg. oil.

#### 3. FOOD ADDITIVES

3.1 *Colors.* The following colors are permitted for the purpose of restoring natural color lost in processing or for the purpose of standardizing color, as long as the added color does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value:

3.3.2 Butylated hydroxytoluene (BHT), butylated hydroxyanisole (BHA).

3.3.3 Any combination of gallates with BHA or BHT, or both.

3.3.4 Ascorbyl palmitate

3.3.5 Ascorbyl stearate

3.3.6 Natural and synthetic tocopherols

3.3.7 Dilauryl thiodipropionate

3.4 Antioxidant synergists.

3.4.1 Citric acid

3.4.2 Sodium citrate

3.4.3 Isopropyl citrate mixture

3.4.4 Monoglyceride citrate

3.4.5 Phosphoric acid<sup>1</sup>

3.5 Anti-foaming agent—Dimethyl polysiloxane (syn. Dimethyl silicone) singly or in combination with silicon dioxide.<sup>1</sup>

3.6 Crystallization inhibitor—Oxystearin<sup>1</sup>

Maximum level of use

Not limited

Do.

## NOTICES

6.4 *Name and address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.5 *Country of origin.*

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

## 7. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international referred methods.

7.1 *Determination of relative density.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 9-1969, "Determination of Relative Density at 20° C").

Results are expressed as relative density at 20° C./water at 20° C.

7.2 *Determination of refractive index.* According to IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.B.2 "Refractive Index").

Results are given as the refractive index relative to the sodium D-line at 40° C. ( $n_{D}^{40}$  C.).

7.3 *Determination of saponification value (Is).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.2 "Saponification Value (Is)").

Results are expressed as the number of mg. KOH/g. oil.

7.4 *Determination of iodine value (I<sub>i</sub>).* According to the (Wijs) IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.D.7.1, II.D.7.2 and II.D.7.3 "The Wijs Method").

Results are expressed as % m./m. absorbed iodine.

7.5 *Determination of unsaponifiable matter.* According to the IUPAC (1964) diethyl ether method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.D.5.1 and II.D.5.3).

Results are expressed as g. unsaponifiable matter/kg. oil.

7.6 *Determination of acid value (I<sub>a</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.D.2 "Acid Value" (I<sub>a</sub>)).

Results are expressed as the number of mg. KOH required to neutralize 1 g. oil.

7.7 *Determination of peroxide value (I<sub>p</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.D.13 "Peroxide Value").

Results are expressed as milliequivalents active oxygen/kg. oil.

7.8 *Determination of matter volatile at 105° C.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edi-

tion, 1966, II.C.1.1 "Moisture and Volatile Matter").

Results are expressed as % m./m.

7.9 *Determination of insoluble impurities.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.C.2 "Impurities").

Results are expressed as % m./m.

7.10 *Determination of soap content.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 13-1969, "Determination of Soap Content").

Results are expressed as % m./m. sodium oleate.

7.11 *Determination of iron.*<sup>2</sup> According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 14-1969, "Determination of Iron Content").

Results are expressed as mg. iron/kg.

7.12 *Determination of copper.*<sup>2</sup> According to the AOAC (1965) method (Official Methods of Analysis of the AOAC, "International Union of Pure and Applied Chemistry Carbamate Method," 24.023-24.028).

Results are expressed as mg. copper/kg.

7.13 *Determination of lead.*<sup>2</sup> According to the AOAC (1965) method, after complete digestion, by the colorimetric dithizone determination procedure (Official Methods of Analysis of the AOAC, 1965, 24.053 (and 24.008, 24.009, 24.043J, 24.046, 24.047, and 24.048)).

Results are expressed as mg. lead/kg.

7.14 *Determination of arsenic.* According to the colorimetric silver diethyldithiocarbamate method of the AOAC (Official Methods of Analysis of the AOAC, 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008).

Results are expressed as mg. arsenic/kg.

## SELECTED BIBLIOGRAPHY

American Oil Chemists Society, (A.O.C.S.) Official and tentative methods of the American Oil Chemists Society, 2d ed. Chicago, Ill. 1957 including additions and revisions 1947. Editor of Analytical Methods 1943-1950: V. C. Mehlenbacher; 1950-1958: T. H. Hopper; 1958: E. M. Sallee.

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International Organization for Standardization (ISO) General Secretariat, 1, rue de Varembé, 1211 Geneva 20.

Official Methods of Analysis of the Association of Official Agricultural Chemists (10th ed. 1965). A.O.A.C., P.O.B. 540 Benjamin Franklin Station, Washington 4, D.C.

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Supplement 1966 to the above.

<sup>2</sup> Might be replaced by Atomic Absorption Spectrophotometry in the future.

## RECOMMENDED INTERNATIONAL STANDARD FOR EDIBLE RAPESEED OIL

## 1. DESCRIPTION

Rapeseed Oil (synonyms: Turnip Rape Oil; Colza Oil; Ravigon Oil; Sarson Oil and Toria Oil) is derived from the seeds of *Brassica campestris* L., *Brassica napus* L. *Brassica tournefortii* Gouan).

## 2. ESSENTIAL COMPOSITION AND QUALITY FACTORS

2.1 *Identity characteristics*

2.1.1 Relative density (20°C/water at 20°C), 0.910-0.920.

2.1.2 Refractive index ( $n_{D}^{40}$  °C), 1.465-1.469.

2.1.3 Saponification value (mg KOH/g oil), 168-181.

2.1.4 Iodine value (Wijs), 94-120.

2.1.5 Crismer value, 80-85.

2.1.6 Unsaponifiable matter, not more than 20 g/kg.

2.2 *Quality characteristics*2.2.1 *Colour.* Characteristic of the designated product.

2.2.2 *Odour and taste.* Characteristic of the designated product, and free from foreign and rancid odour and taste.

2.2.3 *Acid Value*—Virgin Oil, not more than 4 mg KOH/g oil; Non-virgin Oil, not more than 0.6 mg KOH/g oil.

2.2.4 *Peroxide Value*, not more than 10 milliequivalents peroxide oxygen/kg oil.

## 3. FOOD ADDITIVES

3.1 *Colours.* The following colours are permitted for the purpose of restoring natural colour lost in processing or for the purpose of standardizing colour, as long as the added colour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value.

	Maximum level of use
3.1.1 Beta-carotene	Not limited.
3.1.2 Annatto <sup>1</sup>	Do.
3.1.3 Curcumin <sup>1</sup>	Do.
3.1.4 Canthaxanthine	Do.
3.1.5 Beta-apo-8'-carotenal	Do.
3.1.6 Methyl and ethyl esters of Beta-apo-8'-carotenol acid.	Do.

3.2 *Flavours.* Natural flavours and their identical synthetic equivalents, except those which are known to represent a toxic hazard, and other synthetic flavours approved by the Codex Alimentarius Commission are permitted for the purpose of restoring natural flavour lost in processing or for the purpose of standardizing flavour, as long as the added flavour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value.<sup>1</sup>

<sup>1</sup> Temporarily endorsed.

3.3	<i>Antioxidants</i>	<i>Maximum level of use</i>
3.3.1	Propyl, octyl, and dodecyl gallates	100 mg./kg. individually or in combination.
3.3.2	Butylated hydroxytoluene (BHT), butylated hydroxy anisole (BHA).	200 mg./kg. individually or in combination.
3.3.3	Any combination of gallates with BHA or BHT, or both.	200 mg./kg. but gallates not to exceed 100 mg./kg.
3.3.4	Ascorbyl palmitate	200 mg./kg. individually or in combination.
3.3.5	Ascorbyl stearate	Do.
3.3.6	Natural and synthetic tocopherols	Not limited.
3.3.7	Dilauryl thiodipropionate	200 mg./kg.
3.4	<i>Antioxidant synergists</i>	
3.4.1	Citric acid	Not limited.
3.4.2	Sodium citrate	Do.
3.4.3	Isopropyl citrate mixture	100 mg./kg. individually or in combination.
3.4.4	Monoglyceride citrate	Do.
3.4.5	Phosphoric acid <sup>1</sup>	Do.
3.5	<i>Anti-forming agent</i>	
	Dimethyl polysiloxane (syn. Dimethyl silicone) singly or in combination with silicon dioxide. <sup>1</sup>	10 mg./kg.
3.6	<i>Crystallization inhibitor</i>	
	Oxystearin <sup>1</sup>	1250 mg./kg.

<sup>1</sup>Temporarily endorsed.

#### 4. CONTAMINANTS

		<i>Maximum level</i>
4.1	Matter volatile at 105° C.	0.2 percent m./m.
4.2	Insoluble impurities.	0.5 percent m./m.
4.3	Soap content	0.005 percent m./m.
4.4	Iron (Fe):	
	Virgin oil	5 mg./kg.
	Nonvirgin oil	1.5 mg./kg.
4.5	Copper (Cu):	
	Virgin oil	0.4 mg./kg.
	Nonvirgin oil	0.1 mg./kg.
4.6	Lead (Pb)	0.1 mg./kg.
4.7	Arsenic (As)	0.1 mg./kg.

#### 5. HYGIENE

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

#### 6. LABELING

In addition to sections 1, 2, 4 and 6 of the General Standard for the Labeling of Prepackaged Foods (Ref. CAC/RS 1-1969) the following specific provisions apply:

##### 6.1 The name of the food.

6.1.1 All products designated as rapeseed oil, turnip rape oil, colza oil, rayson oil, sarsen oil or toria oil must conform to this standard.

6.1.2 Oil produced from the seeds of *Eruca sativa* Mill and conforming to the standard may be designated jamba rape oil.

6.1.3 Where rapeseed oil has been subject to any process of esterification or to processing which alters its fatty acid composition or its consistency the name rapeseed oil or any synonym shall not be used unless qualified to indicate the nature of the process.

##### 6.2 List of ingredients.

6.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion.

6.2.2 A specific name shall be used for ingredients in the list of ingredients except that class titles may be used in accordance with subsection 3.2(c)(ii) of the General Standard for the Labeling of Prepackaged Foods.

6.3 Net contents. The net contents shall be declared in accordance with subsection 3.3(a) of the General Standard for the Labeling of Prepackaged Foods.

6.4 *Name and address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

##### 6.5 Country of origin.

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

#### 7. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 *Determination of relative density.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 9-1969, "Determination of Relative Density at 20° C.").

Results are expressed as relative density at 20° C./water at 20° C.

7.2 *Determination of refractive index.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.B.2 *Refractive Index*).

Results are given as the refractive index relative to the sodium D-line at 40° C. ( $n_D^{20}$  40° C.)

7.3 *Determination of Saponification value (I<sub>S</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.2 *Saponification Value (I<sub>S</sub>)*).

Results are expressed as the number of mg. KOH/g oil.

7.4 *Determination of iodine value (I<sub>I</sub>).* According to the (Wijs) IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.7.1, II.D.7.2 and II.D.7.3 "The Wijs Method").

Results are expressed as percent m/m absorbed iodine.

7.5 *Determination of Crisman value (I<sub>C</sub>).* According to the AOCS method (Official and Tentative Methods of the American Oil Chemists' Society; AOCS Official Method Cb 4-35, Crisman Test, Fryer and Weston Modification, and Ca 5a-40, Free Fatty acids, calculating the acidity as oleic acid).

Results are expressed by a conventional value (I<sub>C</sub>) as described in the method.

7.6 *Determination of unsaponifiable matter.* According to the IUPAC (1964) diethyl

ether method (IUPAC) Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.5.1 and II.D.5.3.

Results are expressed as g unsaponifiable matter/kg. oil.

7.7 *Determination of acid value (I<sub>A</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.12 "Acid Value (I<sub>A</sub>)").

Results are expressed as the number of mg KOH required to neutralize 1 g oil.

7.8 *Determination of peroxide value (I<sub>P</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.13 "Peroxide Value").

Results are expressed as milliequivalents active oxygen/kg oil.

7.9 *Determination of matter volatile at 105° C.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.1.1 "Moisture and Volatile Matter").

Results are expressed as percent m/m.

7.10 *Determination of insoluble impurities.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.2 "Impurities").

Results are expressed as percent m/m.

7.11 *Determination of soap content.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 13-1969, "Determination of Soap Content").

Results are expressed as percent m/m. sodium oleate.

7.12 *Determination of iron.<sup>1</sup>* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 14-1969 "Determination of Iron Content").

Results are expressed as mg. iron/kg.

7.13 *Determination of copper.<sup>2</sup>* According to the AOAC (1965) method (Official Methods of Analysis of the AOAC, "International Union of Pure and Applied Chemistry Carbamate Method," 24.023-24.028).

Results are expressed as mg. copper/kg.

7.14 *Determination of lead.<sup>2</sup>* According to the AOAC (1965) method, after complete digestion, by the colorimetric dithizone determination procedure (Official Methods of Analysis of the AOAC, 1965, 24.053 (and 24.008, 24.009, 24.043), 24.046, 24.047, and 24.048).

Results are expressed as mg. lead/kg.

7.15 *Determination of arsenic.* According to the colorimetric silver diethyldithiocarbamate method of the AOAC (Official Methods of Analysis of the AOAC, 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008).

Results are expressed as mg. arsenic/kg.

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British Standards Institution, British Standard 684:1958. Methods of Analysis of Oils and Fats, British Standard House, 2 Park St., London, W.1.Y.4AA.

Indian Standards Institution. Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi 1. International Organization for Standardization (ISO), General Secretariat, 1, rue de Varembe, 1211 Geneva 20.

<sup>1</sup> Might be replaced by Atomic Absorption Spectrophotometry in the future.

## NOTICES

Official Methods of Analysis of the Association of Official Agricultural Chemists (10th ed. 1965). A.O.A.C., P.O.B. 540, Benjamin Franklin Station, Washington 4, D.C.

Standard Methods of the Oils and Fats Section of the I.U.P.A.C., Fifth Edition, incorporating First Supplement up-to-date to 1965, Butterworths, London, 1966.

Supplement 1966 to the above.

## RECOMMENDED INTERNATIONAL STANDARD FOR EDIBLE MAIZE OIL

## 1. DESCRIPTION

Maize oil (synonym: corn oil) is derived from maize germ (*the embryos of Zea mays*).

## 2. ESSENTIAL COMPOSITION AND QUALITY FACTORS

## 2.1 Identity characteristics.

2.1.1 Relative density (20° C./water at 20° C.), 0.917-0.925.

2.1.2 Refractive index ( $n_D^{40}$ ° C.), 1.465-1.468.

2.1.3 Saponification value (mg. KOH/g. oil), 187-195.

2.1.4 Iodine value (Wijs), 103-128.

2.1.5 Unsaponifiable matter, not more than 28 g./kg.

## 2.2 Quality characteristics.

2.2.1 Color. Characteristic of the designated product.

2.2.2 Odor and taste. Characteristic of the designated product and free from foreign and rancid odor and taste.

2.2.3 Acid value, virgin oil, not more than 4 mg. KOH/g. oil; nonvirgin oil, not more than 0.6 mg. KOH/g. oil.

2.2.4 Peroxide value, not more than 10 milliequivalents peroxide oxygen/kg. oil.

## 3. FOOD ADDITIVES

3.1 Colors. The following colors are permitted for the purpose of restoring natural color lost in processing or for the purpose of standardizing color, as long as the added color does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value:

## Maximum level of use

3.1.1 Beta-carotene	Not limited.
3.1.2 Annatto <sup>1</sup>	Do.
3.1.3 Curcumin <sup>1</sup>	Do.
3.1.4 Canthaxanthine	Do.
3.1.5 Beta-apo-8'-carotenal	Do.
3.1.6 Methyl and ethyl ester of Beta-apo-8'-carotenic acid	Do.

3.2 Flavors. Natural flavors and their identical synthetic equivalents, except those which are known to represent a toxic hazard, and other synthetic flavors approved by the Codex Alimentarius Commission are permitted for the purpose of restoring natural flavor lost in processing or for the purpose of standardizing flavor, as long as the added flavor does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value.<sup>1</sup>

## 3.3. Antioxidants.

## Maximum level of use

3.3.1 Propyl, octyl, and dodecyl gallates.	100 mg./kg. individually or in combination.
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<sup>1</sup> Temporarily endorsed.

	Maximum Level of use
3.3.2 Butylated hydroxytoluene (BHT), butylated hydroxyanisole (BHA).	200 mg./kg. individually or in combination.
3.3.3 Any combination of gallates with BHA or BHT, or both.	200 mg./kg., but gallates not to exceed 100 mg./kg.
3.3.4 Ascorbyl palmitate	200 mg./kg. individually or in combination.
3.3.5 Ascorbyl stearate	Do.
3.3.6 Natural and synthetic tocopherols	Not limited.
3.3.7 Dilauryl thiodipropionate	200 mg./kg.
3.4 Antioxidant synergists.	Not limited.
3.4.1 Citric acid	Do.
3.4.2 Sodium citrate	100 mg./kg. individually or in combination.
3.4.3 Isopropyl citrate mixture	Do.
3.4.4 Monoglyceride citrate	Do.
3.4.5 Phosphoric acid <sup>1</sup>	Do.
3.5 Anti-foaming agent—Dimethyl polysiloxane (syn. Dimethyl silicone) singly or in combination with silicon dioxide. <sup>1</sup>	10 mg./kg.
3.6 Crystallization inhibitor—Oxystearin <sup>1</sup>	1250 mg./kg.

## 4. CONTAMINANTS

	Maximum level percent m./m.
4.1 Matter volatile at 105° C.	0.2
4.2 Insoluble impurities	.05

<sup>1</sup> Temporarily endorsed.

6.2.2 A specific name shall be used for ingredients in the list of ingredients except that class titles may be used in accordance with subsection 3.2(c)(ii) of the General Standard for the Labeling of Prepackaged Foods.

6.3 Net contents. The net contents shall be declared in accordance with subsection 3.3(a) of the General Standard for the Labeling of Prepackaged Foods.

6.4 Name and address. The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

## 6.5 Country of origin.

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

## 7. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 Determination of relative density. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 9-1969, "Determination of Relative Density at t/20° C").

Results are expressed as relative density at 20° C./water at 20° C.

	Maximum level
4.3 Soap content	0.005 percent m.m.
4.4 Iron (Fe):	
Virgin oil	5 mg./kg.
Nonvirgin oil	1.5 mg./kg.
4.5 Copper (Cu):	
Virgin oil	0.4 mg./kg.
Nonvirgin oil	0.1 mg./kg.
4.6 Lead (Pb)	0.1 mg./kg.
4.7 Arsenic (As)	0.1 mg./kg.

## 5. HYGIENE

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the appropriate

sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

## 6. LABELING

In addition to sections 1, 2, 4, and 6 of the General Standard for the Labeling of Prepackaged Foods (Ref. CAC/RS 1-1969) the following specific provisions apply:

## 6.1 The Name of the Food.

6.1.1 All products designated as maize oil or corn oil must conform to this standard.

6.2 Where maize oil has been subject to any process of esterification or to processing which alters its fatty acid composition or its consistency the name maize oil or any synonym shall not be used unless qualified to indicate the nature of the process.

## 6.2 List of Ingredients.

6.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion.

7.2 Determination of refractive index. According to IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.B.2 "Refractive Index").

Results are given as the refractive index relative to the sodium D-line at 40° C. (nd 40° C.).

7.3 Determination of Saponification value (Is). According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.D.2 "Saponification Value (Is)").

Results are expressed as the number of mg. KOH/g. oil.

7.4 Determination of iodine value (I<sub>i</sub>). According to the (Wijs) IUPAC method (1964) (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.D.7.1, II.D.7.2, and II.D.7.3 "The Wijs Method").

Results are expressed as % m./m. absorbed iodine.

7.5 Determination of unsaponifiable matter. According to the IUPAC (1964) diethyl ether method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.D.5.1, and II.D.5.3).

Results are expressed as g. unsaponifiable matter/kg. oil.

## NOTICES

7.6 *Determination of acid value (I<sub>A</sub>)*. According to the IUPAC (1964) method (IUPAC) Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.D.12 "Acid Value (I<sub>A</sub>)".

Results are expressed as the number of mg. KOH required to neutralize 1 g. oil.

7.7 *Determination of peroxide value (IP)*. According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.D.13 "Peroxide Value").

Results are expressed as milliequivalents active oxygen/kg oil.

7.8 *Determination of matter volatile at 105° C.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.1.1 "Moisture and Volatile Matter").

Results are expressed as % m./m.

7.9 *Determination of insoluble impurities*. According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.2. "Impurities").

Results are expressed as % m./m. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 13-1969, "Determination of Soap Content").

Results are expressed as % m./m. sodium oleate.

7.11 *Determination of iron*.<sup>2</sup> According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 14-1969, "Determination of Iron Content").

Results are expressed as mg iron/kg.

7.12 *Determination of copper*.<sup>2</sup> According to the AOAC (1965) method (Official Methods of Analysis of the AOAC, "International Union of Pure and Applied Chemistry Carbamate Method," 24.023-24.028).

Results are expressed as mg. copper/kg.

7.13 *Determination of lead*.<sup>2</sup> According to the AOAC (1965) method, after complete digestion, by the colorimetric dithizone determination procedure (Official Methods of Analysis of the AOAC, 1965, 24.053 (and 24.008, 24.009, 24.043), 24.046, 24.047, and 24.048).

Results are expressed as mg. lead/kg.

7.14 *Determination of arsenic*. According to the colorimetric silver diethyldithiocarbamate method of the AOAC (Official Methods of Analysis of the AOAC, 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008).

Results are expressed as mg. arsenic/kg.

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American Oil Chemists Society (A.O.C.S.) Official and tentative methods of the American Oil Chemists Society, 2d ed. Chicago, Ill. 1957 including additions and revisions 1947. Editor of Analytical Methods 1943-1950: V. C. Mehlenbacher; 1950-1958: T. H. Hopper; 1958: E. M. Sallee.

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Indian Standards Institution. Manohar Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi 1. International Organization for Standardization (ISO) General Secretariat, 1, rue de Varembe, 1211 Geneva 20.

Official Methods of Analysis of the Association of Official Agricultural Chemists (10th ed. 1965). A.O.A.C., P.O.B. 540 Benjamin Franklin Station, Washington 4, D.C.

<sup>2</sup> Might be replaced by Atomic Absorption Spectrophotometry in the future.

Standard Methods of the Oils and Fats Section of the I.U.P.A.C., 5th Edition, incorporating First Supplement up-to-date to 1965, Butterworths, London, 1966. Supplement 1966 to the above.

## RECOMMENDED INTERNATIONAL STANDARD FOR EDIBLE SESAMESEED OIL

## 1. DESCRIPTION

Sesameseed oil (Synonyms: Sesame oil; gingelly oil; benne oil; ben oil; till oil and tillie oil) is derived from sesame seeds (the seeds of *Sesamum indicum* L.).

## 2. ESSENTIAL COMPOSITION AND QUALITY FACTORS

2.1 *Identity characteristics*.  
 2.1.1 Relative density (20° C./Water at 20° C.), 0.915-0.923.  
 2.1.2 Refractive index (n-n 40° C.), 1.465-1.469.  
 2.1.3 Saponification value (mg. KOH/g. oil), 187-195.  
 2.1.4 Iodine value (Wijs), 104-120.  
 2.1.5 Unsaponifiable matter, not more than 20 g./kg.  
 2.2 *Modified Villavecchia Test or Sesame Oil Test (Baudouin)*, positive.  
 2.3 *Quality characteristics*.  
 2.3.1 *Color*. Characteristic of the designated product.  
 2.3.2 *Odor and taste*. Characteristic of the designated product and free from foreign and rancid odor and taste.  
 2.3.3 Acid value, virgin oil, not more than 4 mg. KOH/g. oil; nonvirgin oil, not more than 0.6 mg. KOH/g. oil.

3.3 *Antioxidants*.

3.3.1 Propyl, octyl, and dodecyl gallates..... 100 mg./kg. individually or in combination.  
 3.3.2 Butylated hydroxytoluene (BHT), butylated hydroxyanisole (BHA)..... 200 mg./kg. individually or in combination.  
 3.3.3 Any combination of gallates with BHA or BHT, or both..... 200 mg./kg. but gallates not to exceed 100 mg./kg.  
 3.3.4 Ascorbyl palmitate..... 200 mg./kg. individually or in combination.  
 3.3.5 Ascorbyl stearate..... Do.  
 3.3.6 Natural and synthetic tocopherols..... Not limited.  
 3.3.7 Dilauryl thiodipropionate..... 200 mg./kg.  
 3.4 *Antioxidant synergists*.  
 3.4.1 Citric acid..... Not limited.  
 3.4.2 Sodium citrate..... Do.  
 3.4.3 Isopropyl citrate mixture..... 100 mg./kg. individually or in combination.  
 3.4.4 Monoglyceride citrate..... Do.  
 3.4.5 Phosphoric acid<sup>1</sup>..... Do.  
 3.5 *Antifoaming agent*—Dimethyl polysiloxane (syn. Dimethyl silicone) singly or in combination with silicon dioxide<sup>1</sup>..... 10 mg./kg.  
 3.6 *Crystallization inhibitor*—Oxystearin<sup>1</sup>..... 1250 mg./kg.

<sup>1</sup> Temporarily endorsed.

## 4. CONTAMINANTS

4.1 Matter volatile at 105° C..... 0.2 percent m./m.  
 4.2 Insoluble impurities..... .05 percent m./m.  
 4.3 Soap content..... .005 percent m./m.  
 4.4 Iron (Fe):  
 (Virgin oil)..... 5 mg./kg.  
 (Non-virgin oil)..... 1.5 mg./kg.  
 4.5 Copper (Cu):  
 (Virgin oil)..... 4 mg./kg.  
 (Non-virgin oil)..... 1 mg./kg.  
 4.6 Lead (Pb)..... 1 mg./kg.  
 4.7 Arsenic (As)..... 1 mg./kg.

## 5. HYGIENE

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (ref. No. CAC/RCP 1-1969).

2.3.4 Peroxide value, not more than 10 milliequivalents peroxide oxygen/kg. oil.

## 3. FOOD ADDITIVES

3.1 *Colors*. The following colors are permitted for the purpose of restoring natural color lost in processing or for the purpose of standardizing color, as long as the added color does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value:

## Maximum level of use

3.1.1 Beta-carotene..... Not limited.  
 3.1.2 Annatto<sup>1</sup>..... Do.  
 3.1.3 Curcumin<sup>1</sup>..... Do.  
 3.1.4 Canthaxanthine..... Do.  
 3.1.5 Beta-apo-8'-carotinal..... Do.  
 3.1.6 Methyl and ethyl esters of beta-apo-8'-carotenoic acid..... Do.

3.2 *Flavors*. Natural flavors and their identical synthetic equivalent, except those which are known to represent a toxic hazard, and other synthetic flavors approved by the Codex Alimentarius Commission are permitted for the purpose of restoring natural flavor lost in processing or for the purpose of standardizing flavor, as long as the added flavor does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value.<sup>1</sup>

<sup>1</sup> Temporarily endorsed.

## Maximum level of use

100 mg./kg. individually or in combination.  
 200 mg./kg. individually or in combination.  
 200 mg./kg. but gallates not to exceed 100 mg./kg.  
 200 mg./kg. individually or in combination.  
 Do.  
 Not limited.  
 200 mg./kg.  
 Not limited.  
 Do.  
 100 mg./kg. individually or in combination.  
 Do.  
 Do.  
 10 mg./kg.  
 1250 mg./kg.

## 6. LABELING

In addition to sections 1, 2, 4, and 6 of the General Standard for the Labeling of Prepackaged Foods (ref. CAC/RSC 1-1969) the following specific provisions apply:

6.1 *The Name of the food*

6.1.1 All products designated as sesame seed oil, sesame oil, gingelly oil, benne oil, ben oil, till oil, or tillie oil must conform to this standard.

6.1.2 Where sesameed oil has been subject to any process of esterification or to processing which alters its fatty acid composition or its consistency the name sesame seed oil or any synonym shall not be used unless qualified to indicate the nature of the process.

6.2 *List of ingredients*

6.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion.

6.2.2 A specific name shall be used for ingredients in the list of ingredients except

## NOTICES

that class titles may be used in accordance with subsection 3.2(c)(ii) of the General Standard for the Labeling of Prepackaged Foods.

6.3 *Net contents.* The net contents shall be declared in accordance with subsection 3.3(a) of the General Standard for the Labeling of Prepackaged Foods.

6.4 *Name and address.* The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

6.5 *Country of origin.*

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

## 7. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 *Determination of relative density.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 9-1969, "Determination of Relative Density at t/20° C").

Results are expressed as relative density at 20° C./water at 20° C.

7.2 *Determination of refractive index.* According to IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.B.2 "Refractive Index").

Results are given as the refractive index relative to the sodium D-line at 40° C. (n<sub>D</sub>40° C.).

7.3 *Determination of saponification value (I<sub>s</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.2 "Saponification Value (I<sub>s</sub>)").

Results are expressed as the number of mg KOH/g oil.

7.4 *Determination of iodine value (I<sub>i</sub>).* According to the (Wijs) IUPAC method (1964) (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.7.1, II.D.7.2 and II.D.7.7 "The Wijs Method").

Results are expressed as % m/m absorbed iodine.

7.5 *Determination of unsaponifiable matter.* According to the IUPAC (1964) diethyl ether method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.5.1 and II.D.5.3).

Results are expressed as g unsaponifiable matter/kg oil.

7.6.1 According to the AOCS Method (Official and Tentative Methods of the American Oil Chemists' Society; AOCS Official Method Cb 2-40, "Modified Villavecchia Test" (AOAC).

The result is expressed as positive or negative.

7.6 *Identification of sesameseed oil.*

NOTE: This procedure is not suitable as an identity test for refined sesameseed oils. Furthermore, sesameseed oil might get oxidized after long storage and this test is likely to be disturbed.

or

7.6.2 According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 12-1969, "Sesameseed Oil Test" (Baudouin)).

7.7 *Determination of acid value (I<sub>a</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.1.2 "Acid Value (I<sub>a</sub>)").

Results are expressed as the number of mg KOH required to neutralize 1 g oil.

7.8 *Determination of peroxide value (I<sub>p</sub>).* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.13 "Peroxide Value").

Results are expressed as milliequivalents active oxygen/kg oil.

7.9 *Determination of matter volatile at 105° C.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.1.1 "Moisture and Volatile Matter").

Results are expressed as % m/m.

7.10 *Determination of insoluble impurities.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.2 "Impurities").

Results are expressed as % m/m.

7.11 *Determination of soap content.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 13-1969, "Determination of Soap Content").

Results are expressed as % m/m sodium oleate.

7.12 *Determination of iron.*<sup>1</sup> According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 14-1969, "Determination of Iron Content").

Results are expressed as mg. iron/kg.

7.13 *Determination of copper.*<sup>1</sup> According to the AOAC (1965) method (Official Methods of Analysis of the AOAC, "International Union of Pure and Applied Chemistry Carbamate Method," 24.023-24.028).

Results are expressed as mg. copper/kg.

7.14 *Determination of lead.*<sup>1</sup> According to the AOAC (1965) method, after complete digestion, by the colorimetric dithizone determination procedure (Official Methods of Analysis of the AOAC, 1965, 24.053 (and 24.008, 24.009, 24.043), 24.046, 24.047 and 24.048)).

Results are expressed as mg. lead/kg.

7.15 *Determination of arsenic.* According to the colorimetric silver diethyldithiocarbamate method of the AOAC (Official Methods of Analysis of the AOAC, 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008).

Results are expressed as mg. arsenic/kg.

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Indian Standards Institution. Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi 1.

International Organization for Standardization (ISO) General Secretariat, 1, rue de Varembé, 1211 Geneva 20.

<sup>1</sup> Might be replaced by Atomic Absorption Spectrophotometry in the future.

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Supplement 1966 to the above.

[CAC/RS 27-1969]

## RECOMMENDED INTERNATIONAL STANDARD FOR EDIBLE SAFFLOWERSEED OIL

## 1. DESCRIPTION

Safflowerseed oil (Synonyms: Safflower oil; Carthamus oil and Kurdee oil) is derived from safflower seeds (the seeds of *Carthamus tinctorius* L.).

## 2. ESSENTIAL COMPOSITION AND QUALITY FACTORS

2.1 *Identity characteristics.*

2.1.1 Relative density (20° C./Water at 20° C.), 0.922-0.927.

2.1.2 Refractive index (n<sub>D</sub> 40° C.), 1.467-1.470.

2.1.3 Saponification value (mg. KOH/g. oil), 186-198.

2.1.4 Iodine value (Wijs), 135-150.

2.1.5 Unsaponifiable matter, not more than 15 g./kg.

2.2 *Quality characteristics.*

2.2.1 *Colour.* Characteristic of the designated product.

2.2.2 *Odour and taste.* Characteristic of the designated product and free from foreign and rancid odour and taste.

2.2.3 Acid value, not more than 0.6 mg. KOH/g. oil.

2.2.4 Peroxide value, not more than 10 milliequivalents peroxide oxygen/kg. oil.

## 3. FOOD ADDITIVES

3.1 *Colours.* The following colours are permitted for the purpose of restoring natural colour lost in processing or for the purpose of standardizing colour, as long as the added colour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value:

## Maximum level of use

3.1.1 Beta-carotene ..... Not limited.

3.1.2 Annatto ..... Do.

3.1.3 Curcumin ..... Do.

3.1.4 Canthaxanthine ..... Do.

3.1.5 Beta-apo-8'-carotenal ..... Do.

3.1.6 Methyl and ethyl esters of Beta-apo-8'-carotenoic acid ..... Do.

3.2 *Flavours.* Natural flavours and their identical synthetic equivalents, except those which are known to represent a toxic hazard, and other synthetic flavours approved by the Codex Alimentarius Commission are permitted for the purpose of restoring natural flavour lost in processing or for the purpose of standardizing flavour, as long as the added flavour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value.<sup>1</sup>

3.3 *Antioxidants.*

## Maximum level of use

3.3.1 Propyl, octyl, and dodecyl gallates. 100 mg./kg. individually or in combination.

<sup>1</sup> Temporarily endorsed.

	Maximum level of use
3.3.2 Butylated hydroxytoluene (BHT), butylated hydroxyanisole (BHA).	200 mg./kg. individually or in combination.
3.3.3 Any combination of gallates with BHA or BHT, or both.	200 mg./kg. but gallates not to exceed 100 mg./kg.
3.3.4 Ascorbyl palmitate	200 mg./kg. individually or in combination. Do.
3.3.5 Ascorbyl stearate	Not limited.
3.3.6 Natural and synthetic tocopherols	200 mg./kg.
3.3.7 Dilauryl thiodipropionate	Not limited.
3.4 Antioxidant synergists	Do.
3.4.1 Citric acid	100 mg./kg. individually or in combination. Do.
3.4.2 Sodium citrate	Do.
3.4.3 Isopropyl citrate mixture	10 mg./kg.
3.4.4 Monoglyceride citrate	1250 mg./kg.
3.4.5 Phosphoric acid <sup>1</sup>	Maximum level
3.5 Antifoaming agent, Dimethyl polysiloxane (syn. Dimethyl silicone) singly or in combination with silicon dioxide. <sup>1</sup>	0.2 percent m./m.
3.6 Crystallization inhibitor, Oxystearin <sup>1</sup>	0.05 percent m./m.

## 4. CONTAMINANTS

4.1 Matter volatile at 105° C.	0.2 percent m./m.
4.2 Insoluble impurities	0.05 percent m./m.

<sup>1</sup> Temporarily endorsed.

	Maximum level
4.3 Soap content	0.005 % m./m.
4.4 Iron (Fe)	1.5 mg./kg.
4.5 Copper (Cu)	0.1 mg./kg.
4.6 Lead (Pb)	0.1 mg./kg.
4.7 Arsenic (As)	0.1 mg./kg.

## 5. HYGIENE

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

## 6. LABELLING

In addition to sections 1, 2, 4 and 6 of the General Standard for the Labelling of Pre-packaged Foods (Ref. CAC/RS 1-1969) the following specific provisions apply:

## 6.1 The name of the food.

6.1.1 All products designated as safflower-seed oil, safflower oil, carthamus oil or kurde oil must conform to this standard.

6.1.2 Where safflowerseed oil has been subject to any process of esterification or to processing which alters its fatty acid composition or its consistency the name safflowerseed oil or any synonym shall not be used unless qualified to indicate the nature of the process.

## 6.2 List of ingredients.

6.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion.

6.2.2 A specific name shall be used for ingredients in the list of ingredients except that class titles may be used in accordance with sub-section 3.2(c)(ii) of the General Standard for the Labelling of Pre-packaged Foods.

6.3 Net contents. The net contents shall be declared in accordance with subsection 3.3(a) of the General Standard for the Labelling of Prepackaged Foods.

6.4 Name and address. The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

## 6.5 Country of origin.

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

## 7. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 Determination of relative density. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 9-1969, "Determination of Relative Density at t/20° C").

Results are expressed as relative density at 20° C./water at 20° C.

## 7.2 Determination of refractive index.

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.B.2 "Refractive Index").

Results are given as the refractive index relative to the sodium D-line at 40° C. (n<sub>D</sub> 40° C.).

7.3 Determination of saponification value (I<sub>S</sub>).

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.2 "Saponification Value (I<sub>S</sub>)").

Results are expressed as the number of mg. KOH/g. oil.

7.4 Determination of iodine value (I<sub>T</sub>).

According to the (Wijs) IUPAC method (1964) (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.7.1, II.D.7.2 and II.D.7.3 "The Wijs Method").

Results are expressed as percent m./m. absorbed iodine.

## 7.5 Determination of unsaponifiable matter.

According to the IUPAC (1964) diethyl ether method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.5.1 and II.D.5.3).

Results are expressed as g unsaponifiable matter/kg. oil.

## 7.6 Determination of acid value (IA).

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.1.2 "Acid Value (IA)").

Results are expressed as the number of mg. KOH required to neutralize 1 g. oil.

## 7.7 Determination of peroxide value (IP).

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.13 "Peroxide Value").

Results are expressed as milliequivalents active oxygen/kg. oil.

## 7.8 Determination of matter volatile at 105° C.

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.14 "Matter Volatile at 105° C").

Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.C.1.1 "Moisture and Volatile Matter".

Results are expressed as percent m./m.

7.9 Determination of insoluble impurities. According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.C.2 "Impurities").

Results are expressed as percent m./m.

7.10 Determination of soap content. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 13-1969, "Determination of Soap Content").

Results are expressed as percent m./m. sodium oleate.

7.11 Determination of iron. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 14-1969, "Determination of Iron Content").

Results are expressed as mg. iron/kg.

7.12 Determination of copper. According to the AOAC (1965) method (Official Methods of Analysis of the AOAC, "International Union of Pure and Applied Chemistry Carbamate Method," 24.023-24.028).

Results are expressed as mg. copper/kg.

7.13 Determination of lead. According to the AOAC (1965) method, after complete digestion, by the colorimetric dithizone determination procedure (Official Methods of Analysis of the AOAC, 1965, 24.053 (and 24.008, 24.009, 24.043), 24.046, 24.047 and 24.048)).

Results are expressed as mg. lead/kg.

7.14 Determination of arsenic. According to the colorimetric silver diethyldithiocarbamate method of the AOAC (Official Methods of Analysis of the AOAC, 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008).

Results are expressed as mg. arsenic/kg.

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Supplement 1966 to the above.

[CAC/RS 34-1970]

## RECOMMENDED INTERNATIONAL STANDARD FOR EDIBLE MUSTARDSEED OIL

## 1. DESCRIPTION

Mustardseed oil is derived from the seeds of the white mustard (*Sinapis alba* L., synonym: *Brassica hirta* Moench), the brown mustard (*Brassica juncea* (L.) Czern. and Coss) and of the black mustard (*Brassica nigra* (L.) Koch).

<sup>1</sup> Might be replaced by Atomic Absorption Spectrophotometry in the future.

## NOTICES

## 2. ESSENTIAL COMPOSITION AND QUALITY FACTORS

## 2.1 Identity characteristics—

2.1.1 Relative density (20° C./water at 20° C.), 0.910–0.921.

2.1.2 Refractive index ( $n_D$  40° C.), 1.461–1.469.

2.1.3 Saponification value (mg KOH/g oil), 170–184.

2.1.4 Iodine value (Wijs), 92–125.

2.1.5 Unsaponifiable matter, not more than 15 g./kg.

2.2 Allyl isothiocyanate content—As determined by the method specified in subsection 7.5 of this standard, not more than 4 g./kg.

## 2.3 Quality characteristics—

2.3.1 Colour. Characteristic of the designated product.

2.3.2 Odour and taste. Characteristic of the designated product and free from foreign and rancid odour and taste.

2.3.3 Acid value, Virgin oil, not more than 4 mg KOH/g. oil; nonvirgin, not more than 0.6 mg. KOH/g. oil.

## 2.3.4 Peroxide value, not more than 10 milliequivalents peroxide oxygen/kg. oil.

## 3. FOOD ADDITIVES

3.1 These provisions do not apply to virgin oils, which shall not contain any additives.

3.2 Colours. The following colours are permitted for the purpose of restoring natural colour lost in processing or for the purpose of standardizing colour, as long as the added colour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value:

	Maximum level of use
3.2.1 Beta-carotene	Not limited.
3.2.2 Annatto <sup>1</sup>	Do.
3.2.3 Curcumin <sup>1</sup>	Do.
3.2.4 Canthaxanthine	Do.
3.2.5 Beta-apo-8'-carotene	Do.
3.2.6 Methyl and ethyl esters of Beta-apo-8'-carotenoic acid.	Do.

<sup>1</sup> Temporarily endorsed.

3.3 Flavours. Natural flavours and their identical synthetic equivalents, except those which are known to represent a toxic hazard, and other synthetic flavours approved by the Codex Alimentarius Commission, are permitted for the purpose of restoring natural flavour lost in processing or for the purpose of standardizing flavour, as long as the added flavour does not deceive or mislead the consumer by concealing damage or inferiority or by making the product appear to be of greater than actual value.<sup>1</sup>

## 3.4 Antioxidants—

3.4.1 Propyl, octyl, and dodecyl gallates.

## Maximum level of use

100 mg./kg. individually or in combination.

3.4.2 Butylated hydroxytoluene (BHT), butylated hydroxyanisole (BHA).

200 mg./kg. individually or in combination.

3.4.3 Any combination of gallates with BHA or BHT, or both.

200 mg./kg. but gallates not to exceed 100 mg./kg.

3.4.4 Ascorbyl palmitate.

200 mg./kg. individually or in combination.

3.4.5 Ascorbyl stearate.

Do.

3.4.6 Natural and synthetic tocopherols.

Not limited.

3.4.7 Dilauryl thiodipropionate.

200 mg./kg.

3.5 Antioxidant synergists.

Not limited.

3.5.1 Citric acid.

Do.

3.5.2 Sodium citrate.

100 mg./kg. individually or in combination.

3.5.3 Isopropyl citrate mixture.

Do.

3.5.4 Monoglyceride citrate.

100 mg./kg. individually or in combination.

3.5.5 Phosphoric acid<sup>1</sup>.

Do.

3.6 Antifoaming agent—Dimethyl polysiloxane (syn. Dimethyl silicone) singly or in combination with silicon dioxide.<sup>1</sup>

Do.

3.7 Crystallization inhibitor—Oxystearin<sup>1</sup>.

10 mg./kg.

## 4. CONTAMINANTS

4.1 Matter volatile at 105° C.

0.2 percent m/m.

4.2 Insoluble impurities.

0.05 percent m/m.

4.3 Soap content.

0.005 percent m/m.

4.4 Iron (Fe):

5 mg./kg.

Virgin oil.

1.5 mg./kg.

Refined oil.

4.5 Copper (Cu):

0.4 mg./kg.

Virgin oil.

0.1 mg./kg.

Refined oil.

0.1 mg./kg.

4.6 Lead (Pb).

0.1 mg./kg.

4.7 Arsenic (As).

0.1 mg./kg.

<sup>1</sup> Temporarily endorsed.

## 5. HYGIENE

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the appropriate Sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

## 6. LABELING

In addition to Sections 1, 2, 4, and 6 of the General Standard for the Labeling of Pre-

packaged Foods (Ref. No. CAC/RS 1-1969) the following specific provisions apply:

## 6.1 The name of the food—

6.1.1 All products designated as mustardseed oil must conform to this standard.

6.1.2 Where mustardseed oil has been subjected to any process of esterification or to processing which alters its fatty acid composition or its consistency, the name mustardseed oil shall not be used unless qualified to indicate the nature of the process.

## 6.2 Listed of ingredients—

6.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion.

6.2.2 A specific name shall be used for ingredients in the list of ingredients except that class titles may be used in accordance with subsection 3.2(c)(ii) of the General Standard for the Labeling of Prepackaged Foods.

6.3 Net contents—The net contents shall be declared by volume in either the metric ("Système International" units) or avoirdupois or both systems as required by the country in which the product is sold.

6.4 Name and address—The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

## 6.5 Country of origin—

6.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

## 7. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 Determination of relative density. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 9-1969, "Determination of Relative Density at t/20° C.").

Results are expressed as relative density at 20° C./water at 20° C.

7.2 Determination of refractive index. According to IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.B.2 "Refractive Index").

Results are given as the refractive index relative to the sodium D-line at 40° C. (no 40° C.).

7.3 Determination of saponification value (Is). According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.2 "Saponification Value (Is)").

Results are expressed as the number of mg KOH/g. oil.

7.4 Determination of iodine value (Ii). According to the (Wijs) IUPAC Method (1964) (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.7.1, II.D.7.2 and II.D.7.3 "The Wijs Method").

Results are expressed as percent m/m. absorbed iodine.

7.5 Determination of allyl isothiocyanate content. According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 10-1969, Determination of Allyl Isothiocyanate Content").

Results are expressed as g. allyl isothiocyanate/kg.

7.6 Determination of unsaponifiable matter. According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.5.1 and II.D.5.3).

Results are expressed as g. unsaponifiable matter/kg. oil.

7.7 Determination of acid value (Ia). According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.1.2 "Acid Value (Ia)").

Results are expressed as the number of mg. KOH required to neutralize 1 g. oil.

7.8 Determination of peroxide value (Ip). According to the IUPAC (1964) method

(IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.13 "Peroxide Value (I<sub>P</sub>)").

Results are expressed as milliequivalents active oxygen/kg. oil.

7.9 *Determination of matter volatile at 105° C.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.1.1 "Moisture of Volatile Matter").

Results are expressed as percent m./m.

7.10 *Determination of insoluble impurities.* According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.2 "Impurities").

Results are expressed as percent m./m.

7.11 *Determination of soap content.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 13-1969 "Determination of Soap Content").

Results are expressed as percent m./m. sodium oleate.

7.12 *Determination of iron (\*).* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Methods of Analysis for Edible Fats and Oils, CAC/RM 14-1969, "Determination of Iron Content").

Results are expressed as mg. iron/kg.

7.13 *Determination of copper (\*).* According to the AOAC (1965) Method (Official Methods of Analysis of the AOAC, "International Union of Pure and Applied Chemistry Carbamate Method" 24.023-24.028).

Results are expressed as mg. copper/kg.

7.14 *Determination of lead.*\* According to the AOAC (1965) Method, after complete digestion by the colorimetric dithizone determination procedure (Official Methods of Analysis of the AOAC, 1965, 24.053 and 24.008, 24.009, 24.043J, 24.046, 24.047, and 24.048).

Results are expressed as mg. lead/kg.

7.15 *Determination of arsenic.* According to the colorimetric silver diethyldithiocarbamate method of the AOAC (Official Methods of Analysis of the AOAC, 1965, 24.011-24.014, 24.016-24.017, 24.006-24.008).

Results are expressed as mg. arsenic/kg.

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British Standards Institution. British Standard 684: 1958. Methods of Analysis of Oils and Fats, British Standard House, 2, Park St., London, W.1. Y. 4AA.

Indian Standards Institution. Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi 1.

\*Might be replaced by Atomic Absorption Spectrophotometry in the future.

International Organization for Standardization (ISO) General Secretariat, 1, rue de Varembé, 1211 Geneva 20

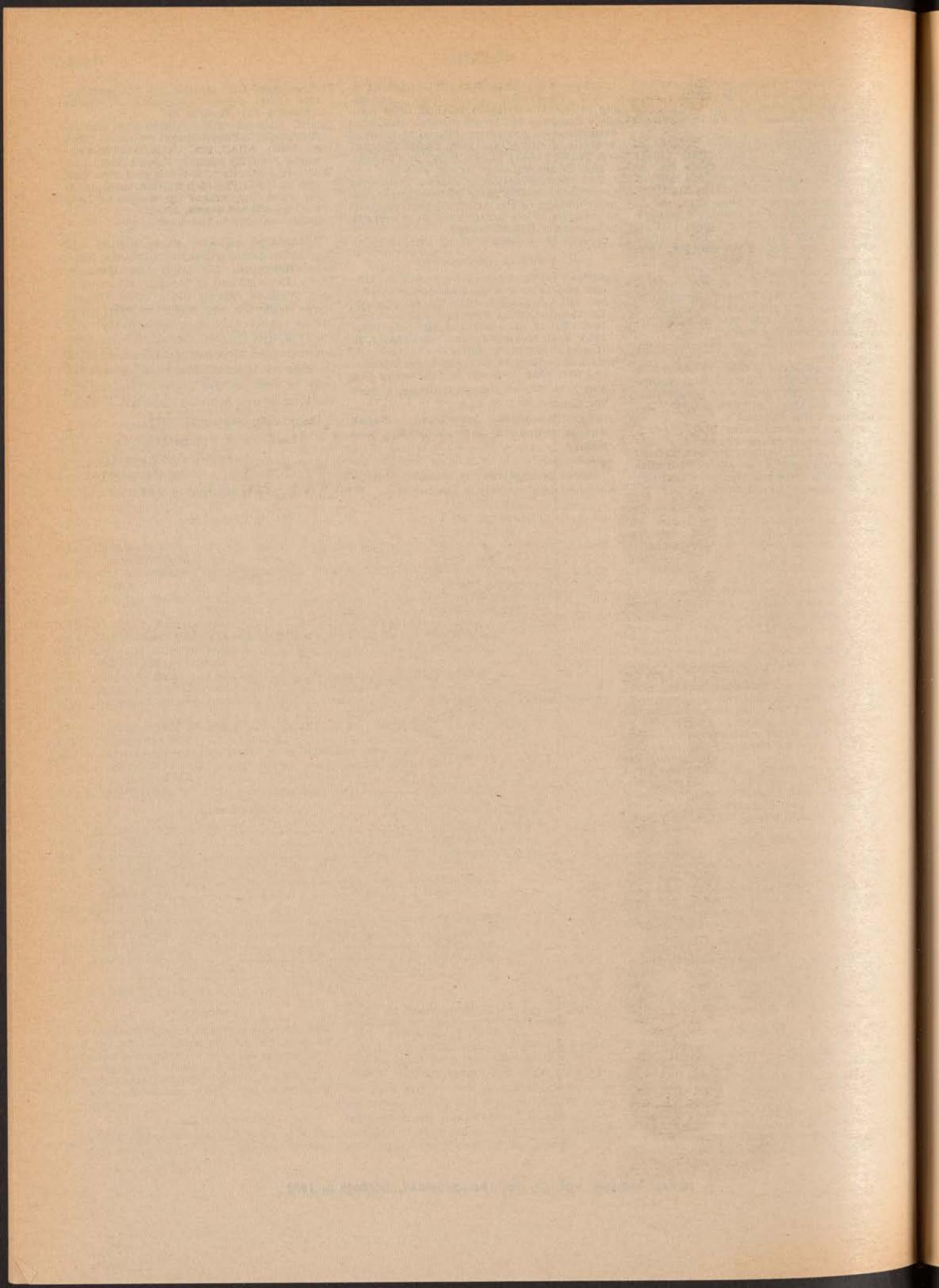
Official Methods of Analysis of the Association of Official Agricultural Chemists (10th ed. 1965). AOAC, Post Office Box 540 Benjamin Franklin Station, Wash. 4, D.C. Standard Methods of the Oils and Fats Section of the IUPAC, 5th Edition, incorporating First Supplement up-to-date to 1965. Butterworths, London, 1966. Supplement 1966 to the above.

Interested persons may, within 120 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this matter. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 25, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-16646 Filed 10-4-72; 8:45 am]



# Register of Emergency Orders

THURSDAY, OCTOBER 5, 1972  
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PART III



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## DEPARTMENT OF LABOR

■

Wage Rate Determination  
Procedures; Revision and  
Organizational Changes

## Title 29—LABOR

### Subtitle A—Office of the Secretary of Labor

#### PART 1—PROCEDURES FOR PREDETERMINATION OF WAGE RATES

#### PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS STANDARDS ACT)

##### Revision To Reflect Organizational Changes

Minimum wage rates and fringe benefits of workers performing construction activity, under contracts subject to the labor standards provisions of the Davis-Bacon Act and of many related statutes under which such activity is performed with Federal assistance, are prescribed in accordance with wage determination decisions of the Secretary of Labor made as provided in 29 CFR Part 1 which are based on the wages determined to be prevailing for such workers on similar construction in the locality. Pursuant to orders of the Secretary reassigning functions of the Department, functions formerly performed by the Solicitor of Labor under 29 CFR Part 1 are now assigned to the Assistant Secretary of Labor for Employment Standards and performed under his general direction by officials of the Employment Standards Administration. Editorial changes in 29 CFR Part 1 are necessary to reflect this fact.

General wage determination decisions (also known as "area" wage determinations) and project wage determination decisions are made in the Washington offices of the Department of Labor under these statutes. The general or "area" decisions are published in the **FEDERAL REGISTER**. As a result of recent strengthening of the Department's field organization, the functions of the Department of Labor concerned with obtaining and compiling wage rate information for wage determination decisions to be issued in Washington and matters relating thereto, heretofore, performed in Washington, may now be performed more efficiently and effectively and with greater accuracy in the regions of the country where the projects are to be undertaken and where the wage data for the localities involved can be ascertained with a minimum of delay. Accordingly, 29 CFR Part 1 is amended to make such technical changes in the text of Part 1 as are required to reflect the current assignments of authority and responsibility for wage determination procedures under the statutes referred to above, pursuant to Secretary of Labor's Orders No. 13-71 and No. 15-71 (36 F.R. 8755, 8756).

In addition, 29 CFR 5.3 and 5.4 are transferred to Part 1 inasmuch as the subject matter, the application for and

use of wage determinations, is more appropriately treated in Part 1. Procedural changes necessitated by the publication of general wage determinations in the **FEDERAL REGISTER** are also made in new § 1.7 of Part 1; which replaces former § 5.4 of Part 5.

Pursuant to authority under the Davis-Bacon Act, as amended (46 Stat. 1494, as amended; 40 U.S.C. 276a-276a-7), Reorganization Plan No. 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. Appendix) and the statutes subject thereto providing for determination of wages by the Secretary of Labor in accordance with the Davis-Bacon Act, and under Reorganization Plan No. 6 of 1950 (15 F.R. 3174; 64 Stat. 1263; 5 U.S.C. Appendix, 5 U.S.C. 301), Secretary's Order No. 13-71 (36 F.R. 8755), and Secretary's Order No. 15-71 (36 F.R. 8756), I amend 29 CFR Parts 1 and 5 as set forth below.

As the revisions in these parts involve only changes necessitated by agency reorganization, procedures and practices, general notice of rule making is not required. Further, I find that delay in the effective date of these amendments would be detrimental to agency administration of procurements dependent on wage determinations of the Secretary of Labor. Accordingly, these amendments shall be effective immediately.

1. Part 1 29 CFR is revised to read as follows:

Sec.

- 1.1 Purpose and scope.
- 1.2 Definitions.
- 1.3 Obtaining and compiling wage rate information.
- 1.4 Outline of agency construction programs.
- 1.5 Procedure for requesting wage determinations.
- 1.6 Determination of wage rates.
- 1.7 Use and effectiveness of wage determinations.
- 1.8 Scope of consideration (exclusive of wage rate determinations made pursuant to the Federal-Aid Highway Acts as codified in 23 U.S.C. 113, which shall be made in accordance with § 1.3(b)(4)).
- 1.9 Field survey.
- 1.10 Hearings.
- 1.11 Prehearing conferences.
- 1.12 Hearing examiner's proposed decision.
- 1.13 Submission of hearing examiner's proposed decision to interested persons.
- 1.14 Exceptions of interested persons.
- 1.15 Decision of Administrator.
- 1.16 Review by Wage Appeals Board.
- 1.17 Public information.

**AUTHORITY:** The provisions of this Part 1 issued under R.S. 161, 64 Stat. 1267; sec. 2, 48 Stat. 948; sec. 10, 61 Stat. 89; 5 U.S.C. 301, 5 U.S.C. App.; 40 U.S.C. 276c; 29 U.S.C. 258. Interpret or apply sec. 1, 46 Stat. 1494, 49 Stat. 1011; sec. 212 added to c. 847, 48 Stat. 1246 by sec. 14, 53 Stat. 807; sec. 602, added to c. 94, 64 Stat. 77 at 73 Stat. 681; sec. 2, 60 Stat. 1041; sec. 15, 60 Stat. 178; sec. 307(f); 63 Stat. 430; sec. 205, 64 Stat. 973; sec. 310, 65 Stat. 307; sec. 201; 64 Stat. 1248; sec. 3, 72 Stat. 532; sec. 108, 72 Stat. 895; sec. 6, 62 Stat. 1158; sec. 15, 75 Stat. 714; sec. 21, 75 Stat. 618; sec. 15, 75 Stat. 688; sec. 721, 77 Stat. 167; secs. 101, 122, 135, 205, 77 Stat. 282, 284, and 288. 40 U.S.C. 276a; 12 U.S.C. 1701q, 1715c, 1749a; 42 U.S.C. 291h, 1416, 1459, 1592; 29 U.S.C. 1114, 20 U.S.C. 636; 23 U.S.C. 113; 50 U.S.C. App. 2281; 33 U.S.C. 466e.

#### § 1.1 Purpose and scope.

(a) The procedural rules in this part apply under the Davis-Bacon Act (46 Stat. 1494, as amended; 40 U.S.C. 276a-276a-7) and other statutes listed in Appendix A to this part which provide for the payment of minimum wages, including fringe benefits, to laborers and mechanics engaged in construction activity under contracts entered into or financed by or with the assistance of agencies of the United States or the District of Columbia, based on determinations by the Secretary of Labor of the wage rates and fringe benefits prevailing for the corresponding classes of laborers and mechanics employed on projects similar to the contract work in the local areas where such work is to be performed. Functions of the Secretary of Labor under these statutes and under Reorganization Plan No. 14 of 1950 (64 Stat. 1267, 5 U.S.C. Appendix), except those assigned to the Wage Appeals Board (see 29 CFR Part 7), are assigned to the Assistant Secretary of Labor for Employment Standards and his delegates in the Employment Standards Administration of the U.S. Department of Labor.

(b) The regulations in this part set forth the procedures for making and applying such determinations of prevailing wage rates and fringe benefits pursuant to the Davis-Bacon Act, each of the other statutes listed in the Appendix A, any other Federal statute providing for determinations of such wages by the Secretary of Labor in accordance with the provisions of the Davis-Bacon Act, and such other statutes as may, from time to time, confer upon the Secretary of Labor similar wage determining authority.

(c) Procedures set forth in this part are applicable, unless otherwise indicated, both to general wage determination decisions published in the **FEDERAL REGISTER** for general use in specified localities for contracts to be performed there, and to project wage determination decisions for use on contract work to be performed on a specific project.

#### § 1.2 Definitions.

(a) The term "prevailing wage rate" for each classification of laborers and mechanics which the Administrator shall regard as prevailing in an area shall mean:

(1) The rate of wages paid in the area in which the work is to be performed, to the majority of those employed in that classification in construction in the area similar to the proposed undertaking;

(2) In the event that there is not a majority paid at the same rate, then the rate paid to the greater number: *Provided*, Such greater number constitutes 30 percent of those employed; or

(3) In the event that less than 30 percent of those so employed receive the same rate, then the average rate.

(b) The term "area" in determining wage rates under the Davis-Bacon Act

<sup>1</sup> These definitions are not intended to restrict the meaning of the terms as used in the applicable statutes.

and the prevailing wage provisions of the other statutes listed in Appendix A shall mean the city, town, village, or other civil subdivision of the State in which the work is to be performed. In determining wage rates pursuant to the Federal-Aid Highway Acts as codified in 23 U.S.C. 113, the College Housing Act of 1950, and the Federal Water Pollution Control Act, the term "area" shall mean immediate locality of the projects.

(c) The term "average rate" for each classification in an area shall mean the rate obtained by adding the hourly rates paid to all workers in the classification and dividing by the total number of such workers.

(d) The term "Administrator" shall mean the Deputy Assistant Secretary for Employment Standards, Employment Standards Administration, U.S. Department of Labor, who is also Administrator of the Wage and Hour Division, or his authorized representative as set forth in this part. In the absence of the Deputy Assistant Secretary/Wage Hour Administrator, the Deputy Administrator of the Wage and Hour Division/Director of Office of Wage and Compensation Programs is designated to act for him under this part. Except as otherwise provided in this part, the Assistant Administrator is the authorized representative of the Administrator for the performance of functions relating to the making and effectuation of wage determinations pursuant to the procedures provided herein. Each Regional Administrator, Employment Standards Administration, is the authorized representative of the Administrator for the performance of functions relating to wage determinations as provided in this part.

(e) The term "wages" (and its singular form) has the meaning prescribed in section 1(b) of the Davis-Bacon Act (40 U.S.C. 276a(b)). It includes "other bona fide fringe benefits" than those expressly enumerated in the Act. This permits, among other things, the inclusion of the "bona fide fringe benefits" in prevailing wage determinations under the Act for a particular area when the payment of such fringe benefits constitutes a prevailing practice. In finding whether or not it is the prevailing area practice to pay such fringe benefits, the Administrator shall be guided by the tests of prevalence similar to those prescribed in paragraph (a) of this section.

#### § 1.3 Obtaining and compiling wage rate information.

For the purpose of making wage rate determinations, the Administrator shall conduct a continuing program for the obtaining and compiling of wage rate information.

(a) The Administrator shall encourage the voluntary submission of wage rate data to the appropriate Regional Office as shown in Appendix B by contractors, contractors' associations, labor organizations, public officials and other interested parties, reflecting wage rates paid to laborers and mechanics on vari-

ous types of construction in the area. Rates must be determined, among others, for such varying types of projects as buildings, bridges, dams, highways, tunnels, sewers, power lines, railways, airports (building and runways), apartment houses, wharves, levees, canals, dredging, land clearing, and excavating. Accordingly, the information submitted should reflect not only that the specified wage rate or rates are paid to a particular craft in an area, but also the type or types of construction on which such rate or rates are paid.

(b) The following types of information will be considered in making wage rate determinations:

(1) Statements showing wage rates paid on projects. (Such statements should indicate the names and addresses of contractors, including subcontractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed in each classification on each project, and the respective wage rates paid such workers.)

(2) Signed collective bargaining agreements. (The Administrator may request the parties to an agreement to submit statements certifying to its scope and application.)

(3) Wage rates determined for public construction by State and local officials pursuant to prevailing wage legislation.

(4) Information furnished by Federal and State agencies. See § 1.5. (In making wage rate determinations pursuant to Federal-Aid Highway Acts as codified in 23 U.S.C. 113, the highway department of the State in which a project in the Interstate System is to be performed shall be consulted. Before making a determination of wage rates for such a project the Administrator shall give due regard to the information thus obtained.)

(5) Any other information pertinent to the determination of prevailing wage rates.

(c) The Administrator shall supplement such information obtained on a voluntary basis by such means, including the holding of hearings, and from whatever sources he deems necessary.

#### § 1.4 Outline of agency construction programs.

To the extent practicable, at the beginning of each fiscal year each agency using wage determinations under any of the various statutes listed in Appendix A shall furnish each Employment Standards Administration Regional Office with a general outline of its proposed construction programs for the coming year in the area covered by that regional office indicating the estimated number of projects for which wage determinations will be required, the anticipated types of construction, and the locations of construction. During the fiscal year, each agency shall notify the Regional Administrator of any significant changes in its proposed construction programs, as outlined at the beginning of the fiscal year.

#### § 1.5 Procedure for requesting wage determinations.

(a) (1) The Federal Agency shall initially request a wage determination under the Davis-Bacon Act or any of its related prevailing wage statutes by submitting to the Regional Administrator who has jurisdiction within the geographical area where the applicable project will be performed a completed Standard Form 308. See Appendix B for applicable geographical areas. State highway departments under the Federal-Aid Highway Acts as codified in 23 U.S.C. 113 shall similarly request a wage determination by using Standard Form 308. The agency shall check only those classifications on the applicable form which will be needed in the performance of the work (inserting a note such as "entire schedule" or "all applicable classifications" is not sufficient). Additional classifications needed which are not on the form may be typed in the blank spaces or on a separate list and attached to the form. The agency shall not list classifications which can be fitted into classifications on the form, or classifications which are not generally recognized in the area or in the construction industry.

(2) In completing SF-308, the agency shall furnish:

(i) A sufficiently detailed description of the work to indicate the type of construction involved. Additional description or separate attachment, if necessary for identification of type of project, shall be furnished.

(ii) Location of the proposed project (include distance in miles and direction from the nearest point of reference).

(3) Such request for a wage determination shall be accompanied by any pertinent wage payment information which may be available. This information need not accompany a request in areas where the wage patterns are clearly established. When the requesting agency is a State highway department under the Federal-Aid Highway Acts as codified in 23 U.S.C. 113, such agency shall also include its recommendations as to the wages which are prevailing for each classification of laborers and mechanics on similar construction in the immediate locality.

(b) Whenever the wage patterns in a particular area for a particular type of construction are well settled and whenever it may be reasonably anticipated that there will be a large volume of procurement in that area for such a type of construction, the Administrator, upon the request of a Federal agency or in his discretion, may issue a general wage determination when, after consideration of the facts and circumstances involved, he finds that the applicable statutory standards and those of this part will be met.

(c) The time required for processing requests for wage determinations varies according to the facts and circumstances in each case. An agency should anticipate that such processing in the Department of Labor will take at least 30 days.

**§ 1.6 Determination of wage rates.**

In the event that the data compiled under § 1.3 are sufficient to determine the prevailing wage rates, a wage determination decision shall be made as to the wage rates and fringe benefits prevailing in the area in response to requests submitted as provided in § 1.5. If a general wage determination decision is issued as provided in § 1.5(b), it shall be published in the *FEDERAL REGISTER*. Copies of project wage determinations shall be delivered to the requesting contracting officers through the Regional Offices which originally received the requests. Such wage determination decisions shall be used, and may be modified, superseded, or corrected as provided in § 1.7.

**§ 1.7 Use and effectiveness of wage determinations.**

(a) (1) Project wage determinations initially issued shall be effective for 120 calendar days from the date of such determinations. If such a wage determination is not used in the period of its effectiveness it is void. If it appears that a wage determination may expire between bid opening and award, the agency should request a new wage determination sufficiently in advance of the bid opening to assure receipt prior thereto. However, when due to unavoidable circumstances a determination expires before award and after bid opening, the Administrator upon a written finding to that effect by the head of the Federal agency in individual cases may extend the expiration date of a determination whenever he finds it necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment in the conduct of Government business.

(2) General wage determinations issued pursuant to § 1.5(b) of this part, and which are published in the *FEDERAL REGISTER*, shall contain no expiration date. These general wage determinations shall be modified, and the modifications published in the *FEDERAL REGISTER*, on a timely basis to keep them current.

(b) (1) All actions modifying an original project wage determination prior to the award of the contract or contracts for which the determination was sought shall be applicable thereto, but modifications received by the Federal agency (in the case of the Federal-Aid Highway Acts as codified in 23 U.S.C. 113, the State highway department of each State) later than 10 days before the opening of bids shall not be effective except when the Federal agency (in the case of the Federal-Aid Highway Acts as codified in 23 U.S.C. 113, the State highway department of each State) finds that there is a reasonable time in which to notify bidders of the modification. Similarly, in the case of contracts entered into pursuant to the National Housing Act, changes or modifications in the original determination shall be effective if made prior to the beginning of construction, but shall not apply after

the mortgage is initially endorsed by the Federal agency. A modification in no case will continue in effect beyond the effective period of the wage determination to which it relates.

(2) All actions modifying a general wage determination shall be applicable thereto, but modifications published in the *FEDERAL REGISTER* later than 15 days before the opening of bids shall not be effective except when the Federal agency (in the case of Federal-Aid Highway Acts as codified in 23 U.S.C. 113, the State highway department of each State) finds that there is a reasonable time in which to notify bidders of the modification. In the case of contracts entered into pursuant to the National Housing Act, such modifications shall be effective if made prior to the beginning of construction, but shall not apply after the mortgage is initially endorsed by the Federal agency.

(c) Upon his own initiative or the request of a Federal agency (or a State highway department under the Federal-Aid Highway Acts as codified in 23 U.S.C. 113), the Administrator shall correct any wage determination included in a contract subject to the minimum wage provisions of the statutes listed in Appendix A of this part whenever he finds such a wage determination contains clerical errors.

**§ 1.8 Scope of consideration (exclusive of wage rate determinations made pursuant to the Federal-Aid Highway Acts as codified in 23 U.S.C. 113, which shall be made in accordance with § 1.3(b)(4)).**

(a) In making a wage rate determination, projects completed more than 1 year prior to the date of request for the determination may, but need not be considered.

(b) If there has been no similar construction within the area in the past year, wage rates paid on the nearest similar construction may be considered.

**§ 1.9 Field survey.**

Whenever the data at hand are insufficient to make a determination with respect to all the crafts necessary to perform the proposed construction work, a field survey may be conducted in the area of the proposed project for the purpose of obtaining sufficient information upon which to make a determination of wage rates.

**§ 1.10 Hearings.**

Whenever he deems it necessary because of insufficiency of information or impracticality of a field survey, or both, the Administrator may direct a hearing to be held. He shall request the Chief Hearing Examiner, U.S. Department of Labor, to designate a hearing examiner who shall, after notice to all interested persons, proceed to the project area and make such investigations and conduct such hearings as may be necessary to make a determination of wage rates for the project.

**§ 1.11 Prehearing conferences.**

When it appears that a prehearing conference will expedite proceedings, the examiner prior to the hearing may request interested persons to attend a conference to consider such matters as may expedite the hearing.

**§ 1.12 Hearing examiner's proposed decision.**

The hearing examiner shall make a written proposed decision in which he shall:

- (a) State the procedure that he has followed;
- (b) Summarize briefly the evidence and information that he has received;
- (c) Analyze the evidence and information; and
- (d) Draft a proposed decision for the Administrator's consideration.

**§ 1.13 Submission of hearing examiner's proposed decision to interested persons.**

A copy of the hearing examiner's proposed decision shall be mailed to each interested person appearing at the hearing.

**§ 1.14 Exceptions of interested persons.**

Any interested person may within 5 days after receipt of the hearing examiner's proposed decision file his exceptions thereto. Such exceptions shall be filed with the Chief Hearing Examiner, U.S. Department of Labor, Washington 25, D.C., for transmission to the Administrator.

**§ 1.15 Decision of Administrator.**

The Administrator shall rule upon any exceptions filed under § 1.14, and shall make a determination as to the prevailing wage rates for the project.

**§ 1.16 Review by Wage Appeals Board.**

Any interested person may appeal to the Wage Appeals Board for a review of a determination of wage rates made under this part, or any findings and conclusions made on the record of any hearings held under § 1.3(c). Any such appeal may, in the discretion of the Wage Appeals Board, be received, accepted, and decided in accordance with the provisions of 29 CFR Part 7 and such other procedures as the Board may establish.

**§ 1.17 Public information.**

Papers and documents containing information furnishing the basis for any determination of wage rates shall be available for public inspection at each Regional Office, Employment Standards Administration, within the geographical area comprising the region, and in the Washington Office under the procedures prescribed in Part 70 of this subtitle. The application of these procedures shall insure that disclosure of the relevant information will be made in a manner consistent with Part 70, governing the disclosure of particular or specific records which are in the custody of the Employment Standards Administration. See Appendix B for address of each Regional Office and the geographical areas comprising each region.

## APPENDIX A

STATUTES REQUIRING PAYMENT OF WAGES AT RATES PREDETERMINED BY THE SECRETARY OF LABOR

1. The Davis-Bacon Act (secs. 1-7, 46 Stat. 1494, as amended; Public Law 74-403, 40 U.S.C. 276a-276a-7).
2. The Federal-Aid Highway Act of 1956 (sec. 108(b), 70 Stat. 378, recodified at 72 Stat. 895; 23 U.S.C. 113(a), as amended), see particularly the amendments in the Federal-Aid Highway Act of 1968 (Public Law 90-495, 62 Stat. 815).
3. National Housing Act (sec. 212 added to c. 847, 48 Stat. 1246 by sec. 14, 53 Stat. 807; 12 U.S.C. 1715c) and repeatedly amended.
4. Federal Airport Act (sec. 15, 60 Stat. 178; 49 U.S.C. 1114(b)).
5. Housing Act of 1949 (sec. 109, 63 Stat. 419, as amended; 42 U.S.C. 1459).
6. School Survey and Construction Act of 1950 (sec. 101, 72 Stat. 551, 20 U.S.C. 636(b) (1)(E), Public Law 85-620).
7. Defense Housing and Community Facilities and Services Act of 1951 (sec. 310, 65 Stat. 307, 42 U.S.C. 15921).
8. U.S. Housing Act of 1937 (sec. 16, 50 Stat. 896, as amended; 42 U.S.C. 1416).
9. Federal Civil Defense Act of 1950 (sec. 3(c), 72 Stat. 533, 50 U.S.C. App. 2281, Public Law 85-606).
10. Health Professions Educational Assistance Act of 1968 (sec. 2(a), 77 Stat. 164; 42 U.S.C. 292d(c) (4) and 42 U.S.C. 293a(c) (5), Public Law 88-129).
11. Mental Retardation Facilities Construction Act (secs. 101, 122, 135; 77 Stat. 282, 284, 288; 42 U.S.C. 295a(a)(2)(D), 2662 (5), 2675(a) (5), Public Law 88-164).
12. Community Mental Health Centers Act (sec. 205, 77 Stat. 292; 42 U.S.C. 2685(a) (5), Public Law 88-164).
13. Higher Educational Facilities Act of 1963 (sec. 403, 77 Stat. 379; 20 U.S.C. 753, Public Law 88-204).
14. Vocational Educational Act of 1963 (sec. 7, 77 Stat. 408; 20 U.S.C. 35f, Public Law 88-210).
15. Library Services and Construction Act (sec. 7(a), 78 Stat. 13; 20 U.S.C. 355c(a) (4), Public Law 88-269).
16. Urban Mass Transportation Act of 1964 (sec. 10, 78 Stat. 307; 49 U.S.C. 1609, Public Law 88-365).
17. Economic Opportunity Act of 1964 (sec. 607, 78 Stat. 532; 42 U.S.C. 2947, Public Law 88-482).
18. Hospital Survey and Construction Act, as amended by the Hospital and Medical Facilities Amendments of 1964 (sec. 605(a) (5), 78 Stat. 453; 42 U.S.C. 291e(a)(5), Public Law 88-443).
19. Housing Act of 1964 (adds sec. 516(f) to Housing Act of 1949 by sec. 503, 78 Stat. 797; 42 U.S.C. 1486(f), Public Law 88-560).
20. Commercial Fisheries Research and Development Act of 1964 (sec. 7, 78 Stat. 199; 16 U.S.C. 779e(b), Public Law 88-309).
21. Nurse Training Act of 1964 (sec. 2, 78 Stat. 909; 42 U.S.C. 296a(b) (5), Public Law 88-581).
22. Appalachian Regional Development Act of 1965 (sec. 402, 79 Stat. 21; 40 U.S.C. App. 402, Public Law 90-103).
23. Act to provide Financial Assistance for Local Educational Agencies in areas affected by Federal activities (64 Stat. 1100, as amended by sec. 2, 79 Stat. 33; 20 U.S.C. 241, Public Law 89-10).
24. Elementary and Secondary Education Act of 1965 (sec. 308, 79 Stat. 44; 20 U.S.C. 848, Public Law 88-10).
25. Cooperative Research Act of 1966 (sec. 4(c), added by sec. 403, Public Law 89-750, 79 Stat. 46; 20 U.S.C. 332a(c)).
26. Housing Act of 1961 (sec. 707, added by sec. 907, 79 Stat. 496; 42 U.S.C. 1500c-3, Public Law 89-117).
27. Housing and Urban Development Act of 1965 (sec. 707, 79 Stat. 492; 42 U.S.C. 3107, Public Law 89-117).
28. Public Works and Economic Development Act of 1965 (sec. 712, 79 Stat. 575; 42 U.S.C. 3222, Public Law 89-136).
29. National Foundation on the Arts and Humanities Act of 1965 (sec. 5(k), 79 Stat. 846; 20 U.S.C. 954(k), Public Law 89-209).
30. Federal Water Pollution Control Act as amended by sec. 4(g) of the Water Quality Act of 1965, (79 Stat. 910; 33 U.S.C. 466e(g), Public Law 89-234).
31. Heart Disease, Cancer and Stroke Amendments of 1965 (sec. 904, as added by sec. 2, 79 Stat. 928; 42 U.S.C. 299d(b) (4), Public Law 89-239).
32. National Capital Transportation Act of 1965 (sec. 3(b) (4), 79 Stat. 644; 40 U.S.C. 682 (b) (4), Public Law 89-173) Note: Repealed December 9, 1969 and labor standards incorporated in sec. 1-1431 of the District of Columbia Code.
33. Vocational Rehabilitation Act (sec. 12 (b), added by sec. 3, 79 Stat. 1284; 29 U.S.C. 41a(b) (4), Public Law 89-333).
34. Medical Library Assistance Act of 1965 (sec. 2, adding sec. 393 of the Public Health Service Act, 79 Stat. 1060; 42 U.S.C. 280b-3(b) (3), Public Law 89-291).
35. Solid Waste Disposal Act (sec. 207, 79 Stat. 1000; 42 U.S.C. 3256, Public Law 89-272).
36. National Technical Institute for the Deaf Act (sec. 5(b) (5), 70 Stat. 126; 20 U.S.C. 684(b) (5), Public Law 89-36).
37. Demonstration Cities and Metropolitan Development Act of 1966 (secs. 110, 311, 503, 1003, 80 Stat. 1259, 1270, 1277, 1284; 42 U.S.C. 3310; 12 U.S.C. 1715c; 42 U.S.C. 1416, Public Law 89-745).
38. Model Secondary School for the Deaf Act (sec. 4, 80 Stat. 1028, Public Law 89-695).
39. Delaware River Basin Compact (sec. 15.1, 75 Stat. 714, Public Law 87-328) (considered a statute for purposes of the plan.)
40. Alaska Purchase Centennial (sec. 2(b), 80 Stat. 8, Public Law 89-375).
41. Highway Speed Ground Transportation Study (sec. 6(b), 79 Stat. 895, 49 U.S.C. 1636 (b), Public Law 89-220).
42. Allied Health Professions Personnel Training Act of 1966 (80 Stat. 1222; 42 U.S.C. 295h(b) (2)(E), Public Law 89-751).
43. Air Quality Act of 1967 (sec. 307 added by sec. 2, 81 Stat. 506; 42 U.S.C. 1857j-3), Public Law 90-148).
44. Elementary and Secondary Education Amendments of 1967 (81 Stat. 819; 20 U.S.C. 880b-6, Public Law 90-247).
45. Vocational Rehabilitation Amendments of 1967 (81 Stat. 252, 29 U.S.C. 42a(c) (3), Public Law 90-391).
46. National Visitors Center Facilities Act of 1968 (sec. 110, 82 Stat. 45; 40 U.S.C. 808, Public Law 90-264).
47. Juvenile Delinquency Prevention and Control Act of 1968 (sec. 133, 82 Stat. 469; 42 U.S.C. 3843, Public Law 90-445).
48. New Communities Act of 1968 (sec. 410 of Public Law 90-448, 82 Stat. 516; 42 U.S.C. 3909).
49. Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968 (sec. 243(d) added by sec. 301, 83 Stat. 1008; 42 U.S.C. 2688h(d), Public Law 88-164).
50. Vocational Education Amendments of 1968 (sec. 106 added by sec. 101(b), 82 Stat. 1069, 20 U.S.C. 1246, Public Law 90-576).
51. Postal Reorganization Act (39 U.S.C. 410(b) (4) (c), Public Law 91-375).
52. Developmental Disabilities Services and Facilities Construction Amendments of 1970 (84 Stat. 1316, 42 U.S.C. 2675, sec. 135(a) (5), Public Law 91-518).
53. Rail Passenger Service Act of 1970 (84 Stat. 1327, 45 U.S.C. 565, sec. 405(d), Public Law 91-518).
54. Housing and Urban Development Act of 1970 (84 Stat. 1770, sec. 707(a) and (b), Public Law 91-609, 42 U.S.C. 1500c-3).
55. Airport and Airway Development Act of 1970 (84 Stat. 219, sec. 22(b), Public Law 91-258, 41 U.S.C. 1722(b)) (this Act provides for wage determination by the Secretary of Labor but does not subject the Act to Reorganization Plan No. 14).
56. Elementary and Secondary Education Amendments (84 Stat. 121, sec. 423, Public Law 91-230, 20 U.S.C. 1231 et seq.).
57. Housing Act of 1959 (73 Stat. 681, Public Law 86-372, 12 U.S.C. 1701q(c) (3)).
58. Housing Act of 1950 (64 Stat. 78, 12 U.S.C. 1749a(f)).
59. Area Redevelopment Act of 1961 (75 Stat. 61, Public Law 87-27, 42 U.S.C. 2518).
60. Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965 (79 Stat. 429, Public Law 89-105, 20 U.S.C. 618(g)).
61. Veterans Nursing Home Care Act of 1964 (78 Stat. 502, Public Law 88-450, 38 U.S.C. 5035(a) (8)).
62. Education Amendments of 1972 (86 Stat. 331, Public Law 92-318).
63. Juvenile Delinquency Prevention and Control Act of 1968, amendment (86 Stat. 532, Public Law 92-381).

## APPENDIX B

## BOSTON REGION

For the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut:

Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 1612C, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203 (telephone: 617-223-2035).

## NEW YORK REGION

For the States of New York and New Jersey and for Puerto Rico and the Virgin Islands:

Regional Administrator, Employment Standards Administration, U.S. Department of Labor, 1515 Broadway, New York, NY 10036 (telephone: 212-971-5451).

## PHILADELPHIA REGION

For the States of Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia:

Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 704C, 1317 Filbert Street, Philadelphia, PA 19107 (telephone: 215-597-9633).

## ATLANTA REGION

For the States of Florida, Georgia, North Carolina, South Carolina, Tennessee, Alabama, Kentucky, and Mississippi:

Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 331, 1371 Peachtree Street NE, Atlanta, GA 30309 (telephone: 404-526-5801).

## CHICAGO REGION

For the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin:

Regional Administrator, Employment Standards Administration, U.S. Department of Labor U.S. Courthouse and Federal Office Building, Room 742, 219 South Dearborn Street, Chicago, IL 60604 (telephone: 312-333-7280).

## DALLAS REGION

For the States of Texas, New Mexico, Oklahoma, Arkansas, and Louisiana:

Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 13F12, 1100 Commerce Street, Dallas, TX 75202 (telephone: 214-749-2037).

## RULES AND REGULATIONS

## KANSAS CITY REGION

For the States of Missouri, Kansas, Nebraska, and Iowa:

Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 2000, Federal Office Building, 911 Walnut Street, Kansas City, MO 64102 (telephone: 816-374-5384).

## DENVER REGION

For the States of Colorado, North Dakota, South Dakota, Utah, Wyoming, and Montana:

Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Room 246, 232 New Customhouse, 721 19th Street, Denver, CO 80202 (telephone: 303-837-4613).

## SAN FRANCISCO REGION

For the States of California, Nevada, Arizona, and Hawaii, and for Guam, and various Pacific Islands:

Regional Administrator, Employment Standards Administration, U.S. Department of Labor, 450 Golden Gate Avenue, Room 10431, San Francisco, CA 94102 (telephone: 415-556-1318).

## SEATTLE REGION

For the States of Washington, Oregon, Idaho, and Alaska:

Regional Administrator, Employment Standards Administration, U.S. Department of Labor, 2008 Smith Tower, 506 Second Ave-

nue, Seattle, WA 98104 (telephone: 206-442-1536).

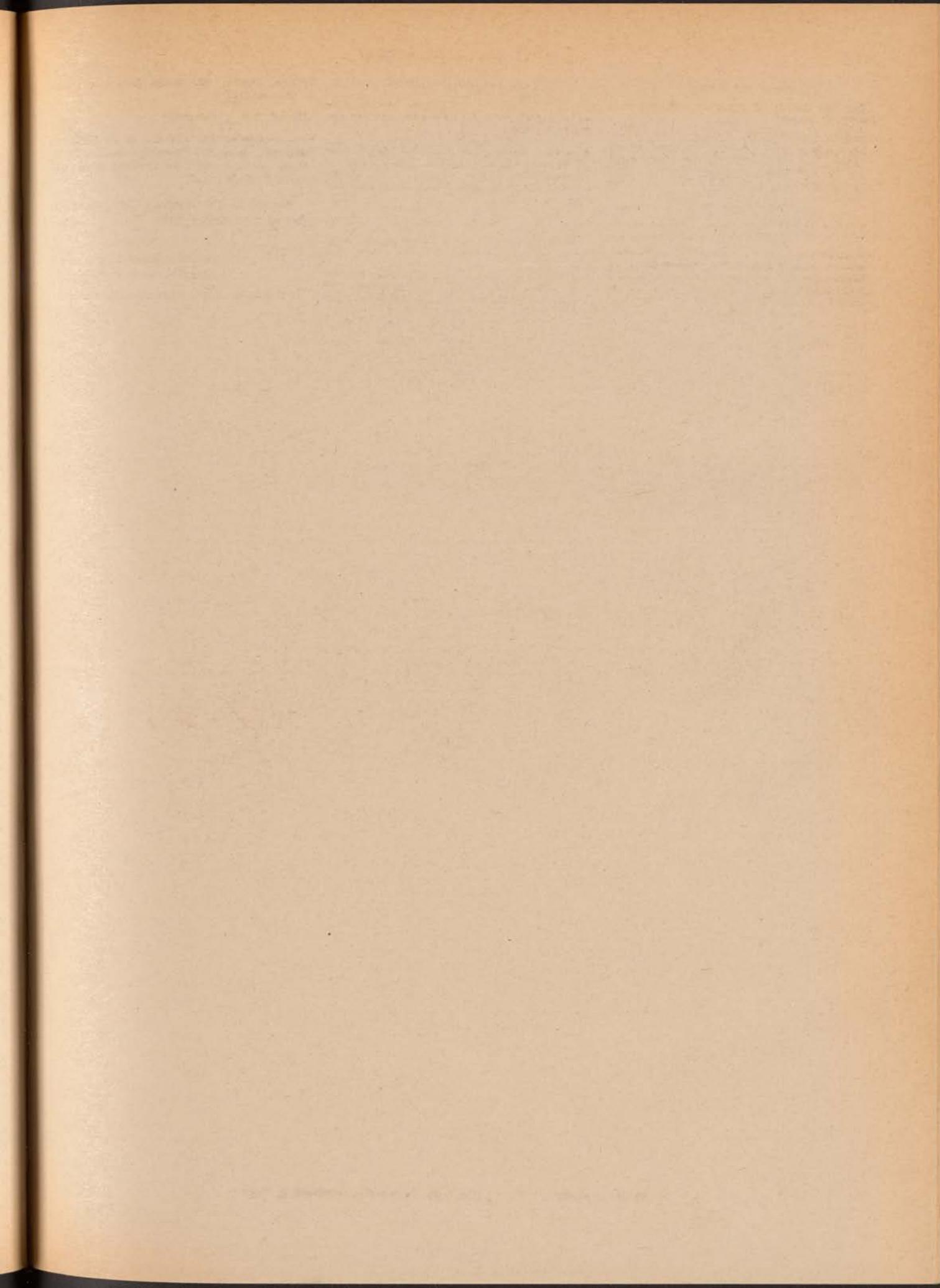
## §§ 5.3, 5.4 [Deleted]

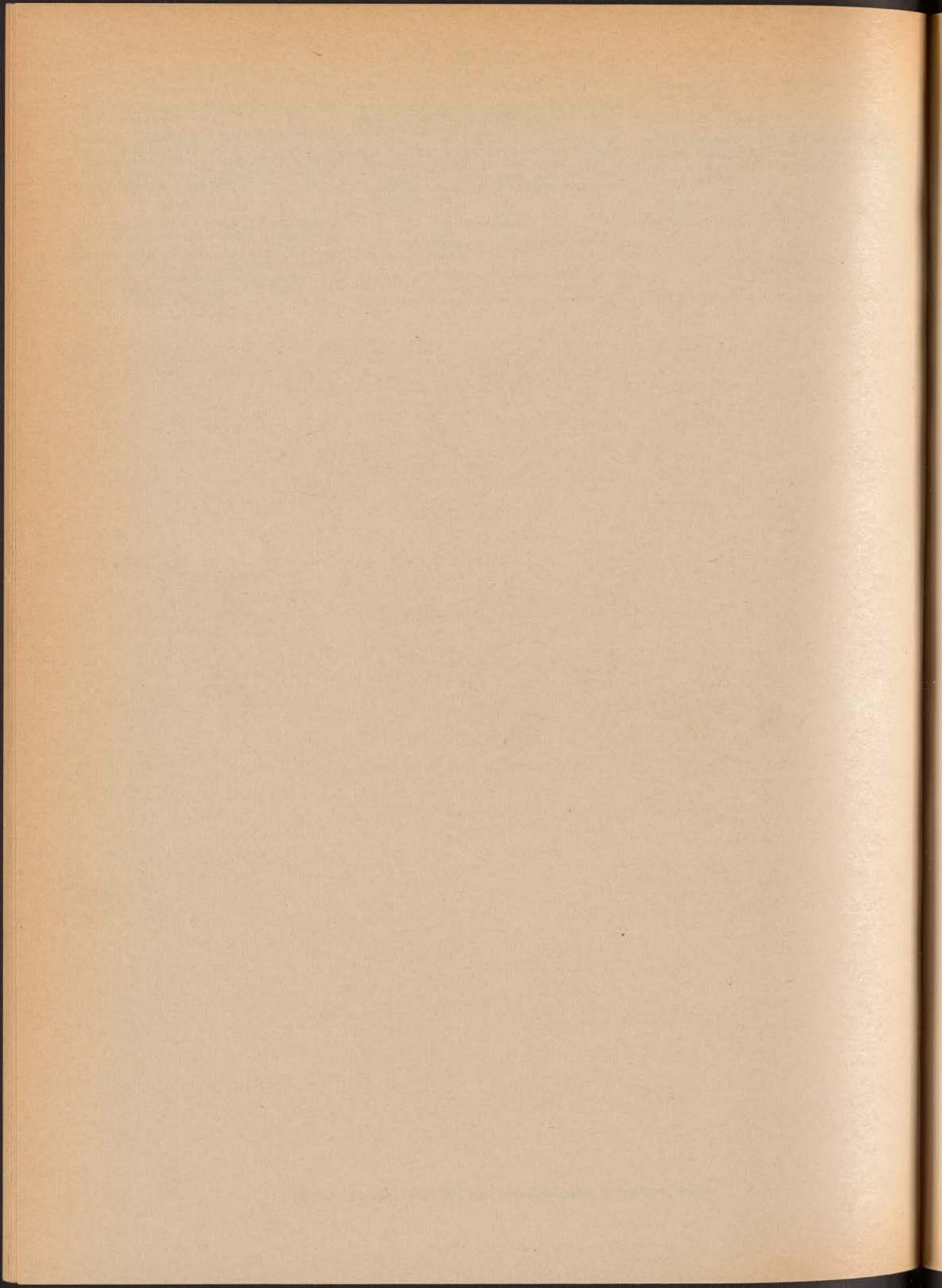
2. Sections 5.3 and 5.4 of 29 CFR are deleted. Subjects formerly dealt with in these sections are now covered in 29 CFR 1.5 and 29 CFR 1.7.

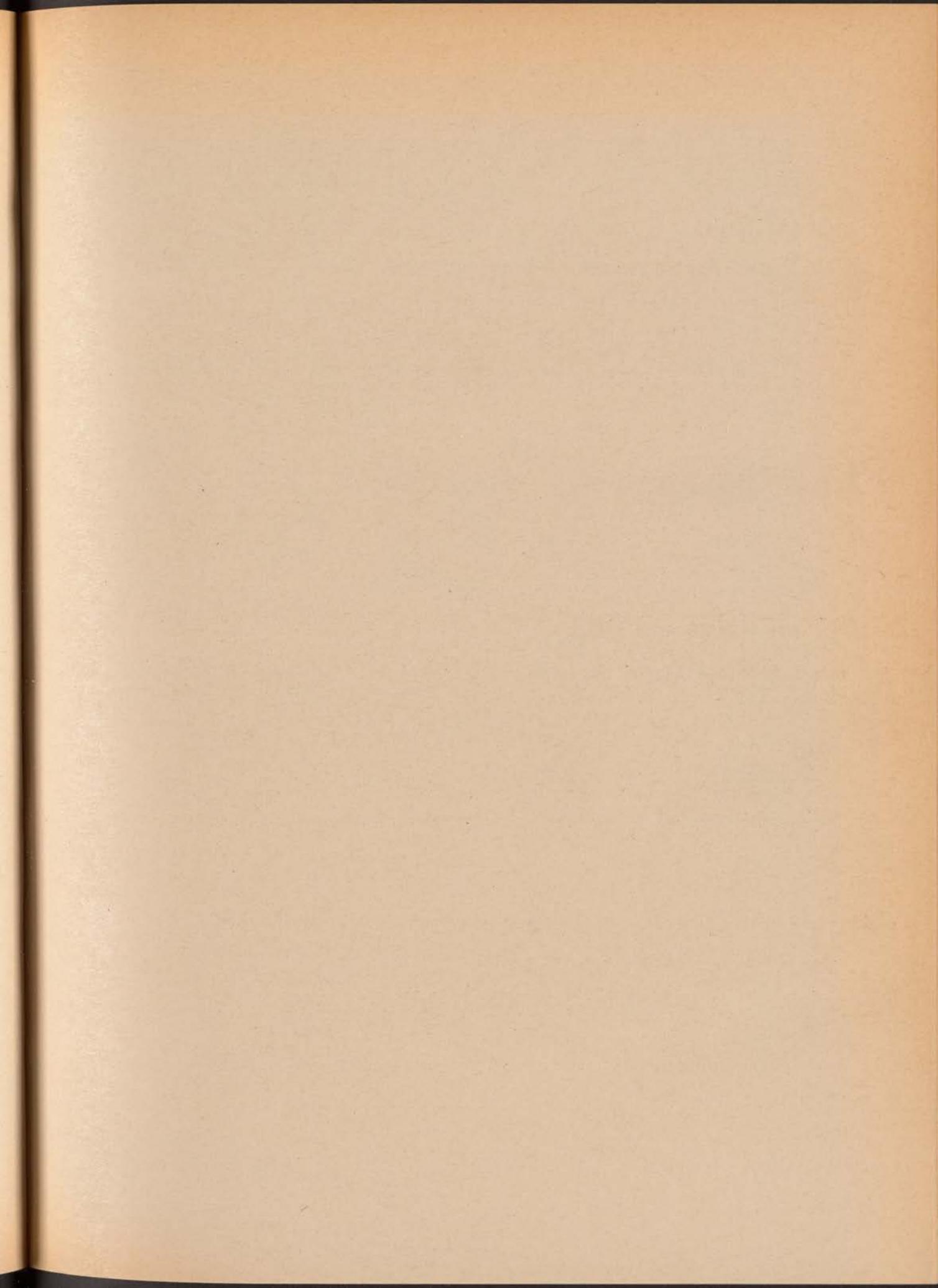
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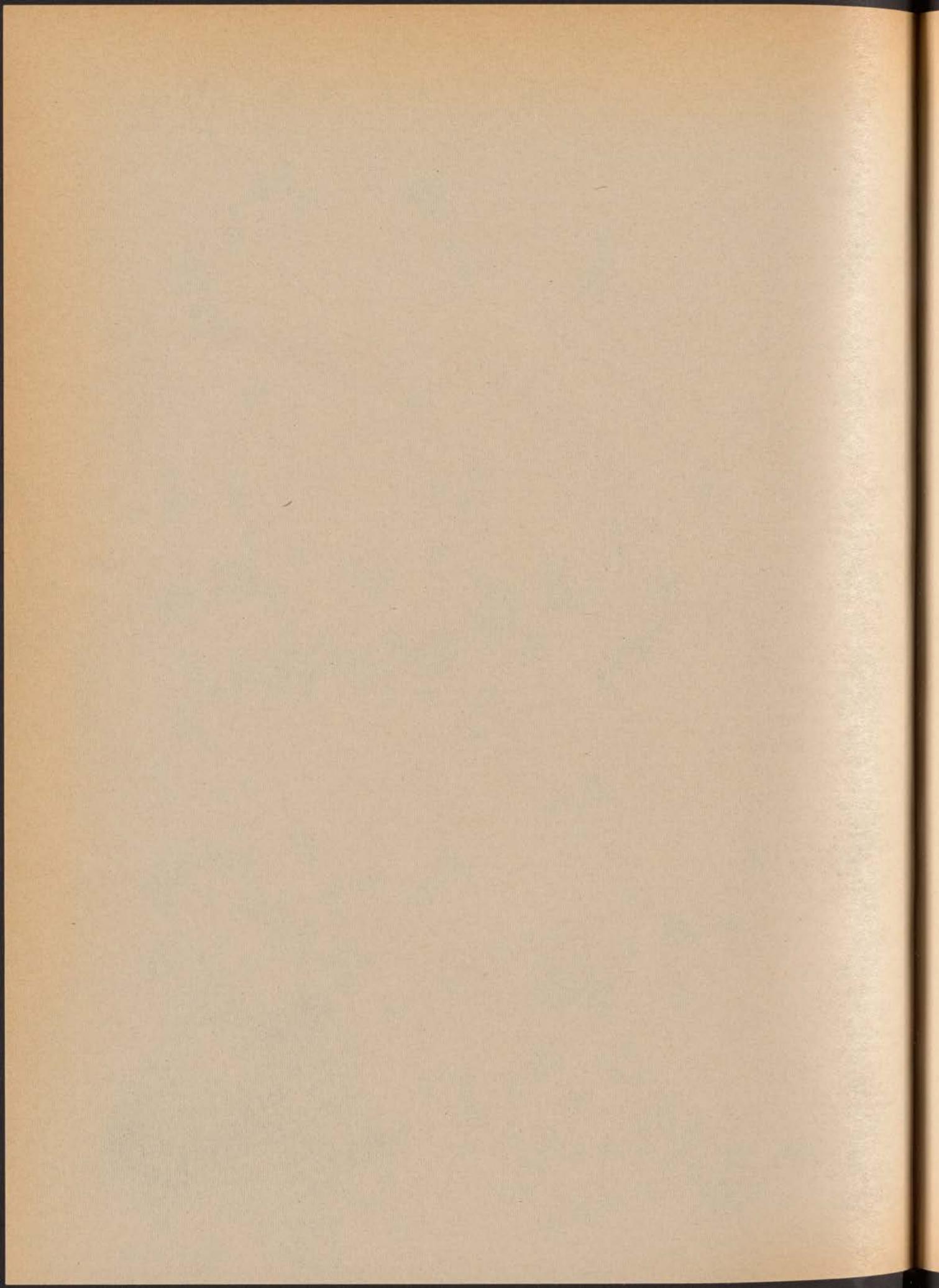
R. J. GRUNEWALD,  
Assistant Secretary for  
Employment Standards.

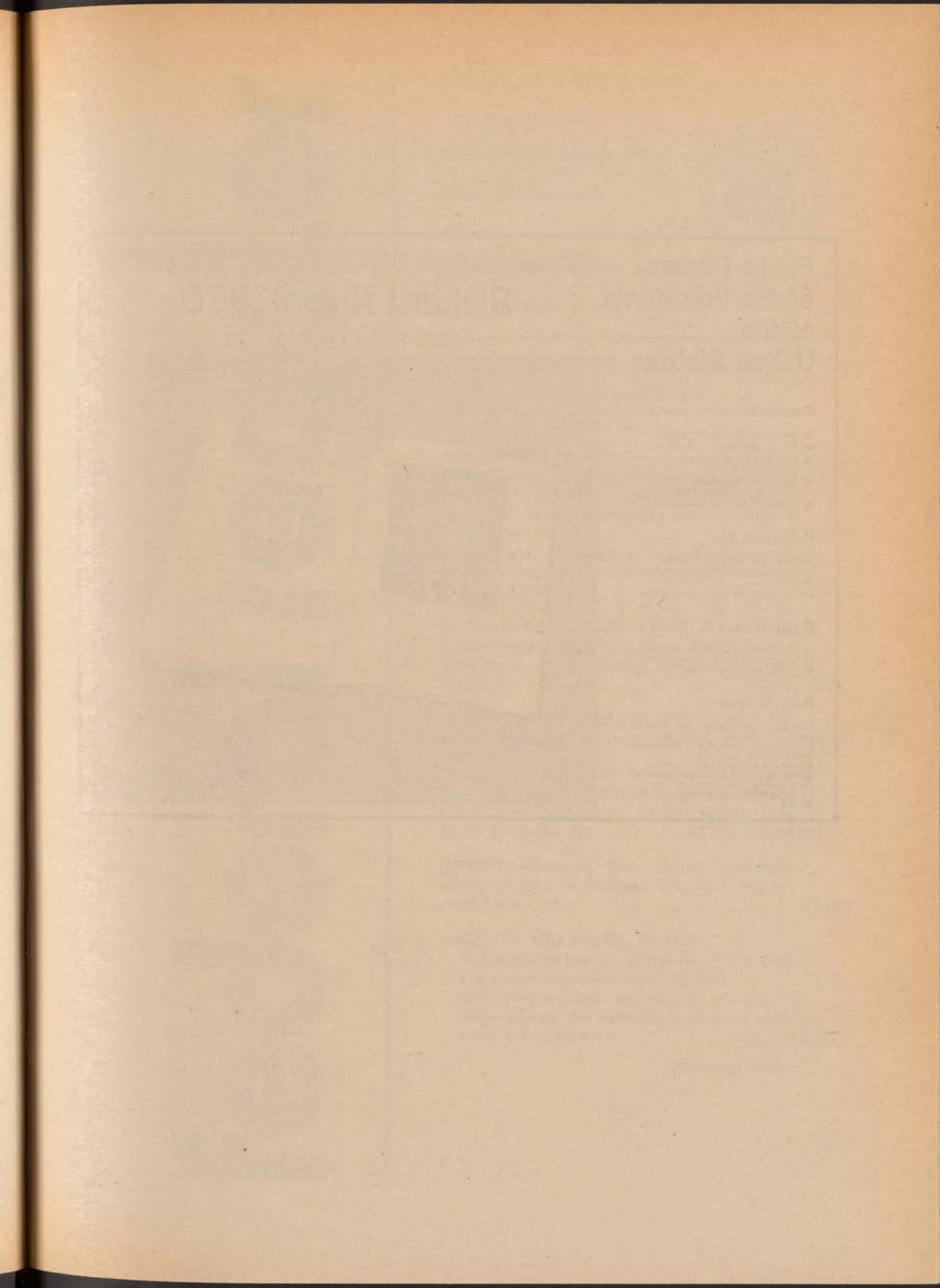
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