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(Continued inside)

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

3 CFR

EXECUTIVE ORDERS:

August 25, 1914 (revoked in part by PLO 5287) 22745
May 21, 1920 (revoked in part by PLO 5288) 22746
5327 (revoked in part by PLO 5285) 22745

5 CFR

550 22717
713 22717
2411 22724

7 CFR

908 22724
910 22724
1050 22724

PROPOSED RULES:

906 22751
1071 22753
1073 22753
1097 22753
1102 22753
1104 22753
1106 22753
1108 22753
1120 22753
1126 22753
1127 22753
1128 22753
1129 22753
1130 22753
1132 22753
1138 22753

8 CFR

103 22725
212 22725
235 22725
238 22725
299 22726
499 22726

9 CFR

76 (3 documents) 22726–22728
94 22728

14 CFR

71 (3 documents) 22729

PROPOSED RULES:

71 (2 documents) 22754

16 CFR

13 (3 documents) 22729–22731

24 CFR

35 22732

26 CFR

194 22734
201 22735
250 22735
251 22740

29 CFR

1910 22743

32A CFR

Ch. X:
OI Reg. 1 22743

43 CFR

PUBLIC LAND ORDERS:

127 (revoked in part by PLO 5282) 22744
967 (see PLO 5282) 22744
2946 (see PLO 5284) 22744
3250 (revoked in part by PLO 5294) 22747
3645 (revoked in part by PLO 5281) 22744
4522 (revoked in part by PLO 5285) 22745
5040 (amended by PLO 5289) 22746
5157 (see PLO 5285) 22745
5280 22744
5281 22744
5282 22744
5283 22744
5284 22744
5285 22745
5286 22745
5287 22745
5288 22746
5289 22746
5290 22746
5291 22746
5292 22747
5293 22747
5294 22747

46 CFR

294 22747

50 CFR

32 22726

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERALLY)

Subpart E—Pay From More Than One Position

OTHER EXCEPTIONS

Subpart E of Part 550 of the Commission's regulations is revised to delete the list of exceptions to the limitation in 5 U.S.C. section 5533(a) on pay from more than one position. This action does not cancel the exceptions; it reflects a decision that these exceptions are not regulatory in nature. Henceforth, exceptions of general application will be published in the Commission's Federal Personnel Manual.

Effective on publication in the FEDERAL REGISTER (10–21–72), § 550.504 is revised, §§ 550.505 and 550.506 are revoked and § 550.507 is redesignated § 550.505.

§ 550.504 Other exceptions.

(a) The Commission may provide for exceptions to section 5533(a) of title 5, United States Code, when the required personal services cannot be readily obtained otherwise. When a department, agency, or the government of the District of Columbia encounters difficulty in obtaining employees because of section 5533(a) of title 5, United States Code, it may request an exception from that section under the guidelines published by the Commission in the Federal Personnel Manual.

(b) The Commission will publish in the Federal Personnel Manual exceptions of general application.

§§ 550.505, 550.506 [Revoked]

§ 550.505 [Redesignated]

(5 U.S.C. section 5533)

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

[FR Doc.72–18079 Filed 10–20–72;8:53 am]

PART 713—EQUAL OPPORTUNITY

Subpart B—Equal Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

Subpart B of Part 713 Equal Opportunity is revised to implement the Equal Employment Opportunity Act of 1972, 86 Stat. 103, and to strengthen the system of complaint processing. Among others, these changes emphasize the affirmative aspects of agency equal employment opportunity obligations, set out requirements for submission of national and regional plans, extend the time limits for contacting a counselor, provide for the reasonable accommodation to the religious needs of applicants and employees, provide for timely investigation and resolution of complaints including complaints of coercion and reprisal, set out the remedial action available (including back pay), and strengthen the third party complaint system.

GENERAL PROVISIONS

Sec.
713.201 Purpose and applicability.
713.202 General policy.
713.203 Agency program.
713.204 Implementation of agency program.
713.205 Commission review and evaluation of agency program operations.

AGENCY REGULATIONS FOR PROCESSING COMPLAINTS OF DISCRIMINATION

713.211 General.
713.212 Coverage.
713.213 Precomplaint processing.
713.214 Filing and presentation of complaint.
713.215 Rejection or cancellation of complaint.
713.216 Investigation.
713.217 Adjustment of complaint and offer of hearing.
713.218 Hearing.
712.219 Relationship to other agency appellate procedures.
713.220 Avoidance of delay.
713.221 Decision by head of agency or designee.
713.222 Complaint file.

APPEAL TO THE COMMISSION

713.231 Entitlement.
713.232 Where to appeal.
713.233 Time limit.
713.234 Appellate procedures.
713.235 Review by the Commissioners.
713.236 Relationship to other appeals.

REPORTS TO THE COMMISSION

713.241 Reports to the Commission on complaints.

THIRD-PARTY ALLEGATIONS

713.251 Third-party allegations of discrimination.

FREEDOM FROM REPRISAL OR INTERFERENCE

713.261 Freedom from reprisal.
713.262 Review of allegations of reprisal.

REMEDIAL ACTIONS

713.271 Remedial actions.

RIGHT TO FILE A CIVIL ACTION

713.281 Statutory right.
713.282 Notice of right.
713.283 Effect on administrative processing.

AUTHORITY: The provisions of this Subpart B issued under 5 U.S.C. 1301, 23301, 3302, 7151–7154, 7301; 86 Stat. 111; E.O. 10577; 3 CFR, 1954–58 Comp., p. 218, E.O. 11222, 3 CFR 1964–1965 Comp., p. 306, E.O. 11478, 3 CFR 1969 Comp.

Subpart B—Equal Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

GENERAL PROVISIONS

§ 713.201 Purpose and applicability.

(a) *Purpose.* This subpart sets forth the regulations under which an agency shall establish a continuing affirmative program for equal opportunity in employment and personnel operations without regard to race, color, religion, sex, or national origin and under which the Commission will review an agency's program and entertain an appeal from a person dissatisfied with an agency's decision or other final action on his complaint of discrimination on grounds of race, color, religion, sex, or national origin.

(b) *Applicability.* (1) This subpart applies: (i) To military department as defined in section 102 of title 5, United States Code, executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, the U.S. Postal Service, and the Postal Rate Commission, and to the employees thereof, including employees paid from nonappropriated funds, and (ii) to those portions of the legislative and judicial branches of the Federal Government and the government of the District of Columbia having positions in the competitive service and to the employees in those positions.

(2) This subpart does not apply to aliens employed outside the limits of the United States.

§ 713.202 General policy.

It is the policy of the Government of the United States and of the government of the District of Columbia to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.

§ 713.203 Agency program.

The head of each agency shall exercise personal leadership in establishing, maintaining, and carrying out a continuing affirmative program designed to promote equal opportunity in every aspect of agency personnel policy and practice in the employment, development, advancement, and treatment of employees. Under the terms of its program, an agency shall:

(a) Provide sufficient resources to administer its equal employment opportunity program in a positive and effective manner and assure that the

principal and operating officials responsible for carrying out the equal employment opportunity program meet established qualifications requirements;

(b) Conduct a continuing campaign to eradicate every form of prejudice or discrimination based upon race, color, religion, sex, or national origin, from the agency's personnel policies and practices and working conditions, including disciplinary action against employees who engage in discriminatory practices;

(c) Utilize to the fullest extent the present skills of employees by all means, including the redesigning of jobs where feasible so that tasks not requiring the full utilization of skills of incumbents are concentrated in jobs with lower skill requirements;

(d) Provide the maximum feasible opportunity to employees to enhance their skills through on-the-job training, work-study programs, and other training measures so that they may perform at their highest potential and advance in accordance with their abilities;

(e) Communicate the agency's equal employment opportunity policy and program and its employment needs to all sources of job candidates without regard to race, color, religion, sex, or national origin, and solicit their recruitment assistance on a continuing basis;

(f) Participate at the community level with other employers, with schools and universities, and with other public and private groups in cooperative action to improve employment opportunities and community conditions that affect employability;

(g) Review, evaluate, and control managerial and supervisory performance in such a manner as to insure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity, and provide orientation, training, and advice to managers and supervisors to assure their understanding and implementation of the equal employment opportunity policy and program;

(h) Provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity;

(i) Inform its employees and recognized labor organizations of the affirmative equal employment opportunity policy and program and enlist their cooperation;

(j) Provide for counseling employees and applicants who believe they have been discriminated against because of race, color, religion, sex, or national origin and for resolving informally the matters raised by them;

(k) Provide for the prompt, fair, and impartial consideration and disposition of complaints involving issues of discrimination on grounds of race, color, religion, sex, or national origin; and

(l) Establish a system for periodically evaluating the effectiveness of the agency's overall equal employment opportunity effort.

§ 713.204 Implementation of agency program.

To implement the program established under this subpart, an agency shall;

(a) Develop the plans, procedures, and regulations necessary to carry out its program established under this subpart;

(b) Appraise its personnel operations at regular intervals to assure their conformity with the policy in § 713.202 and its program established in accordance with § 713.203;

(c) Designate a Director of Equal Employment Opportunity and as many Equal Employment Opportunity Officers, Equal Employment Opportunity Counselors, Federal Women's Program Coordinators, and other persons as may be necessary, to assist the head of the agency to carry out the functions described in this subpart in all organizational units and locations of the agency. The functioning and the qualifications of the persons so designated shall be subject to review by the Commission. The Director of Equal Employment Opportunity shall be under the immediate supervision of the head of his agency, and shall be given the authority necessary to enable him to carry out his responsibilities under the regulations in this subpart;

(d) Assign to the Director of Equal Employment Opportunity the functions of:

(1) Advising the head of his agency with respect to the preparation of national and regional equal employment opportunity plans, procedures, regulations, reports, and other matters pertaining to the policy in § 713.202 and the agency program required to be established under § 713.203;

(2) Evaluating from time to time the sufficiency of the total agency program for equal employment opportunity and reporting thereon to the head of the agency with recommendations as to any improvement or correction needed, including remedial or disciplinary action with respect to managerial or supervisory employees who have failed in their responsibilities;

(3) When authorized by the head of the agency, making changes in programs and procedures designed to eliminate discriminatory practices and improve the agency's program for equal employment opportunity;

(4) Providing for counseling by an Equal Employment Opportunity Counselor, of any aggrieved employee or applicant for employment who believes that he has been discriminated against because of race, color, religion, sex, or national origin and for attempting to resolve on an informal basis the matter raised by the employee or applicant before a complaint of discrimination may be filed under § 713.214;

(5) Providing for the receipt and investigation of individual complaints of discrimination in personnel matters within the agency, subject to §§ 713.211 through 713.222;

(6) Providing for the receipt, investigation, and disposition of general allegations by organizations or other third parties of discrimination in personnel matters within the agency subject to § 713.251.

(7) When authorized by the head of the agency, making the decision under § 713.221 for the head of the agency on complaints of discrimination and ordering such corrective measures as he may consider necessary, including the recommendation for such disciplinary action as is warranted by the circumstances when an employee has been found to have engaged in a discriminatory practice; and

(8) When not authorized to make the decision for the head of the agency on complaints of discrimination, reviewing, at his discretion, the record on any complaint before the decision is made under § 713.221 and making such recommendations to the head of the agency or his designee as he considers desirable, including the recommendation for such disciplinary action as is warranted by the circumstances when an employee is found to have engaged in a discriminatory practice;

(e) Insure that equal opportunity for women is an integral part of the agency's overall program by assigning to the Federal Women's Program Coordinators the function of advising the Director of Equal Employment Opportunity on matters affecting the employment and advancement of women;

(f) Publicize to its employees and post permanently on official bulletin boards:

(1) The names and addresses of the Director of Equal Employment Opportunity and the Federal Women's Program Coordinators;

(2) The name and address of the appropriate Equal Employment Opportunity Officer;

(3) The name and address of the Equal Employment Opportunity Counselor and the organizational units he serves; his availability to counsel an employee or applicant for employment who believes that he has been discriminated against because of race, color, religion, sex, or national origin; and the requirement that an employee or applicant for employment must consult the Counselor as provided by § 713.213 about his allegation of discrimination because of race, color, religion, sex, or national origin before a complaint as provided by § 713.214 may be filed; and

(4) Time limits for contacting an Equal Employment Opportunity Counselor.

(g) Make reasonable accommodations to the religious needs of applicants and employees, including the needs of those who observe the Sabbath on other than Sunday, when those accommodations can be made (by substitution of another qualified employee, by a grant of leave, a change of a tour of duty, or other means) without undue hardship on the

business of the agency. If an agency cannot accommodate an employee or applicant, it has a duty in a complaint arising under this subpart to demonstrate its inability to do so; and

(h) Make readily available to its employees a copy of its regulations issued to carry out its program of equal employment opportunity.

(i) Submit annually for the review and approval of the Commission written national and regional equal employment opportunity plans of action. Plans shall be submitted in a format prescribed by the Commission and shall include, but not be limited to—

(1) Provision for the establishment of training and education programs designed to provide maximum opportunity for employees to advance so as to perform at their highest potential;

(2) Description of the qualifications, in terms of training and experience relating to equal employment opportunity, of the principal and operating officials concerned with administration of the agency's equal employment opportunity program; and

(3) Description of the allocation of personnel and resources proposed by the agency to carry out its equal employment opportunity program.

§ 713.205 Commission review and evaluation of agency program operations.

The Commission shall review and evaluate agency program operations periodically, obtain such reports as it deems necessary, and report to the President as appropriate on overall progress. When it finds that an agency's program operations are not in conformity with the policy set forth in § 713.202 and the regulations in this subpart, the Commission shall require improvement or corrective action to bring the agency's program operations into conformity with this policy and the regulations in this subpart. The head of each department and agency shall comply with the rules, regulations, orders, and instructions issued by the Commission.

AGENCY REGULATIONS FOR PROCESSING COMPLAINTS OF DISCRIMINATION

§ 713.211 General.

An agency shall insure that its regulations governing the processing of complaints of discrimination on grounds of race, color, religion, sex, or national origin comply with the principles and requirements in §§ 713.212 through 713.222.

§ 713.212 Coverage.

(a) The agency shall provide in its regulations for the acceptance of a complaint from any aggrieved employee or applicant for employment with that agency who believes that he has been discriminated against because of race, color, religion, sex, or national origin. A complaint may also be filed by an organization for the aggrieved person with his consent.

(b) Sections 713.211 through 713.222 do not apply to the consideration by an agency of a general allegation of discrimination by an organization or other third party which is unrelated to an individual complaint of discrimination subject to §§ 713.211 through 713.222. (Section 713.251 applies to general allegations by organizations or other third parties.)

§ 713.213 Precomplaint processing.

(a) An agency shall require that an aggrieved person who believes that he has been discriminated against because of race, color, religion, sex, or national origin consult with an Equal Employment Opportunity Counselor when he wishes to resolve the matter. The agency shall require the Equal Employment Opportunity Counselor to make whatever inquiry he believes necessary into the matter; to seek a solution of the matter on an informal basis; to counsel the aggrieved person concerning the issues in the matter; to keep a record of his counseling activities so as to brief periodically, the Equal Employment Opportunity Officer on those activities; and, when advised that a complaint of discrimination has been accepted from an aggrieved person, to submit a written report to the Equal Employment Opportunity Officer, with a copy to the aggrieved person, summarizing his actions and advice both to the agency and the aggrieved person concerning the issues in the matter. The Equal Employment Opportunity Counselor shall, insofar as is practicable, conduct his final interview with the aggrieved person not later than 21 calendar days after the date on which the matter was called to his attention by the aggrieved person. If the final interview is not concluded within 21 days and the matter has not previously been resolved to the satisfaction of the aggrieved person, shall be informed in writing at that time of his right to file a complaint of discrimination. The notice shall inform the complainant of his right to file a complaint at any time after receipt of the notice up to 15 calendar days after the final interview (which shall be so identified in writing by the Equal Employment Opportunity Counselor) and the appropriate official with whom to file a complaint. The Counselor shall not attempt in any way to restrain the aggrieved person from filing a formal complaint. The Equal Employment Opportunity Counselor shall not reveal the identity of an aggrieved person who has come to him for consultation, except when authorized to do so by the aggrieved person, until the agency has accepted a complaint of discrimination from him.

(b) The agency shall assure that full cooperation is provided by all employees to the Equal Employment Opportunty Counselor in the performance of his duties under this section.

(c) The Equal Employment Opportunity Counselor shall be free from restraint, interference, coercion, discrimination, or reprisal in connection with the performance of his duties under this section.

§ 713.214 Filing and presentation of complaint.

(a) *Time limits.* (1) An agency shall require that a complaint be submitted in writing by the complainant or his representative and be signed by the complainant. The complaint may be delivered in person or submitted by mail. The agency may accept the complaint for processing in accordance with this subpart only if—

(i) The complainant brought to the attention of the Equal Employment Opportunity Counselor the matter causing him to believe he had been discriminated against within 30 calendar days of the date of that matter, or, if a personnel action, within 30 calendar days of its effective date; and

(ii) The complainant or his representative submitted his written complaint to an appropriate official within 15 calendar days of the date of his final interview with the Equal Employment Opportunity Counselor.

(2) The appropriate officials to receive complaints are the head of the agency, the agency's Director of Equal Employment Opportunity, the head of a field installation, an Equal Employment Opportunity Officer, a Federal Women's Program Coordinator, and such other officials as the agency may designate for that purpose. Upon receipt of the complaint, the agency official shall transmit it to the Director of Equal Employment Opportunity or appropriate Equal Employment Opportunity Officer who shall acknowledge its receipt in accordance with subparagraph (3) of this paragraph.

(3) A complaint shall be deemed filed on the date it is received, if delivered to an appropriate official, or on the date postmarked if addressed to an appropriate official designated to receive complaints. The agency shall acknowledge to the complainant or his representative in writing receipt of the complaint and advise the complainant in writing of all his administrative rights and of his right to file a civil action as set forth in § 713.281, including the time limits imposed on the exercise of these rights.

(4) The agency shall extend the time limits in this section: (i) When the complainant shows that he was not notified of the time limits and was not otherwise aware of them, or that he was prevented by circumstances beyond his control from submitting the matter within the time limits; or (ii) for other reasons considered sufficient by the agency.

(b) *Presentation of complaint.* At any stage in the presentation of a complaint, including the counseling stage under § 713.213, the complainant shall have the right to be accompanied, represented, and advised by a representative of his own choosing. If the complainant is an employee of the agency, he shall have a reasonable amount of official time to present his complaint if he is otherwise in an active duty status. If the complainant is an employee of the agency and he designates another employee of the agency as his representative, the representative shall have a reasonable amount of official time, if he is otherwise in an active duty status, to present the complaint.

§ 713.215 Rejection or cancellation of complaint.

The head of the agency or his designee may reject a complaint which was not

timely filed and shall reject those allegations in a complaint which are not within the purview of § 713.212 or which set forth identical matters as contained in a previous complaint filed by the same complainant which is pending in the agency or has been decided by the agency. He may cancel a complaint because of failure of the complainant to prosecute the complaint. He shall transmit the decision to reject or cancel by letter to the complainant and his representative. The decision letter shall inform the complainant of his right to appeal the decision of the agency to the Commission and of the time limit within which the appeal may be submitted and of his right to file a civil action as described in § 713.281.

§ 713.216 Investigation.

(a) The Equal Employment Opportunity Officer shall advise the Director of Equal Employment Opportunity of the acceptance of a complaint. The Director of Equal Employment Opportunity shall provide for the prompt investigation of the complaint. The person assigned to investigate the complaint shall occupy a position in the agency which is not, directly or indirectly, under the jurisdiction of the head of that part of the agency in which the complaint arose. The agency shall authorize the investigator to administer oaths and require that statements of witnesses shall be under oath or affirmation, without a pledge of confidence. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant. Information needed for an appraisal of the utilization of members of the complainant's group as compared to the utilization of persons outside the complainant's group shall be recorded in statistical form in the investigative file, but specific information as to a person's membership or nonmembership in the complainant's group needed to facilitate an adjustment of the complaint or to make an informed decision on the complaint shall, if available, be recorded by name in the investigative file. (As used in this subpart, the term "investigative file" shall mean the various documents and information acquired during the investigation under this section—including affidavits of the complainant, of the alleged discriminating official, and of the witnesses and copies of, or extracts from, records, policy statements, or regulations of the agency—organized to show their relevance to the complaint or the general environment out of which the complaint arose.) If necessary, the investigator may obtain information regarding the membership or nonmembership of a person in the complainant's group by asking each person concerned to provide the information voluntarily; he shall not require or coerce an employee to provide this information.

(b) The Director of Equal Employment Opportunity shall arrange to furnish to the person conducting the investigation a written authorization: (1) To investigate all aspects of complaints of discrimination, (2) to require all employees of the agency to cooperate with him in the conduct of the investigation, and (3) to require employees of the agency having any knowledge of the matter complained of to furnish testimony under oath or affirmation without a pledge of confidence.

§ 713.217 Adjustment of complaint and offer of hearing.

(a) The agency shall provide an opportunity for adjustment of the complaint on an informal basis after the complainant has reviewed the investigative file. For this purpose, the agency shall furnish the complainant a copy of the investigative file promptly after receiving it from the investigator, and provide opportunity for the complainant to discuss the investigative file with appropriate officials. If an adjustment of the complaint is arrived at, the terms of the adjustment shall be reduced to writing and made part of the complaint file, with a copy of the terms of the adjustment provided the complainant. If the agency does not carryout, or rescinds, any action specified by the terms of the adjustment for any reason not attributable to acts or conduct of the complainant, the agency shall, upon the complainant's written request, reinstate the complaint for further processing from the point processing ceased under the terms of the adjustment.

(b) If an adjustment of the complaint is not arrived at, the complainant shall be notified in writing: (1) Of the proposed disposition of complaint, (2) of his right to a hearing and decision by the agency head or his designee if he notifies the agency in writing within 15 calendar days of the receipt of the notice that he desires a hearing, and (3) of his right to a decision by the head of the agency or his designee without a hearing.

(c) If the complainant fails to notify the agency of his wishes within the 15-day period prescribed in paragraph (b) of this section, the appropriate Equal Employment Opportunity Officer may adopt the disposition of the complaint proposed in the notice sent to the complainant under paragraph (b) of this section as the decision of the agency on the complaint when delegated the authority to make a decision for the head of the agency under those circumstances. When this is done, the Equal Employment Opportunity Officer shall transmit the decision by letter to the complainant and his representative which shall inform the complainant of his right of appeal to the Commission and the time limit applicable thereto and of his right to file a civil action as described in § 713.281. If the Equal Employment Opportunity Officer does not issue a decision under this paragraph, the complaint, together with the complaint file, shall be forwarded to the head of the agency, or his designee, for decision under § 713.221.

§ 713.218 Hearing.

(a) *Complaints examiner.* The hearing shall be held by a complaints examiner who must be an employee of another agency except when the agency in which the complaint arose is: (1) The government of the District of Columbia or, (2) an agency which, by reason of law, is prevented from divulging information concerning the matter complained of to a person who has not received the security clearance required by that agency, in which event the agency shall arrange with the Commission for the selection of an impartial employee of the agency to serve as complaints examiner. (For purposes of this paragraph, the Department of Defense is considered to be a single agency.) The agency in which the complaint arose shall request the Commission to supply the name of a complaints examiner who has been certified by the Commission as qualified to conduct a hearing under this section.

(b) *Arrangements for hearing.* The agency in which the complaint arose shall transmit the complaint file containing all the documents described in § 713.222 which have been acquired up to that point in the processing of the complaint, including the original copy of the investigative file (which shall be considered by the complaints examiner in making his recommended decision on the complaint), to the complaints examiner who shall review the complaint file to determine whether further investigation is needed before scheduling the hearing. When the complaints examiner determines that further investigation is needed, he shall remand the complaint to the Director of Equal Employment Opportunity for further investigation or arrange for the appearance of witnesses necessary to supply the needed information at the hearing. The requirements of § 713.216 apply to any further investigation by the agency on the complaint. The complaints examiner shall schedule the hearing for a convenient time and place.

(c) *Conduct of hearing.* (1) Attendance at the hearing is limited to persons determined by the complaints examiner to have a direct connection with the complaint.

(2) The complaints examiner shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the complaints examiner shall exclude irrelevant or unduly repetitious evidence. Information having a bearing on the complaint or employment policy or practices relevant to the complaint shall be received in evidence. The complainant, his representative, and the representatives of the agency at the hearing shall be given the opportunity to cross-examine witnesses who appear and testify. Testimony shall be under oath or affirmation.

(d) *Powers of complaints examiner.* In addition to the other powers vested in the complaints examiner by the agency

in accordance with this subpart, the agency shall authorize the complaints examiner to:

(1) Administer oaths or affirmations;

(2) Regulate the course of the hearing;

(3) Rule on offers of proof;

(4) Limit the number of witnesses whose testimony would be unduly repetitious; and

(5) Exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

(e) *Witnesses at hearing.* The complaints examiner shall request any agency subject to this subpart to make available as a witness at the hearing an employee requested by the complainant when he determines that the testimony of the employee is necessary. He may also request the appearance of an employee of any Federal agency whose testimony he determines is necessary to furnish information pertinent to the complaint under consideration. The complaints examiner shall give the complainant his reasons for the denial of a request for the appearance of employees as witnesses and shall insert those reasons in the record of the hearing. An agency to whom a request is made shall make its employees available as witnesses at a hearing on a complaint when requested to do so by the complaints examiner and it is not administratively impracticable to comply with the request. When it is administratively impracticable to comply with the request for a witness, the agency to whom request is made shall provide an explanation to the complaints examiner. If the explanation is inadequate, the complaints examiner shall so advise the agency and request it to make the employee available as a witness at the hearing. If the explanation is adequate, the complaints examiner shall insert it in the record of the hearing, provide a copy to the complainant, and make arrangements to secure testimony from the employee through a written interrogatory. An employee of an agency shall be in a duty status during the time he is made available as a witness.

(f) *Record of hearing.* The hearing shall be recorded and transcribed verbatim. All documents submitted to, and accepted by, the complaints examiner at the hearing shall be made part of the record of the hearing. If the agency submits a document that is accepted, it shall furnish a copy of the document to the complainant. If the complainant submits a document that is accepted, he shall make the document available to the agency representative for reproduction.

(g) *Findings, analysis, and recommendations.* The complaints examiner shall transmit to the head of the agency or his designee: (1) The complaint file (including the record of the hearing), (2) the findings and analysis of the complaints examiner with regard to the matter which gave rise to the complaint and the general environment out of which the complaint arose, and (3) the recommended decision of the complaints examiner on the merits of the complaint, including recommended remedial action, where appropriate, with regard to the matter which gave rise to the complaint and the general environment out of which the complaint arose. The complaints examiner shall notify the complainant of the date on which this was done. In addition, the complaints examiner shall transmit, by separate letter to the Director of Equal Employment Opportunity, whatever findings and recommendations he considers appropriate with respect to conditions in the agency which do not bear directly on the matter which gave rise to the complaint or which bear on the general environment out of which the complaint arose.

§ 713.219 Relationship to other agency appellate procedures.

(a) Except as provided in paragraphs (b) and (c) of this section, when an employee makes a written allegation of discrimination on grounds of race, color, religion, sex, or national origin, in connection with an action that would otherwise be processed under a grievance or appeals system of the agency, the agency may process the allegation of discrimination under that system when the system meets the principles and requirements in §§ 713.212 through 713.220 and the head of the agency, or his designee, makes the decision of the agency on the issue of discrimination. That decision on the issue of discrimination shall be incorporated in and become a part of the decision on the grievance or appeal.

(b) An allegation of discrimination made in connection with an appeal under Subpart B of Part 771 of this chapter shall be processed under that subpart.

(c) An allegation of discrimination made in connection with a grievance under Subpart C of Part 771 of this chapter shall be processed under this part.

§ 713.220 Avoidance of delay.

(a) The complaint shall be resolved promptly. To this end, both the complainant and the agency shall proceed with the complaint without undue delay so that the complaint is resolved within 180 calendar days after it was filed, including time spent in the processing of the complaint by the complaints examiner under § 713.218.

(b) The head of the agency or his designee may cancel a complaint if the complainant fails to prosecute the complaint without undue delay. However, instead of canceling for failure to prosecute, the complaint may be adjudicated if sufficient information for that purpose is available.

(c) The agency shall furnish the Commission monthly reports on all complaints pending within the agency in a form specified by the Commission. If an agency has not issued a final decision, and has not requested the Commission to supply a complaints examiner, within 75 calendar days from the date a complaint was filed, the Commission may require the agency to take special measures to insure prompt processing of the complaint or may assume responsibility for processing the complaint, including supplying an investigator to conduct any necessary investigation on behalf of the agency. When the Commission supplies an investigator, the agency shall reimburse the Commission for all expenses incurred in connection with the investigation and shall notify the complainant in writing of the proposed disposition of the complaint no later than 15 calendar days after its receipt of the investigative report.

(d) When the complaints examiner has submitted a recommended decision finding discrimination and the agency has not issued a final decision within 180 calendar days after the date the complaint was filed, the complaints examiner's recommended decision shall become a final decision binding on the agency 30 calendar days after its submission to the agency. In such event, the agency shall so notify the complainant of the decision and furnish to him a copy of the findings, analysis, and recommended decision of the complaints examiner under § 713.218(g) and a copy of the hearing record and also shall notify him in writing of his right of appeal to the Commission and the time limits applicable thereto and of his right to file a civil action as described in § 713.281.

§ 713.221 Decision by head of agency or designee.

(a) The head of the agency, or his designee, shall make the decision of the agency on a complaint based on information in the complaint file. A person designated to make the decision for the head of the agency shall be one who is fair, impartial, and objective.

(b) (1) The decision of the agency shall be in writing and shall be transmitted by letter to the complainant and his representative. When there has been no hearing, the decision shall contain the specific reasons in detail for the agency's action, including any remedial action taken.

(2) When there has been a hearing on the complaint, the decision letter shall transmit a copy of the findings, analysis, and recommended decision of the complaints examiner under section 713.218 (g) and a copy of the hearing record. The decision of the agency shall adopt, reject, or modify the decision recommended by the complaints examiner. If the decision is to reject or modify the recommended decision, the decision letter shall set forth the specific reasons in detail for rejection or modification.

(3) When there has been no hearing and no decision under § 713.217(c), the decision letter shall set forth the findings, analysis, and decision of the head of the agency or his designee.

(c) The decision of the agency shall require any remedial action authorized by law determined to be necessary or desirable to resolve the issues of discrimination and to promote the policy of equal opportunity, whether or not there is a finding of discrimination. When discrimination is found, the agency shall require remedial action to be taken in accordance with § 713.271, shall review the matter giving rise to the complaint to determine whether disciplinary action against alleged discriminatory officials is appro-

priate, and shall record the basis for its decision to take, or not to take, disciplinary action but this decision shall not be included in the complaint file.

(d) The decision letter shall inform the complainant of his right to appeal the decision of the agency to the Commission of his right to file a civil action in accordance with § 713.281, and of the time limits applicable thereto.

§ 713.222 Complaint file.

The agency shall establish a complaint file. Except as provided in § 713.221(c), this file shall contain all documents pertinent to the complaint. The complaint file shall include copies of: (a) The notice of the Equal Employment Opportunity Counselor to the aggrieved person under § 713.213(a), (b) the written report of the Equal Employment Opportunity Counsel under § 713.213 to the Equal Employment Opportunity Officer on whatever precomplaint counseling efforts were made with regard to the complainant's case, (c) the complaint, (d) the investigative file, (e) if the complaint is withdrawn by the complainant, a written statement of the complainant or his representative to that effect, (f) if adjustment of the complaint is arrived at under § 713.217, the written record of the terms of the adjustment, (g) if no adjustment of the complaint is arrived at under § 713.217, a copy of the letter notifying the complainant of the proposed disposition of the complaint and of his right to a hearing, (h) if decision is made under § 713.217(c), a copy of the letter to the complainant transmitting that decision, (i) if a hearing was held, the record of the hearing, together with the complaints examiner's findings, analysis, and recommended decision on the merits of the complaint, (j) if the Director of Equal Employment Opportunity is not the designee, the recommendations, if any, made by him to the head of the agency or his designee, and (k) if decision is made under § 713.221, a copy of the letter transmitting the decision of the head of the agency or his designee. The complaint file shall not contain any document that has not been made available to the complainant or to his designated physician under § 294.401 of this chapter.

Appeal to the Commission

§ 713.231 Entitlement.

(a) Except as provided by paragraph (b) of this section, a complainant may appeal to the Commission the decision of the head of the agency, or his designee:

(1) To reject his complaint, or a portion thereof, for reasons covered by § 713.215; or

(2) To cancel his complaint because of the complainant's failure to prosecute his complaint; or

(3) On the merits of the complaint, under § 713.217(c) or § 713.221, but the decision does not resolve the complaint to the complainant's satisfaction.

(b) A complainant may not appeal to the Commission under paragraph (a) of this section when the issue of discrimination giving rise to the complaint is being considered, or has been considered, in connection with any other appeal by the complainant to the Commission.

§ 713.232 Where to appeal.

The complainant shall file his appeal in writing, either personally or by mail, with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415.

§ 713.233 Time limit.

(a) Except as provided in paragraph (b) of this section, a complainant may file an appeal at any time after receipt of his agency's notice of final decision on his complaint but not later than 15 calendar days after receipt of that notice.

(b) The time limit in paragraph (a) of this section may be extended in the discretion of the Board of Appeals and Review, upon a showing by the complainant that he was not notified of the prescribed time limit and was not otherwise aware of it or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§ 713.234 Appellate procedures.

The Board of Appeals and Review shall review the complaint file and all relevant written representations made to the board. The board may remand a complaint to the agency for further investigation or a rehearing if it considers that action necessary or have additional investigation conducted by Commission personnel. This subpart applies to any further investigation or rehearing resulting from a remand from the board. There is no right to a hearing before the board. The board shall issue a written decision setting forth its reasons for the decision and shall send copies thereof to the complainant, his designated representative, and the agency. When corrective action is ordered, the agency shall report promptly to the board that the corrective action has been taken. The decision of the board is final, but shall contain a notice of the right to file a civil action in accordance with § 713.282.

§ 713.235 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the previous decision was issued;

(2) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(3) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

§ 713.236 Relationship to other appeals.

When the basis of the complaint of discrimination because of race, color, religion, sex, or national origin, involves an action which is otherwise appealable to the Commission and the complainant having been informed by the agency of his right to proceed under this subpart elects to proceed by appeal to the Commission, the case, including the issue of discrimination, will be processed under the regulations appropriate to that appeal when the complainant makes a timely appeal to the Commission in accordance with those regulations.

Reports to the Commission

§ 713.241 Reports to the Commission on complaints.

Each agency shall report to the Commission information concerning precomplaint counseling and the status and disposition of complaints under this subpart at such times and in such manner as the Commission prescribes.

Third Party Allegations

§ 713.251 Third party allegations of discrimination.

(a) *Coverage.* This section applies to general allegations by organizations or other third parties of discrimination in personnel matters within the agency which are unrelated to an individual complaint of discrimination subject to §§ 713.211 through 713.222.

(b) *Agency procedure.* The organization or other third party shall state the allegation with sufficient specificity so that the agency may investigate the allegation. The agency may require additional specificity as necessary to proceed with its investigation. The agency shall establish a file on each general allegation, and this file shall contain copies of all material used in making the decision on the allegation. The agency shall furnish a copy of this file to the party submitting the allegation and shall make it available to the Commission for review on request. The agency shall notify the party submitting the allegation of its decision, including any corrective action taken on the general allegations, and shall furnish to the Commission on request a copy of its decision.

(c) *Commission procedures.* If the third party disagrees with the agency decision, it may, within 30 days after receipt of the decision, request the Commission to review it. The request shall be in writing and shall set forth with particularity the basis for the request. When the Commission receives such a request, it shall make, or require the agency to make, any additional investigations the Commission deems necessary. The Commission shall issue a decision on the allegation ordering such corrective action, with or without back pay, as it deems appropriate.

Freedom From Reprisal or Interferences

§ 713.261 Freedom from reprisal.

(a) Complainants, their representatives, and witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal at any stage in the

presentation and processing of a complaint, including the counseling stage under section 713, or any time thereafter.

§ 713.262 Review of allegations of reprisal.

(a) *Choice of review procedures.* A complainant, his representative, or a witness who alleges restraint, interference, coercion, discrimination, or reprisal in connection with the presentation of a complaint under this subpart, may, if an employee or applicant, have the allegation reviewed as an individual complaint of discrimination subject to §§ 713.211 through 713.222 or as a charge subject to paragraph (b) of this section.

(b) *Procedure for review of charges.* (1) An employee or applicant may file a charge of restraint, interference, coercion, discrimination, or reprisal, in connection with the presentation of a complaint with an appropriate agency official as defined in § 713.214(a)(2) within 15 calendar days of the date of the alleged occurrence. The charge shall be in writing and shall contain all pertinent facts. Except as provided in subparagraph (2) of this paragraph, the agency shall undertake an appropriate inquiry into such a charge and shall forward to the Commission within 15 calendar days of the date of its receipt a copy of the charge and report of action taken. The agency shall also provide the charging party with a copy of the report of action taken. When the agency has not completed an appropriate inquiry 15 calendar days after receipt of such a charge, the charging party may submit a written statement with all pertinent facts to the Commission, and the Commission shall require the agency to take whatever action is appropriate.

(c) When a complainant, after completion of the investigation of his complaint under § 713.216, requests a hearing and in connection with that complaint alleges restraint, interference, coercion, discrimination, or reprisal, the complaints examiner assigned to hold the hearing shall consider the allegation as an issue in the complaint at hand or refer the matter to the agency for further processing under the procedure chosen by the complainant pursuant to paragraph (a) of this section.

REMEDIAL ACTIONS

§ 713.271 Remedial actions.

(a) *Remedial action involving an applicant.* (1) When an agency, or the Commission, finds that an applicant for employment has been discriminated against and except for that discrimination would have been hired, the agency shall offer the applicant employment of the type and grade denied him. The offer shall be made in writing. The individual shall have 15 calendar days from receipt of the offer within which to accept or decline the offer. Failure to notify the agency of his decision within the 15-day period will be considered a declination of the offer, unless the individual can show that circumstances beyond his control prevented him from responding within the time limit. If the offer is accepted, appointment shall be retroactive to the date the applicant would have been hired, subject to the limitation in subparagraph (4) of this paragraph. Backpay, computed in the same manner prescribed by § 550.804 of this chapter, shall be awarded from the beginning of the retroactive period, subject to the same limitation, until the date the individual actually enters on duty. The individual shall be deemed to have performed service for the agency during this period of retroactivity for all purposes except for meeting service requirements for completion of a probationary or trial period that is required. If the offer is declined, the agency shall award the individual a sum equal to the backpay he would have received, computed in the same manner prescribed by § 550.804 of this chapter, from the date he would have been appointed until the date the offer was made, subject to the limitation of subparagraph (4) of this paragraph. The agency shall inform the applicant, in its offer, of his right to this award in the event he declines the offer.

(2) When an agency, or the Commission, finds that discrimination existed at the time the applicant was considered for employment but does not find that the individual is the one who would have been hired except for discrimination, the agency shall consider the individual for any existing vacancy of the type and grade for which he had been considered initially and for which he is qualified before consideration is given to other candidates. If the individual is not selected, the agency shall record the reasons for nonselection. If no vacancy exists, the agency shall give him this priority consideration for the next vacancy for which he is qualified. This priority shall take precedence over priorities provided under other regulations in this chapter.

(3) This paragraph shall be cited as the authority under which the above-described appointments or awards of backpay shall be made.

(4) A period of retroactivity or a period for which backpay is awarded under this paragraph may not extend from a date earlier than 2 years prior to the date on which the complaint was initially filed by the applicant. If a finding of discrimination was not based on a complaint, the period of retroactivity or period for which backpay is awarded this paragraph may not extend earlier than 2 years prior to the date the finding of discrimination was recorded.

(b) *Remedial action involving an employee.* When an agency, or the Commission, finds that an employee of the agency was discriminated against and as a result of that discrimination was denied an employment benefit, or an administrative decision adverse to him was made, the agency shall take remedial actions which shall include one or more of the following, but need not be limited to these actions:

(1) Retroactive promotion, with backpay computed in the same manner prescribed by § 550.804 of this chapter, when the record clearly shows that but for the discrimination the employee would have been promoted or would have been employed at a higher grade, except that the backpay liability may not accrue from a date earlier than 2 years prior to the date the discrimination complaint was filed, but, in any event, not to exceed the date he would have been promoted. If a finding of discrimination was not based on a complaint, the backpay liability may not accrue from a date earlier than 2 years prior to the date the finding of discrimination was recorded, but, in any event, not to exceed the date he would have been promoted.

(2) Consideration for promotion to a position for which he is qualified before consideration is given to other candidates when the record shows that discrimination existed at the time selection for promotion was made but it is not clear that except for the discrimination the employee would have been promoted. If the individual is not selected, the agency shall record the reasons for nonselection. This priority consideration shall take precedence over priorities under other regulations in this chapter.

(3) Cancellation of an unwarranted personnel action and restoration of the employee.

(4) Expunction from the agency's records of any reference to or any record of an unwarranted disciplinary action that is not a personnel action.

(5) Full opportunity to participate in the employee benefit denied him (e.g., training, preferential work assignments, overtime scheduling).

RIGHT TO FILE A CIVIL ACTION

§ 713.281 Statutory right.

An employee or applicant is authorized by section 717(c) of the Civil Rights Act, as amended, 84 Stat. 112, to file a civil action in an appropriate U.S. District Court within:

(a) Thirty (30) calendar days of his receipt of notice of final action taken by his agency on a complaint,

(b) One hundred-eighty (180) calendar days from the date of filing a complaint with his agency if there has been no decision,

(c) Thirty (30) calendar days of his receipt of notice of final action taken by the Commission on his complaint, or,

(d) One hundred-eighty (180) calendar days from the date of filing an appeal with the Commission if there has been no Commission decision.

§ 713.282 Notice of right.

An agency shall notify an employee or applicant of his right to file a civil action, and of the 30-day time limit for filing, in any final action on a complaint under §§ 713.215 and 713.217, or § 713.221. The Commision shall notify an employee or applicant of his right to file a civil action, and of the 30-day time limit for filing, in any decision under § 713.234.

§ 713.283 Effect on administrative processing.

The filing of a civil action by an employee or applicant does not terminate agency processing of a complaint or

Commission processing of an appeal under this subpart.

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

[FR Doc.72-18054 Filed 10-20-72;8:49 am]

Chapter XIV—Federal Labor Relations Council and Federal Service Impasses Panel

SUBCHAPTER B—FEDERAL LABOR RELATIONS COUNCIL

PART 2411—REVIEW FUNCTIONS OF THE COUNCIL

Time Limits; Extension; Correction

In the FEDERAL REGISTER, Volume 37, Number 192, dated Tuesday, October 3, 1972, on page 20670 in § 2411.45(b), the word "intermittent" appearing in the last sentence should be changed to read "intermediate."

For the Council.

W. V. GILL,
Executive Director.

[FR Doc.72-18087 Filed 10-20-72;8:53 am]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 413, Amdt. 1]

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

Limitation of Handling

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

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

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 908.713 (Valencia Orange Regulation 413 37 F.R. 21536) during the period October 12, through October 19, 1972, are hereby amended to read as follows:

§ 908.713 Valencia Orange Regulation 413.

* * * * *

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

(i) District 1: 392,000 cartons.

(ii) District 2: 308,000 cartons.

* * * * *

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

Dated: October 18, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-18089 Filed 10-20-72;8:52 am]

[Lemon Reg. 556]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.856 Lemon Regulation 556.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 17, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 22, through October 28, 1972, is hereby fixed at 175,000 cartons.

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

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

Dated: October 18, 1972.

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

[FR Doc.72-18119 Filed 10-20-72;8:54 am]

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

[Milk Order No. 50]

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provisions

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

Notice of proposed rulemaking was published in the FEDERAL REGISTER (37 F.R. 20952) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found

and determined that for the month of October 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act:

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

STATEMENT OF CONSIDERATION

This suspension will permit unlimited diversion of producer milk under the Central Illinois order for the month of October 1972.

The suspension was requested by Associated Milk Producers, Inc. This action is necessary in order to enable its member producers to maintain producer status under the order for the month of October.

The operator of a large distributing plant, to which a number of the association's member producers ship, ceased all processing operations at the plant on October 4, 1972. The suspension of the diversion limits will afford the cooperative an opportunity to divert the milk of these 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 these producers who have supplied the aforementioned pool plant for many years.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will provide a method for producers who have lost their pool plant outlet for milk to retain producer status under the order while seeking other marketing arrangements.

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

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension. There were no views filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during October 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of October 1972.

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

Effective date: Upon publication in the FEDERAL REGISTER (10–21–72).

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

RICHARD E. LYNG,
Acting Secretary.

[FR Doc.72–18090 Filed 10–20–72;8:52 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Paragraph (b) of § 103.7 is amended as follows: In subparagraph (2) the introductory language is amended to clarify that the fee required to accompany each Form N–585 or Form I–550 is for the filing of the application; and the first item listed in subparagraph (2) is amended by deleting the material in parentheses. As amended, § 103.7(b)(2) reads as follows:

§ 103.7 Fees.

* * * * *

(b) *Amounts of fees.* * * *

(2) For the filing of each Form N–585 or Form I–550, and for the services expended in searching for or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and, except as otherwise provided in § 103.10(c)(2) and in paragraph (c) of this section, shall be assessed against the person who requests that records be made available:

Each Form N–585 or Form I–550 shall be accompanied by payment of	$3.00
For each one quarter man-hour or fraction thereof spent in excess of the first quarter hour in searching for or producing a requested record	1.00
For each one quarter hour or fraction thereof spent in monitoring the requester's examination of materials	1.00
For copies of documents:	
Per page	.25
Minimum fee	.50
(Maximum number of copies furnished of any document—10.)	
For each certification of a true copy	1.00
For each attestation under seal	3.00

* * * * *

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.7 [Amended]

The first sentence of paragraph (c) *Section 212(e)* of § 212.7 *Waiver of certain grounds of excludability* is deleted and the following four sentences are inserted in lieu thereof: "An alien who was admitted to the United States as an exchange visitor, or who acquired that status after admission, is subject to the foreign residence requirement of section 212(e) of the Act if his participation in an exchange program was financed in whole or in part, directly or indirectly, by a U.S. Government agency or by the government of the country of his nationality or last residence. An alien is also subject to the foreign residence requirement of section 212(e) of the Act if: (1) At the time of issuance to him of an exchange visitor visa and admission to the United States, or (2) at the time of his admission to the United States as an exchange visitor, if not required to obtain a nonimmigrant visa, or (3) at the time of his acquisition of exchange visitor status after admission, he was a national and resident, or if not a national he was a lawful permanent resident or had a status equivalent to lawful permanent resident, of a country which the Secretary of State had designated, through publication by public notice in the FEDERAL REGISTER, as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was to engage in his exchange visitor program. A spouse or child admitted to the United States or accorded status under section 101(a)(15)(J) of the Act to accompany or follow to join an exchange visitor who is subject to the foreign residence requirement of section 212(e) of the Act shall also be subject to that requirement. An alien who is subject to the foreign residence requirement and who believes that compliance therewith would impose exceptional hardship upon his spouse or child who is a citizen of the United States or a lawful permanent resident alien, or that he cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, shall apply for a waiver on Form I–612."

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

§ 235.11 [Deleted]

Section 235.11 *Bonin Island inhabitants* is deleted because inoperable in view of the expiration of the provisions of the Act of July 10, 1970 (Private Law 91–114).

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence: "Air Pacific, Inc." and "Island Aviation Incorporated."

PART 299—IMMIGRATION FORMS

The listing of forms in § 299.1 *Prescribed forms* is amended to reflect the current edition date of the following forms:

§ 299.1 Prescribed forms.

Form No.	*Title and description*
* * *	* * *
I–17 (5–31–72)	Petition for approval of school for attendance by nonimmigrant alien students.
* * *	* * *
I–39 (7–2–72)	Special Inquiry Officer's decision (voluntary departure, alternate deportation).
* * *	* * *
I–13 (3–1–72)	Application for permit to reenter the United States.
I–134 (5–31–72)	Affidavit of support.
* * *	* * *
I–171C (6–1–72)	Notice of approval of Nonimmigrant Visa Petition or of Extension of Stay of H or L Alien.
* * *	* * *
I–351 (4–15–72)	Bond riders.
* * *	* * *
I–413 (4–25–72)	Applicant card.
* * *	* * *
I–485A (7–27–72)	Application by Cuban refugee for permanent residence.
	* * *

PART 499—NATIONALITY FORMS

The listing of forms in § 499.1 *Prescribed forms* is amended to reflect the current edition date of the following forms:

§ 499.1 Prescribed forms.

Form No.	*Title and description*
* * *	* * *
N–12 (6–1–72)	Penalty envelope (to be addressed to any office of Service).
* * *	* * *
N–305 (6–1–72)	Form letter notifying alien that Form N–300 has been forwarded to the clerk of the court.
* * *	* * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The order shall be effective on the date of its publication in the FEDERAL REGISTER (10–21–72). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 103.7(b)(2) is clarifying in nature; the amendment to § 212.7(c) is made to conform to the Department of State regulations published August 29, 1972 (37 F.R. 17470); the amendment to § 235.11 deletes an inoperable procedure; the amendment to § 238.3(b) adds transportation lines to the listing; and the amendments to §§ 299.1 and 499.1 are editorial in nature.

Dated: October 19, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72–18141 Filed 10–20–72;8:54 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

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10–21–72).

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

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Public bow hunting of deer on the Tewaukon National Wildlife Refuge, N. Dak., is permitted from noon, November 20, 1972, through December 31, 1972, on the entire refuge as posted. This area, comprising 7,929 acres, is delineated on maps available at refuge headquarters, Cayuga, N. Dak. 58013, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

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.

HERBERT G. TROESTER,
Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak.

OCTOBER 10, 1972.

[FR Doc.72–18038 Filed 10–20–72;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

[Docket No. 72–566]

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 paragraph (e)(11) relating to the State of Ohio, subdivision (iii) relating to Madison County is amended to read:

(e) * * *

(11) *Ohio.* * * *

(iii) That portion of Madison County bounded by a line beginning at the junction of County Road 109 and the Madison-Clark County line; thence, following County Road 109 in a northeasterly, then southeasterly direction to Township Road 111; thence, following Township Road 111 in a northeasterly direction to County Road 110; thence, following County Road 110 in a southeasterly direction to State Highway 38; thence, following State Highway 38 in a southwesterly direction to Interstate Highway 70, U.S. Highway 40; thence, following Interstate Highway 70, U.S. Highway 40 in a northeasterly direction to County Road 70; thence, following

County Road 70 in a southeasterly direction to State Highway 142; thence, following State Highway 142 in a southwesterly direction to County Road 70; thence, following County Road 70 in in a southeasterly, then southwesterly direction to County Road 4; thence, following County Road 4 in a southwesterly direction to Township Road 100; thence, following Township Road 100 in a southeasterly direction to the north bank of the Oak Run Creek; thence, following the north bank of the Oak Run Creek in a northwesterly direction to the junction of the Oak Run Creek and the Walnut Run Creek; thence, crossing the Oak Run Creek to the north bank of the Walnut Run Creek; thence, following the north bank of the Walnut Run Creek in a generally westerly direction to the Union-Paint Township line; thence, following the Union-Paint Township line in a northwesterly direction to the Madison-Clark County line; thence, following the Madison-Clark County line in a northeasterly direction to its junction with County Road 109.

* * * * *

2. In § 76.2, in paragraph (e)(9) relating to the State of Indiana, subdivision (iii) relating to Carroll County is amended to read:

(e) * * *

(9) *Indiana.* * * *

(iii) That portion of *Carroll County* bounded by a line beginning at the junction of the Carroll-Tippecanoe County line and the east bank of the Wabash River; thence, following the east bank of the Wabash River in a generally northeasterly direction to the Carroll-Cass County line; thence, following the Carroll-Cass County line in a southerly, then easterly, then southerly direction to the junction of the Carroll-Cass-Howard County lines; thence, following the Carroll-Howard County line in a southerly direction to Division Road; thence, following Division Road in a westerly direction to State Highway 18; thence, following State Highway 18 in a westerly direction to the Monroe-Carrollton Township line; thence, following the Monroe-Carrollton Township line in a southerly direction to the junction of the Monroe-Carrollton-Burlington Township lines; thence, following the Monroe-Burlington Township line in a southerly direction to the junction of the Monroe-Burlington-Democrat Township lines; thence, following the Democrat-Burlington Township line in a southerly direction to State Highway 600S; thence, following State Highway 600S in a westerly direction to the Democrat-Clay Township line; thence, following the Democrat-Clay Township line in a northerly direction to the junction of the Democrat-Clay-Madison Township lines; thence, following the Clay-Madison Township line in a westerly direction to U.S. Highway 421; thence, following U.S. Highway 421 in a northerly, then northwesterly direction to Division Road; thence, following Division Road in a westerly direction to the Carroll-Tippecanoe County line; thence, following the Carroll-Tippecanoe County line in a northerly direction to its junction with the east bank of the Wabash River.

* * * * *

3. In § 76.2, in paragraph (g) the name of the State of Georgia 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 an additional portion of Madison County in Ohio and an additional portion of Carroll County in Indiana 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 Georgia 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 of swine and swine products from eradication and free States are no longer applicable to Georgia. 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 Georgia. This removal of the State of Georgia 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 Georgia.

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 rulemaking 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 18th day of October 1972.

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

[FR Doc.72-18042 Filed 10-20-72;8:49 am]

[Docket No. 72-567]

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 paragraph (e)(12) relating to the State of Tennessee, a new subdivision (v) relating to Roane County is added to read:

(e) * * *

(12) *Tennessee.* * * *

(v) That portion of Roane County bounded by a line beginning at the junction of Interstate Highway 40 and the south bank of the Clinch River; thence, following the south bank of the Clinch River in a generally northeasterly direction to the western boundary of the Oak Ridge area; thence, following the western boundary of the Oak Ridge area in a southeasterly, then northeasterly, then southeasterly direction to State Highway 58; thence, following State Highway 58 in a southwesterly direction to Interstate Highway 40; thence, following Interstate Highway 40 in a generally northwesterly direction to its junction with the south bank of the Clinch River.

2. In § 76.2, in paragraph (e)(11) relating to the State of Ohio, subdivision (v) relating to Fayette, Highland, and Clinton Counties is amended to read:

(e) * * *

(11) *Ohio.* * * *

(v) The adjacent portions of Fayette, Highland, and Clinton Counties bounded by a line beginning at the junction of U.S. Highway 22, State Highway 3 and the west bank of the Sugar Creek in Fayette County; thence, following the west bank of the Sugar Creek in a generally northwesterly direction to the junction of the Union-Jasper-Jefferson Township lines; thence, following the Union-Jefferson Township line in a northeasterly direction to the junction of the Union-Jefferson-Paint Township lines; thence, following the Union-Paint Township line in a northeasterly direction to State Highway 238; thence, following State Highway 238 in a southeasterly direction to U.S. Highway 22; thence, following U.S. Highway 22 in a southwesterly direction to County Road 142; thence, following County Road 142 in a generally southwesterly direction to State Highway 753; thence, following State Highway 753 in a southeasterly, then southwesterly direction to Township Road 156; thence, following Township Road 156 in a generally westerly direction to Township Road 163; thence,

following Township Road 163 in a southerly direction to Township Road 371 in Highland County; thence, following Township Road 371 in a southerly direction to State Highway 28; thence, following State Highway 28 in a westerly direction to State Highway 41; thence, following State Highway 41 in a northwesterly direction to State Highway 729 in Clinton County; thence, following State Highway 729 in a northeasterly, then northwesterly direction to U.S. Highway 22, State Highway 3; thence, following U.S. Highway 22, State Highway 3 in a northeasterly direction to its junction with the west bank of the Sugar Creek in Fayette County.

(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 a portion of Roane County in Tennessee and an additional portion of Fayette County in Ohio 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 impose certain further restrictions necessary to prevent the interstate 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 18th day of October 1972.

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

[FR Doc.72-18043 Filed 10-20-72;8:49 am]

[Docket No. 72-568]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of 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:

In § 76.2, paragraph (e) (14) relating to the State of Kansas is amended to read:

(e) * * *

(14) *Kansas.* That portion of Osborne County bounded by a line beginning at the junction of the Osborne-Smith County line and the dividing line between Range 14 West and Range 13 West; thence, following the dividing line between Range 14 West and Range 13 West in a southerly direction to U.S. Highway 24; thence, following U.S. Highway 24 in a southeasterly, then easterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a southerly direction to Secondary Road 517; thence, following Secondary Road 517 in an easterly direction to the dividing line between Range 12 West and Range 11 West; thence, following the dividing line between Range 12 West and Range 11 West in a northerly direction to the Osborne-Smith County line; thence, following the Osborne-Smith County line in a westerly direction to its junction with the dividing line between Range 14 West and Range 13 West.

(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 amendment shall become effective upon issuance.

The amendment excludes portions of Osborne and Smith Counties in Kansas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and it should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to this Department.

Acordingly, 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 amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of October 1972.

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

[FR Doc.72-18044 Filed 10-20-72;8:49 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Countries Determined To Be Free of Hog Cholera; Denmark

Pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, 134f), Part 94, Title 9, Code of Federal Regulations, is hereby amended as follows:

Sections 94.9(a) and 94.10 are amended by adding thereto the name of the country of Denmark after the reference to "Canada," wherever it appears in these sections.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendments add Denmark to the list of countries determined to be free of hog cholera and from which swine, pork, and pork products may be imported into the United States without complying with § 94.9 or § 94.10 but subject to other applicable restrictions.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking 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 and unnecessary, 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 17th day of October 1972.

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

[FR Doc.72-18088 Filed 10-20-72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-SO-98]

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

Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Mobile and Monroeville, Ala., transition areas.

The Mobile and Monroeville transition areas are described in § 71.181 (37 F.R. 2143).

U.S. Standards for Terminal Instrument Procedures (TERP's), issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERP's and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the Mobile and Monroeville transition area descriptions to reflect required extension designations.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Mobile and Monroeville, Ala., transition areas are amended as follows:

MOBILE, ALA.

"* * * within 3 miles each side of Brookley VORTAC 150° radial, extending from the 8.5-mile-radius area to 8.5 miles * * *" is deleted and "* * * within 3.5 miles each side of Brookley VORTAC 150° radial, extending from the 8.5-mile-radius area to 11 miles * * *" is substituted therefor.

MONROEVILLE, ALA.

"* * * within 4.5 miles each side of Monroeville VORTAC 039° and 201° radials, extending from the VORTAC to 9.5 miles * * *" is deleted and "* * * within 3 miles each side of Monroeville VORTAC 039° and 201° radials, extending from the VORTAC to 9 miles * * *" is substituted therefor.

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

Issued in East Point, Ga., on October 13, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-18033 Filed 10-20-72;8:47 am]

[Airspace Docket No. 72-SO-99]

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

Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Cross City, Daytona Beach, and Pahokee, Fla., transition areas.

The Cross City, Daytona Beach, and Pahokee transition areas are described in § 71.181 (37 F.R. 2143).

U.S. Standards for Terminal Instrument Procedures (TERP's), issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERP's and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the Cross City, Daytona Beach, and Pahokee transition area descriptions to reflect required extension designations.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Cross City, Daytona Beach, and Pahokee, Fla., transition areas are amended as follows:

CROSS CITY, FLA.

"* * * within 5 miles each side of Cross City VORTAC 121° radial, extending from the 8-mile-radius area to 8.5 * * *" is deleted and "* * * within 3.5 miles each side of Cross City VORTAC 121° radial, extending from the 8-mile-radius area to 7.5 * * *" is substituted therefor. stituted therefor.

DAYTONA BEACH, FLA.

"* * * long. 81°06'49" W.) * * *" is deleted and "* * * long. 81°06'49" W.); within 3 miles each side of Daytona Beach VORTAC 256° radial, extending from the 6.5-mile-radius area to 8.5 miles west of the VORTAC * * *" is substituted therefor.

PAHOKEE, FLA.

"* * * within 5 miles * * *" is deleted and "* * * within 3 miles * * *" is substituted therefor.

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

Issued in East Point, Ga., on October 13, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-18032 Filed 10-20-72;8:47 am]

[Airspace Docket No. 72-SW-59]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Texas transition area.

On September 2, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 17979) stating the Federal Aviation Administration proposed to alter the Texas transition area by enlarging the area to the west.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 4, 1973, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Texas transition area is amended by deleting "thence along the south boundary of V-198 to and along longitude 101°00'00" W., to and counterclockwise along the arc of a 60-mile-radius circle centered at latitude 29°21'31" N., longitude 100°46'-35" W.," and substituting therefor "thence along the south boundary of V-198 to and counterclockwise along the arc of a 105-mile-radius circle centered at latitude 29°21'35" N., longitude 100°-46'35" W.,".

(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 Fort Worth, Tex., on October 12, 1972.

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

[FR Doc.72-18034 Filed 10-20-72;8:48 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2290]

PART 13—PROHIBITED TRADE PRACTICES

Acceptance Finance Co.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.* Subpart—Offering unfair, improper, and deceptive inducements to purchase or deal: § 13.1925 *Coupon, certificate, check, credit voucher, etc., deductions in price.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended;

15 U.S.C. 45) [Cease and desist order, Acceptance Finance Co., Clayton, Mo., Docket No. C-2290, Sept. 27, 1972]

In the Matter of Acceptance Finance Co., a Corporation

Consent order requiring a Clayton, Mo., finance company and its 74 subsidiaries, among other things to cease providing to customers negotiable instruments known as or similar to "Reddy Checks" unless it has received an affirmative, written, signed, and dated authorization from customers. Such authorization shall include a clear explanation of the number of such instruments to be mailed each year; the approximate dates of such mailings; the approximate face amount of such instruments; the period of validity of such instruments; the length of time the consumer's consent to participate will be valid; and certain consequences if such instruments are negotiated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Acceptance Finance Co., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiaries, division, or other device, in connection with the advertising, solicitation for or the consummation of loans in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Providing in any manner to any consumer negotiable instruments known as or similar to Reddy Checks unless Acceptance Finance Co., or any of its subsidiaries, has received from such recipient an affirmative, written, signed, and dated request for or authorization to provide such negotiable instrument; *Provided, however*, That any consumer who has borrowed money from, or whose sales finance contract has been assigned to, Acceptance Finance Co., or any of its subsidiaries, prior to the effective date of the consent order, may be sent additional Reddy Checks in the manner set forth in paragraph B below. Such request or authorization shall contain language of a clear and conspicuous nature describing the Reddy Check program and the provisions of the consumer's consent to participate in such program and which includes an explanation of:

1. The number of such negotiable instruments intended to be mailed each year;

2. The approximate dates or months for such mailings;

3. The approximate face amount of such negotiable instruments;

4. The period of validity of such negotiable instruments;

5. The length of time the consumer's consent to participate in the program will be valid, i.e., the original duration of the agreement; and

6. Certain consequences if such negotiable instruments are negotiated, including where appropriate the effect on any outstanding balance that may be owed to Acceptance Finance Co., or any of its subsidiaries, and the effect on the duration of the agreement as described in 5 above.

B. With respect to any consumer who has borrowed money from, or whose sales finance contract has been assigned to, Acceptance Finance Co., or any of its subsidiaries, prior to the effective date of this consent order, effective January 1, 1973, Acceptance Finance Co. will discontinue and will not resume the practice of sending negotiable instruments known as or similar to Reddy Checks to any said consumer unless it, or any of its subsidiaries, has received from such recipient an affirmative, written, signed, and dated request or authorization as described in paragraph A above.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent at its general offices in Clayton, Mo., and in each of its subsidiary loan offices who are engaged as head of the particular department in the extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said copy of this order from each such person.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: September 27, 1972.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-18059 Filed 10-20-72;8:50 am]

[Docket No. C-2287]

PART 13—PROHIBITED TRADE PRACTICES

Credit Bureau of Lorain, Inc., and Harry C. Koller

Subpart—Collecting, assembling, furnishing, or utilizing consumer reports: § 13.382 *Collecting, assembling, furnishing, or utilizing consumer reports:* 13.382-1 Confidentiality, accuracy, relevancy, and proper utilization; 13.382-1(a) Fair Credit Reporting Act; 13.382-5 Formal regulatory and/or statutory requirements; 13.382-5(a) Fair Credit Reporting Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147, 84 Stat. 1127-36; 15 U.S.C. 1601, et seq.) [Cease and desist order, Credit Bureau of Lorain, Inc., et al., Lorain, Ohio, Docket No. C-2287, Sept. 19, 1972]

In the Matter of Credit Bureau of Lorain, Inc., a Corporation, and Harry C. Koller, Individually and as an Officer of Said Corporation

Consent order requiring a Lorain, Ohio, credit bureau among other things to cease violating the Fair Credit Reporting Act by failing to require users of consumer reports to identify themselves and certify in writing the purpose for which the information is sought and not used for any other purpose; failing to incorporate in "Membership Contracts" that information will be requested only for the members' exclusive use in connection with the extension of credit, employment, insurance, governmental use, or other legitimate business transaction involving the consumer; failing to require non-consumer credit customers to furnish required information; failing to forbid employees to obtain reports on themselves or associates; and failing to cease doing business with any user of reports who does not follow the procedures specified by this order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Credit Bureal of Lorain, Inc., a corporation, its successors and assigns, and its officers, and Harry C. Koller, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the collecting, assembling, or furnishing of consumer reports, as "consumer report" is defined in the Fair Credit Reporting Act (15 U.S.C. 1601 et seq.), shall forthwith cease and desist from:

1. Failing to require all prospective users of consumer reports to identify themselves and to certify, in writing, through a "Membership Contract" with the respondents, the purpose for which the information is sought and that the information will be used for no other purpose, in accordance with section 607 of the Fair Credit Reporting Act.

2. Failing to require prespective users of consumer reports, who are not, in the ordinary course of business, regularly extending consumer credit and/or consumer insurance, to identify themselves and to certify, in writing, either at the time the prospective users seek each consumer report, or within ten (10) business days after an oral certification of a request for each consumer report, the purpose for which the information is sought and that the information will be used for no other purpose, in accordance with section 607 of the Fair Credit Reporting Act.

3. Failing to incorporate the following statements on the face of all "Membership Contracts" between the respondents and the prospective users of consumer reports, with such conspicuousness and clarity as is likely to be read and understood by the prospective users of consumer reports:

(1) Information will be requested only for the members' exclusive use, and the member certifies that inquiries will be made only for one or more of the following permissible purposes and no other:

(a) In connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

(b) In connection with employment purposes; or

(c) In connection with the underwriting of insurance involving the consumer, or

(d) In connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(e) In connection with a legitimate business need for the information in connection with a business transaction involving the consumer.

(2) Member, who is not, in the ordinary course of business, regularly extending consumer credit and/or consumer insurance, agrees to inform the Credit Bureau of the purpose for which each report is sought, at the time each such report is ordered.

(3) Reports on employees will be requested only by the members' designated representatives. Employees will be forbidden to attempt to obtain reports on themselves, associates, or any other person except in the exercise of their official duties.

(4) It is understood by the member that Public Law 91-508, section 619, states, "Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than $5,000 or imprisoned not more than 1 year, or both."

4. Failing to cease doing business with any prospective user or user of consumer reports who does not follow any of the oral or written procedures as specified by this order.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the assembling or evaluating of information on consumers for the purpose of furnishing to third parties consumer reports and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained therein.

By the Commission.

Issued: September 19, 1972.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-18060 Filed 10-20-72;8:50 am]

[Docket No. C-2291]

PART 13—PROHIBITED TRADE PRACTICES

Eastman Kodak Co.

Subpart—Advertising falsely or misleadingly: § 13.135 *Nature of product or service;* § 13.140 *Old, reclaimed, or reused product being new.* Subpart—Aiding, assisting, and abetting unfair or unlawful act or practice: § 13.290 *Aiding, assisting, and abetting unfair or unlawful act or practice.* Subpart—Furnishing means and instrumentalities of misrepresentation of deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1057 *Packaging deceptively.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1695 *Old, second hand, reclaimed, or reconstructed as new.* Subpart—Neglecting, unfairly, or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Eastman Kodak Co., Rochester, N.Y., Docket No. C-2291, Sept. 28, 1972]

In the Matter of Eastman Kodak Co., a Corporation

Consent order requiring a Rochester, N.Y., manufacturer of photographic equipment, among other things to cease misrepresenting used photographic equipment as new and failing to disclose the nature of such products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

In this order, the following definitions shall be applicable:

(i) Photographic equipment: Photographic equipment shall mean, still and motion picture cameras and projectors, including attachments thereto, which are designed for and customarily sold for general amateur photographic purposes.

(ii) Used photographic equipment: Photographic equipment shall be considered used when it has been sold to and delivered to an ultimate consumer unless respondent can establish that the ultimate consumer has not used the product for the purposes for which it was intended or when the photographic equipment has been utilized for general demonstration purposes.

It is ordered, That respondent Eastman Kodak Co., a corporation, and its officers, successors, or assigns and respondent's agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of photographic equipment in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing, clearly and conspicuously to disclose, in connection with the sale of used photographic equipment, in all advertising, sales, promotional literature, and invoices concerning such photographic equipment, on the container in which the photographic equipment is packaged and on the photographic equipment with sufficient permanency as likely to remain thereon until sale to the ultimate consumer, the fact that such product has been previously used, as is defined above.

2. Representing, directly or by implication, that used photographic equipment distributed by or on behalf of respondent is new or misrepresenting in any manner the nature, extent, or degree of use of any photographic equipment offered for sale, sold, or distributed by, on or behalf of respondent.

3. Failing to maintain a system for handling used photographic equipment that is returned to the respondent which is so designed that photographic equipment which has been used is sufficiently identified to assure ultimate disposition in accordance with the terms of this order.

4. Supplying new packaging material for photographic equipment manufactured by the respondent to independent warranty shops or other nonaffiliated entities which customarily do repair or service work on photographic equipment manufactured by respondent, except if such repair or service facility states in writing that such packaging material is intended for use with consumer-owned photographic equipment.

5. Supplying new packaging material for photographic equipment manufactured by the respondent to customers who resell such equipment at wholesale and/or retail, except for packaging material customarily shipped for display or replacement purposes, without receiving from the customer a statement in writing indicating that the requested packaging material is not to be utilized with used photographic equipment as that term is herein defined.

It is further ordered, That:

(a) As a condition precedent to repairing, refurbishing, repackaging, or replacing any photographic equipment returned to respondent, respondent shall require any person, firm, or corporation other than an ultimate consumer who returns such product to provide in writing a statement which will indicate

whether or not the returned photographic equipment is a used product as that term is herein defined;

(b) Respondent shall maintain copies of statements received under the provisions of the immediately preceding subparagraph and paragraphs 4 and 5 for a period of at least three (3) years and respondent shall maintain records sufficient to show compliance with paragraph 3 supra for a period of three (3) years.

(c) Irrespective of the information received pursuant to subparagraph (a) above, if the respondent has reason to believe from a physical inspection of the photographic equipment or from documentation accompanying the returned product that it has been used as that term is herein defined, it shall be treated as used photographic equipment pursuant to paragraphs 1, 3, 4, and 5 above.

It is further ordered, That respondent herein shall notify the Commission at least thirty (30) days prior to any proposed change in the structure of the corporate respondent, such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respective corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That respondent shall deliver, by first class mail, postage prepaid, a copy of this order to each of its customers who resell photographic equipment at wholesale and/or retail.

It is further ordered, That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

By the Commission.

Issued: September 28, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-18058 Filed 10-20-72;8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

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

[Docket No. R-72-217]

PART 35—PROHIBITION OF USE OF LEAD-BASED PAINT AND ELIMINATION OF LEAD-BASED PAINT HAZARD

On August 22, 1972 (37 F.R. 16872), HUD issued 24 CFR Part 35 prohibiting the use of lead-based paint in Federal and federally assisted construction and rehabilitation. In this revision of Part 35, the Department is revising the existing provisions of Part 35 and designating this revision as Subpart A—Prohibition of Lead-Based Paint Usage in New Construction and Rehabilitation, and is adding a new Subpart B—Elimination of Lead-Based Paint Hazard in HUD-Associated Properties. The new subpart reflects the Department's policy of treating and removing existing health hazards caused by existing lead-based paint in HUD-associated properties. There are also being included two new definitions: "Health hazard" and "HUD-associated properties;" the existing definitions of "federally assisted" and "rehabilitation" are being combined in a new definition "federally assisted construction or rehabilitation;" and the definition of "residential structure" is being expanded.

In order to proceed as quickly as possible in eliminating the health hazards described, the Secretary finds that comment and public procedure on this revision are impractical and contrary to the public interest and that good cause exists for making the part, as revised, effective upon publication.

Accordingly, Part 35 is revised as follows:

Subpart A—Prohibition of Lead-Based Paint Usage in New Construction and Rehabilitation

Sec.
35.1 Purpose.
35.3 Definitions.
35.5 Applicability.

Subpart B—Elimination of Lead-Based Paint Hazard in HUD-Associated Properties

35.10 Purpose.
35.12 Definitions.
35.14 Inspection.
35.16 Procedure.
35.18 Treatment.
35.20 Special program considerations.
35.22 Resident involvement.
35.24 Local codes and regulations.

AUTHORITY: The provisions of this Part 35 issued under Public Law 91-695, 84 Stat. 2079, 42 U.S.C. 4801, et seq.; 42 U.S.C. 3535(d).

Subpart A—Prohibition of Lead-Based Paint Usage in New Construction and Rehabilitation

§ 35.1 Purpose.

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

§ 35.3 Definitions.

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

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

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

(d) "Federally assisted construction or rehabilitation" means work financed with any form of Federal financial assistance, including grants, loans, advances, or proceeds of a HUD-guaranteed loan or a HUD-insured mortgage. For purposes of this part, "rehabilitation" and "rehabilitated" also include routine maintenance work which is financed by any of the foregoing forms of Federal financial assistance.

(e) "Health hazard" means crackling, scaling, peeling, and loose lead-based paint on applicable surfaces.

(f) "HUD-associated properties" means residential structures (as defined above) when they are being constructed, purchased, leased, rehabilitated (as defined above), modernized, or improved, with any form of Federal financial assistance whether grant, loan, advance, or proceeds of a HUD-guaranteed loan or a HUD-insured mortgage.

§ 35.5 Applicability.

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

(b) The use of lead-based paint on applicable surfaces of any residential structure undergoing federally assisted construction or rehabilitation under any program under the jurisdiction of the Department of Housing and Urban Development is prohibited. Every contract and subcontract including painting, pursuant to which such federally assisted construction or rehabilitation is performed, shall include appropriate provisions prohibiting such use of lead-based paint. Such provisions shall include any provisions necessary for the enforcement of that prohibition.

Subpart B—Elimination of Lead-Based Paint Hazard in HUD-Associated Properties

§ 35.10 Purpose.

This Subpart B implements the policy of the Department that health hazards, as defined herein, shall be treated as provided in these regulations.

§ 35.12 Definitions.

The definitions set forth in § 35.3 apply to this subpart.

§ 35.14 Inspection.

The responsibility for the inspection of HUD-associated properties under the various HUD programs shall be as follows:

(a) HUD-owned properties that are to be sold as is or are to be rehabilitated before the sale shall be inspected by the local HUD staff or, if appropriate, by the management broker as a part of the program for management and disposition of acquired property.

(b) Existing properties proposed for rehabilitation with the assistance of HUD–FHA mortgage insurance shall be inspected by the local HUD staff.

(c) Low-rent public housing shall be inspected by the agency, or agent responsible for the maintenance, management, repair, and operation of the property. See § 35.20 for special instruction for public housing.

(d) Existing properties proposed for HUD–FHA mortgage insurance shall be inspected by the local HUD staff or by fee appraisers where otherwise permitted under existing procedures.

(e) In the rehabilitation of HUD-associated college housing, the architect shall be responsible for inspecting the premises and certifying that the completed project complies with the provisions of this subpart.

(f) In Community Development supported activities affecting HUD-associated properties, the appropriate local public agency, local public body or city demonstration agency shall be responsible for inspecting the premises and certifying that the completed property complies with the provisions of this subpart.

§ 35.16 Procedure.

All defective paint conditions (described in § 35.3(f)) shall be assumed to involve lead-based paint and thus to constitute health hazards that must be corrected, unless testing shows that lead is not present in the paint at a level above 1.0 percent. (Most of the paint used in structures built in 1950 or earlier was lead-based.) This procedure is being adopted because of the expense and difficulty of determining the lead content of dried paint film by presently available methods.

§ 35.18 Treatment.

All applicable surfaces identified in accordance with § 35.16 as health hazards as defined herein shall receive adequate treatment to prevent the ingestion of the contaminated paint. Particular care shall be taken to correct conditions of cracking, scaling, peeling, and loose paint on walls, ceilings, doors, windows, trim, stairs, railings, cabinets, and piping. All such surfaces which require treatment shall be thoroughly washed, sanded, scraped, or wire brushed, so as to remove all cracking, scaling, peeling, and loose paint before repainting. As a minimum, these surfaces must receive two coats of a suitable nonlead-based paint. Where it is infeasible to control or correct the cracking, scaling, peeling, or loosening of the lead-based paint and the film integrity of the treated surfaces cannot be maintained, the paint on these surfaces shall be removed or covered with materials such as hardboard, plywood, drywall, plaster, or other suitable material.

§ 35.20 Special program considerations.

The following special considerations shall be observed:

(a) *Low-rent public housing.* Unless otherwise required by local codes, local housing authorities shall develop a two-phase program. The first phase will consist of an inspection and testing program to: (1) Identify dwelling units that have health hazards as defined herein; (2) prepare estimates of cost for correction; and (3) budget for the funds needed. It is not necessary to test every dwelling unit in a project. A sufficient number of tests in the sample dwelling units shall be made to assure that applicable surfaces in the dwelling units are not covered with lead-based paint as defined herein. The second phase will consist of a program to eliminate the health hazards found in Phase 1. Corrective work shall be accomplished as rapidly as possible.

(b) *Leased housing.* It shall be the responsibility of each local housing authority, before entering into a new lease agreement or renewal, to obtain from the owner either a certification from a local government code inspector or a qualified laboratory that applicable surfaces are free of lead-based paint, or the owner's certification that those surfaces have been adequately treated or covered, as described in § 35.18. Where residences under lease are cited by a responsible local agency for lead-based paint code violations, the local housing authority shall immediately initiate action necessary to terminate the lease if the violation is not corrected within the time period specified in the citation.

§ 35.22 Resident involvement.

It is the intent of the Department to provide every opportunity for resident involvement in the program of eliminating lead-based paint hazards.

§ 35.24 Local codes and regulations.

The provisions of this subpart constitute the policy of this Department. They shall not be construed as relieving the owner of his responsibility for compliance with local ordinances, codes, and regulations pertaining to lead-based paint, nor does the Department assume any responsibility with respect to enforcing, interpreting, or determining compliance with such local requirements.

Effective date. The provisions of this part shall be effective as of October 21, 1972.

RICHARD C. VAN DUSEN,
Under Secretary of Housing and Urban Development.

[FR Doc.72-18146 Filed 10-20-72;8:54 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. ATF-2]

IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER FROM PUERTO RICO AND THE VIRGIN ISLANDS

Issuance of and Accounting for Red Strip Stamps

On July 1, 1972, a notice of proposed rule making to amend 26 CFR Parts 194, 201, 250, and 251 by prescribing new procedures to be followed by importers for strip stamp accounting, records, and reports, and by providing for the approval and issuance of strip stamps by assistant regional commissioners (now Regional Directors, Bureau of Alcohol, Tobacco and Firearms), instead of by District Directors of Internal Revenue with the approval of the Bureau of Customs, was published in the FEDERAL REGISTER (37 F.R. 13100). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. After consideration of all relevant matter presented regarding the proposed amendments, the regulations as so published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph A is changed by adding amendments to § 194.11. Section 194.11 is amended by changing the definition of "Assistant regional commissioner" and "Director"; and by adding, in alphabetical order, a definition of "Regional director." As amended and added these definitions read as set forth below.

PAR. 2. Paragraph A is further changed by substituting "Regional director" for "Assistant regional commissioner" wherever it appears in § 194.254.

PAR. 3. Paragraph B1 is changed by deleting the definition for "Director of customs" and adding instead a definition for "District director of customs"; by amending the definition of "Assistant regional commissioner"; and by adding, in alphabetical order, a definition of "Regional director" in § 201.11. As revised and added these definitions read as set forth below.

PAR. 4. Paragraph B2 is changed by substituting "regional director" for "assistant regional commissioner" wherever it appears in § 201.543.

PAR. 5. Paragraph C1 is changed by deleting the definition for "Director of customs" and adding instead a definition for "District director of customs"; by amending the definition of "Assistant regional commissioner" and "Director, Alcohol, Tobacco and Firearms Division"; and by adding, in alphabetical

order, a definition for "Director, Bureau of Alcohol, Tobacco and Firearms" and "Regional director" in § 250.11. As revised and added, these definitions read as set forth below.

PAR. 6. Paragraph C5 is changed to read as follows: Section 250.75 is amended by deleting the words "Assistant Regional Commissioner, Alcohol and Tobacco Tax" and by inserting instead the words "Regional Director".

PAR. 7. Paragraph C6 is changed by deleting in § 250.138 the words "Director, Alcohol, Tobacco and Firearms Division" wherever they appear and by inserting instead the words "Director, Bureau of Alcohol, Tobacco and Firearms"; and further changed by deleting, in the two sentences immediately preceding the last sentence the words "Internal Revenue" and "Internal revenue" and by inserting instead the words "Alcohol, Tobacco and Firearms" and "Alcohol, tobacco and firearms", respectively.

PAR. 8. Paragraph C9 is changed by deleting in § 250.233 the words "Director, Alcohol, Tobacco and Firearms Division" wherever they appear and by inserting instead the words "Director, Bureau of Alcohol, Tobacco and Firearms" and further changed by deleting, in the two sentences immediately preceding the last sentence, the words "Internal Revenue" and "Internal revenue" and by inserting instead the words "Alcohol, Tobacco and Firearms" and "Alcohol, tobacco and firearms", respectively.

PAR. 9. Paragraphs C10, C12, C13, C28, and C31 are changed by deleting in §§ 250.234, 250.235, 250.237, 250.240, 250.240a, 250.271, and 250.277 the words "assistant regional commissioner" wherever they appear and by inserting instead the words "regional director".

PAR. 9a. Paragraphs C17 and C22 are changed by deleting in §§ 250.245 and 250.252a the words "director of customs" wherever they appear, and by inserting instead the words "district director of customs".

PAR. 10. Paragraph C19 is changed by deleting, in the first sentence of § 250.249, the word "unexamined" and by inserting instead the words "delivered or released", by inserting the word "district" immediately preceding the words "director of customs", and by inserting in the last sentence immediately after the word "any" the words "irregularities or."

PAR. 11. Paragraph C21 is changed (1) by revising the title of § 250.252 to read "Destruction or transfer of red strip stamps in the Virgin Islands"; (2) by deleting from its text the words "assistant regional commissioner" wherever they appear and by inserting instead the words "regional director"; and (3) by reducing by one copy the number of copies of the application for destruction of stamps and of Form 1627 that are required to be prepared and distributed. As further changed paragraph C21 reads as set forth below.

PAR. 12. Paragraph C27 is changed by revising the third sentence of § 250.270, which now begins "Each entry showing stamps received" to read "Stamps shown in the record as received shall be supported by the related Form 428, which shall be identified by date and serial number."; and by changing the "(1)" and "(2)" in the last sentence to "(a)" and "(b)", respectively.

PAR. 13. Paragraph C30 is changed by deleting in § 250.275 the words "assistant regional commissioner" wherever they appear and by inserting instead the words "regional director"; and further changed by deleting, in the next to the last sentence, the words "internal revenue" and inserting instead the words "alcohol, tobacco and firearms".

PAR. 14. Paragraph C32 is changed by deleting in § 250.331 the words "assistant regional commissioner" and "Director, Alcohol, Tobacco and Firearms Division" wherever they appear and by inserting instead the words "regional director" and "Director, Bureau of Alcohol, Tobacco and Firearms", respectively.

PAR. 15. Paragraph D1 is changed by deleting the definition for "Director of customs" and adding instead a definition for "district director of customs"; by amending the definition of "Assistant regional commissioner" and "Director, Alcohol, Tobacco and Firearms Division"; and by adding, in alphabetical order, a definition for "Director, Bureau of Alcohol, Tobacco and Firearms" and "Regional director" in § 251.11. As revised and added these definitions read as set forth below.

PAR. 16. Paragraphs D3, D4, D6, D7, D20, D24, and D27 are changed by deleting in §§ 251.64, 251.64a, 251.66, 251.66a, 251.92, 251.131, and 251.160 the words "assistant regional commissioner" wherever they appear and by inserting instead the words "regional director".

PAR. 17. Paragraph D10 is changed by deleting in § 251.69 the words "Director, Alcohol, Tobacco and Firearms Division" wherever they appear and by inserting instead the words "Director, Bureau of Alcohol, Tobacco and Firearms"; and further changed by deleting, in the two sentences immediately preceding the last sentence, the words "Internal Revenue" and "Internal revenue" and by inserting instead the words "Alcohol, Tobacco and Firearms" and "Alcohol, tobacco and firearms", respectively.

PAR. 17a. Paragraphs D11 and D14 are changed by deleting in §§ 251.72 and 251.85a the words "director of customs" wherever they appear, and by inserting instead the words "district director of customs".

PAR. 18. Paragraph D16 is changed by deleting in the first sentence of § 251.88 the word "unexamined" and by inserting instead the words "delivered or released", by inserting the word "district" immediately preceding the words "director of customs", and by inserting in the last sentence immediately after the word "any" the words "irregularities or".

PAR. 19. Paragraph D18 is changed (1) by revising the title of § 251.89a to read "Destruction or transfer of red strip stamps abroad"; (2) by deleting from its text the words "assistant regional commissioner" wherever they appear and by inserting instead the words "regional director"; and (3) by reducing by one copy the number of copies of the application for destruction of stamps and of Form 1627 that are required to be prepared and distributed. As further changed Paragraph D18 reads as set forth below.

PAR. 20. Paragraph D23 is changed by revising the third sentence of § 251.130, which now begins "Each entry showing stamps received" to read "Stamps shown in the record as received shall be supported by the related Form 428, which shall be identified by date and serial number"; and by changing the "(1)" and "(2)" in the last sentence to "(a)" and "(b)", respectively.

PAR. 21. Paragraph D26 is changed by deleting in § 251.136 the words "assistant regional commissioner" wherever they appear and by inserting instead the words "regional director"; and further changed by deleting, in the next to the last sentence, the words "internal revenue" and inserting instead the words "alcohol, tobacco and firearms".

PAR. 22. Paragraph D28 is changed by deleting in § 251.221 the words "assistant regional commissioner" and "Director, Alcohol, Tobacco and Firearms Division" wherever they appear and by inserting instead the words "regional director" and "Director, Bureau of Alcohol, Tobacco and Firearms", respectively.

This Treasury decision shall become effective on December 1, 1972.

(26 U.S.C. 7805, 68A Stat. 917)

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: October 16, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

In order to (1) prescribe new procedures to be followed by importers for strip stamp accounting, records, and reports; (2) provide for the issuance of strip stamps by assistant regional commissioners, alcohol, tobacco and firearms; (3) recognize the change in name of the Alcohol, Tobacco and Firearms function and the change in the organizational structure of the Bureau of Customs; and (4) make miscellaneous conforming and editorial changes, the regulations in 26 CFR Parts 194, 201, 250 and 251 are amended as follows:

PART 194—LIQUOR DEALERS

PARAGRAPH A. 26 CFR Part 194 is amended as follows:

1. Section 194.11 is amended by changing the definition of "Assistant regional commissioner" and "Director"; and by adding, in alphabetical order, a definition of "Regional director". As amended and added these definitions read as follows:

§ 194.11 Meaning of terms.

* * * * *

Assistant regional commissioner. Wherever used in this part shall mean a

regional director as defined in this section.

* * * * *

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

* * * * *

Regional director. A regional director who is responsible to, and functions under the direction and supervision of, the Director.

* * * * *

2. Section 194.254 is amended by (1) deleting the word "obtain" from the next to the last sentence; and (2) making an editorial change and changes in nomenclature. As amended, § 194.254 reads as follows:

§ 194.254 Replacement of strip stamps found by dealer to be mutilated or missing.

Containers requiring restamping, as described in § 194.253, shall be set aside by the dealer and application for necessary stamps submitted with Form 428, in duplicate, to the regional director. Copies of Form 428 may be obtained from the regional director. In every case the application shall state the cause of mutilation or absence of stamps and submit evidence that the spirits are eligible for stamping under section 5205(e), I.R.C. Such evidence may consist of invoices covering purchase of the spirits, in addition to other available documents. Such application shall be signed by the dealer or his authorized agent under the penalties of perjury immediately below a declaration, worded as follows:

I declare under the penalties of perjury that I have examined this application and to the best of my knowledge and belief it is true and correct.

If the regional director is satisfied from the evidence submitted that the mutilation or absence of the stamps has been satisfactorily explained, he will approve the requisition for stamps, Form 428, and deliver the stamps to the applicant by mail with instructions in regard to affixing them to the containers, or by a representative of his office. If an overprinted stamp is to be replaced by the dealer, the word "Restamped," the name of the dealer, and the date of restamping shall be imprinted, or written in ink, in lieu of overprinting the replacement stamp.

(72 Stat. 1358; 26 U.S.C. 5205)

PART 201—DISTILLED SPIRITS PLANTS

PAR. B. 26 CFR Part 201 is amended as follows:

1. Section 201.11 is amended by changing the definition of "Director of Customs" to reflect recent changes in the organizational structure of the Bureau of Customs and by changing the definition of "Assistant regional commissioner" and adding a definition for "Regional director" as a result of the establishment of the Bureau of Alcohol, Tobacco and Firearms. As amended, § 201.11 reads as follows:

§ 201.11 Meaning of terms.

* * * * *

Assistant regional commissioner. Wherever used in this part shall mean a regional director as defined in this section.

* * * * *

District director of customs. The district director of customs at a headquarters port of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; and the port director at a port not designated as a headquarters port.

* * * * *

Regional director. A regional director who is responsible to, and functions under the direction and supervision of, the Director, Bureau of Alcohol, Tobacco and Firearms.

* * * * *

2. Section 201.543 is amended to provide for: (1) Strip stamps to be obtained from regional directors instead of from district directors; and (2) strip stamps being delivered by an alternate method to be shipped directly to the proprietor instead of being shipped to the assigned officer. As amended, § 201.543 reads as follows:

§ 201.543 Procurement of strip stamps.

(a) *General.* Strip stamps may be obtained, without charge, by the proprietor, in reasonable anticipation of current needs, from the regional director of the region in which the plant is located, by requisition on Form 428 approved by the assigned officer. Such stamps may not be procured by one proprietor from another or transferred to another plant operated by the same proprietor, except on authorization by the regional director. Requisition shall be for full sheets of such stamps. On receipt of the stamps the proprietor shall verify the quantity received and acknowledge receipt thereof, noting any discrepancies, on both copies of Form 428 returned by the regional director, forward one copy of the Form 428 to the regional director, and retain one copy in his files.

(b) *Alternative method.* When the regional director determines that the interests of the Government will be best served thereby, the stamps may be shipped directly to the proprietor from a location other than the office of the regional director. In such case, the regional director shall notify the proprietor that the strip stamps will be delivered by an alternative method and inform him of the minimum quantity, if any, of each size stamp which may be requisitioned on any particular Form 428. Upon approval of Form 428, two copies of the form shall be returned to the proprietor. Upon receipt of the stamps, the proprietor shall (1) indicate the serial numbers (if any) of the stamps received and acknowledge receipt thereof, noting any discrepancies, on both copies of Form 428, and (2) return one copy to the regional director, and retain one copy in his files.

(72 Stat. 1358; 26 U.S.C. 5205)

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PAR. C. 26 CFR Part 250 is amended as follows:

1. Section 250.11 is amended by changing the definitions of "Assistant regional commissioner," "Director, Alcohol, Tobacco and Firearms Division," and "Director of customs," and by adding definitions of "Director, Bureau of Alcohol, Tobacco and Firearms," and "Regional director." As amended, § 250.11 reads as follows:

§ 250.11 Meaning of terms.

* * * * *

Assistant regional commissioner. Wherever used in this part shall mean a regional director as defined in this section.

* * * * *

Director, Alcohol, Tobacco and Firearms Division. Wherever used in this part shall mean the Director, Bureau of Alcohol, Tobacco and Firearms, as defined in this section.

Director, Bureau of Alcohol, Tobacco and Firearms. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

District director of customs. The district director of customs at a headquarters port of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; and the port director at a port not designated as a headquarters port.

* * * * *

Regional director. A regional director who is responsible to, and functions under the direction and supervison of, the Director.

* * * * *

2. Section 250.41 is amended by adding a proviso at the end thereof. As amended, § 250.41 reads as follows:

§ 250.41 Destruction of marks and brands.

The marks, brands, and serial numbers required by this part to be placed on barrels, casks, or similar containers, or cases, shall not be removed, or obscured or obliterated, before the contents thereof have been removed; but when barrels, casks, or similar containers (except for beer and wine) are emptied, all such marks, brands, and serial numbers shall be effaced and obliterated by the person removing the contents: *Provided*, That, the marks, brands, and serial numbers on such containers emptied on the premises of a distilled spirits plant qualified under the provisions of Part 201 of this chapter need not be effaced or obliterated.

(72 Stat. 1358; 26 U.S.C. 5205)

3. Section 250.62 is amended by: (1) Making a clarifying change; and (2) deleting obsolete provisions relating to powers of attorney. As amended, § 250.62 reads as follows:

§ 250.62 Corporate surety.

Surety bonds may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury of the United States, as set forth in the current revision of U.S. Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6, 7)

4. Two new sections, §§ 250.62a and 250.62b, are added to prescribe requirements relating to filing of powers of attorney and execution of powers of attorney, respectively. As added, new §§ 250.62a and 250.62b read as follows:

§ 250.62a Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The Officer-in-Charge who is authorized to approve the bond may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 250.62b Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 250.75 [Amended]

5. Section 250.75 is amended by deleting the words "Assistant Regional Commissioner, Alcohol and Tobacco Tax," and by inserting instead the words "Regional Director."

6. Section 250.138 is amended to (1) provide that the Director may authorize labels to be affixed so as to partially obscure strip stamps; and (2) make an editorial change and other changes to recognize changes in organizational structure. As amended, § 250.138 reads as follows:

§ 250.138 Affixing strip stamps.

Strip stamps shall be securely affixed to the containers with a strong adhesive, and shall be affixed in such a manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed thereto. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that (a) the Director, Bureau of Alcohol, Tobacco and Firearms, may authorize labels to be affixed so as to partially obscure strip stamps, if he finds that a need therefor exists, and if he finds that the manner of affixing such labels does not obscure essential information on the strip stamps which is not clearly shown on the bottle or on the labels affixed to the bottle, and (b) any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can be readily removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons, such cartons and wrappings on such cartons must bear the words, "This package may be opened for examination by Alcohol, Tobacco and Firearms Officers." Alcohol, tobacco and firearms and customs officers have the right to open such cartons or wrappings and examine the container. If there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director, Bureau of Alcohol, Tobacco and Firearms, for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

7. Section 250.163 is amended to provide that persons responsible for release of liquors from customs custody who do not take physical possession of the liquors shall keep commercial records which reflect the release of the liquors. As amended, § 250.163 reads as follows:

§ 250.163 General requirements.

Except as provided in § 250.164, every person, other than a tourist, bringing liquor into the United States from Puerto Rico shall keep records and render reports of the physical receipt and disposition of such liquors in accordance with Part 194 ("Liquor Dealers") of this chapter: *Provided,* That if the person who is responsible for release of the liquors from customs custody does not take physical possession of the liquors, he shall keep commercial records reflecting such release; such records shall identify the kind and quantity of the liquors released, the name and address of the person receiving the liquors from customs custody, and shall be filed chronologically by release dates. Records and reports will not be required under this part with respect of liquors while in customs custody.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

8. Section 250.207 is amended by adding a proviso at the end thereof. As amended, § 250.207 reads as follows:

§ 250.207 Destruction of marks and brands.

The marks, brands, and serial numbers required by this part to be placed on barrels, casks, or similar containers, or cases, shall not be removed, or obscured or obliterated, before the contents thereof have been removed; but when barrels, casks, or similar containers (except for beer and wine) are emptied, all such marks, brands, and serial numbers shall be effaced and obliterated by the person removing the contents: *Provided,* That, the marks, brands and serial numbers on such containers emptied on the premises of a distilled spirits plant qualified under the provisions of Part 201 of this chapter need not be effaced or obliterated.

(72 Stat. 1358; 26 U.S.C. 5205)

9. Section 250.233 is amended to (1) provide that the Director may authorize labels to be affixed so as to partially obscure strip stamps; and (2) make an editorial change and changes in nomenclature. As amended, § 250.233 reads as follows:

§ 250.233 Affixing strip stamps.

Strip stamps shall be securely affixed to the container with a strong adhesive, and shall be affixed in such manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed thereto. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that (a) the Director, Bureau of Alcohol, Tobacco and Firearms, may authorize labels to be so affixed as to partially obscure strip stamps, if he finds that a need therefor exists, and if he finds that the manner of affixing such labels does not obscure essential information on the strip stamp which is not clearly shown on the bottle or on the labels affixed to the bottle, and (b) any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can be readily removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons, such cartons and wrappings on such cartons must bear the words, "This package may be opened for examination by Alcohol, Tobacco and Firearms Officers." Alcohol, tobacco and firearms and customs officers have the right to open such cartons or wrappings and examine the container. If there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director, Bureau of Alcohol, Tobacco and Firearms, for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

10. Sections 250.234, 250.235, 250.236, and 250.237 are amended in their entirety. As amended, §§ 250.234, 250.235, 250.236, and 250.237 read as follows:

§ 250.234 Power of attorney.

If an importer gives power of attorney to another person to sign Form 96 or Form 428, such power of attorney shall be executed on Form 1534 and, in the case of Forms 96, filed with the regional director of the region in which the importer's business is located or, in

the case of Forms 428, the regional director with whom the requisition will be filed. When either of the above forms is signed by an agent, the name of the importer shall be given, followed by the signature of the agent and the words "Attorney in Fact".

§ 250.235 Breach of regulations, or failure to properly account for strip stamps.

The regional director shall refuse to approve any further requisitions, Form 428, when he has knowledge that the importer has failed to furnish a satisfactory accounting for strip stamps, as prescribed in this part, or has failed to comply with any of the provisions of this part. The regional director may require of the importer, at a specified time and place, an immediate accounting of all strip stamps outstanding in the name of the importer as a means of determining whether there has been unlawful diversion or use of strip stamps and may also require that all unused strip stamps be recalled and delivered so they may be counted. If the regional director has evidence that any of the provisions of this part have been willfully violated, he shall take appropriate action. He shall also refuse to approve any further requisitions when he has knowledge that the importer has failed to furnish a satisfactory accounting for strip stamps in any other region.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.236 Conditions.

Red strip stamps, requisitioned by, and issued to, an importer or his agent as provided in this subpart, may be sent to a bottler or exporter in the Virgin Islands to be affixed to containers of distilled spirits.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.237 Requisition, Form 428.

Requisition on Form 428 for red strip stamps shall be made by the importer, or by his agent pursuant to filing a Form 1534 as provided in § 250.234, or by the subsequent purchaser of the distilled spirits as provided in § 250.256. The name, address, and permit number of the importer (or subsequent purchaser) shall be shown, and if the requisition is prepared by an agent located at an address other than that of the importer, the address of the agent shall be shown. The requisition shall be serially numbered by the importer, and if one or more agents at locations other than that of the importer also place requisitions, each agent shall maintain a separate series of serial numbers prefixed by a letter designation assigned by the importer, e.g., A–1, A–2. The Form 428 shall be submitted to the regional director of the region in which the place of business of the importer, or of his agent, or of the subsequent purchaser, as the case may be, is located. A certified, photostatic or similar type of reproduced copy of the importer's permit issued pursuant to the Federal Alcohol Administration Act and regulations issued thereunder shall be furnished to the regional director of a region other than the region in which the importer's place of business is located either before or at the time the first requisition is presented for approval. All strip stamps issued on Form 428 shall, for each location at which an accounting of stamps is required by § 250.270, be accounted for on a first-in-first-out basis.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.238 and 250.239 [Revoked]

11. Sections 250.238 and 250.239 are revoked.

12. Section 250.240 and its heading are amended to provide that requisitions for strip stamps will be approved, and the stamps issued, by the regional director. As amended, § 250.240 reads as follows:

§ 250.240 Approval of requisition and issuance of stamps.

The regional director will approve Form 428 and issue the stamps if he—

(a) Is satisfied:

(1) That the importer is the holder of an importer's permit issued under the Federal Alcohol Administration Act and the regulations in 27 CFR Part 1 and

(2) That the quantity requisitioned is reasonable and necessary; and

(b) Has no information on which a denial of requisition should be made under the provisions of § 250.235.

When satisfied that Form 428 may be approved, the regional director shall enter the serial numbers of the stamps issued and the date of issue and approve all copies of the form. He shall then deliver the stamps to the applicant, and, if the stamps are mailed, or are delivered to anyone other than the applicant, two copies of the Form 428 shall accompany the stamps. Upon receipt of the stamps, the applicant shall acknowledge receipt on both copies of Form 428 and return one copy to the regional director, who issued the stamps and, if an agent, one copy to the importer. In each instance when the regional director approves a requisition which has been submitted by an agent of an importer, the regional director shall immediately forward a copy of Form 428 to the importer, and, if the importer's place of business is located in another region, the regional director shall forward a copy to the regional director of the region in which the importer's place of business is located. If a requisition is disapproved for any reason, the regional director shall return a copy of Form 428 marked "disapproved" to the applicant.

(72 Stat. 1358; 26 U.S.C. 5205)

13. A new section, § 250.240a, is added to prescribe requirements relating to issuance of stamps by an alternative method. As added, new § 250.240a reads as follows:

§ 250.240a Alternative method for issuance of stamps.

(a) *Action by regional director.* When the regional director determines that the interest of the Government will be best served thereby, strip stamps may be shipped directly to the applicant, as shown on Form 428, from a location other than the office of the regional director. In such case, the regional director shall notify the applicant that strip stamps will be delivered by an alternative method and inform him of the minimum quantity, if any, of each size of stamp which may be requisitioned on any particular Form 428. Upon approval of Form 428, two copies of the form shall be returned to the applicant, and, if the Form 428 was prepared by an agent of an importer, a copy of the form shall be forwarded to the importer and, if applicable, to the regional director of the region in which the importer's place of business is located.

(b) *Action by applicant.* Upon receipt of the stamps, the applicant shall (1) indicate the serial numbers (if any) of the stamps received and acknowledge receipt of the stamps on both copies of Form 428, and (2) return one copy to the regional director to whom the Form 428 was submitted for approval and, if an agent, one copy to the importer.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.241 [Revoked]

14. Section 250.241 is revoked.

15. Section 250.242 is amended by (1) deleting the requirement that the overprinting of stamps be verified by the director of customs; and (2) making an editorial change. As amended, § 250.242 reads as follows:

§ 250.242 Overprinting of red strip stamps.

The importer, or his agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have the red strip stamps indelibly and legibly overprinted, at his own expense, with the permit number of the importer in whose name the stamps were requisitioned: *Provided*, That if the importer is an agency of a State or a political subdivision thereof, or the District of Columbia, the stamps will be overprinted with the name of the State or with "District of Columbia," or with a recognized abbreviation thereof.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.244 [Revoked]

16. Section 250.244 is revoked.

17. Sections 250.245 and 250.246, and their headings, are amended by changing the requirements relating to the taking of credit for red strip stamps used. As amended, §§ 250.245 and 250.246 read as follows:

§ 250.245 Credit for red strip stamps on distilled spirits deposited in a foreign-trade zone.

When red strip stamps are affixed in the Virgin Islands to containers of distilled spirits and, on arrival in the United States, the spirits are deposited in a foreign-trade zone, Form 1627 shall be prepared and distributed in accordance with the instructions on the form, and credit shall be taken for the stamps on the importer's daily record of strip stamps in the manner provided in § 250.246. In addition, and as a condition of obtaining approval from the district director of customs for admission of the

spirits to the zone, the importer or his agent and the zone grantee shall state on the zone application that if such spirits are subsequently exported from the zone the red strip stamps will be effectively destroyed or voided under customs supervision prior to exportation. The district director of customs will not approve such exportation and will not execute a permit of delivery until the red strip stamps have been effectively destroyed or voided as provided in § 250.252a.

(48 Stat. 999, as amended, 72 Stat. 1358; 19 U.S.C. 81c, 26 U.S.C. 5205)

§ 250.246 Credit for red strip stamps on arrival of distilled spirits.

On arrival of a shipment of spirits, the importer who requisitioned the stamps, the importer filing the customs entry papers, or the agent of either shall prepare Part 1 of Form 1627. Form 1627 shall be furnished to customs officials with the entry papers for execution of Part 11 or 111 by the appropriate customs official. If Form 1627 is prepared by anyone other than the importer who requisitioned the stamps, a copy of the form shall be forwarded to such importer at the time the original and one copy are furnished to customs officials. On receipt of Form 1627 properly executed as to Part 11 or 111, the importer who requisitioned the stamps, or in whose name the stamps were requisitioned, may take credit for the stamps on his daily record of strip stamps.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.247 and 250.248 [Revoked]

18. Sections 250.247 and 250.248 are revoked.

19. Section 250.249 is amended to provide for discrepancies in shipments to be recorded on Form 1627 by the customs officer. As amended, § 250.249 reads as follows:

§ 250.249 Irregularities or discrepancies in shipments.

In case any irregularities or discrepancies are found, the district director of customs at the port of entry will make demand for redelivery of delivered or released packages, and will not release examined or redelivered packages until satisfactory explanation and/or proper corrections have been made. The customs officer will enter any irregularities or discrepancies as to red strip stamps on Form 1627.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.250 and 250.251 [Revoked]

20. Sections 250.250 and 250.251 are revoked.

21. Section 250.252 and its heading are amended to apply only to the destruction or transfer of strip stamps in the Virgin Islands and to change the requirements relative thereto; and to make nomenclature changes. As amended, § 250.252 reads as follows:

§ 250.252 Destruction or transfer of red strip stamps in the Virgin Islands.

When for any reason a Virgin Islands bottler or exporter has on hand a quantity of red strip stamps which are not to be affixed to containers for shipment to the United States, and it is impractical to return such stamps to the importer from whom they were received or to transfer them to another bottler or exporter conducting operations for the importer, the regional director of the region in which the importer's place of business is located may, on application, in duplicate, by the importer, authorize the destruction of the stamps in the Virgin Islands. The application shall show the size, quantity, and serial numbers of the stamps, the name and address of the Virgin Islands bottler or exporter who has possession of the stamps, and the reasons why destruction in the Virgin Islands is requested. If the regional director approves the application for destruction he will return the original, marked "approved," to the importer who will forward it, together with Form 1627, with the pertinent entries in Part 1 completed, to the Virgin Islands bottler or exporter. On receipt of the approved application, the stamps may be destroyed provided such destruction is under the supervision of an authorized representative of the Governor of the Virgin Islands (including an officer of the Board of Control of Alcoholic Beverages). Upon destruction of the stamps, the Virgin Islands bottler or exporter and the representative shall complete the applicable portions of Part IV of Form 1627. The completed Form 1627 and the approved application shall be returned to the importer who filed the application. Such importer may then take credit for the stamps on his strip stamp record and on Form 96.

(72 Stat. 1358; 26 U.S.C. 5205)

22. Two new sections, §§ 250.252a and 250.252b, are added to prescribe requirements relating to the destruction of red strip stamps on containers in customs custody which are diverted for exportation or withdrawn free of tax, respectively. As added, new §§ 250.252a and 250.252b, read as follows:

§ 250.252a Destruction of red strip stamps on containers in customs custody.

When containers of distilled spirits to which red strip stamps were affixed prior to arrival in the United States are diverted for exportation, including return to the Virgin Islands bottler or exporter, by the importer, the strip stamps shall be effectively destroyed by the importer or his representative under customs supervision, prior to exportation: *Provided*, That the district director of customs may authorize the importer to void, rather than destroy, such stamps under customs supervision. When voiding of red strip stamps has been authorized, they shall be voided by legibly stamping thereon, with indelible ink and in boldface capital letters no smaller than 10-point type, the word "VOIDED" or the word "CANCELLED".

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.252b Destruction of red strip stamps; spirits withdrawn free of tax.

When distilled spirits imported from the Virgin Islands are to be withdrawn from customs custody free of tax for entry into the United States, the red strip stamps affixed to the containers shall be effectively destroyed by the importer or his representative, under customs supervision, prior to such withdrawal.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.253 and 250.254 [Revoked]

23. Sections 250.253 and 250.254 are revoked.

24. Section 250.255 is amended by deleting the requirement that strip stamps be placed in customs custody. As amended, § 250.255 reads as follows:

§ 250.255 Conditions.

Distilled spirits in containers coming into the United States from the Virgin Islands without having red strip stamps attached may not be released from customs custody until a stamp has been affixed to each container, under the supervision of a customs officer.

(72 Stat. 1358; 26 U.S.C. 5205)

25. Section 250.256 is amended by (1) making a conforming change; and (2) including a cross-reference to new § 250.240a. As amended, § 250.256 reads as follows:

§ 250.256 Requisition, Form 428.

Requisition for red strip stamps shall be made by the original importer, or his agent: *Provided*, That if the importer has gone out of business the requisition shall be made by the person having title to the distilled spirits. The requisition shall be submitted in accordance with § 250.237. Approval of the requisition shall be subject to the provisions of § 250.240 or § 250.240a, as the case may be.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.257 [Revoked]

26. Section 250.257 is revoked.

27. Section 250.270 is amended to prescribe new requirements relating to the daily record of strip stamps. As amended, § 250.270 reads as follows:

§ 250.270 Daily record of strip stamps.

For each day during which a transaction in red strip stamps occurs, the importer shall maintain a daily record accounting for all strip stamps procured by him and by his agents. The record shall show by size (small or standard) the number received, used, lost, mutilated, destroyed, or otherwise disposed of, and outstanding at the beginning and end of the day. Stamps

shown in the record as received shall be supported by the related Form 428, which shall be identified by date and serial number. The record shall also show the number and size of bottles to which the stamps were affixed, except that bottles of less than ½-pint capacity shall be recorded as one item. Each credit taken on the record shall be supported by Form 1627, which shall be identified on the record by date and serial number as the authority for such credit. The stamp record shall also be supported by customs forms covering spirits which have been diverted for exportation, destroyed while in a foreign-trade zone, or returned to the bottler or exporter in the Virgin Islands. If the importer has more than one place of business from which he requisitions stamps, a daily record shall be maintained on the premises of each place of business. Each daily record of strip stamps shall be supplemented by an accounting of strip stamps showing, for each separate location at which there are stamps for which the importer is accountable, (a) the name and address of the business and (b) the quantity of stamps outstanding at the beginning of the day, the quantities received, used, transferred to other locations, lost, mutilated, destroyed, or otherwise disposed of, and the quantity outstanding at the end of the day.

(72 Stat. 1358; 26 U.S.C. 5205)

28. Section 250.271 is amended to provide that the report of strip stamps shall be filed quarterly, instead of annually, and shall be filed with the regional director. As amended, § 250.271 reads as follows:

§ 250.271 Report of strip stamps, Form 96.

The importer shall prepare on Form 96, in duplicate, a quarterly report for the periods ending March 31, June 30, September 30, and December 31 of each year. The report shall account for all strip stamps procured (including stamps procured by his agents at locations other than that of the business of the importer), used, lost, mutilated, destroyed, or otherwise disposed of during the period, and shall show the number of stamps outstanding at the beginning and end of the period. If the importer has more than one place of business from which he requisitions stamps, he shall prepare a separate report on Form 96 for each such place of business. The regional director may require the importer to supplement each report with such information as he deems necessary. The original of Form 96 shall be submitted to the regional director of the region in which the importer's place of business is located not later than the 10th day of the month next succeeding the period for which rendered. The copy of Form 96 shall be retained by the importer and filed with the records required by § 250.270.

(72 Stat. 1358; 26 U.S.C. 5205)

29. Section 250.272 is amended to provide that persons responsible for release of liquors from customs custody who do not take physical possession of the liquors shall keep commercial records which reflect the release of the liquors. As amended, § 250.272 reads as follows:

§ 250.272 General requirements.

Except as provided in § 250.273, every person, other than a tourist, bringing liquors into the United States from the Virgin Islands shall keep such records and render reports of the physical receipt and disposition of such liquors as are required to be kept by a wholesale or retail dealer, as applicable, under the provisions of Part 194 of this chapter. Any importer who is responsible for release of the liquors from customs custody and who does not take physical possession of the liquors shall keep commercial records reflecting such release; such records shall identify the kind and quantity of the liquors released, the name and address of the person receiving the liquors from customs custody, and shall be filed chronologically by release dates. Records and reports will not be required under this part with respect of liquors while in customs custody.

(72 Stat. 1342, 1345; 26 U.S.C. 5114, 5124)

30. Section 250.275 is amended by (1) deleting the reference to the director of customs; and (2) making conforming changes, and changes in nomenclature. As amended, § 250.275 reads as follows:

§ 250.275 Filing.

If the importer maintains loose-leaf records of receipt or disposition, one legible copy of each such record shall be marked or stamped "Government File Copy", and shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. All records required by this part, and legible copies of all reports required by this part to be submitted to the regional director shall be filed separately, chronologically, and in numerical sequence within each date, at the importer's place of business to which they relate: *Provided,* That on application, in duplicate, the regional director may authorize the files, or any individual file, to be maintained at other premises under control of the importer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to alcohol, tobacco and firearms or customs officers desiring to examine such files. Supporting documents, such as consignors' invoices, delivery receipts, bills of lading, etc., or exact copies thereof, may be filed in accordance with the importer's customary practice.

(72 Stat. 1342, 1391; 26 U.S.C. 5114, 5505)

31. Section 250.277 is amended to (1) provide that unused stamps shall be submitted to the regional director; and (2) make related changes. As amended, § 250.277 reads as follows:

§ 250.277 Procedure.

The importer who discontinues or sells his business shall recall from his agents, and his bottlers or exporters in the Virgin Islands, all unused stamps in their custody. He shall submit his entire stock of unused stamps, accompanied by a report, in duplicate, of inventory, by size and quantity, to the regional director. The same procedure may be followed by an importer who has unused stamps for which he has no further use for any reason. The regional director shall then destroy the stamps and, after such destruction, note the action taken on both copies of the inventory. He shall retain the original and return the copy of the inventory to the importer. In the case of discontinuance or sale of the business, the importer shall, within 5 days of the receipt of the returned copy of the inventory, note the disposition of the stamps on Form 96, mark the report "Final", and submit it to the regional director.

(72 Stat. 1358; 26 U.S.C. 5205)

32. A new subpart, Subpart Q, is added to provide for the application for and approval of alternate methods and procedures. As added, new Subpart Q reads as follows:

Subpart Q—Miscellaneous Provisions

§ 250.331 Alternate methods or procedures.

(a) *Application.* A person bringing liquors into the United States from Puerto Rico or the Virgin Islands who desires to use an alternate method or procedure in lieu of a method or procedure prescribed by this part shall file application, in triplicate, with the regional director of the region in which his place of business is located. If such person has several places of business at which he desires to use such alternate method or procedure, a separate application shall be submitted for each. Each application shall:

(1) Specify the name, address, and permit number of the person to which it relates;

(2) State the purpose for which filed; and

(3) Specifically describe the alternate method or procedure and set forth the reasons therefor.

No alternate method or procedure relating to the assessment, payment, or collection of tax shall be authorized under this paragraph.

(b) *Approval.* When an application for use of an alternate method or procedure is received, the regional director shall determine whether the approval thereof would unduly hinder the effective administration of this part or would result in jeopardy to the revenue. The regional director shall forward two copies of the application to the Director, Bureau of Alcohol, Tobacco and Firearms, together with a report of his findings and his recommendation. The Director, Bureau of Alcohol, Tobacco and Firearms, may approve the alternate method or procedure if he finds that:

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the

specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in any increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure shall be used until approval has been received from the Director, Bureau of Alcohol, Tobacco and Firearms. Authorization for the alternate method or procedure may be withdrawn whenever in the judgment of the Director, Bureau of Alcohol, Tobacco and Firearms, the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization.

(Sec. 7805, Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

PAR. D. 26 CFR Part 251 is amended as follows:

1. Section 251.11 is amended by (1) changing the definitions of "Assistant regional commissioner", "Director, Alcohol, Tobacco and Firearms Division," and "Director of customs" and (2) adding definitions for "Director, Bureau of Alcohol, Tobacco and Firearms" and "Regional director." As amended, § 251.11 reads as follows:

§ 251.11 Meaning of terms.

* * * * *

Assistant regional commissioner. Wherever used in this part shall mean a regional director as defined in this section.

* * * * *

Director, Alcohol, Tobacco and Firearms Division. Wherever used in this part shall mean the Director, Bureau of Alcohol, Tobacco and Firearms, as defined in this section.

Director, Bureau of Alcohol, Tobacco and Firearms. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

District director of customs. The district director of customs at a headquarters port of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; and the port director at a port not designated as a headquarters port.

* * * * *

Regional director. A regional director who is responsible to, and functions under the direction and supervision of, the Director.

* * * * *

§ 251.49 [Amended]

2. The statutory citation at the end of § 251.49 is corrected to read "(76 Stat. 72, as amended; 19 U.S.C. 1202)."

3. Section 251.64 is amended to prescribe revised requirements relating to the procurement and issuance of strip stamps. As amended, § 251.64 reads as follows:

§ 251.64 Requisition, Form 428.

Requisition on Form 428 for red strip stamps shall be made by the importer, or by his agent pursuant to filing a Form 1534 as provided in § 251.64a, or by the subsequent purchaser of the distilled spirits as provided in § 251.111. The name, address, and permit number of the importer (or subsequent purchaser) shall be shown, and if the requisition is prepared by an agent located at an address other than that of the importer, the address of the agent shall be shown. The requisition shall be serially numbered by the importer, and if one or more agents at locations other than that of the importer also place requisitions, each agent shall maintain a separate series of serial numbers prefixed by a letter designation assigned by the importer, e.g., A–1, A–2. The Form 428 shall be submitted to the regional director of the region in which the place of business of the importer, or of his agent, or of the subsequent purchaser, as the case may be, is located. A certified, photostatic or similar type of reproduced copy of the importer's permit issued pursuant to the Federal Alcohol Administration Act and regulations issued thereunder shall be furnished to the regional director of a region other than the region in which the importer's place of business is located either before or at the time the first requisition is presented for approval. Notwithstanding the provisions of Part 250 of this chapter, an importer or his agent procuring spirits from abroad and from the Virgin Islands may include stamps for both purposes on one requisition. All strip stamps issued on Form 428 shall, for each location at which an accounting of stamps is required by § 251.130, be accounted for on a first-in first-out basis.

(72 Stat. 1358; 26 U.S.C. 5205)

4. Section 251.64a is amended to: (1) Provide that powers of attorney shall be filed with the regional director; and (2) make a number of related changes. As amended, § 251.64a reads as follows:

§ 251.64a Power of attorney.

If an importer gives power of attorney to another person to sign Form 96 or Form 428, such power of attorney shall be executed on Form 1534 and, in the case of Form 96, filed with the regional director of the region in which the importer's business is located or, in the case of Form 428, the regional director with whom the requisition will be filed. When either of the above forms is signed by an agent, the name of the importer shall be given, followed by the signature of the agent and the words "Attorney in Fact."

§§ 251.65 and 251.65a [Revoked]

5. Sections 251.65 and 251.65a are revoked.

6. Section 251.66 and its heading are amended to provide that requisitions for stamps issued, by the regional director. As amended, § 251.66 reads as follows:

§ 251.66 Approval of requisition and issuance of stamps.

The regional director will approve Form 428 and issue the stamps if he—

(a) Is satisfied:

(1) That the importer is the holder of an importer's permit issued under the Federal Alcohol Administration Act and the regulations in 27 CFR Part 1 and

(2) That the quantity requisitioned is reasonable and necessary; and

(b) Has no information on which a denial of a requisition should be made under the provisions of § 251.92.

When satisfied that Form 428 may be approved, the regional director shall enter the serial numbers of the stamps issued and the date of issue and approve all copies of the form. He shall then deliver the stamps to the applicant, and, if the stamps are mailed, or are delivered to anyone other than the applicant, two copies of the Form 428 shall accompany the stamps. Upon receipt of the stamps, the applicant shall acknowledge receipt on both copies of Form 428 and return one copy to the regional director who issued the stamps and, if an agent, one copy to the importer. In each instance when the regional director approves a requisition which has been submitted by an agent of an importer, the regional director shall immediately forward a copy of Form 428 to the importer, and, if the importer's place of business is located in another region, the regional director shall forward a copy to the regional director of the region in which the importer's place of business is located. If a requisition is disapproved for any reason, the regional director shall return a copy of Form 428 marked "disapproved" to the applicant.

(72 Stat. 1358; 26 U.S.C. 5205)

7. A new section, § 251.66a, is added to prescribe requirements relating to issuance of stamps by an alternative method. As added, new § 251.66a reads as follows:

§ 251.66a Alternative method for issuance of stamps.

(a) *Action by regional director.* When the regional director determines that the interest of the Government will be best served thereby, strip stamps may be shipped directly to the applicant, as shown on Form 428, from a location other than the office of the regional director. In such case, the regional director shall notify the applicant that strip stamps will be delivered by an alternative method and inform him of the minimum quantity, if any, of each size of stamp which may be requisitioned on any particular Form 428. Upon approval of Form 428, two copies of the form shall be returned to the applicant, and, if the Form 428 was prepared by an agent of an importer, a copy of the form shall be forwarded to the importer and, if applicable, to the regional director of the region in which the importer's place of business is located.

(b) *Action by applicant.* Upon receipt of the stamps, the applicant shall (1)

indicate the serial numbers (if any) of the stamps received and acknowledge receipt of the stamps on both copies of Form 428, and (2) return one copy to the regional director to whom the Form 428 was submitted for approval and, if an agent, one copy to the importer.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 251.67 [Revoked]

8. Section 251.67 is revoked.

9. Section 251.68 is amended to (1) delete the requirement that the overprinting of stamps be verified by the director of customs; and (2) make an editorial change. As amended, § 251.68 reads as follows:

§ 251.68 Overprinting of red strip stamps.

The importer, or his agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have the red strip stamps indelibly and legibly overprinted, at his own expense, with the permit number of the importer in whose name the stamps were requisitioned: *Provided*, That if the importer is an agency of a State or a political subdivision thereof, or the District of Columbia, the stamps will be overprinted with the name of the State or with "District of Columbia," or with a recognized abbreviation thereof.

(72 Stat. 1358; 26 U.S.C. 5205)

10. Section 251.69 is amended to (1) provide that the Director may authorize labels to be affixed so as to partially obscure strip stamps; and (2) make an editorial change and changes in nomenclature. As amended, § 251.69 reads as follows:

§ 251.69 Affixing strip stamps.

Strip stamps shall be securely affixed to the container with a strong adhesive, and shall be affixed in such a manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed thereto. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that (a) the Director, Bureau of Alcohol, Tobacco and Firearms, may authorize labels to be so affixed as to partially obscure strip stamps, if he finds that a need therefor exists, and if he finds that the manner of affixing such labels does not obscure essential information on the strip stamps which is not clearly shown on the bottle or on the labels affixed to the bottle, and (b) any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can be readily removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons, such cartons or wrappings on such cartons must bear the words, "This package may be opened for examination by Alcohol, Tobacco and Firearms Officers." Alcohol, tobacco and firearms and customs officers have the right to open such cartons or wrappings and examine the container. If there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director, Bureau of Alcohol, Tobacco and Firearms for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

11. Section 251.72 is amended to make its provisions applicable to spirits which are returned to a foreign bottler or exporter. As amended, § 251.72 reads as follows:

§ 251.72 Exportation of imported distilled spirits; red strip stamps.

When imported distilled spirits to which red strip stamps were affixed prior to arrival in the United States are diverted for exportation purposes, including return to the foreign bottler or exporter, by the importer, the strip stamps shall be effectively destroyed by the importer or his representative under customs supervision, prior to exportation: *Provided*, That the district director of customs may authorize the importer to void, rather than destroy, such strip stamps under customs supervision. When voiding of red strip stamps has been authorized, they shall be voided by legibly stamping thereon, with indelible ink and in boldface capital letters no smaller than 10-point type, the word "VOIDED" or the word "CANCELLED". Red strip stamps affixed to distilled spirits originating in the United States, evidencing the tax or indicating compliance with the provisions of chapter 51, I.R.C., shall not be removed at or prior to the time of exportation.

(72 Stat. 1358; 26 U.S.C. 5205)

12. Section 251.80 is amended to delete the requirement that stamps to be sent to a foreign bottler or exporter be requisitioned specifically for that purpose. As amended, § 251.80 reads as follows:

§ 251.80 Conditions.

Red strip stamps, requisitioned by, and issued to, an importer or his agent as provided in this part, may be sent to a bottler or exporter in a foreign country to be affixed to containers of distilled spirits.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 251.81, 251.82, 251.83, and 251.85 [Revoked]

13. Sections 251.81, 251.82, 251.83, and 251.85 are revoked.

14. Sections 251.85a and 251.86 and their headings are amended by changing the requirements relating to the taking of credit for red strip stamps used, and § 251.85a is further amended by providing for stamps to be voided. As amended, §§ 251.85a and 251.86 read as follows:

§ 251.85a Credit for red strip stamps on distilled spirits deposited in a foreign-trade zone.

When red strip stamps are affixed abroad to containers of imported distilled spirits and, on arrival in the United States, the spirits are deposited in a foreign-trade zone, Form 1627 shall be prepared and distributed in accordance with the instructions on the form, and credit shall be taken for the stamps on the importer's daily record of strip stamps in the manner provided in § 251.86. In addition, and as a condition of obtaining approval from the district director of customs for admission of the spirits to the zone, the importer or his agent and the zone grantee shall state on the zone application that if such spirits are subsequently exported from the zone the red strip stamps will be effectively destroyed or voided under customs supervision prior to exportation. The district director of customs will not approve such exportation and will not execute a permit of delivery until the red strip stamps have been effectively destroyed or voided as provided in § 251.72.

(48 Stat. 999, as amended, 72 Stat. 1358; 19 U.S.C. 81c, 26 U.S.C. 5205)

§ 251.86 Credit for red strip stamps on arrival of distilled spirits.

On arrival of a shipment of imported spirits, the importer who requisitioned the stamps, the importer filing the customs entry papers, or the agent of either shall prepare Part 1 of Form 1627. Form 1627 shall be furnished to customs officials with the entry papers for execution of Part 11 or 111 by the appropriate customs official. If Form 1627 is prepared by anyone other than the importer who requisitioned the stamps, a copy of the form shall be forwarded to such importer at the time the original and one copy are furnished to customs officials. On receipt of Form 1627 properly executed as to Part 11 or 111, the importer who requisitioned the stamps, or in whose name the stamps were requisitioned, may take credit for the stamps on his daily record of strip stamps.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 251.87 and 251.87a [Revoked]

15. Sections 251.87 and 251.87a are revoked.

16. Section 251.88 is amended to provide for discrepancies in shipments to be recorded on Form 1627 by the customs officer. As amended, § 251.88 reads as follows:

§ 251.88 Irregularities or discrepancies in shipments.

In case any irregularities or discrepancies are found, the district director of customs at the port of entry will make demand for redelivery of delivered or released packages, and will not release examined or redelivered packages until satisfactory explanation and/or proper corrections have been made. The customs officer will enter any irregularities or discrepancies as to red strip stamps on Form 1627.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 251.88a and 251.89 [Revoked]

17. Sections 251.88a and 251.89 are revoked.

18. Section 251.89a is amended to change the requirements relating to the destruction or transfer of stamps abroad, and to make changes in nomenclature. As amended, § 251.89a reads as follows:

§ 251.89a Destruction or transfer of red strip stamps abroad.

When for any reason a foreign bottler or exporter has on hand a quantity of red strip stamps which are not to be affixed to containers for export to the United States, and it is impractical to return such stamps to the importer from whom they were received or to transfer them to another bottler or exporter conducting operations for the importer, the regional director of the region in which the importer's place of business is located, may, on application (in duplicate) by the importer, authorize the destruction of the stamps abroad. The application shall show the size, quantity, and serial numbers of the stamps, the name and address of the foreign bottler or exporter who has possession of the stamps, and the reasons why destruction abroad is requested. If the regional director approves the application for destruction, he will return the original, marked "approved", to the importer who will forward it, together with Form 1627 with pertinent entries in Part 1 completed, to the foreign bottler or exporter abroad. On receipt of the approved application, the stamps may be destroyed provided such destruction is under the supervision of a Foreign Service officer of the United States of America, or of a Treasury Department officer stationed abroad, or of an excise official of the foreign government concerned. Upon destruction of the stamps, the foreign bottler or exporter and the officer or official shall complete the applicable portions of Part IV on Form 1627. The completed Form 1627 and the approved application shall be returned to the importer who filed the application. Such importer may then take credit for the stamps on his strip stamp record and on Form 96.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 251.90 and 251.91 [Revoked]

19. Sections 251.90 and 251.91 are revoked.

20. Section 251.92 is amended in its entirety. As amended, § 251.92 reads as follows:

§ 251.92 Breach of regulations, or failure to properly account for strip stamps.

The regional director shall refuse to approve any further requisitions, Form 428, when he has knowledge that the importer has failed to furnish a satisfactory accounting for strip stamps, as prescribed in this part, or has failed to comply with any of the provisions of this part. The regional director may require of the importer, at a specified time and place, an immediate accounting of all strip stamps outstanding in the name of the importer as a means of determining whether there has been unlawful diversion or use of strip stamps and may also require that all unused strip stamps be recalled and delivered so they may be counted. If the regional director has evidence that any of the provisions of this part have been willfully violated, he shall take appropriate action. He shall also refuse to approve any further requisitions when he has knowledge that the importer has failed to furnish a satisfactory accounting for strip stamps in any other region.

(72 Stat. 1358; 26 U.S.C. 5205)

21. Section 251.110 is amended by deleting the requirement that strip stamps be placed in customs custody. As amended, § 251.110 reads as follows:

§ 251.110 Conditions.

Distilled spirits in containers imported without having red strip stamps attached may not be released from customs custody until a stamp has been affixed to each container, under the supervision of a customs officer.

(72 Stat. 1358; 26 U.S.C. 5205)

22. Section 251.111 is amended by (1) making a conforming change; (2) deleting the cross-reference to § 251.67; and (3) adding a cross-reference to 251.66a. As amended, § 251.111 reads as follows:

§ 251.111 Requisition, Form 428.

Requisition for red strip stamps shall be made by the original importer or his agent: *Provided,* That if the importer has gone out of business the requisition shall be made by the person having title to the distilled spirits. The requisition shall be submitted in accordance with § 251.64. Subsequent procedure shall conform to applicable provisions of § 251.66 or § 251.66a, and § 251.68

(72 Stat. 1358; 26 U.S.C. 5205)

23. Section 251.130 is amended to prescribe new requirements relating to the daily record of strip stamps. As amended § 251.130 reads as follows:

§ 251.130 Daily record of strip stamps.

For each day during which a transaction in red strip stamps occurs, the importer shall maintain a daily record accounting for all strip stamps procured by him and by his agents. The record shall show by size (small or standard) the number received, used, lost, mutilated, destroyed, or otherwise disposed of, and outstanding at the beginning and end of the day. Stamps shown in the record as received shall be supported by the related Form 428, which shall be identified by date and serial number. The record shall also show the number and size of bottles to which the stamps were affixed, except that bottles of less than one-half of a pint capacity shall be recorded as one item. Each credit taken on the record shall be supported by Form 1627, which shall be identified on the record by date and serial number as the authority for such credit. The stamp record shall also be supported by customs forms covering spirits which have been diverted for exportation, destroyed while in a foreign-trade zone, or returned to a foreign bottler or exporter. If the importer has more than one place of business from which he requisitions stamps, a daily record shall be maintained on the premises of each place of business. Each daily record of strip stamps shall be supplemented by an accounting of strip stamps showing, for each location at which there are stamps for which the importer is accountable, (a) the name and address of the business, and (b) the quantity of stamps outstanding at the beginning of the day, the quantities received, used, transferred to other locations, lost, mutilated, destroyed, or otherwise disposed of, and the quantity outstanding at the end of the day.

(72 Stat. 1358; 26 U.S.C. 5205)

24. Section 251.131 is amended to (1) provide that the report of strip stamps shall be filed quarterly, instead of annually, and shall be filed with the regional director, instead of the director of customs; and (2) make it clear that one report may cover both stamps used on imported and Virgin Islands spirits. As amended, § 251.131 reads as follows:

§ 251.131 Report of strip stamps, Form 96.

The importer shall prepare on Form 96, in duplicate, a quarterly report for the periods ending March 31, June 30, September 30, and December 31 of each year. The report shall account for all strip stamps procured (including stamps procured by his agents at locations other than that of the business of the importer), used, lost, mutilated, destroyed, or otherwise disposed of during the period, and shall show the number of stamps outstanding at the beginning and end of the period. If the importer has more than one place of business from which he requisitions stamps, he shall prepare a separate report on Form 96 for each place of business. The regional director may require the importer to supplement each report with such other information as he deems necessary. The original of Form 96 shall be submitted to the regional director of the region in which the importer's place of business is located not later than the 10th day of the month next succeeding the period for which rendered. The copy of Form 96 shall be retained by the importer and filed with the records required by § 251.130. Notwithstanding any provision of this part, an importer who imports spirits into the United States as provided in this part and who also brings spirits into the United States from the Virgin Islands as provided in Part 250 of this chapter shall render only one Form 96 covering stamps used for both purposes during each quarterly period.

(72 Stat. 1358; 26 U.S.C. 5205)

25. Section 251.133 is amended to provide that persons responsible for release of liquors from customs custody who do not take physical possession of the liquors shall keep commercial records which reflect the release of liquors. As amended, § 251.133 reads as follows:

§ 251.133 General requirements.

Except as provided in § 251.134, every importer who imports distilled spirits, wines, or beer shall keep such records and render such reports of the physical receipt and disposition of such liquors as are required to be kept by a wholesale or retail dealer, as applicable, under the provision of Part 194 of this chapter. Any importer who does not take physical possession of the liquors at the time of, but is responsible for, their release from customs custody shall keep commercial records reflecting such release; such records shall identify the kind and quantity of the liquors released, the name and address of the person receiving the liquors from customs custody, and the date of release, and shall be filed chronologically by release dates. Records and reports will not be required under this part with respect of liquors while in customs custody.

(72 Stat. 1342, 1345, 1395; 26 U.S.C. 5114, 5124, 5555)

26. Section 251.136 is amended by (1) deleting the reference to the director of customs; and (2) making conforming changes and changes in nomenclature. As amended, § 251.136 reads as follows:

§ 251.136 Filing.

If the importer maintains looseleaf records of receipt or disposition, one legible copy of each such record shall be marked or stamped "Government File Copy," and shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. All records required by this part, and legible copies of all reports required by this part to be submitted to the regional director shall be filed separately, chronologically, and in numerical sequence within each date, at the importer's place of business to which they relate: *Provided*, That on application, in duplicate, the regional director may authorize the files, or any individual file, to be maintained at other premises under control of the importer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to alcohol, tobacco and firearms or customs officers desiring to examine such files. Supporting documents, such as consignors' invoices, delivery receipts, or bills of lading, or exact copies thereof, may be filed in accordance with the importer's customary practice.

(72 Stat. 1342, 1345, 1361, 1395; 26 U.S.C. 5114, 5124, 5207, 5555)

27. Section 251.160 is amended to (1) provide that unused stamps shall be submitted to the regional director instead of the director of customs; and (2) make related changes. As amended, § 251.160 reads as follows:

§ 251.160 Disposition of strip stamps.

The importer who discontinues or sells his business shall recall from his agents, and his foreign bottlers or exporters abroad, all unused stamps in their custody. He shall submit his entire stock of unused stamps, accompanied by a report, in duplicate, of inventory, by size and quantity, to the regional director. The same procedure may be followed by an importer who has unused stamps for which he has no further use for any reason. The regional director shall then destroy the stamps and, after such destruction, note the action taken on both copies of the inventory. He shall retain the original of the inventory and return the copy to the importer. In the case of discontinuance or sale of the business, the importer shall, within 5 days of the receipt of the returned copy of the inventory, note the disposition of the stamps on Form 96, mark the report "Final", and submit it to the regional director.

(72 Stat. 1358; 26 U.S.C. 5205)

28. A new subpart, Subpart O, is added to provide for the application for and approval of alternate methods and procedures. As added, new Subpart O reads as follows:

Subpart O—Miscellaneous Provisions

§ 251.221 Alternate methods or procedures.

(a) *Application.* An importer who desires to use an alternate method or procedure in lieu of a method or procedure prescribed by this part shall file application, in triplicate, with the regional director of the region in which his place of business is located. If the importer has several places of business at which he desires to use such alternate method or procedure, a separate application shall be submitted for each. Each application shall:

(1) Specify the name, address, and permit number of the importer to which it relates;

(2) State the purpose for which filed; and

(3) Specifically describe the alternate method or procedure and set forth the reasons therefor.

No alternate method or procedure relating to the assessment, payment, or collection of tax shall be authorized under this paragraph.

(b) *Approval.* When an application for use of an alternate method or procedure is received, the regional director shall determine whether approval thereof would unduly hinder the effective administration of this part or would result in jeopardy to the revenue. The regional director shall forward two copies of the application to the Director, Bureau of Alcohol, Tobacco and Firearms, together with a report of his findings and his recommendation. The Director, Bureau of Alcohol, Tobacco and Firearms, may approve the alternate method or procedure if he finds that:

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure shall be used until approval has been received from the Director, Bureau of Alcohol, Tobacco and Firearms. Authorization for the alternate method or procedure may be withdrawn whenever in the judgment of the Director, Bureau of Alcohol, Tobacco and Firearms, the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization.

(Sec. 7805, Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

[FR Doc.72-18048 Filed 10-20-72;8:48 am]

Title 29—LABOR

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Correction

In F.R. Doc. 72-17254, appearing at page 22102, of the issue of Wednesday, October 18, 1972, the FEDERAL REGISTER file line was omitted at the end of the document. The file line should read as follows: [FR Doc. 72-17254 Filed 10-17-72;8:45 am].

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Office of Oil and Gas, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 46]

OIL REG. 1—OIL IMPORT REGULATIONS

Miscellaneous Allocations; Correction

Amendment 46 of Oil Import Regulation 1 (Revision 5), was published in the FEDERAL REGISTER, Thursday, September 21, 1972 (37 F.R. 19612). In the Preamble, reference to section 3 was omitted in two places in the first paragraph.

Section 30, Allocations of No. 2 Fuel Oil—District I (37 F.R. 19614), paragraph (k) (1) should be corrected to read "* * * imports of No. 2 fuel oil * * *" instead of "* * * imports of crude oil and unfinished oils * * *."

JOHN RICCA,
Acting Director,
Office of Oil and Gas.

[FR Doc.72-18145 Filed 10-20-72;8:54 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5280]

[Colorado 11776]

COLORADO

Partial Revocation of Temporary Forest Reserve Withdrawal

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

1. The departmental order of October 1, 1903, temporarily withdrawing public domain land for the proposed extension of the San Isabel National Forest, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 47 N., R. 9 E.,
Sec. 13, NE¼.

The area described aggregates 160 acres in Saguache County.

2. At 10 a.m. on November 16, 1972, the lands shall be open to operation of the public land laws generally, including the U.S. mining laws, and to leasing under the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 16, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17908 Filed 10-20-72;8:45 am]

[Public Land Order 5281]

[Nevada 064768]

NEVADA

Partial Revocation of Administrative Site

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

1. Public Land Order No. 3645 of April 15, 1965, withdrawing land for an administrative site, is hereby revoked so far as it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 34 N., R. 55 E.,
Sec. 2, SE¼NE¼, E½NE¼SE¼.

The area described contains 60 acres in Elko County.

It is immediately northeast of the city of Elko and north of the right-of-way for Interstate Highway 80. The vegetative cover is sparse and consists of sage and annual grasses and forbes.

2. At 10 a.m. on November 16, 1972, the public lands shall be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 16, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing. The lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to Chief, Division of Technical Services, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17909 Filed 10-20-72;8:45 am]

[Public Land Order 5282]

[Arizona 6357]

ARIZONA

Partial Revocation of Public Land Order No. 127, as Amended

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. Public Land Order No. 127 of May 22, 1943, as amended by Public Land Order No. 967 of May 21, 1954, and No. 1747 of October 14, 1958, withdrawing lands for the use by the Department of the Army as a bombing range, is hereby revoked so far as it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 25 E.,
Sec. 3, SE¼.

The area described aggregates 160 acres in Cochise County.

2. The land described in this order has been classified for disposal under the provisions of the Recreation and Public Purposes Act of June 14, 1926, 44 Stat. 741, as amended, 43 U.S.C. sections 869, 869-4 (1970), pursuant to an application filed by the Arizona State Game and Fish Department. The land, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification 43 CFR 2741.2(d).

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17910 Filed 10-20-72;8:45 am]

[Public Land Order 5283]

[Idaho 4458]

IDAHO

Withdrawal for National Forest Administrative Site

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

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

NEZPERCE NATIONAL FOREST

BOISE MERIDIAN

Seven Devils Administrative Site

T. 23 N., R. 1 W., unsurveyed but which probably will be when surveyed:
Sec. 7, S½NW¼NE¼, S½NE¼, SE¼NE¼ NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 8, SW¼SW¼NW¼, W½SE¼SW¼ NW¼,¼, NW¼NW¼SW¼, W½NE¼ NW¼SW¼.

The areas described aggregate 340 acres in Idaho County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17911 Filed 10-20-72;8:45 am]

[Public Land Order 5284]

[Colorado 11822]

COLORADO

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. § 416 (1970), it is ordered as follows:

1. The departmental orders of May 13, 1943, March 15, 1946, and April 12, 1946, and any other order or orders which withdrew lands for reclamation purposes in connection with the Blue River-South Platte Project, Colo., are hereby revoked so far as they affect the following described national forest and public domain lands:

PIKE NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

T. 7 S., R. 73 W.,
Sec. 15, N½SW¼;
Sec. 17, NE¼, E½NW¼;
Sec. 18, SW¼NE¼NW¼SE¼, SE¼NW¼ SE¼, NW¼NW¼NW¼SE¼, S½NW¼ NW¼SE¼, SW¼NW¼SE¼, and SW¼ SE¼;
Sec. 22, NE¼;
Sec. 27, NW¼.

WHITE RIVER NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

T. 4 S., R. 80 W. (protraction survey),
Secs. 5 and 8;
Secs. 6 and 7 (fractional).
T. 4 S., R. 81 W.,
Sec. 1;
Sec. 12, N½, W½SW¼, SE¼SW¼, NE¼SE¼;
Secs. 13 and 14.

The areas of national forest lands described aggregates approximately 5,281.40 acres.

PUBLIC DOMAIN LANDS

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 81 W.,
Sec. 13, SW¼SW¼;
Sec. 23, SE¼NW¼, NE¼SW¼, NE¼SE¼;
Sec. 24, S½N½, N½SW¼, SE¼.

The areas of public domain lands described aggregate approximately 560 acres.

The total of the areas described above aggregates approximately 5,841.40 acres in Eagle, Grand, and Park Counties.

2. At 10 a.m. on November 16, 1972, the national forest lands described above shall be open to such forms of disposition as by law may be made of national forest lands, except that the lands described as SW¼NE¼NW¼SE¼, SE¼NW¼SE¼, NW¼NW¼NW¼SE¼, S½NW¼NW¼SE¼, and SW¼NW¼SE¼, sec. 18, T. 7 S., R. 73 W., are subject to Powersite Classification No. 56 of June 30, 1923.

3. At 10 a.m. on November 16, 1972, the public domain lands described above shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, except that any disposal of the lands described as the NE¼SE¼, sec. 23, and the N½SW¼, SE¼, sec. 24, T. 1 N., R. 81 W., which were restored from powersite withdrawal by Public Land Order No. 2946 of February 15, 1963, will be subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. § 818 (1970).

4. The above described national forest and public domain lands shall at 10 a.m. on November 16, 1972, be open to location and entry under the U.S. mining laws, subject to valid existing rights, and provisions of existing withdrawals. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17912 Filed 10-20-72;8:45 am]

[Public Land Order 5285]

[Misc-1375265]

WYOMING

Partial Revocation of Executive Order No. 5327 and Public Land Order No. 4522

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. The Executive Order No. 5327 of April 15, 1930, temporarily withdrawing oil shale deposits and lands containing such deposits from lease or other disposal under the public land laws, and reserving them for investigation, examination, and classification, is hereby revoked so far as it affects the national forest lands, which have been classified as non-oil shale lands, described as follows:

TETON AND SHOSHONE NATIONAL FORESTS

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 110 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Secs. 23 to 25, inclusive.
T. 42 N., R. 110 W.,
Secs. 1 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 43 N., R. 110 W.,
Secs. 1 to 36, inclusive.
T. 44 N., R. 110 W. (unsurveyed),
Secs. 20 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 42 N., R. 111 W.,
Secs. 1, 2, 12, and 13.
T. 43 N., R. 111 W. (unsurveyed),
Secs. 1 and 2;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 35 and 36.

The areas described aggregate approximately 75,239 acres in Teton and Fremont Counties.

2. Public Land Order No. 4522 of September 13, 1968, which withdrew deposits of oil shale and lands containing such deposits from appropriation under the U.S. mining laws relating to metalliferous minerals, and from sodium leasing under the mineral leasing laws, is hereby revoked so far as it affects the lands described above in T. 44 N., R. 110 W. Public Land Order No. 4522 was revoked as to the remaining lands described above by Public Land Order No. 5157 of February 7, 1972, 37 F.R. 3057.

3. At 10 a.m. on November 16, 1972, the lands shall be open to such forms of use or disposition as by law may be made of national forest lands, including location and entry under the mining laws for metalliferous minerals, and leasing under the mineral leasing laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17913 Filed 10-20-72;8:45 am]

[Public Land Order 5286]

[Wyoming 32093]

WYOMING

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is 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, and reserved for the North Platte Project:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 84 W.,
Sec. 30, NW¼SE¼.
T. 28 N., R. 84 W.,
Sec. 21, NE¼SE¼.

The areas described contain 80 acres in Carbon County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17914 Filed 10-20-72;8:45 am]

[Public Land Order 5287]

[Wyoming 20650]

WYOMING

Partial Revocation of Phosphate Reserve No. 22

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:

The Executive order of August 25, 1914, which withdrew public lands for classification and in aid of legislation affecting the use and disposal of phosphate lands belonging to the United States, is hereby revoked so far as it affects the following described land:

WIND RIVER MERIDIAN

T. 6 N., R. 6 E.,
Sec. 5, SE¼NE¼.

The area described aggregates 40 acres in Hot Springs County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17915 Filed 10-20-72;8:45 am]

[Public Land Order 5288]

[New Mexico 10805]

NEW MEXICO

Powersite Restoration No. 697; Partial Revocation of Powersite Reserve No. 740; Restoration of Lands From Waterpower Designation No. 1, and Power Project Withdrawal No. 1874

By virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. § 818 (1970), and pursuant to the determination of the Federal Power Commission in DA–80 New Mexico, it is ordered as follows:

1. The Executive order of May 21, 1920, creating Powersite Reserve No. 740, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 N., R. 12 E.,
Sec. 3, lots 5, 7, 8, N½SW¼, SW¼SW¼, NW¼SE¼.
T. 28 N., R. 13 E.,
Sec. 5, lot 6.

The area described aggregates 248.56 acres.

2. In DA–80–New Mexico, the Federal Power Commission vacated the withdrawal created by the filing of an application for a license on April 13, 1942, for Power Project No. 1874, pertaining to the lands described as lots, 5, 7, 8, sec. 3, T. 28 N., R. 12 E. Also, in Powersite Cancellation No. 291, notice of which was published in 36 F.R. 19447 of October 6, 1971, the Geological Survey canceled Waterpower Designation No. 1 of August 7, 1916, as modified and interpreted on March 25, 1922, and January 15, 1952, respectively, so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 N., R. 12 E.,
Sec. 3, lots 5, 7, 8, N½SW¼, SW¼SW¼, NW¼SE¼.
T. 28 N., R. 13 E.,
Sec. 5, lot 6.
T. 29 N., R. 13 E.,
Sec. 32, lot 10.
T. 29 N., R. 14 E.,
Sec. 32, S½;
Sec. 33.
T. 28 N., R. 15 E.,
All land of the United States which, when surveyed, shall be included in whole or in part within one-half mile of the Rio Colorado (now called Red River).

The total of the areas described in paragraphs 1 and 2 above aggregates approximately 4,225 acres in Taos County.

The State of New Mexico failed to exercise its preference right of application for highway right-of-way or material sites as provided by section 24 of the Federal Power Act of June 10, 1920, supra, when notified of the proposed restoration of the lands from the powersite withdrawals.

3. All of the above-described lands, except the patented lands described as lots 5, 7, 8, N½SW¼, SW¼SW¼, and NW¼SE¼, sec. 3, T. 28 N., R. 12 E., are public lands located within the Carson National Forest. At 10 a.m. on November 16, 1972, the public lands shall be open to such forms of disposition as by law may be made of national forest lands. These public lands have been and continue to be open to location and entry under the U.S. mining laws, and to leasing under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Santa Fe, N. Mex. 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72–17916 Filed 10–20–72;8:45 am]

[Public Land Order 5289]

[Utah 11851, 12002]

UTAH

Amendment of Public Land Order No. 5040

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. Paragraph 1 of Public Land Order No. 5040 of April 7, 1971, partially revoking departmental orders of April 1, 1941, and November 19, 1940, which withdrew certain lands for reclamation purposes, is hereby amended and corrected to include section 10 in the revocation, and to delete therefrom, section 9 under T. 2 N., R. 9 W., Uintah Meridian.

2. The described lands are within the Wasatch National Forest. At 10 a.m. on November 16, 1972, the lands in section 10 shall be open to such forms of disposition as may by law be made of national forest lands, except that the E½ and E½W½ of said section, which are embraced in Powersite Classification No. 128 of February 4, 1926, shall be open only to operation of the U.S. mining laws, and to leasing under the mineral leasing laws. The provisions of Public Land Order No. 5040 did not serve to change the status of the lands in section 9, as these lands were not withdrawn for reclamation purposes, therefore, the status of these lands remains the same.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72–17917 Filed 10–20–72;8:45 am]

[Public Land Order 5290]

[Idaho 09526]

IDAHO

Withdrawal for National Forest Recreation Areas

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

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

NEZ PERCE NATIONAL FOREST

BOISE MERIDIAN

Seven Devils Recreation Area

T. 23 N., R. 1 W.,
Sec. 7, lot 2.
T. 23 N., R. 2 W. (unsurveyed, but when surveyed probably will be),
Sec. 12, S½SE¼NE¼, NE¼SE¼.

Allison Creek Recreation Area

T. 24 N., R. 2 W.,
Sec. 13, lot 6.

Spring Bar Creek Recreation Area

T. 24 N., R. 2 E.,
Sec. 12, SE¼SW¼SE¼;
Sec. 13, lot 2.

Van Creek Recreation Area

T. 24 N., R. 3 E.,
Sec. 7, S½S½SE¼SW¼;
Sec. 18, lot 2.

Kelly Creek Recreation Area

T. 24 N., R. 3 E.,
Sec. 18, lot 1.

Robbins Creek Recreation Area

T. 24 N., R. 3 E.,
Sec. 13, lot 1.

Pilot Rock Recreation Area

T. 24 N., R. 4 E.,
Sec. 7, S½S½SW¼SE¼, S½S½SE¼SE¼;
Sec. 18, lots 1 and 3.

The areas described aggregate 242.94 acres in Idaho County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72–17918 Filed 10–20–72;8:46 am]

[Public Land Order 5291]

[Oregon 8762]

OREGON

Withdrawal for National Forest Recreation Area

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

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

FREMONT NATIONAL FOREST

WILLAMETTE MERIDIAN

Fishhole Recreation Area

T. 38 S., R. 16 E.,
Sec. 21, SW¼SW¼NE¼, NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, SW¼SW¼NW¼, SE¼SE¼NW¼, N½N½SW¼, SW¼NE¼SW¼, S½SW¼SW¼, NW¼SE¼SW¼, NW¼NW¼SE¼;
Sec. 22, SE¼ of lot 2, E½ of lot 3, E½ of lot 4, SW¼SE¼NW¼, W½NE¼SW¼;
Sec. 27, NE¼NW¼NW¼.

The area described contains 274.36 acres in Lake County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17919 Filed 10-20-72;8:46 am]

[Public Land Order 5292]

[Arizona 6113]

ARIZONA

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, as amended, 43 U.S.C. section 300 (1970), it is ordered as follows:

1. The departmental order of February 10, 1942, creating Stock Driveway Withdrawal No. 56 (Arizona No. 2), is hereby revoked so far as it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 2 E.,
Sec. 10, SW¼NW¼.

The area described aggregates 40 acres in Yavapai County.

The lands have a sandy soil and support a vegetative growth of palo verde, saguaro cactus, mesquite, and other native shrubs and grasses. Topography is level to hilly.

2. At 10 a.m. on November 16, 1972, the lands shall be open to operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 16, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws, and to location and entry under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17920 Filed 10-20-72;8:46 am]

[Public Land Order 5293]

[Wyoming 34584]

WYOMING

Withdrawal for National Forest Recreation Sites

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

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

MEDICINE BOW NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Esterbrook Campground

T. 28 N., R. 71 W.,
Sec. 1, NW¼NW¼SW¼, SW¼SW¼NW¼;
Sec. 2, E½NE¼SE¼, SE¼SE¼NE¼.

Woods Creek Campground

T. 13 N., R. 77 W.,
Sec. 19, NW¼ of lot 6, North 10 chains of lot 7.

The areas described aggregate 78.28 acres in Albany County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17921 Filed 10-20-72;8:46 am]

[Public Land Order 5294]

[Wyoming 094183]

WYOMING

Partial Revocation of National Forest Recreation Area Withdrawals

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. Public Land Order No. 3250 of October 16, 1963, withdrawing national forest lands as recreation areas, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

MEDICINE BOW NATIONAL FOREST

Boswell Creek Picnic Ground

T. 12 N., R. 78 W.,
Sec. 23, lot 2.

BIGHORN NATIONAL FOREST

Cross Creek Campground

T. 53 N., R. 86 W.,
Sec. 21, SW¼SW¼SE¼, W½SE¼SW¼-SE¼.

West Goose Campground

T. 54 N., R. 87 W.,
Sec. 25, NW¼NE¼NE¼.

Twin Lake Campground

T. 54 N., R. 87 W.,
Sec. 35, SE¼NE¼NE¼, SE¼SW¼NE¼-NE¼, NE¼NW¼SE¼NE¼, N½NE¼-SE¼NE¼.

The areas described aggregate 96.31 acres in Albany, Johnson, and Sheridan Counties.

The land described as lot 2, sec. 23, T. 12 N., R. 78 W., containing 51.31 acres is privately owned.

2. At 10 a.m. on November 16, 1972, the public lands described above shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 11, 1972.

[FR Doc.72-17922 Filed 10-20-72;8:46 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 116]

PART 294—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS

The following regulations have been adopted by the Maritime Subsidy Board to govern the operating-differential subsidy program with respect to bulk cargo vessels engaged in carrying export bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics.

The regulations are issued pursuant to the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101-1294). The Secretary of Commerce is authorized under section 601(a) of the Act,

* * * [T]o consider the application of any citizen of the United States for financial aid in the operation of a vessel or vessels, which are to be used in an essential service

in the foreign commerce of the United States * * *

The meaning of the term "essential service" is described in section 211 of the Act as including:

The bulk cargo carrying services that should, for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and for the national defense or other national requirements be provided by U.S.-flag vessels * * *

The operating-differential subsidy provided in these regulations is deemed appropriate in light of the national requirements for participation by U.S. vessels in the carriage of export bulk raw and processed agricultural commodities during the period to July 1, 1973.

The authority for the operating-differential subsidy procedures covered by these regulations is set forth in section 603(b) of the Act which provides:

* * * [T]he Secretary of Commerce may, with respect to any vessel in an essential bulk cargo carrying service as described in section 211(b), pay, in lieu of the operating-differential subsidy provided by this subsection (b), such sums as he shall determine to be necessary to make the cost of operating such vessel competitive with the cost of operating similar vessels under the registry of a foreign country.

Rule making involving the operating-differential subsidy program is exempt from the requirements of section 553 of title 5, United States Code. A new Part 294 is hereby added to Title 46, Chapter II, Code of Federal Regulations, as follows:

Sec.
294.1 Purpose.
294.2 Applications.
294.3 Subsidy contract.
294.4 Voyage approval procedures.
294.5 Definitions.
294.6 Determinations of subsidy.
294.7 Sources of required data.
294.8 Payment of subsidy.

AUTHORITY: The provisions of this Part 294 issued under section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114).

§ 294.1 Purpose.

The regulations in this part prescribe rules in accordance with title VI of the Merchant Marine Act, 1936, as amended (Act), governing the payment of operating-differential subsidy for U.S.-flag bulk cargo vessels engaged in carrying export bulk raw and processed agricultural commodities from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge.

§ 294.2 Applications.

Applications for operating-differential subsidy contracts under this part may be obtained from the Secretary, Maritime Subsididdy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20235.

§ 294.3 Subsidy contract.

(a) *Expiration.* Contracts executed in accordance with the rules and regulations of this part shall expire on June 30, 1973, except that subsidized voyages in progress as of midnight of that date may continue to their termination as defined in § 294.5(c)(2) for purposes of the payment of operating-differential subsidy.

(b) *Renegotiation of contracts.* The operating-differential subsidy contract shall provide that amounts otherwise payable thereunder shall be subject to renegotiation if the Maritime Subsidy Board (Board) determines that the operator is earning excessive profits. In the determination of what constitutes excessive profits the Board shall consider the provisions of section 103 of the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1213), and may take into consideration such other matters that the Board deems appropriate, including any other provision of said Renegotiation Act. The elimination of excessive profits shall be accomplished through the renegotiation of operating-differential subsidy contracts including withholding or recovering amounts paid or accrued with respect to any subsidized voyage. Payments received or accrued under other contracts between the operator and the Government shall not be taken into account for purposes of such renegotiation.

(c) *Subsidized voyage approval.* The operating-differential subsidy contract shall provide that each subsidized voyage must have the prior written approval of the Board. In acting upon a request for such approval, the Board will consider all pertinent facts, including the availability of appropriated funds, the most productive utilization of such funds, whether the charter rate is the maximum then obtainable, and the purposes and policies of the Act. The Board shall not approve retroactively the subsidization of a voyage which has already commenced.

§ 294.4 Voyage approval procedures.

(a) *Requests.* (1) All requests for the approval of a subsidized voyage must be in writing. Telegrams are acceptable. The request must contain the following data:

(i) Name of operator;

(ii) Operating-differential subsidy contract number;

(iii) Vessel name;

(iv) Charterer;

(v) Load and discharge ports;

(vi) Lay days;

(vii) Commodities and estimated tonnage;

(viii) Charter rate and terms;

(ix) The operator's certification to the best of his knowledge and belief of: The current charter market rate for third-flag vessels under a charter having the same terms and conditions, or, if he certifies that he knows of no such currently fixed third-flag vessel rates, then his best estimate of the current market charter rate based upon other charter fixtures appropriately adjusted to give effect to differences between such charters and the proposed fixture of the subsidized vessel together with a concise explanation of the basis on which the estimate was made;

(x) Expected date of commencing the voyage;

(xi) Estimated duration of voyage;

(xii) Similar data concerning backhaul cargo if a backhaul carriage is contemplated;

(xiii) Any other data as may be deemed necessary by the Board.

(b) *Finality.* Approvals and denials of requests for subsidized voyages are final and not subject to review or appeal, except that approvals may be cancelled if the operator has knowingly or negligently provided incorrect or misleading data or information to the Board. Commencement of an approved subsidized voyage shall constitute the acceptance by the operator of all terms and conditions expressed in the approval.

§ 294.5 Definitions.

(a) *Bulk cargo vessels.* All vessels meeting the criteria in sections 601 and 610 of the Act, whether dry-bulk, tanker or break-bulk by design, shall be bulk cargo vessels for purposes of this part and, as such, eligible for participation in this operating-differential subsidy program.

(b) *Foreign flag competition.* For purposes of establishing such sums as the Board determines are necessary to make the cost of operating U.S.-flag vessels competitive with the cost of operating similar vessels under the registry of a foreign country, the Board shall select a typical foreign-flag vessel which has actually participated in the carriage of export bulk raw and processed agricultural commodities from the United States to U.S.S.R. In the event that it is not possible to obtain actual cost data for a selected typical vessel which has engaged in that trade the Board will establish such costs based upon the costs of a foreign-flag vessel which, in the opinion of the Board, has equivalent costs of operation.

(c) *Subsidized voyage*—(1) *Commencement.* A subsidized voyage shall commence at 0001 local time in the U.S. port of loading on the day the subsidized bulk cargo vessel:

(i) Is certified by the National Cargo Bureau, Inc., as being clean and ready to commence loading if it is at the port of loading at the time of such certification;

(ii) Arrives at the U.S. port of loading if the vessel has obtained such certification prior to its arrival at the port of loading; or

(iii) Commences loading if certification is subsequently obtained.

(2) *Termination.* A subsidized voyage shall terminate at 2400 local time on the day the subsidized bulk cargo vessel:

(i) Arrives at a U.S. port of call if it returns in ballast: *Provided,* If the vessel returns to a U.S. port of call different from that at which it loaded cargo, the subsidized voyage shall terminate at the time the vessel would normally have returned to the port of loading, if that time is earlier;

(ii) Completes discharge of inbound cargo in a U.S. port if it has engaged in the bulk carriage of U.S. import commerce and has not engaged in foreign-to-foreign commerce; or

(iii) Commences deviation by deviating from the general track of the normal ballast return voyage if it engages in foreign-to-foreign commerce.

(3) *Deviations to engage in U.S. import commerce.* A subsidized bulk cargo vessel shall be allowed only the following time in excess of the normal total steaming time for the ballast return voyage when the vessel engages in the bulk carriage of U.S. import commerce: (i) A maximum of 3½ days steaming time; and (ii) loading and unloading time. For the purpose of determining the permissible deviation under this paragraph, the total steaming time of the inbound voyage shall be compared to the normal steaming time required for the ballast return voyage from the last port of discharge of the U.S. export cargo to the first port of discharge of the U.S. import cargo. This paragraph shall not apply to vessels which engage in foreign-to-foreign commerce during a subsidized voyage.

(4) *Idleness or delay.* The operator shall report promptly to the Board all facts and explanations thereof relating to periods of idleness or delay sustained on a subsidized voyage. The Board shall determine whether such idleness or delay could have been avoided through efficient and economical operation and whether subsidy shall be payable, in whole or in part, for such periods.

(5) *Ineligible voyages.* No voyage shall be eligible for subsidy during which the subsidized bulk cargo vessel carries:

(i) Cargo in the domestic commerce of the United States;

(ii) U.S. preference cargo, including that covered by 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616a; or

(iii) Any other commercial cargo simultaneously with the export bulk raw and processed agricultural commodities being carried to the U.S.S.R., except equipment which may be needed to facilitate unloading of such agricultural commodities.

§ 294.6 Determination of subsidy.

(a) In general: For purposes of this part, the amount of operating-differential subsidy, as determined by the Board, shall not exceed the excess costs of U.S. wages of officers and crew; subsistence of officers and crew; maintenance and repairs not compensated by insurance; vessel insurance; stores, supplies and expendable equipment; fuel; and other vessel expenses over the estimated costs of the same items of expense of the typical foreign-flag vessel. An additional operating-differential subsidy amount, as determined by the Board, shall be paid for the fair and reasonable depreciation and interest costs directly attributable to the subsidized vessel, such amount not to exceed the excess of the same cost of operating a similar foreign-flag vessel. The operating-differential subsidy comprised of such excess costs will be determined as a per diem amount and shall be subject to the limitations imposed by §§ 294.3(b) and 294.6(d).

(b) U.S. costs: The following items shall be used to establish operating costs for each subsidized vessel:

(1) *Wages of officers and crew.* Actual wage costs, including voyage and port relief crew payrolls, contributions to pension and welfare plans, social security and other taxes, and other employment costs directly attributable to the subsidized voyage;

(2) *Subsistence of officers and crew.* The net cost of food and other edibles consumed by officers and crew, including port relief crews, during the subsidized voyage, including sales taxes, government inspection fees and shipside delivery and loading costs incurred for the use of other than the crew and relief complements;

(3) *Maintenance and repairs not compensated by insurance.* The fair and reasonable cost of maintenance and repairs attributable to the subsidized voyage as determined on the basis of the average cost per operating day of such expenses for the subsidized vessel, including costs of drydocking and special surveys, but excluding costs compensated by insurance and costs ineligible for subsidy pursuant to Part 272 of this chapter, for the 5-year period preceding the current year (or such lesser period as the vessel has been in operation) adjusted to the current cost level by the application of survey reports of the U.S. Salvage Association, Inc., and the U.S. Monthly Index of Wages (Hourly Earnings in Manufacturing) published by the U.S. Bureau of Labor Statistics;

(4) *Vessel insurance.* Vessel insurance including the following costs:

(i) The net insurance premium costs in effect for the subsidized voyage, after brokerage and owner's adjustments and including foreign stamp taxes;

(ii) The fair and reasonable cost of claims for death, injury, and illness of officers and crews absorbed by the operator under the deductible or franchise provision of protection and indemnity insurance policies attributable to the subsidized voyage as determined on the basis of the average cost per operating day for the subsidized vessel of such expenses for the 3-year period preceding the current year (or such lesser period as the vessel has been in operation), and in the event that the deductible or franchise provision of the protection and indemnity insurance policies in effect during any part of such 3-year (or lesser) period was different from the deductible or franchise provision in effect for the current period, the expense of such prior period shall be adjusted to conform to the deductible or franchise provision of the current policy;

(5) *Stores, supplies, and expendable equipment.* The fair and reasonable cost of stores, supplies, and expendable equipment attributable to the subsidized voyage as determined on the basis of the average cost per operating day of such expenses for the subsidized vessel over the 3-year period preceding the current year (or such lesser period as the vessel has been in operation) adjusted to the current cost level by application of U.S. Wholesale Price Index of Total Manufactures;

(6) *Fuel.* The actual cost of fuel consumed at sea and in port during the subsidized voyage, including taxes and delivery costs, after giving effect to bunkers on board upon commencement and termination of the subsidized voyage;

(7) *Other vessel expenses.* The actual cost of miscellaneous expenses directly attributable to the subsidized voyage and incident to the management and maintenance of the subsidized vessel, as exemplified in the partial list at § 282.764 of this chapter;

(8) *Vessel depreciation.* The depreciation expense of the subsidized vessel for the period of the subsidized voyage shall be the actual unsubsidized construction cost, reconstruction cost or purchase cost of the subsidized vessel depreciated on a straight-line basis over the economic life of the vessel actually used by the operator to depreciate such construction, reconstruction, or purchase cost, after giving effect to the actual residual value of the vessel, used by the operator for financial accounting purposes; and

(9) *Interest expense attributable to vessel indebtedness.* The current interest expense directly attributable to indebtedness incurred in connection with the construction, reconstruction, or purchase of the subsidized vessel for the period of the subsidized voyage determined in part by an analysis of the date and principal amount of the debt, the principal amortization schedule, the interest rate and the scheduled payments of principal and interest during the period of the subsidy contract.

(c) The Board shall review the costs of each voyage for which subsidy is being sought and shall disallow for subsidy any costs resulting from inefficient or uneconomical operation.

(d) Foreign costs: The following items shall be used to establish operating costs of the typical foreign-flag vessel:

(1) *Actual cost items.* The following operating costs of the selected typical vessel shall be taken at current actual figures, and, if such data are not current, then they shall be adjusted to the current cost level by appropriate indices contained in the International Financial Statistics published by the International Monetary Fund or Monthly Bulletin of Statistics published by the United Nations—

(i) Wages of officers and crew;

(ii) Subsistence of officers and crew;

(iii) Maintenance and repairs not compensated by insurance;

(iv) Vessel insurance;

(v) Stores, supplies, and expendable equipment;

(vi) Fuel; and

(vii) Other vessel expenses.

(2) *Vessel depreciation.* Depreciation expense shall be based on the cost of constructing or reconstructing the U.S. subsidized vessel in a representative foreign shipbuilding center or purchasing the vessel at world market price, which cost shall be depreciated on a straight-line basis over the same economic life actually used by the operator for the subsidized vessel in order to determine the foreign depreciation of such construction, reconstruction, or purchase cost, after giving effect to the residual value used by the operator;

(3) *Interest expense attributable to vessel indebtedness.* Interest expense shall be determined by assuming the same interest rate, repayment term, and method of principal amortization as those that actually exist for the subsidized vessel, and applying those terms to obtain the interest which would be payable had the original principal of the debt been the same percentage of the foreign cost of construction, reconstruction or purchase as the original construction, reconstruction, or purchase debt of the subsidized vessel was of its construction, reconstruction, or purchase cost.

(e) Abatement of subsidy resulting from the rate of carriage:

(1) *In general.* Under the terms of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding Certain Maritime Matters signed October 14, 1972, fixtures made prior to July 1, 1973, for shipments of bulk raw and processed agricultural commodities from the United States to the U.S.S.R. will be made on U.S.-flag vessels at the higher of:

(i) A rate for the cargo and route involved based upon the average of market charter rates for the years 1969, 1970, and 1971, as established under that agreement and related letters; or

(ii) The current market charter rate for the cargo and route involved (where such market charter rates do not exist, a rate will be determined by adjusting current market charter rates for the most comparable cargo and route) plus a rate premium of 10 percent of such rate.

(2) *Abatement determination.* The operating-differential subsidy otherwise payable under this part shall be subject to abatement on a voyage basis when fixtures are made and carriage occurs at the rate referred to in subparagraph (1) (ii) of this paragraph. The abatement shall be comprised of two portions, one associated with the 10-percent-rate premium and the second associated with the current market charter rate.

(i) To the extent that the freight rate exceeds the 3-year-average rate for the cargo and route involved as established under that agreement and related letters, the amount of the rate premium abatement shall be equal to 100 percent of the freight revenue per ton attributable to the 10-percent-rate premium. The commission atributable to the amount subject to abatement will be deducted from the abatement. For example, if the current market charter rate is $7.80 per ton, the minimum rate under the Agreement is 110 percent of that amount or $8.58 per ton. The amount subject to abatement in this case would be $0.53 per ton, which is the amount by which the premium causes the freight rate to exceed the 3-year-average rate of $8.05 per ton. The abatement would be reduced by the amount of commission paid by the operator which is attributable to the $0.53 per ton.

(ii) The amount of the current market charter rate abatement per ton shall be determined by multiplying the freight rate increments in the left hand column of the table below by the percentages in the right hand column. The Commission attributable to the amount subject to abatement will be deducted from such abatement.

Freight rate increment	Percentage
For the first $0.95 per ton that the rate in subparagraph (1)(ii), exclusive of the rate premium, exceeds the rate in (1)(i), the percentage is	0
For the amount that such excess is between $0.95 per ton and $1.95 per ton, the percentage is	50
For the amount that such excise is over $0.95 per ton, the percentage is	75

(3) *Example.* The provisions of this paragraph are illustrated by the following example.

A vessel is fixed and carriage of U.S. export grain to the U.S.S.R. occurs at a charter rate of $12.10 per ton, F.I.O.T. consisting of $11 representing the current market charter rate of $11 plus a rate premium of $1.10. The Commission rate per the charter party is 3¾ percent of freight revenue. The average market charter rate for such cargo and route for the years 1969, 1970, and 1971 as established under the agreement and related letters is $8.05 per ton.

Subsidy abatement is determined as follows:

	Per ton f.i.o.t.
Current market charter rate	$11.00
Add 10% premium	1.10
Fixture rate	12.10
Less average of market charter rates for the years 1969, 1970, and 1971	8.05
Difference	4.05
Abatement of subsidiary per ton of cargo carried:	
Abatement attributable to the premium:	
Gross premium	$1.10
Less commissions at 3¾%	.04125
Net revenue	1.05875
Abatement percentage	100
Abatement per ton	$1.05875
Abatement attributable to the excess of the current market charter rate over the average of market charter rates for 1969, 1970, and 1971:	
Excess of $0.95 or less	.95
Less commissions at 3¾%	.035625
Net revenue	.914375
Abatement percentage	0
Abatement per ton	0
Excess between $0.95 and $1.95	$1.00
Less commissions at 3¾%	.0375
Net revenue	.9625
Abatement percentage	50
Abatement per ton	$0.48125
Excess over $1.95	1.00
Less commissions at 3¾%	.0375
Net revenue	.9625
Abatement percentage	75
Abatement per ton	$0.721875
Total abatement of subsidy per ton of cargo carried	$2.261875

§ 294.7 **Sources of required data.**

(a) *U.S. costs.* The operator shall be required to submit statements, payrolls, invoices, and other data, certified as correct by an officer of the operator, with respect to establishing U.S. operating costs of its subsidized vessels.

(b) *Foreign costs.* The Board will establish the operating costs of the typical foreign-flag vessel from data obtained from the Maritime Administration's foreign representatives and any other sources the Board considers appropriate.

§ 294.8 **Payment of subsidy.**

(a) *Tentative per diem subsidy.* A tentative per diem subsidy amount will be incorporated in the operating-differential subsidy contract.

(b) *Partial payment.* Ninety percent of the operating-differential subsidy estimated to have accrued on a subsidized voyage on the basis of the tentative subsidy per diem amount shall be payable upon completion of the voyage. Such subsidy shall be abated by the amounts determined pursuant to § 294.6 (d).

(c) *Final payment.* The Maritime Administration shall verify the voyage expenses and schedules of historical cost data as soon as practicable after the termination of a voyage, and, subject to adjustment resulting from such verification, pay the remaining 10 percent of accrued operating-differential subsidy.

Effective date. These regulations shall be effective on October 21, 1972, and shall terminate on June 30, 1973, except that for subsidized voyages in progress on that date the regulations shall continue in effect until the termination of such voyages.

Dated: October 19,1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-18107 Filed 10-20-72;8:53 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

[Docket No. AO-320-A2]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Hearing With Respect to Proposed Amendment of 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, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hidalgo County Courthouse, Edinburg, Tex., beginning at 9:30 a.m., local time, Wednesday, November 1, 1972, with respect to proposals to amend the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), hereinafter referred to as the "order," regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas.

The proposed amendments have 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 amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following proposals were submitted by Texas Citrus Mutual.

1. In § 906.7 *Handle* delete the words "in the United States, Canada, or Mexico."

ADMINISTRATIVE BODIES

2. Add a new § 906.17 *Shippers Advisory Committee membership* and term of office as follows:

§ 906.17 Shippers Advisory Committee membership.

A Shippers Advisory Committee consisting of six members, each of whom shall have an alternate, all of whom shall be handlers, is hereby established. Three of such members and their alternates shall be officers, directors, or employees, of cooperative marketing organizations, and the remaining three members and their alternates shall be owners, officers, directors, or employees, of a handler other than a cooperative marketing organization. The term of office of members of the Shippers Advisory Committee and their alternates shall begin on the first day of August and continue for 1 year and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to three terms: *Provided*, That such limitation shall be effective only to members who serve three consecutive terms expiring on or after July 31, 1973. In order to be eligible to serve on the Shippers Advisory Committee, a handler must have handled a minimum of 5 percent of the previous seasons total fresh fruit shipments as determined by the records of the marketing order. The members, alternate members, and their respective successors shall be nominated by handlers and shall be selected by the Secretary as provided in §§ 906.17a and 906.17b.

3. Add a new § 906.17a *Nomination of members for Shippers Advisory Committee* as follows:

§ 906.17a Nomination of members for Shippers Advisory Committee.

(a) The Secretary shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers, to be held not later than June 15 of each year, for the purpose of making nominations for members and alternate members of the Shippers Advisory Committee. The Secretary shall prescribe rules to govern each such meeting and balloting thereat. The chairman of each such meeting shall publicly announce the results of the voting and the names of the nominees selected. The chairman and the secretary of each such meeting shall transmit to the Secretary their certificates showing the information so announced and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 1st day of July.

(b) Nominations of three members and three alternate members shall be made by bona fide cooperative marketing organizations which are handlers. Nominations of three members and three alternate members shall be made by handlers other than bona fida cooperative marketing organizations. In voting for nominees, each handler shall be entitled to cast but one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period.

4. Add a new § 906.17b *Selection of members of Shippers Advisory Committee* as follows:

§ 906.17b Selection of members of Shippers Advisory Committee.

(a) From the nominations made by bona fide cooperative marketing organizations or from other qualified persons, the Secretary shall select three members and their alternates.

(b) From the nominations made by handlers not affiliated with cooperative marketing organizations, or from other qualified persons, the Secretary shall select three members and their alternates.

5. Add a new § 906.17c *Inability of members to serve* as follows:

§ 906.17c Inability of members to serve.

(a) An alternate for a member of the Shippers Advisory Committee shall act in the place and stead of such member (1) in his absence or (2) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired terms has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the Shippers Advisory Committee, a successor for the unexpired term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this subpart as to nominations.

6. Add a new § 906.17d *Duties of Shippers Advisory Committee* as follows:

§ 906.17d Duties of Shippers Advisory Committee.

It shall be the duty of the Shippers Advisory Committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records, which will clearly reflect all its acts, which minutes, books, and records, shall at all times be subject to the examination of the Secretary.

(c) To notify the members of the Texas Valley Citrus Committee in the same manner as it notifies its own members of the time at which it will meet to make the recommendations required by § 906.39; and

(d) All recommendations of the Shippers Advisory Committee shall be submitted in writing to the Texas Valley Citrus Committee.

7. Amend § 906.18 *Establishment and membership* to read as follows:

§ 906.18 Establishment and membership.

(a) The Texas Valley Citrus Committee, consisting of 11 members is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Ten members of the committee shall be producers who produce fruit in the district which they represent and

are residents of the production area. Five of the members shall be producers who market their fruit through cooperative marketing organizations, and five of the members shall be independent producers. Members of the committee shall not have a proprietary interest in or be employees of a handler organization: *Provided*, That members of a cooperative marketing organization shall not be considered as having a proprietary interest in a handler organization because of such membership.

(c) The 11th member of the committee shall be a resident of the production area, shall be neither a producer nor a handler nor shall he have a proprietary interest in, nor be an agent, employee or representative of a producer or handler. Such member and alternate shall be selected in the following manner: A nomination committee of four members shall be appointed, two by the independent producer members of the committee and two by the members of the committee who market their fruit through cooperative marketing organizations. The nominating committee shall, immediately following its appointment, meet, select its chairman by majority vote, nominate a member and alternate by majority vote having the qualifications set forth in this paragraph (c), and submit the names of such recommended member and alternate to the Texas Valley Citrus Committee. The committee shall forward the names of such nominees to the Secretary. From such nomination, or from other qualified persons, the Secretary shall select the 11th member of the committee and his alternate.

(d) Upon nomination by the committee, by a majority vote, and selection by the Secretary, the nonindustry member selected pursuant to paragraph (c) of this section, shall become the chairman of the committee, and the nonindustry alternate member selected as aforesaid, shall become the vice-chairman of the committee, who shall serve in the absence of the chairman and shall have the same rights, powers, and duties as the chairman.

8. Amend paragraph (a) of § 906.19 *Term of office* to read as follows:

§ 906.19 Term of office.

(a) The term of office of the 10 producer members and their alternates shall be 3 years and the term of office of the member and alternate who is neither a producer nor a handler shall be 1 year: *Provided*, That the present producer members shall remain on the committee for the duration of their respective terms and as such terms expire such members and alternates shall be succeeded by members and alternates in accordance with the provisions of § 906.18. No producer member or alternate shall succeed himself, but the member and alternate who are neither a producer or handler may do so.

* * * * *

§ 906.21 [Amended]

9. In § 906.21 *Redistricting*, delete references to handler members.

§ 906.22 [Amended]

10. In § 906.22 *Selection*, paragraph (b), delete references to the selection of handler members and revise paragraph (a) to conform to the membership of the committee as proposed in §§ 906.18 and 906.19.

§ 906.23 [Amended]

11. In § 906.23 *Nominations*, delete references to nomination of handler members and revise the remaining portion of § 906.23 to conform to the membership of the committee as proposed in §§ 906.18 and 906.19.

§ 906.24 [Amended]

12. Amend § 906.24 *Failure to nominate*, to provide that in the event nominations for a member or alternate member of the committee are not made pursuant to the provisions of § 906.17, the Secretary may select such member or alternate member without regard to nominations.

§ 906.25 [Amended]

13. Amend § 906.25 *Acceptance*, to provide that any person selected by the Secretary as a member or alternate member of the Shippers Advisory Committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 906.27 [Amended]

14. In § 906.27 *Alternate members*, delete the reference to handler members.

§ 906.28 [Amended]

15. Amend § 906.28 *Procedure*, to provide that six members shall be necessary to constitute a quorum. Six affirmative votes shall be required to pass any motion or approve any committee action. All votes shall be cast in person.

16. Amend paragraph (a) in § 906.31 *Duties* to read as follows:

§ 906.31 Duties.

* * * * *

(a) At the beginning of each term of office, to meet and organize, to select a chairman under the procedure provided in § 906.18 and such other officers as may be necessary, to select subcommittees, and to adopt such rules and regulations for the conduct of its business as it may deem advisable.

* * * * *

17. In § 906.39 *Recommendations for regulations*, designate the present language as paragraph (d), and add the following new paragraphs (a), (b), and (c):

§ 906.39 Recommendations for regulations.

(a) Whenever the Shippers Advisory Committee deems it advisable to make any recommendations, it shall promptly submit its recommendation, with supporting information, to the Texas Valley Citrus Committee. This recommendation and supporting information shall be in writing;

(b) The failure of the Shippers Advisory Committee to make a recommendation after having received notice of the intention of the Texas Valley Citrus Committee to meet for the purpose of receiving such recommendations, shall not preclude such committee from submitting recommendations and supporting information to the Secretary;

(c) The Texas Valley Citrus Committee shall give notice of any meeting to consider the recommendations of the Shippers Advisory Committee by mailing a notice of meeting to each handler who has filed his address with said committee for this purpose. The said committee shall give the same notice of any such recommendation before the time it is recommended that such recommendation become effective.

* * * * *

18. Add the following paragraph (g) to § 906.40 *Issuance of regulations:*

§ 906.40 Issuance of regulations.

* * * * *

(g) Regulate the handling of fruit to be exported outside of the United States differently for different countries, for different varieties, grades, sizes, qualities, or packs of fruit or for different containers.

19. Add the following paragraph (d) to § 906.42 *Shipments for special purposes:*

§ 906.42 Shipments for special purposes.

* * * * *

(d) For export outside of the United States.

The following proposals were submitted by the Texas Valley Citrus Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Amend § 906.7 *Handle* to read as follows:

§ 906.7 Handle.

"Handle" or "ship" means to transport or sell fruit, or in any other way to place fruit, in the current of commerce between the production area and any point outside thereof in the United States, Canada, or Mexico: *Provided*, That the term shall not include the transportation of fruit by a handler, so registered with the committee, from the grove to his packing facilities outside of the production area for the purpose of having such fruit prepared for market.

2. Add a new § 906.16a *Registered handler* as follows:

§ 906.16a Registered handler.

"Registered handler" means any person with adequate facilities within the

production area for preparing fruit for market, who customarily does so and who is so recorded by the committee, in accordance with such rules and regulations as the committee may prescribe, with approval of the Secretary.

3. Amend § 906.19 *Term of office* to read as follows:

§ 906.19 Term of office.

(a) The term of office of committee members and their respective alternates shall be for 3 years beginning August 1 and ending July 31. No member or alternate member shall succeed himself.

(b) Members and alternates shall serve in that capacity during the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified. Should a producer member or alternate member change his marketing affiliation during his term of office, he will become ineligible and the vacancy will be filled in accordance with § 906.26.

4. In § 906.34 *Assessments*, add the following new paragraph (e):

§ 906.34 Assessments.

* * * * *

(e) Any unpaid obligation of a handler shall be increased by a rate, recommended by the committee and approved by the Secretary, on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter, until such obligation is paid.

5. In § 906.40 *Issuance of regulations*, redesignate paragraphs (d), (e), and (f) as paragraphs (e), (f), and (g) respectively, and add the following new paragraph (d):

§ 906.40 Issuance of regulations.

* * * * *

(d) Limit the handling of particular containers differently for different varieties, for different grades, for different purposes, or any combination of the foregoing, during any period.

* * * * *

§ 906.41 [Amended]

6. In § 906.41 *Gift fruit shipments*, delete "500" and insert "400" in lieu thereof, and delete reference to "§ 906.43" and insert "§ 906.44" in lieu thereof.

7. In § 906.42 *Shipments for special purposes*, designate that portion of the section preceding present paragraph (a) as paragraph (a); redesignate the present paragraphs (a), (b), and (c) as subparagraphs (1), (2), and (4), respectively, insert the following new subparagraph (3) in such paragraph; and add the following new paragraph (b) to such section.

§ 906.42 Shipments for special purposes.

(a) * * *

(3) For quantities in excess of 400 pounds to one person not for resale.

* * * * *

(b) The committee may, with the approval of the Secretary, designate locations outside the production area and prescribe rules and regulations whereby fruit may be shipped to such locations for preparation for market exempt from the provisions of this subpart: *Provided*, That fruit so shipped shall not thereafter be handled contrary to the provisions of this subpart.

* * * * *

The following proposal was submitted by the Valley Citrus Growers Association, Inc.:

That the order be amended to provide for an administrative committee comprised of 15 grower members and their respective alternates. Representation on such committee would be divided between growers who are affiliated with cooperative marketing organizations and growers not so affiliated in proportion to their relative volume of total shipments. In addition, a Shippers Advisory Committee, comprised of six members and their respective alternates, would be established. Representation on such committee would be divided between independent handlers and cooperative handlers in proportion to their relative volume of total shipments.

The following proposal was submitted by the Hidalgo County Farm Bureau:

That the order be amended to provide for a committee comprised of nine grower members and their respective alternates, and five handler members and their respective alternates. The grower members or their alternates would have voting privileges, while shipper members or their alternates would serve in an advisory capacity. Grower members and alternates would serve staggered 3-year terms of office, while the shipper members would serve staggered 2-year terms of office. All members and alternate members would be selected from the production area large.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the 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 David B. Fitz, McAllen Marketing Field Offices, Fruit and Vegetable Division, Agricultural Marketing Service, 2217 North 10th Street, Commercial Arts Building, McAllen, TX 78501.

Dated: October 17, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-18040 Filed 10-20-72;8:48 am]

Agricultural Marketing Service

[7 CFR Parts 1071, 1073, 1097, 1102, 1104, 1106, 1108, 1120, 1126, 1127, 1128, 1129, 1130, 1132, 1138]

[Docket No. AO-231-A39, etc.]

MILK IN NORTH TEXAS AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

Correction

In F.R. Doc. 72-17423 appearing at page 21821 of the issue for Saturday, October 14, 1972, text which was inadvertently omitted should be inserted at the following places:

1. On page 21824, the following two paragraphs should be added immediately before the first full paragraph in the third column:

Exception was taken to the conclusion that, if the program is effectuated on a date that would preclude producers wishing refunds from meeting the request deadline of the 15th day of the month prior to the beginning of the calendar quarter, the refund request for such quarter could be filed at any time during the initial period. It was suggested that this deviation from the regular refund procedure would be confusing and hence detrimental to the success of the program. Exceptor asked that the program be effectuated at the beginning of a regular calendar quarter or, in the alternative, be initiated and operated on a succession of 3-month periods beginning with any calendar month.

In the interest of administrative efficiency, it is desirable that all advertising and promotion programs under the Federal order system be operated on a calendar quarter basis. At this time, it cannot be ascertained specifically when the amending orders in these markets can be effectuated. It is necessary, therefore, that a procedure be provided whereby producers not wishing to participate can be assured of refunds, if requested, for the initial period of operation in the event the program is started on other than a calendar quarter. However, unless there are compelling reasons to the contrary, the program should be initiated on a date which will accommodate to the regular refund procedure.

2. On page 21825, the following should be inserted after the last paragraph in the middle column:

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the orders regulating the handling of milk in the aforesaid specified marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing

agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

August 1972 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Neosho Valley, Wichita, Memphis, Fort Smith, Oklahoma Metropolitan, Central Arkansas, Lubbock-Plainview, San Antonio, Central West Texas, Austin-Waco, Texas Panhandle, and Rio Grande Valley marketing areas is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the respective marketing areas.

REFERENDUM ORDER TO DETERMINE PRODUCER APPROVAL; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENTS

It is hereby directed that referendums be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 et seq.), to determine whether the issuance of each of the attached orders as amended and as hereby proposed to be amended, regulating the handling of milk in the Corpus Christi, Red River Valley, and North Texas marketing areas is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the respective marketing areas.

The representative period for the conduct of such referendums is hereby determined to be August 1972.

The agents of the Secretary to conduct such referendums are hereby designated to be Earl C. Born (Corpus Christi), Richard Arnold (Red River Valley), and C. E. Dunham (North Texas).

Signed at Washington, D.C., on October 6, 1972.

RICHARD E. LYNG,
Acting Secretary.

ORDER[1] AMENDING THE ORDERS, REGULATING THE HANDLING OF MILK IN CERTAIN SPECIFIED MARKETING AREAS

FINDINGS AND DETERMINATIONS

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

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-67]

PART-TIME CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate the Corpus Christi, Tex. (NALF Cabaniss Field), part-time control zone.

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

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

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

In § 71.171 (37 F.R. 2056), the Corpus Christi, Tex. (NALF Cabaniss Field) is added as follows:

CORPUS CHRISTI, TEX. (NALF CABANISS FIELD)

Within a 5-mile radius of NALF Cabaniss Field (latitude 27°42'06", longitude 97°26'17") excluding that airspace designated as the Corpus Christi (CRP) and Navy Corpus Christi (NGP) control zones. This control zone will be 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.

Effective hours, local time, will be: 0600–2200 Monday through Friday.

The designation of a part-time control zone will provide controlled airspace for one IFR approach to the airport and will assure greater safety potential by increasing VFR minima to transiting aircraft.

(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 Forth Worth, Tex., on October 12, 1972.

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

[FR Doc.72-18035 Filed 10-20-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-68]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Wharton, Tex.

Interested persons may submit such written data, views, or arguments as they

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

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

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

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

WHARTON, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wharton Municipal Airport (latitude 29°15'15'' N., longitude 96°09'15'' W.), and within 2.5 miles each side of the Eagle Lake, Tex., VORTAC 162° radial extending from the 5-mile radius to 23.5 miles southeast of the Eagle Lake VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing departure procedures and will assure controlled airspace for aircraft executing the proposed VOR/DME Runway 14 instrument approach procedure.

This notice is being issued in a conjoined action with 72-SW-172-NRA.

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

Issued in Fort Worth, Tex., on October 12, 1972.

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

[FR Doc.72-18036 Filed 10-20-72;8:48 am]

Notices

DEPARTMENT OF DEFENSE

Defense Supply Agency

DEFENSE CONTRACT ADMINISTRATION SERVICES

Notice of Proposed Cancellation of Contracts

The following letter is published in accordance with the requirements of 41 CFR 60–1.26(b)(2)(i) and (ii):

OCTOBER 6, 1972.

DCAS–VO

Mr. JAMES R. SEYFERTH, *President,*
Westran Corp.,
1148 West Western Avenue,
Muskegon, Mich.

DEAR MR. SEYFERTH: On May 3, 1972, an onsite Equal Employment Opportunity (EEO) preaward compliance review was made at Westran Corp., as a subcontractor to Aerojet Ordnance and Manufacturing Co., to determine its compliance posture under provisions of Executive Order (EO) 11246 as amended by EO 11375 and Department of Labor (DoL) Rules and Regulations, 41 Code of Federal Regulations (CFR), Chapter 60.

The review revealed that Westran Corp. was not in compliance with the cited requirements. Goals established in your Affirmative Action Program (AAP), dated September 1, 1971, were not achieved and you have not demonstrated good faith efforts to achieve these goals. Further, the AAP had not been updated to comply with the requirements of Revised Order No. 4, in that:

a. Section IV–A. The AAP included general census statistics which cannot be translated into availability figures by job categories; also, there was no analysis of availability of females. The latter is specifically required by Revised Order No. 4, Subpart B, section 60–2.11.

b. Section IV–B. The analysis of the work force and goals established for categories wherein there was underutilization or overutilization of minorities did not give the rationale for the determination of underutilization or overutilization. The position of overutilization in Module 1 indicated that 15 percent is the availability for foundry classifications, a figure considered too low. In the Management Group it cannot be determined what you consider as the minority availability. There was no projection of anticipated hiring opportunities; therefore, sufficiency of goals could not be evaluated. Again, no provision was made for females.

c. Section VII. Explanation for failure to consider females elsewhere in the plan is not acceptable and gave no indication of the company's compliance with sex discrimination guidelines.

d. Section IX. Comments should have been addressed to future plans. This section is also silent with respect to females. Revised Order No. 4 specifically refers to "Consideration of minorities and females not currently in the work force * * *."

These deficiencies were brought to your attention by letters from the Commander, DCASR, Detroit under dates of May 9, 1972, June 20, 1972, August 2, 1972, and September 15, 1972. They were also presented during meetings with representatives of Westran Corp. on May 25, 1972, and July 19, 1972. Technical assistance in developing an acceptable updated AAP was offered but in each instance was rejected.

On June 15, 1972, an AAP was submitted to the DCASR, Detroit, Contracts Compliance Office as well as were two subsequent revisions thereto. None of these was deemed sufficient to meet the requirements of the cited DoL rules and regulations.

In view of the substantive indication of noncompliance you are hereby notified of proposed cancellation or termination of existing U.S. Government contracts or subcontracts, if any, and debarment from future contracts and subcontracts with the U.S. Government. This action is pursuant to EO 11246 and 41 CFR Part 60–1.

Westran Corp. may, within 14 days after receipt of this notice, request a formal hearing, in accordance with 41 CFR 60–1.26 and the Department of Defense Directive No. 1100.11, copy enclosed, issued pursuant to section 201 of EO 11246.

WALLACE H. ROBINSON, Jr.,
Lieutenant General, U.S.M.C.,
Director.

[FR Doc.72–18160 Filed 10–20–72;9:32 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 72–104]

DE LUZ HEIGHTS MUNICIPAL WATER DISTRICT, CALIF.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a water supply project proposed under the Small Reclamation Projects Act for the purpose of furnishing irrigation water and municipal water supplies to the De Luz Heights Municipal Water District in northern San Diego County, Calif. Written comments are invited within 45 days of this notice. Comments may be directed to the Regional Director, Bureau of Reclamation, at the address listed below.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone 202—343–4991.

Division of Engineering Support, Technical Services Branch, E. & R. Center, Denver Federal Center, Denver, Colo. 80225, telephone 303—234–3007.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 427, Boulder City, NV 89005, telephone 402—293–8527.

Southern California Planning Office, Post Office Box 1303, 528 Mountain View Avenue, San Bernardino, CA 92402, telephone 714—884–3111.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: October 16, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.72–18057 Filed 10–20–72;8:50 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

CERTAIN AGRICULTURAL PROBLEMS

Invitation for Research Grant Proposals

The Cooperative State Research Service, U.S. Department of Agriculture invites submission of proposals from State agricultural experiment stations, colleges, universities, and other research institutions and organizations, and Federal and private organizations and individuals (7 U.S.C. 450i) to conduct necessary research directed at solution of problems of particular interest to the Department of Agriculture. Areas of concern and available funds are: (1) Cost cutting research on cotton, $1.9 million; (2) soybean research, $400,000; (3) research on nonchemical methods of pest control, $500,000; (4) research on mechanisms of resistance to leaf blights and other diseases of plants, $500,000; and (5) research in pest management, $900,000. Project grants cannot exceed 5 years. Funding of not more than $100,000 per project is considered consistent with available resources.

Copies of research proposals should be submitted in quadruplicate to the Office of the Administrator, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250. Deadline for receipt of proposals is December 1, 1972. Inquiries may also be directed to the same office.

R. L. LOVVORN,
Administrator.

[FR Doc.72–18041 Filed 10–20–72;8:49 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GROUNDFISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.8(a), Title 50, Code of Federal Regulations, as follows:

On October 16, 1972, the Executive Secretary of the International Commission for the Northwest Atlantic Fisheries notified each contracting government having fishing vessels operating in the regulatory Subarea 5, defined in § 240.1(b)(5) that the accumulative landings and projected incidental catch of haddock have reached 100 percent of a catch limit of 6,000 metric tons as described in § 240.6(a)(3), published in the FEDERAL REGISTER of January 19, 1972, 37 F.R. 786.

I hereby announce that the 1972 season for the taking of haddock without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time, in the area affected, October 27, 1972.

Issued at Washington, D.C., and dated October 18, 1972.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.72-18050 Filed 10-20-72;8:49 am]

GROUNDFISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.8(a), Title 50, Code of Federal Regulations, as follows:

On October 16, 1972, the Executive Secretary of the International Commission for the Northwest Atlantic Fisheries notified each contracting government having fishing vessels operating in the regulatory Subarea 4, Division 4X, defined in § 240.1(b)(4) that the accumulative landings and projected incidental catch of haddock have reached 100 percent of a catch limit of 9,000 metric tons as described in § 240.6(a)(1), published in the FEDERAL REGISTER of January 19, 1972, 37 F.R. 786.

I hereby announce that the 1972 season for the taking of haddock without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time, in the area affected, October 27, 1972.

Issued at Washington, D.C., and dated October 18, 1972.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.72-18051-Filed 10-20-72;8:49 am]

YELLOWFIN TUNA

Increase in Incidental Catch Rate

Notice of an increase in the incidental catch rate is hereby given pursuant to the proviso to § 280.7(b), Title 50, Code of Federal Regulations as follows:

Upon publication of this notice in the FEDERAL REGISTER, the 50 percent (50 percent) incidental catch rate of yellowfin tuna for all purse seine vessels of 300 short tons carrying capacity or less set forth in Title 50 CFR § 280.7(b)(3) is hereby increased to 65 percent (65 percent). The catch of yellowfin tuna during the closed season by such purse seine vessels has been well below the expected catch rate and the allotment provided in said Title has not been utilized.

Issued at Washington, D.C., and dated October 18, 1972.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.72-18052 Filed 10-20-72;8:49 am]

YELLOWFIN TUNA

Increase in Incidental Catch Rate

Notice of an increase in the incidental catch rate is hereby given pursuant to the proviso to § 280.7(b), Title 50, Code of Federal Regulations as follows:

Upon publication of this notice in the FEDERAL REGISTER, the previously reverted 15 percent (15 percent) incidental catch rate of yellowfin tuna for all purse seine vessels of 301–400 short tons carrying capacity (37 F.R. 12513), set forth in Title 50 CFR § 280.7(b)(2) is hereby increased to 25 percent (25 percent). The catch of yellowfin tuna during the closed season by such purse seine vessels has been well below the expected catch rate and the allotment provided in said Title has not been utilized.

Issued at Washington, D.C., and dated October 18, 1972.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.72-18053 Filed 10-20-72;8:49 am]

Office of Import Programs

BOSTON UNIVERSITY SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00581-33-46040. Applicant: Boston University School of Medicine, Business Office, 80 East Concord Street, Boston, MA 02118. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in determining ultrastructural details of keratohyalin granules, membrane-coating granules (MCG), and the thickened envelope of horny cells of the epidermis by application of electron microscopy techniques. Another research project involves the study of the ultrastructure of pathologic epidermis and sebaceous glands which involves processing of skin biopsies by routine methods used in electron microscopy. The article will also be used in the training program in electron microscopy for students, residents, and other interested people of the university.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a continuous magnification from 220 to 550,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corp. The Model EMU-4C, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 29, 1972 that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 220 to 550,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is

considered to be a pertinent characteristic. For these reasons, we find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–18068 Filed 10–20–72;8:51 am]

FORSYTH DENTAL INFIRMARY FOR CHILDREN ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under the cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73–00057–33–46070. Applicant: Forsyth Dental Infirmary for Children, 140 Fenway, Boston, MA 02115. Article: Scanning electron microscope, Model JSM–U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a variety of research projects which include:

(1) Investigation of the mechanical properties of teeth and bones and other hard tissues as a means for characterizing mineralization dynamics and other fundamental information.

(2) Study of the mechanism of formation and prevention of caries and assessment of the effects the acid solutions and abrasive pastes that are frequently employed in dental practice.

(3) Study of the ecology of the microorganisms inhabitating the oral cavity. The article will also be used in the training of graduate students and in providing educational material for the Forsyth School for Dental Hygienists. Application received by Commissioner of Customs: July 25, 1972.

Docket No. 73–00160–88–23600. Applicant: The University of Tennessee, Department of Geology, Knoxville, Tenn. 37916. Article: Winkie portable rock drill, Model GW–15. Manufacturer: J. K. Smit and Sons, International, Canada. Intended use of article: The article is intended to be used in the following experiments:

(1) Field emplacement of BX–FJ casing to bedrock depths of at least 50 feet.

(2) Obtaining of regolith samples for field description, for teaching specimens, and for laboratory analysis.

(3) Obtaining of BX-size cores for field descriptions, teaching specimens, and for laboratory analysis.

(4) Field determination of water table levels and/or bedrock depths.

In addition the article will be used in the courses listed below to provide students with a working knowledge of actual field techniques utilized in exploration methods; to provide students with a field experience in field research that can be coupled to previous and future field observations; and to acquaint students with identification, laboratory analyses, and interpretation of critical mineral and rock samples which are not otherwise obtainable except by drilling.

Principles of Geomorphology.
Field Geology.
Lithology.
Optical Mineralogy.
Economic Geology.
Petrology.
Principles of Geophysics.

Application received by Commissioner of Customs: September 15, 1972.

Docket No. 73–00167–33–46500. Applicant: Chico State College, Department of Biological Sciences, Chico, Calif. 95926. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of biological materials both plant and animal. Experiments to be conducted include:

(1) Study of the role that microtubules play in the morphogenesis of parasitic protozoa, particularly flagellates;

(2) Study of the ultrastructure and development of generative cells in geranium pollen grain and pollen tube; and

(3) Study of the role of generative organelles (amyloplasts and mitochondria) in male transmission of cytoplasmic inherited characters in several plants, and ultrastructure of the walls of pollen grains.

The article will also be used in the course Biology Science 202, Cytology, to present an introduction to the structure and related functions of plant and animal cells and protoplasmic systems. In addition the article will be used to present theory and provide actual experience in preparing biological specimens for electron microscopy. Application received by Commissioner of Customs: September 27, 1972.

Docket No. 73–00168–33–46595. Applicant: University of Pittsburgh, Department of Physiology, School of Medicine, Pittsburgh, Pa. 15213. Article: Pyramitome with target marker. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the course of an investigation of the glycoalyx in muscle to localize specific cells, selected on the basis of light microscopic examination, for sectioning for electron miscroscopy. Application received by Commissioner of Customs: September 27, 1972.

Docket No. 73–00169–33–46500. Applicant: Howard University, College of Medicine, Department of Pathology, 520 W Street NW. Washington, DC 20001. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article is intended to be used in studies of biological tissues, mainly mammalian derived from surgical biopsies of hospital patients and experimental animal tissues, exhibiting both pathological and normal cytology. The objectives to be pursued in the course of these investigations are to reveal at the ultrastructural level the changes that occur in very early stages of disease processes. Application received by Commissioner of Customs: September 27, 1972.

Docket No. 73–00170–33–46500. Applicant: University of Houston, 3801 Cullen Boulevard, Houston, TX 77004. Article: Ultramicrotome, Model LKB 4800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, primarily the gametes of mammals in experiments which include effecting capacitation of mammalian sperm in vitro, and examination of gametes so treated, with an electron microscope for evidence of changes in the fine structure of the gametes. In addition the article will be used to acquaint selected advanced students with electron microscope theory and procedures to a sufficient degree for them to apply the procedures to their research. Application received by Commissioner of Customs: September 27, 1972.

Docket No. 73–00172–99–46500. Applicant: Howard University, College of Medicine, Department of Pathology, 520 W Street NW., Washington, DC 20001. Article: Ultramicrotome, Model OM U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in a graduate course in ultrastructure to train students in the techniques of electron microscopy including—fixation, embedding, sectioning and the use of the electron microscope. Application received by Commissioner of Customs: September 29, 1972.

Docket No. 73–00173–00–23600. Applicant: The University of Tennessee, Department of Geology, Knoxville, Tenn. 37916. Article: Winkie portable diamond drill auger reduction unit and special water swivel. Manufacturer: J. K. Smit and Sons International Canada. Intended use of article: The articles are accessories for a Winkie portable rock

drill being used in the following experiments:

(1) Field emplacement of BX–FJ casing to bedrock depths of at least 50 feet.

(2) Obtaining of regolith samples for field description, for teaching specimens, and for laboratory analysis.

(3) Obtaining of BX-size cores for field descriptions, teaching specimens, and for laboratory analysis.

(4) Field determination of water table levels and/or bedrock depths. In addition the drill will be used in the courses listed below to provide students with a working knowledge of actual field techniques utilized in exploration methods as well as a field experience in field research that can be coupled to previous and future field observations; and to acquaint students with identification, laboratory analyses, and interpretation of critical mineral and rock samples which are not otherwise obtainable except by drilling.

Principles of Geomorphology.
Field Geology.
Lithology.
Optical Mineralogy.
Economic Geology.
Petrology.
Principles of Geophysics.

Application received by Commissioner of Customs: September 28, 1972.

Docket No. 73–00174–89–46070. Applicant: University of Hawaii, Hawaii Institute of Geophysics, 2525 Correa Road, Honolulu, HI 96822. Article: Scanning electron microscope, Model S4–10, Manufacturer: Cambridge Scientific Instrument Co., United Kingdom. Intended use of article: The article is intended to be used in various geological research projects some of which include the following:

(1) Geological oceanography, deep sea sediment organism relationships involving:

a. Quartz sand grain studies.

b. Cathodoluminescense studies of quartz sand grains.

c. Investigations of carbonate sediments.

d. Sheel structure of mollusks, coral and other invertebrates.

e. Studies of Apollo Lunar samples.

(2) Micropaleontology, Biostatigraphy involving the study of benthic and planktonic foraminifera from deep terrace dredgings around the Hawaiian chain and from oceanic cores from the southwestern Pacific and Line Islands area for biostratigraphic and paleoenvironmental interpretation.

(3) Manganese nodules deep-sea sediments.

(4) Geochemistry deep-sea sediments.

(5) Surface phenomena of cells; morphology and taxonomy of marine bacteria and flagellates. Application received by Commissioner of Customs: October 2, 1972.

Docket No. 73–00176–99–72500. Applicant: University of Maryland Hospital, Redwood and Greene Streets; Baltimore, Md. 21201. Article: Engstrom Respirator System ER 300. Manufacturer: LKB Medical AB, Sweden. Intended use of article: The article is intended to be used in training anesthesiology and surgical residents, nurses and inhalation therapists in the functional characteristics and clinical application of mechanical ventilators. Application received by Commissioner of Customs: October 2, 1972.

Docket No. 73–00177–33–46040. Applicant: Leo Goodwin Institute for Cancer Research, 3301 College Avenue, Fort Lauderdale, FL 33124. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in a number of programs concerned with the nature of malignant disease. These include:

(1) Investigations of viral and chemically induced tumors; the immune response in experimental cancers; the search for viruses in human and animal tumors; development of new chemotherapeutic drugs and biochemical changes in malignant transformations.

(2) Studies in the immune response to tumor-bearing animals. In addition, the article will be used in training graduate and postgraduate students in courses in virology, immunology, and molecular biology. Application received by Commissioner of Customs: October 2, 1972.

Docket No. 73–00178–33–46040. Applicant: University of Texas Southwestern, Medical School at Dallas, 5323 Harry Hines Boulevard, Dallas, TX 75235. Article: Electron Microscope, Model EM 201. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for high resolution studies of immunocompetent cells, virus-infected cells, virions, and isolated nucleic acids and proteins. The ultrastructure of the membranes of the immunocompetent cells and virus-infected cells will be studied in thin sections and by negative staining using the goniometer tilting accessory to reveal the three dimensional structure of the specimens. High resolution microscopy will be used to investigate virus-cell interactions such as virus-induced cell fusions, as well as to characterize the structure of isolated and purified proteins and protein subunits. In addition the article will be used for teaching medical students in a microbiology course and for teaching graduate students, medical students, and postdoctoral fellows, in a seminar course on fundamental techniques of high resolution electron microscopy. Application received by Commissioner of Customs: October 2, 1972.

BERNARD BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–18069 Filed 10–20–72;8:51 am]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00117–33–46040. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for high magnification, high resolution electron microscopy studies of insect viruses and their ultrastructure, as well as the ultrastructure of viral infected and uninfected tissues of insects. The article will also be used for instruction of graduate students studying insect virology and will be used in the laboratory in Entomology 613, Principles of Insect Pathology. This course involves research methods and consideration of cause, symptomatology of insect diseases, as well as histo- and cytopathology of representative diseases.

Comments: No comments have been received with respect to this application. Decision: Application approved. No domestic manufacturer was both able and willing to manufacture an instrument or appartus of equivalent scientific value to the foreign article for such purposes as the article is intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 701.11(b) of the regulations, at the time the foreign article was ordered (March 25, 1971). Reasons: The applicant required an electron microscope to achieve the purposes described in reply to Question 7. At the time the foreign article was ordered, the only manufacturer of electron microscopes comparable to the foreign article in the United States was Forgflo Corporation (Forgflo). Forgflo was sent an invitation to bid on the applicant's technical requirements and replied in pertinent part, "We do not feel qualified to respond to your bid specifications."

Electron microscopes fall in the category of instruments that are produced on order. As to the domestic availability of such instruments the regulations provide:

> In determining whether a U.S. manufacturer is able and willing to produce a produced on order or custom-made instrument, apparatus, or accessory * * * the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category.

The regulations require that a domestic manufacturer be both "able and willing" to produce an instrument for the purpose of comparison with the foreign article. Where an applicant, as in the case of the captioned application, extends in good faith an offer to bid to a domestic manufacturer and the manufacturer responds as Forgflo did, it is apparent that the domestic manufacturer

is either not "willing" or not "able" to produce an instrument of equivalent scientific value to the foreign article. Accordingly, the Department of Commerce finds that no domestic manufacturer was both "able and willing" to manufacture a domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the foreign article was ordered.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-18062 Filed 10-20-72;8:50 am]

SHADYSIDE HOSPITAL INSTITUTE OF PATHOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00445-33-46040. Applicant: Shadyside Hospital Institute of Pathology, 5230 Centre Avenue, Pittsburgh, PA 15232. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used as a significant adjunct in providing information concerning the histogenesis, possible etiolgy (viral), and diagnosis of human tumors. Experimental studies will include: (1) Identification of cell types of lymph nodes which may be concerned with tumor immunity; (2) the effect of cigarette smoking and the components of tobacco on coronary artery function and structure; (3) the effect of embolism, particularly fat embolism, on the function and structure of the pulmonary vasculature; and (4) diagnosis of diabetes mellitus. The article is also intended to be used for training of residents in pathology as well as introductory causes for selected medical students from the University of Pittsburgh School of Medicine.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a continuous magnification from 200 to 200,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corp. The Model EMU-4C, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 29, 1972, that the applicant requires the capability of low magnifications search and identification followed by high magnification in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 200 to 200,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-18064 Filed 10-20-72;8:50 am]

UNIVERSITY OF CINCINNATI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00595-33-81595. Applicant: University of Cincinnati, Department of Environmental Health, Kettering Laboratory, 3223 Eden Avenue, Cincinnati, OH 45219. Article: Two (2) Wright dust feed mechanisms. Manufacturer: L. Adams, Ltd., United Kingdom. Intended use of article: The articles will be used to generate a cloud of very fine particles of coal dust at a constant concentration for six or more continuous hours per day in experiments designed to study the effect and fate of inhaled coal dust in order to establish safe working conditions for coalworkers.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a low feed rate and is capable of continuous feed for many hours. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 29, 1972, that the characteristics of the article described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument which provides the pertinent capabilities of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-18065 Filed 10-20-72;8:50 am]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00580-99-46040. Applicant: University of Minnesota, Department of Botany, Minneapolis, Minn. 55455. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for teaching in the course Genetics and Cell Biology 8-990, Electron Microscopy. The students will be taught the basic skills needed for biological electron microscopy including material preparation, electron microscope operation, printing and interpretation of electron micrographs. The article will also be used for graduate student thesis research and will be available for University and government sponsored research of faculty members in the College of Biological

Sciences and other university departments.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated September 29, 1972 that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–18067 Filed 10–20–72;8:50 am]

UTAH STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat, 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00434–33–46040. Applicant: Utah State University, Logan, Utah 84321. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the following studies:

a. A combined chemical and ultrastructural study of bovine, human and rabbit liver UDP-glucose pyrophosphorylase;

b. Investigation of the correlation between reovirus infectivity and removal of the outer coat with proteolytic enzymes;

c. Ultrastructural modifications in spermatid differentiation in specific male-sterile mutant stocks;

d. Ultrastructure changes in chromatin during spermatid differentiation; and

e. Ultrastructure of sporozoan parasites of cattle and other domestic animals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated September 29, 1972 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–18066 Filed 10–20–72;8:50 am]

VETERANS ADMINISTRATION HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00431–33–46040. Applicant: Veterans Administration Hospital, 300 East Roosevelt Road, Little Rock, AR 72206. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in established electron microscopy programs involving the study of biopsy materials or pathologic specimens. The article is also to be used in the study of infectious organisms in tissue; i.e., intestine, lung, nerve, etc., metabolic storage diseases and certain neoplasma. Residents in pathology will be trained in the very special discipline of electron microscopy and its applications.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welware in its memorandum dated September 29, 1972, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–18063 Filed 10–20–72;8:50 am]

Office of the Secretary

[Dept. Organization Order 35–4B, Amdt. 2]

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Organizations and Functions

This order effective September 27, 1972, further amends the material appearing at 37 F.R. 3462 of February 16, 1972, and 37 F.R. 15182 of July 28, 1972.

Department Organization Order 35–4B dated January 1, 1972, is hereby further amended as follows:

1. In section 3. *Office of the Administrator,* paragraph .03 is amended to read:

.03 The "Equal Employment Opportunity Officer" designated under the provisions of section 3, Department Organization Order 10–5, "Assistant Secretary for Administration," shall provide guidance and assistance to SESA officials

in Equal Employment Opportunity matters, shall perform the duties and activities prescribed by subparagraph 2.01e3 of Department Administrative Order 202-713, "Equal Employment Opportunity," and shall participate in the planning and direction of the EEO program.

2. In section 4. *Assistant Administrator for Administration,* new paragraph .06 is added to read:

.06 The "Management Information System Staff" shall develop and implement an information system, provide ongoing information systems maintenance and upgrading, and support management in planning and coordinating its program and projects.

3. In section 7. *Bureau of the Census,*

a. In the first line of subparagraph .03d, delete the word "Division" and replace it with the word "Center."

b. Subparagraph .07a is amended to read:

a. The "Computer Services Division" shall operate and manage the electronic digital computer and mechanical tabulating facilities of the Bureau; and plan and perform associated coordination, scheduling of computer processing, staging, and tape library services.

c. New subparagraph c is added to read:

c. The "Engineering Division" shall plan and perform engineering services, including research, development, equipment requirements and maintenance activities, to provide and support electromechanical and electronic equipment required for data processing.

4. The attached organization chart dated September 27, 1972, supersedes the organization chart dated July 11, 1972. A copy of the organization chart is on file with the original of this document on file in the Office of the Federal Register.

Effective date: September 27, 1972.

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Admniistration.

[FR Doc.72-18039 Filed 10-20-72;8:48 am]

Social and Economic Statistics Administration

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1972 and for each year thereafter, under the authority of title 13, United States Code, sections 181, 224, and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census the data have significant application to the needs of the public and industry and are not available from non-governmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the Standard Industrial Classification Manual (1967 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Broadwoven goods finished.
Narrow fabrics.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.
Glass containers.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.
Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.
Heating and cooking equipment.
Closures for containers.
Steel shipping barrels, drums, and pails.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.
Selected air pollution control equipment.
Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.
Margarine manufacturers—packaging operations.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.
Knit cloth.
Rugs, carpets and carpeting.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics bottles.
Rubber.
Thermoplastics pipe, tube, and fittings.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.
Steel mill shapes and forms.
Copper-base mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Typewriter.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

The Annual Survey of Manufactures and those surveys listed above which furnish data substitutable for data usually collected in the Census of Manufactures are additionally considered a part of the 1972 Census of Manufactures as provided for by title 13, United States Code, section 131. The 1972 Census of Manufactures report forms have been modified to recognize these annual reports as the source for these Census data.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey has been conducted annually since 1966. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

Copies of the proposed forms are available on request to the Director, Bureau of Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census Bureau within 30 days after the date of this publication and will receive consideration.

Dated: October 17, 1972.

HAROLD C. PASSER,
Assistant Secretary for Economic Affairs.

[FR Doc.72-18070 Filed 10-20-72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

GRANTS ADMINISTRATION ADVISORY COMMITTEE

Notice of Subcommittee Meeting

A subcommittee of the Grants Administration Advisory Committee, which advises the Secretary on matters relating to administrative and fiscal policies for grants administered by the Department, will meet on October 27, 1972, in Room 3169, Health, Education, and Welfare North Building, 330 Independence Avenue SW., Washington, DC 20201. The session will begin at 9:30 a.m. and is open to the public. The agenda covers discussion of grants and contracts. A roster of committee members may be obtained from Dr. Ernest M. Allen, Deputy Assistant Secretary for Grant Administration Policy, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201.

Dated at Washington, D.C., this 16th day of October 1972.

ERNEST M. ALLEN,
Executive Secretary, Grants Administration Advisory Committee.

[FR Doc.72-18071 Filed 10-20-72;8:51 am]

SECRETARY'S COMMISSION ON MEDICAL MALPRACTICE

Notice of Meeting

The Secretary's Commission on Medical Malpractice, established to advise the Secretary on the entire range of problems surrounding the medical malpractice phenomenon, will meet Friday, October 27, 1972, from 9 a.m. to 5 p.m., in Room 5051 of the Department of Health, Education, and Welfare, North Building, 330 Independence Avenue SW., Washington, DC, and on Saturday and Sunday, October 28 and 29, in the Envoy C Meeting Room, Embassy Row Hotel, 2015 Massachusetts Avenue NW., Washington, DC. The agenda for this 3-day meeting will include: Recommendations relating to physicians' assistants, patient grievance mechanisms, nationwide data gathering capability, legal doctrines, and the general nature of the malpractice problem. The meeting will be open to the public.

Dated: October 17, 1972.

ELI P. BERNZWEIG,
Executive Director.

[FR Doc.72-18073 Filed 10-20-72;8:51 am]

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration) of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92, dated February 25, 1970, as amended) is amended to reflect establishment of a formal organizational structure within the ADP Systems Policy and Operations Center, Office of the Associate Commissioner for Administration.

* * * * *

Section 6B is amended as follows:

SEC. 6B. Organization * * *

(f-5) *ADP Systems Policy and Operations Center.* Develops data systems policy and procedures necessary to coordinate all FDA scientific and administrative information and data retrieval systems. Directs implementation of automatic data processing (ADP) systems developed by the Department. Designs, develops, and reviews systems for ADP and other forms of data automation.

Provides agencywide programing services and issues FDA policy guidance, standards, and other issuances for ADP activities.

Operates and manages FDA's computer facility.

Provides technical guidance in the acquisition of new ADP techniques and hardware, and reviews all contracts and interagency agreements with ADP implications.

Directs and coordinates the preparation of the annual FDA Automatic Data Processing Plan, which is submitted to the Department; acts as focal point for central administrative review of all agency ADP related activities, such as short- and long-range planning, personnel actions, budget formulation, and equipment procurement, utilization, and maintenance.

Reviews and approves all ADP feasibility studies prior to their design and development.

(i) *Office of the Director.* Plans, evaluates, and provides executive direction to the activities of the center and issues FDA policy guidance, standards, and other communications for ADP activities.

Directs development of the center's ADP programs and policies and provides overall management of the center's computer facility. Establishes and develops cooperative relationships with other governmental agencies, industry, and professional organizations regarding ADP matters.

Directs the center's personnel and financial management systems and provides other appropriate administrative services.

Reviews and approves all ADP feasibility studies prior to their design and development.

(ii) *Division of User Relations.* Serves as focal point within FDA for advice, operational support, and guidance on the use of automation to implement administrative, management, scientific, and program information data systems.

Designs, develops, and implements agencywide ADP systems, and provides agencywide ADP programing services.

Provides ADP system analysis services to the staff offices of the Commissioner, and, upon request, to other FDA operating units.

Establishes, in cooperation with Division of Personnel Management, the center's ADP training policies and develops and conducts in-house training programs.

Maintains liaison with private and public organizations for the exchange of new ADP concepts and advancements in administrative management information systems and techniques.

Maintains an awareness of new ADP techniques through participation in ADP related conferences, seminars, and meetings.

(iii) *Division of Systems and Technical Planning.* Provides automatic data processing technical planning for all FDA computer hardware and operating systems.

Evaluates existing ADP systems for technical adequacy, compatibility, present and projected needs, and their effectiveness in providing program management and scientific support.

Adapts and maintains programing languages and specialized automated data processing telecommunications systems. Maintains an up-to-date awareness of new developments and changes in the data processing field in order to assure that FDA systems are advanced in design principles and techniques, to assure accuracy and reliability, and to assure that the systems effectively aid in accomplishing the mission of the Food and Drug Administration. Serves as technical consultant regarding the potential use of teleprocessing and data base systems to assure the integrity of the systems.

Provides overall review of current and proposed general and specific purpose information retrieval systems, and evaluates functioning data base systems to assure fulfillment of agencywide requirements.

Adapts and implements the ADP systems developed by the Department and develops agencywide data processing systems.

Monitors the interaction of the FDA hardware/software configuration in the data center to assure effective utilization.

(iv) *Division of ADP Operations.* Operates FDA central computer facility; initiates all procurement requests for FDA central ADP equipment.

Determines the need for data processing services to supplement in-house capabilities; coordinates contracts for supplemental data processing services.

Guides and assists bureaus and field offices in the development of ADP work, scope, agenda, and rationale for inclusion in the memorandum of need.

Reviews and approves hardware and software contracts which originate in the bureaus or field offices which involve data processing specifications.

Reviews and approves all procurement requests for ADP equipment, assuring equipment compatability.

Serves as project director for agencywide automatic data processing contracts and assures that these contracts are responsive to the established FDA goals and priorities; administers major computer maintenance contracts.

Coordinates the development of the annual FDA Automatic Data Processing Plan and budget documents and assures that they are responsive to established FDA goals; monitors the implementation of the Plan.

Dated: October 17, 1972.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.72-18072 Filed 10-20-72;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-72-124; Administrative Division File No. ED 72-1]

DEER HARBOUR, MORRIS MILLWORK CO., ET AL.

Notice of Hearing

Notice is hereby given that:

1. Morris Millwork Co., its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.), received a Suspension Notice and Opportunity for Hearing dated September 26, 1972, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) informing the developer that the Secretary believes the Respondent's Statement of Record is on its face incomplete or inaccurate in certain material respects.

2. The Respondent filed an answer received October 10, 1972, in answer to the allegations of the Suspension Notice and Opportunity for a Hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the Suspension Notice and Opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1720.155, *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the allegations set forth in the Suspension Notice and Opportunity for Hearing will be held before Judge David Knight in Room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, DC, on October 27, 1972, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before October 24, 1972.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and the Notice Suspending the Statement of Record, herein identified, shall continue until such time as the Respondent shall furnish information satisfying the allegations that the Statement of Record is incomplete or inaccurate.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.72-18115 Filed 10-20-72;8:54 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR CARRIER DISTRICT OFFICE AT SAN ANTONIO, TEXAS

Notice of Closing

Notice is hereby given that on October 22, 1972, the Air Carrier District Office at San Antonio, Tex., will be closed. Air carrier services formerly provided by this office will be provided by the Air Carrier District Office in Houston, Tex. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on October 13, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-18031 Filed 10-20-72;8:47 am]

ATOMIC ENERGY COMMISSION

FISSION PRODUCT RADIOISOTOPES

Distribution and Pricing Policy

This notice amends a similarly entitled notice published August 9, 1972, 37 F.R. 16034, which set forth for comment proposed actions of the Commission concerning its distribution and pricing policy for the fission product radioisotopes cesium-137, strontium-90, promethium-147 and cerium-144, to provide additional time for evaluation of comments received.

Delete the penultimate sentence of the last paragraph of said notice and substitute in lieu thereof the following: "Unless suspended or rescinded on or before November 30, 1972, as a consequence of any substantive comment received, the actions will become effective December 7, 1972."

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 19th day of October 1972.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.72-18142 Filed 10-20-72;8:54 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22283, 22284; Order 72-10-63]

FONTANA AVIATION, INC.

Order Regarding Establishment of Service Mail

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

Order 72-7-87, dated July 25, 1972, directed all interested persons and particularly Fontana Aviation Inc. (Fontana), the Postmaster General (PMG), Eastern Air Lines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc., to show cause why the Board should not establish the service mail rates proposed therein.[1]

Fontana, by objection filed August 23, 1972, alleges that the current rate of 57 cents per great-circle aircraft mile in each of the subject markets was established by the Board based upon erroneous assumptions presented to the Board by the PMG, and although the air taxi does not oppose the establishment of the proposed rates, requests that they be made retroactive to September 6, 1970.[2] For the reasons set forth herein, this request is denied. However, since review of the history of the current rate has revealed some administrative error in its establishment, we will, by this order, not only institute the proposed rates, but, in addition, correct this error.

By way of background, pursuant to notices of intent filed by the PMG on December 16, 1969, and an order to show cause issued January 6, 1970,[3] our staff, under its delegated authority, established a service mail rate of 49.91 cents per great-circle aircraft mile to be paid to Fontana for the transportation of mail 6 days per week in both the subject markets.[4] Subsequently, on June 17, 1970, the PMG petitioned the Board to establish new service mail rates to be paid to Fontana for the transportation of mail five times per week in the subject markets.[5] Again an order to show cause was issued,[6] and our staff, having received no objection, established pursuant to its delegated authority these new rates for effectiveness June 17, 1970. (Order 70-7-103, dated July 22, 1970.)

The PMG then submitted a new petition on August 19, 1970 requesting the Board to amend Order 70-7-103 to reflect an agreement between the PMG and Fontana that the rate to be paid to the air taxi was to be 57 cents per great-circle aircraft mile in both markets. The PMG stated that through inadvertence incorrect rates were proposed in his previous petitions. Again pursuant to delegated authority, our staff issued Order 70-10-77, dated October 13, 1970, which amended Order 70-7-103 to reflect the rates that the PMG had requested. However, the rates established by the order were inadvertently made retroactive to June 17, 1970, instead of the date of the petition, August 19, 1970.[7]

Finally on March 20, 1972, approximately 17 months after the issuance of Order 70-10-77 and 19 months after the PMG's request of August 19, 1970, Fontana filed a petition challenging the PMG's petition as erroneous and requested retroactive relief. This petition led to the instant procedure.

As we indicated above, we are denying Fontana's request to make the proposed rates retroactive to September 6, 1970. The Board lacks the authority to change a final mail rate, until such time as the rate is opened either by petition of the carrier or the PMG, or by the Board upon its own motion.[8] The PMG's petition of August 19, 1970, had reopened the rate and Fontana had ample opportunity at that time to challenge the rate level proposed by that petition.[9] However, the air taxi did not file an answer to the PMG's petition nor did it petition the Board for review of the order establishing the present rate of 57 cents pursuant to the Board's regulations 14 CFR 385.50.[10] Fontana was paid the current rate for well over a year and apparently was satisfied with it. Therefore, it cannot now be allowed to complain, alleging that the establishment of the current rate was based upon a petition in which the PMG erred and request that the proposed rates be given retroactive effect. However, no objection to the level of the rates proposed by Order 72-7-87 has been filed, and therefore those rates will be established herein from and after March 20, 1972.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the Board's regulations, 14 CFR Part 302, 14 CFR Part 298:

It is ordered, That:

1. The fair and reasonable final service mail rates on and after March 20, 1972, to be paid to Fontana Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act, for the transportation of mail by aircraft, the facilities used and useful therefor, and the service connected therewith, based on five round trips per week shall be:

(a) 56.93 cents per great-circle aircraft mile between Iron Mountain and Detroit via Lansing, Mich., and, (b) 63.71 cents per great-circle aircraft mile between Iron Mountain, Mich., and Chicago, Ill., via Green Bay and Milwaukee, Wis.

2. Line 1, paragraph 1 of the ordering paragraph of Order 70-10-77 is amended to delete "On and after June 17, 1970 * * *," and to substitute therefor "On and after August 19, 1970 * * *".

3. This order shall be served upon Fontana Aviation, Inc., the Postmaster General, Eastern Air Lines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

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[1] For mail service between (a) Iron Mountain and Detroit via Lansing, Mich. (Detroit segment) a rate of 56.93 cents per great circle aircraft mile; and (b) Iron Mountain, Mich., and Chicago, Ill. via Green Bay and Milwaukee, Wis. (Chicago segment) a rate of 63.71 cents per great-circle aircraft mile.

[2] The date on which a 5 weekly round-trip service in each market, upon which the proposed rates are based, was inaugurated.

[3] Order 70-1-25, dated Jan. 6, 1970.

[4] Order 70-1-113, dated Jan. 23, 1970. This order also established the same service mail rate to be paid Fontana for the transportation of mail in the Ironwood and Iron Mountain via Houghton, Mich. market. However, by a letter dated September 9, 1970, the PMG advised the Board that mail service in this market had been discontinued (see Docket 21709).

[5] The proposed rates were 56.93 cents for the Detroit segment and 63.71 cents for the Chicago segment.

[6] Order 70-7-44, dated July 8, 1970.

[7] We are herein correcting this error by amending Order 70-10-77 to reflect the correct date. In retrospect, this oversight was relatively harmless inasmuch as Fontana did not inaugurate its service of 5 weekly round trips in the subject markets until September 6, 1970, and thus would not have been paid the rates established by Order 70-7-103 prior to the August 19, 1970, date.

[8] Transcontinental & Western Air Lines, Inc. v. CAB, 336 U.S. 601 (1949). See also Order E-25030, dated Apr. 24, 1967, and the cases cited therein.

[9] Fontana alleges that the PMG's request of Aug. 19, 1970, was filed late and thus is invalid. However, a petition to change a service mail rate may be filed at any time, and thus the PMG's petition of Aug. 19, 1970, was neither late nor invalid.

[10] Order 70-10-77, dated Oct. 13, 1970, p. 2.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-18084 Filed 10-20-72;8:53 am]

[Docket No. 24425; Order 72-10-52]

DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT AND SEABOARD WORLD AIRLINES, INC.

Order Regarding "Bungalow" Container Cargo Rates

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

By a complaint filed April 19, 1972, Seaboard World Airlines, Inc. (Seaboard) filed a complaint requesting suspension of existing tariff provisions of Deutsche Lufthansa Aktiengesellschaft (Lufthansa) which established rates between the United States and Germany for unit-load devices developed for the B-747 aircraft in an all-cargo configuration. The complaint requested suspension of the Lufthansa bungalow tariff pursuant to the recently enacted section 1002(j)(3) of the Federal Aviation Act of 1958 (Public Law 92-259, effective March 22, 1972). This section empowers the Board to suspend a tariff upon a finding that the authorities of a foreign country have refused to permit the effectiveness of charges contained in a properly filed and published tariff of a U.S. carrier. In its request for suspension, Seaboard alleged that it was advised by the Federal Ministry of Transportation of the Republic of West Germany that its competitive tariff would not be permitted to go into effect.

Upon consideration of the complaint and answer filed by Lufthansa, the Board adopted an order suspending the Lufthansa bungalow tariff.[1] As required by the provisions of section 801(b) of the Federal Aviation Act of 1958, this order was submitted to the President of the United States. Thereafter by letter dated June 26, 1972, the President disapproved the Board's proposed order.[2]

Subsequently, consultations between the Governments of the United States and the Federal Republic of Germany resolved the issues and thus it appears that it is now appropriate to terminate this proceeding as moot.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 102, 204, 801(b), 1002(j), and 1102 thereof: *It is ordered,* That:

The complaint and request for suspension filed by Seaboard World Airlines, Inc. (Seaboard) in Docket 24425, is denied to the extent not heretofore granted and the proceeding herein is dismissed.

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[1] A copy of the order of suspension submitted to the President is attached hereto as Appendix A.

[2] The President's letter is attached as Appendix B.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

APPENDIX A

[Docket No. 24425]

DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT

ORDER OF SUSPENSION REGARDING "BUNGALOW" CONTAINER CARGO RATES BETWEEN EASTERN UNITED STATES POINTS AND GERMANY

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of June 1972.

By tariff bearing the issue date of February 17, 1972, and becoming effective on March 18, 1972, Deutsche Lufthansa Aktiengesellschaft (Lufthansa) established provisions and rates for the movement of air freight in "bungalow" containers between Baltimore/Boston/New York/Philadelphia/Washington, D.C. and points in Germany. "Bungalow" unit-load devices, designated in the Lufthansa tariff as Type II-A, measure 125 inches x 96 inches x 96 inches (length x width x height) and can be accommodated only on B-747F cargo freighter aircraft. Inasmuch as Lufthansa, to date, is the only carrier operating such aircraft, it achieves a rating advantage by undercutting existing rates for the containerization of cargo in other sizes and types of aircraft unit-load devices by 3 to 5 percent per kilogram at the established bungalow pivot (minimum) weight of 3,022 kilograms, and by 2 to 4 percent per kilogram for that part of a bungalow consignment in excess of the pivot weight.

On April 19, 1972, Seaboard World Airlines, Inc. (Seaboard) filed a complaint and request for suspension of the Lufthansa bungalow tariff by the Board pursuant to section 1002(j)(3) of the Federal Aviation Act of 1958.[1] Seaboard states that the Federal Ministry of Transportation of the Republic of West Germany advised it on April 18, 1972, that a competitive tariff of Seaboard would not be permitted to go into effect. Seaboard's tariff was designed to be competitive with the Lufthansa bungalow rate levels insofar as it would permit application of these levels to Seaboard shipments ranging in size between 3,022 and 33,999 kilograms when containerized in unit-load devices capable of being transported in Seaboard's own DC-8-63F aircraft.

Lufthansa, in an answer filed May 3, 1972, opposes the Seaboard request for suspension, principally on the ground that such action is not authorized by law. Lufthansa states that the new provisions of law, under which Seaboard would have the Board take action, also specify that the amendments to the Act shall not be deemed to authorize any actions inconsistent with the provisions of section 1102 of the Act. Section 1102 provides that the Board exercise its powers and duties consistent with obligations of the United States in any treaty, convention, or agreement to which the United States is a party. Lufthansa points to the bilateral air transport agreement between the United States and the Federal Republic of Germany,[2] which, in part, provides that the country objecting to a rate express its dissatisfaction to the other country within 15 days of a tariff filing, and that only where the two countries cannot reach agreement on an appropriate rate prior to the expiration of 30 days after the filing of the opposed rate may the opposing country take such steps as it considers necessary to prevent the inauguration or continuation of service at the rate complained of. In this connection, Lufthansa notes that Seaboard did not object or request the Board to voice a timely objection with the German Government prior to effectiveness of the bungalow rates, nor did it otherwise attempt to have the United States request consultation with the German Government.

Upon consideration of all relevant matters, the Board has concluded to grant the request of Seaboard. We are not persuaded by Lufthansa's arguments regarding procedures set forth in the United States-Germany bilateral air agreement. The bilateral procedures are concerned with the reasonableness of proposed rates, but that is not the question before us. The provisions of section 1002(j)(3) of the Act clearly empower the Board to take retaliatory suspension action with respect to existing (effective) tariffs, and have nothing to do with the reasonableness of rates. The law was enacted to deal with situations precisely like this, where a government has refused to permit the charging of rates contained in a properly filed U.S. carrier tariff and where such refusal would result in a price advantage for the foreign carrier. Lufthansa's answer does not deny the price advantage and cannot nullify Congress' intention to protect U.S. carriers in just such situations as the present one.

Our conclusion to suspend the Lufthansa rates and provisions for the bungalow containers is premised on the fact that Seaboard's proposed rates for shipments of between 3,022 and 33,999 kilograms are, and are intended to be, substantially competitive with Lufthansa's rates. The filing of competitive rates in air transportation is a normal and expected result of a competitive multicarrier system. Arbitrary interference with the ability to compete is, in our view, contrary to the public interest. Clearly in this instance, if Seaboard's rates are not permitted, Lufthansa will continue to enjoy an anticompetitive price advantage in the high-volume shipment market.

Nor are we persuaded by the tenor of Lufthansa's answer to the extent it indicates that the carrier members of the International Air Transport Association (IATA) have already given their blessing to Lufthansa's competitive advantage in the rating of cargo consignments moving in bungalows. Lufthansa refers to the recently filed North Atlantic cargo rate agreement which would carry forward a lower rate level for the bungalow. Whether or not such an agreement will be found consistent with the public interest by this government remains to be determined. In any event, the recent sequence of tariff filings for cargo services to Germany indicates a situation calling for an exercise of our new statutory authority to remedy a clear-cut case of arbitrary and discriminatory treatment, particularly where such filings were made in a climate of "open" rates due to the failure of the IATA carriers to reach agreement and the resulting absence of an agreed rate structure since October 1, 1971.

In the fall of 1971, Seaboard filed a new November-effectiveness tariff establishing lower rates for multicontainer shipments, and the German Government on October 8, 1971, rejected the tariff. On February 17, 1972, Lufthansa filed its B-747 bungalow

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[1] Section 1002(j)(3) specially empowers the Board, upon finding that the government or aeronautical authorities of any foreign country have refused to permit the effectiveness of charges contained in a properly filed and published tariff of a U.S. carrier, to suspend without hearing the operation of any existing tariff of any foreign air carrier providing services between the United States and such foreign country.

[2] Treaties and other International Acts Series 3536 (as amended), signed July 7, 1955.

tariff which the United States permitted to become effective on March 18, 1972. On March 13, 1972, Seaboard again filed the tariff at issue with the German Government, and the German authorities again disapproved, ostensibly because the tariff was inconsistent with the continuing IATA rate structure agreement which had expired. On May 2, 1972, Seaboard refiled its competitive tariff to adjust for the lower 2,856 kilogram pivot weight for bungalows in the pending North Atlantic IATA cargo agreement, and the German authorities again rejected the filing. Against such a background, our course of action is clear.

We are herein providing that the suspension of the Lufthansa bungalow tariff shall take effect 15 days after the effective date of this order and shall remain effective for a period of 365 days or until further order of the Board, whichever is shorter. Section 1002 (j) (3) provides also that during the period of suspension the Board may "order the foreign air carrier to charge rates, fares, or charges which are the same as those contained in a properly filed and published tariff (designated by the Board) of an air carrier filed under this Act for foreign air transportation to such foreign country, and the effective right of an air carrier to start or continue service at the designated rates, fares, or charges to such foreign country shall be a condition to the continuation of service by the foreign air carrier in foreign air transportation to such foreign country." In this connection, we are herein ordering that, upon effectiveness of the instant suspension, Lufthansa's container charges shall be governed by the competitive tariff provisions now on file with the Board by Seaboard, i.e., a consignment may be split between various unit-load devices, and the aggregate of the minimum weights specified per device utilized shall be rated at the bungalow pivot-weight rate level and the remainder of the shipment rated at the bungalow over-pivot-weight rate. Our intent is to insure that the per-kilogram rate levels currently available only to freight carried in bungalows shall be equally and equitably applicable to all sizes of unit-load devices for containerized freight having a chargeable weight of at least 3,022 kilograms, and, accordingly, we will not bind Lufthansa to the type and sizes of unit-load devices designated in the Seaboard tariff. Moreover, Lufthansa's continued cargo service to the United States is conditioned upon the effectiveness of Seaboard's competitive tariff.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204 and 1002 thereof, *It is ordered*, That:

1. The request of Seaboard World Airways, Inc. be and hereby is granted;

2. All rates, charges, and provisions on second, third, and fourth Revised Pages 38-A of Air Tariffs Corporation, Agent's CAB No. 37 are suspended and their use deferred from June 12, 1972, to and including July 11, 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. During the period of effectiveness of this order or until further order of the Board, Lufthansa shall apply rate levels contained on fifth Revised Page 49 of Air Tariffs Corporation, Agent's CAB No. 37 with respect to containerized consignments of 3,022 to 33,999 kilograms between points in the United States and Germany: *Provided, however*, That application of the rating methodology stated therein shall not be limited to the unit-load devices specified therein by reference to Page 50;

4. The effective right of Seaboard to provide service between the United States and Germany pursuant to the tariff provisions designated in ordering paragraph 3 above shall be a condition to the continuation of cargo service by Lufthansa in foreign air transportation between the United States and Germany;

5. This order shall be submitted to the President[3] and shall become effective on June 27, 1972; and

6. Copies of this order be filed with the aforesaid tariff and be served upon Lufthansa, Seaboard World Airways, Pan American World Airways, and Trans World Airlines.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX B

THE WHITE HOUSE

JUNE 26, 1972.

DEAR MR. CHAIRMAN: I refer to the Board's order in Docket 24425 directed at Deutsche Lufthansa Aktiengesellschaft.

The order is grounded on the refusal of the Federal Republic of Germany to approve a tariff filed with it by Seaboard World Airlines, Inc. Seaboard's tariff was intended to establish a fare competitive with Lufthansa's so-called "bungalow" tariff; the Lufthansa rate applies to a specially shaped container designed for an aircraft which only Lufthansa operates. The Board correctly concludes that this situation is unfair to Seaboard and should not be permitted to continue.

The effect of the order would be to terminate all Lufthansa's cargo services 15 days after the effective date of the order unless the German Government agrees to approve Seaboard's tariff. Under Public Law 92-259 the Board's order will come into effect not later than 10 days following its submission to the President unless the President finds that disapproval is required for reasons of national defense or foreign policy of the United States. As I have indicated I concur in the objective of the Board's order.

However, the Department of State has received assurance from the Government of the Federal Republic of Germany that during the period of intergovernmental consultations, the United States carrier, Seaboard World Airlines, will not be placed at competitive disadvantage. The Government of the Federal Republic of Germany is requesting Lufthansa not to utilize the so-called bungalow rate effective July 10, 1972.

This suspension would be effective for a period of 4 weeks after the date of consultations which will be held prior to July 10, 1972. Therefore, in view of the potential disruptive effect of the Board's order on United States relations with the Federal Republic of Germany, I find that reasons of foreign policy of the United States require disapproval of the Board's order so that an equitable solution of the problem can be sought.

Should these consultations prove unsuccessful in eliminating the anticompetitive situation to which the Board's proposed order is directed, it would be appropriate for the Board to review the matter with a view to submitting a further order.

For the reasons stated above, I hereby disapprove the Board's proposed order.

Sincerely,

RICHARD NIXON.

[FR Doc.72-18085 Filed 10-20-72;8:53 am]

[3] This order was submitted to the President on June 6, 1972.

[Docket No. 23333; Order 72-10-43]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority October 13, 1972.

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

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 3, 1972, encompasses a new specific commodity description and rate, two additional specific commodity rates, and the cancellation of an existing rate as set forth in the attachment hereto.[1]

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

Accordingly, it is ordered, That:

Agreement CAB 23323, R-1 through R-4, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

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

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-18029 Filed 10-20-72;8:47 am]

[Docket No. 23486; Order 72-10-46]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Proportional Fares

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

An agreement has been filed with the Board pursuant to section 412(a) of the

[1] Filed as part of the original document.

Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at a special meeting which convened in New York, August 22, 1972. The agreement has been assigned the above-designated CAB agreement number.

The agreement stems from the Board's recent action in Phase 7 of the "Domestic Passenger-Fare Investigation"[1] approving a 2.7-percent increase in U.S. domestic fares, and reflects upward adjustments in proportional fares necessary to avert losses on through fares constructed across the Atlantic and Pacific to/from United States interior points. In general, proportionals presently equal to pre-September 5 local fares would be adjusted to the new local fare level, and arbitraries would be increased by the same dollar amounts as local fares for the same sectors.

National Airlines, Inc. (National, Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA), have submitted statements urging approval of the agreement. The carriers point out that for through trips to U.S. interior points, the international carriers must now pay prorate amounts to U.S. domestic carriers based on increased local fares for transportation on the domestic segments of such trips. Without an attendant adjustment in international fares the international carriers would be forced to absorb the domestic increase.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in the agreement as indicated, to be adverse to the public interest or in violation of the Act:

[1] Order 72-8-50, dated August 10, 1972. Implementing tariffs became effective Sept. 5, 1972.

CAB Agreement 23275	IATA No.	Title	Application
R-1	015	North Atlantic Proportional Fares—North America	1/2; 1/2/3.
R-2	015a	South Pacific Proportional Fares—North America	3/1.
R-3	015b	North and Central Pacific Proportional Fares—North America	3/1.

Accordingly, it is ordered, That:
Agreement CAB 23275, R-1 through R-3, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.
By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-18030 Filed 10-20-72;8:47 am]

[Docket No. 23780; Order 72-10-61]

TRANSPORTES AEREOS NACIONALES, S.A.

Order Regarding Senior Citizen, Youth, and Student Fares in Foreign Air Transportation

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

By tariff revisions filed August 30, 1972, to become effective October 1, 1972, Transportes Aereos Nacionales, S.A. (TAN) proposed reduced senior citizen fares from Miami to points in Honduras and return to be applicable during the months of October and November 1972. Upon consideration of this tariff, the Board by action on September 22, 1972 adopted an order of investigation and suspension pursuant to its powers under section 1002(j) of the Federal Aviation Act of 1958, upon a finding that the fares proposed by TAN may be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful. The investigation therein initiated was consolidated into the proceeding in Docket 23780. This order was submitted to the President, pursuant to the requirements of section 801(b) of the Act. Thereafter on September 27, 1972, TAN filed tariff revisions which canceled its proposed senior citizen fares before they became effective and the board recalled its order of suspension and investigation prior to Presidential action thereon.

In view of the cancellation of the tariff proposal by TAN, the issues involved herein are moot and the Board will by this order withdraw the aforesaid order of investigation and suspension which had been adopted but not published.[1]

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 102, 204, 801(b), 1002(j), and 1102 thereof:

It is ordered, That:

The Board's order of September 22, 1972, issued but not published in Docket 23780, is hereby withdrawn.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[Docket No. 23780]

TRANSPORTES AEREOS NACIONALES, S.A.

ORDER OF INVESTIGATION AND SUSPENSION REGARDING SENIOR CITIZEN, YOUTH AND STUDENT FARES IN FOREIGN AIR TRANSPORTATION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of September 1972.

[1] The order of investigation and suspension is attached below.

By tariff revisions filed August 30, 1972, to be effective October 1, 1972, Transportes Aereos Nacionales, S.A. (TAN) proposes to offer reduced fares for travel by senior citizens from Miami, Fla., to points in British Honduras/Honduras and return. The fares will be available to persons 65 years or older and would apply only during the months of October and November 1972. The proposal effects significant discounts from existing normal fares—e.g. from Miami to Belize the fare would be $65, compared with the existing propeller round trip fare of $130, or a 50-percent discount; and from Miami to La Ceiba, San Pedro Sula, and Tegucigalpa the fare would be $65, compared with the existing propeller round trip fare of $158, or a 41-percent discount.

By Order 71-10-71, dated October 18, 1971, the Board instituted an investigation of certain reduced fares proposed for senior citizens in foreign air transportation, on the ground that limitation of special fares to persons within specified age groups is an obvious discrimination against persons not meeting the test, and that the question presented was whether such discrimination is justified. The investigation was consolidated in the previously ordered investigation of youth and student fares in foreign air transportation (Docket 23780) by Order 71-11-30, dated November 5, 1971.[1]

The proposal here before us raises substantially the same question of discrimination as that earlier set for investigation. The tariff would grant significant reductions to passengers over 65 years of age, while denying like and contemporaneous transportation at these fares to persons under 65 years of age. Absent a strong justification, therefore, this proposal appears to contain the elements of unjust discrimination, for no valid distinction between persons under 65 and those 65 and older has been brought to our attention.[2] Moreover, with reference to the reasonableness of the fares, there is no information before us to show that the fares may promote sufficient traffic to offset the effects of the sharp discounts proposed.

The Board therefore finds that the senior-citizens fares proposed by TAN may be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. As we provided in Order 71-11-30, supra, we will consolidate the investigation of senior-citizen fares into the previously ordered investigation of youth and student fares in foreign air transportation in Docket 23780.

The Board further concludes that the TAN proposal should be suspended pending investigation. At the time the Board instituted the investigation of proposed reduced fares for senior citizens by Order 71-10-71 of October 18, 1971, it did not have jurisdiction to suspend such fares in foreign air transportation as has been granted it by Public Law

[1] The proposed senior-citizen fares were canceled prior to their effective date, and the investigation of those fares was dismissed by Order 72-5-41, dated May 10, 1972.

[2] Transcontinental Bus Systems, Inc., v. CAB 383 F. 2d 466 (C.A. 5, 1967).

[3] Senior-citizen excursion tariff proposed by Ozark Air Lines, Inc., Order E-21973, dated March 31, 1965, see also Trans Caribbean Individual Senior-Citizen Excursion Fares, Order E-23669, dated May 12, 1966, Vacation Excursion Fares proposed by Continental Air Lines, Inc., Order E-25918, dated November 2, 1967, Senior-Citizen Reservation fares proposed by Texas International Airlines, Inc., Order 70-12-133, dated December 23, 1970, and Florida Promotional fares proposed by Eastern Air Lines, Inc., Order 71-5-100, dated May 21, 1971.

92-259 effective March 22, 1972. On the other hand, the Board has previously suspended proposals for reduced fares for senior citizens in interstate and overseas air transportation.3

We recognize that in certain cases the Board initiated an investigation but did not suspend a senior-citizen tariff proposal where it had jurisdiction to do so, e.g., Order E-17111 adopted July 6, 1961, relating to Mohawk's Golden Age Fares, and Order E-26039 of November 28, 1967, involving Trans Caribbean Senior-Citizen Standby fares.

It is recognized that in the past youth fares (as distinguished from student fares) provide fare reductions based on age and that such fares were generally permitted to become effective. They are now under investigation in Phase 5 of the Domestic Passenger-Fare Investigation. Current youth fares in foreign air transportation were initiated prior to the Board's receiving the power to suspend. In exercising its discretion to suspend, the Board notes that senior-citizen fares are not now generally offered in foreign air transportation and have had but limited application in interstate or overseas air transportation. The Board has before it for decision the whole question of the legality of discount fares which discriminate on the basis of age. In this circumstance, the Board believes it desirable not to permit at this time the initiation of such fares even in the limited areas for which they are proposed.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801(b), and 1002(j)(1), thereof: *It is ordered*, That:

1. An investigation be instituted to determine whether the fares and provisions on fourth revised page 14 and third revised page 15 of Transportes Aereos Nacionales, S.A.'s CAB No. 2, and rules, regulations, or practices affecting such fares and provisions are, or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, classifications, regulations, or practices;

2. Pending hearing and decision by the Board, the fourth revised page 14 and third revised page 15 of Transportes Aereos Nacionales, S.A.'s CAB No. 2 are suspended and their use deferred to and including October 1, 1973, 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 investigation ordered herein is hereby consolidated into Docket 23780;

4. This order shall be submitted to the President[4] and shall become effective on , 1972; and

5. Copies of this order will be filed with the aforesaid tariff and served upon Transportes Aereos Nacionales, S.A., which is hereby made a party to Docket 23780.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72-18086 Filed 10-20-72;8:53 am]

[4] This order was submitted to the President on September 22, 1972.

[5] Member, Minetti, filed a concurrence and dissent, filed as part of the original.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal from Warehouse for Consumption

OCTOBER 18, 1972.

On October 4, 1972, the Governments of the United States and the Republic of China exchanged notes amending the comprehensive bilateral cotton textile agreement of December 30, 1971, concerning exports of cotton textiles and cotton textile products from the Republic of China to the United States. The amendment increases the specific limit on Category 26/27 for the first agreement year which began on January 1, 1972, from 5,032,599 square yards to 5,531,239 square yards.

Accordingly, there is published below a letter of October 18, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, increasing the level of restraint applicable to cotton textile products in Category 26/27, produced or manufactured in the Republic of China, for the 12-month period beginning January 1, 1972, and extending through December 31, 1972.

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

ASSISTANT SECRETARY OF COMMERCE
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

OCTOBER 18, 1972.

DEAR MR. COMMISSIONER: This directive amends the directive issued to you on December 30, 1971, by the Chairman, President's Cabinet Textile Advisory Committee, concerning imports into the United States of cotton textiles and cotton textile products in certain categories produced or manufactured in the Republic of China.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the directive of December 30, 1971, for cotton textile products in Category 26/27, produced or manufactured in the Republic of China, to 5,531,239 square yards.

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

Sincerely yours,

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

[FR Doc.72-18061 Filed 10-20-72;8:51 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY; DISTRIBUTION-TECHNICAL ADVISORY TASK FORCE-GENERAL

Agenda of Meeting

Agenda for meeting to be held in Conference Room 2043 of the Federal Power Commission, 441 G Street NW., Washington, DC, November 14, 1972, 10 a.m., and November 15, 1972, 9:30 a.m.; presiding, Mr. Charles A. Gallagher, FPC Survey Coordinating Representative and Secretary.

1. Call to order and introductory remarks, Mr. Gallagher.
2. Review and discussion on initial draft of Final Report of the Task Force, Mr. Ralbern H. Murray.
3. Other business.
4. Date of next meeting.
5. Adjournment, Mr. Gallagher.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18091 Filed 10-20-72;8:51 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Order Designating Additional Members and Coordinating Representative

OCTOBER 17, 1972.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Conservation of Energy.

2. *Membership.* Additional members and an FPC coordinating representative to the Technical Advisory Committee on Conservation of Energy, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

Andrew E. Gibson, member, Assistant Secretary for Domestic and International Business, Department of Commerce.
Dr. David C. White, member, Ford professor of engineering, Massachusetts Institute of Technology.
Dr. Jack M. Heinemann, FPC coordinating representative, Office of the Advisor on Environmental Quality, Federal Power Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-18022 Filed 10-20-72;8:46 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Order Designating Additional Member and Coordinating Representative

OCTOBER 17, 1972.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Finance.

2. *Membership.* An additional member and FPC coordinating representative to the Technical Advisory Committee on Finance, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

Andrew E. Gibson, member, Assistant Secretary for Domestic and International Business, Department of Commerce.
Dr. John W. Wilson, FPC coordinating representative, Office of Economics, Federal Power Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-18019 Filed 10-20-72;8:46 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FUELS

Order Designating Additional Member and Coordinating Representatives

OCTOBER 17, 1972.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Fuels.

2. *Membership.* An additional member and FPC coordinating representatives to the Technical Advisory Committee on Fuels, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

Stanley Nehmer, member, Deputy Assistant Secretary for Resources, Department of Commerce.
Robert M. Jimeson, FPC coordinating representative, Office of the Advisor on Environmental Quality, Federal Power Commission.
Warren E. Morrison, FPC coordinating representative, Office of Economics, Federal Power Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-18018 Filed 10-20-72;8:46 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Order Designating an Additional Member

OCTOBER 17, 1972.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Power Supply.

2. *Membership.* An additional member to the Technical Advisory Committee on Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Stanley Nehmer, member, Deputy Assistant Secretary for Resources, Department of Commerce.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-18017 Filed 10-20-72;8:46 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Order Designating Additional Member and Coordinating Representative

OCTOBER 17, 1972.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Research and Development.

2. *Membership.* An additional member and FPC coordinating representative to the Technical Advisory Committee on Research and Development, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

Richard O. Simpson, member, Acting Assistant Secretary for Science and Technology, Department of Commerce.
Bruce A. Smith, FPC coordinating representative, Office of Economics, Federal Power Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-18016 Filed 10-20-72;8:46 am]

[Docket No. CI73-270]

BROWN & McKENZIE, INC.

Notice of Application

OCTOBER 18, 1972.

Take notice that on October 11, 1972, Brown & McKenzie, Inc. (applicant), 1120 Three Greenway Plaza East, Houston, TX 77046, filed in Docket No. CI73-270 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 Texas Eastern Transmission Corp. from the Garwood Field Area, Lavaca 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 September 5, 1972, within the contemplation of § 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 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 27, 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 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.72-18056 Filed 10-20-72;8:49 am]

[Docket No. CP73-86]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 17, 1972.

Take notice that on September 29, 1972, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP73-86 a budget-type application pursuant to

section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction and installation, during the calendar year 1973, and operation of certain natural gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in producing areas generally co-extensive with its system.

The total cost of the facilities proposed herein shall not exceed $4 million with no single project exceeding $1 million. Applicant proposes to finance all costs from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18020 Filed 10-20-72;8:46 am]

[Docket No. CP73-85]

DELTA GAS, INC., AND PLAQUEMINES OIL AND GAS CO., INC.

Notice of Application

OCTOBER 17, 1972.

Take notice that on September 25, 1972, Delta Gas, Inc. (Delta) and Plaquemines Oil and Gas Co., Inc. (Plaquemines), 861 Carondelet Street, New Orleans, LA 70130, filed in Docket No. CP73-85 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and service in Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to abandon the following services and facilities:

1. Plaquemines' sales of natural gas to Delta and to Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee) from gas, which Plaquemines purchases from Woods Oil and Gas Co. (Woods), Humble Oil & Refining Co. (Humble) and Delta;

2. Delta's transportation of natural gas on its North System, which it purchases from Shell Oil Co., Phillips Petroleum Co. and Plaquemines, and commingles with gas sold by Plaquemines to Tennessee; and

3. Delta's facilities used in the transportation described in (2) above.

Applicants state that natural gas purchased by Plaquemines from Humble in the Potash Field, Plaquemines Parish, La., can only flow intermittently when the pressure on Delta's North System drops to approximately 250 p.s.i.g. and the natural gas purchased from Woods in section 6-18S-27E, Plaquemines Parish, La., has been depleted. Applicants further state that because of the depletion of the Woods and Humble gas, Plaquemines can no longer supply Tennessee with gas acquired solely from Delta, since Delta cannot make up the difference without impairing its deliveries to its retail and industrial customers along its North System. Applicants request authorization for Plaquemines to abandon its sales of this gas to Tennessee and Delta.

Applicants assert that if abandonment of the sales by Plaquemines to Tennessee is permitted and approved, Delta's transportation and facilities on its North System in Louisiana no longer need certification because said system is only jurisdictional since it transports the gas which Plaquemines sells to Tennessee and which becomes commingled with other Tennessee gas, a substantial portion of which is destined for resale in interstate commerce.

Applicants have tendered, along with the application, a proposed notice of cancellation of Plaquemines Oil and Gas Co., Inc., FPC Gas Rate Schedule No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18014 Filed 10-20-72;8:46 am]

[Docket No. CP73-88]

EASCOGAS LNG, INC.

Notice of Application

OCTOBER 18, 1972.

Take notice that on September 29, 1972, Eascogas LNG, Inc. (Applicant), 80 Park Place, Newark, NJ 07101, filed in Docket No. CP73-88 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of imported liquefied natural gas (LNG) to certain pipeline and distribution customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In Docket No. CP73-47 Applicant has proposed to import into the United States over a period of 22 years, annual quantities of LNG ranging from 119,619 million to 238,095,238 million B.t.u.[1]

Applicant proposes to sell the LNG, which it has proposed to import into the United States from Algeria in Docket No. CP73-47, to the various buyers listed below at the following percentages and places:

	Percentage of imported LNG
Staten Island, New York:	
Public Service Electric and Gas Co.	45
Elizabethtown Gas Co.	6⅔
New Jersey Natural Gas Co.	6⅔
South Jersey Gas Co.	6⅔
Providence, Rhode Island:	
Algonquin Gas Transmission Co.	28
New England LNG Co., Inc.	7

[1] One million B.t.u. are equivalent to 1,000 cubic feet of natural gas with a heat content of 1,000 B.t.u. per cubic foot.

Applicant proposes to charge its customers the rate specified in its proposed Rate Schedule ELG–1 in its proposed FPC Gas Tariff Original Volume No. 1. Said rate schedule provides that each buyer shall pay a charge equal to the total expenses of Applicant apportioned to the respective percentage of the importer LNG which each buyer shall purchase, so that Applicant can avoid any losses or net income. Applicant estimates an approximate rate of 89 cents per million B.t.u.'s in the first year of deliveries (estimated to be in 1975–76) and a rate of 91 cents per million B.t.u.'s in the first year of full operation (estimated to be in 1978–79).

Applicant states that deliveries of the LNG for the account of the New Jersey buyers will be made at Staten Island, New York, to Distrigas of New York Corp. and that deliveries of the LNG for the account to Algonquin Gas Transmission Co. and New England LNG, Inc., will be made at Providence, R.I., to Algonquin LNG, Inc. Applicant indicates that Distrigas of New York and Algonquin LNG, Inc., will file applications for certificates of public convenience and necessity to deliver and transport such gas to the respective buyers.

Applicant believes that the proposed sales will assist the buyers in lessening the severe shortages of natural gas on the eastern seaboard, which is resulting in curtailments of firm deliveries of gas to purchasing pipelines and distribution companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18093 Filed 10–20–72;8:52 am]

[Docket No. CP73–82]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 17, 1972.

Take notice that on September 26, 1973, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP73–82 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction during the calendar year 1973 and operation of certain natural gas facilities to enable applicant to attach to its Southern Division System natural gas which will be purchased from independent producers, and other similar sellers, who have been authorized by the Commission to sell gas to applicant, all as more fully set forth in the application in this proceeding which is on file with the Commission and open to public inspection.

The application shows that the facilities proposed will consist of: (1) Routine field facilities, subject to the jurisdiction of the Commission, necessary to connect applicant's Southern Division System with the facilities of independent producers or other similar sellers and (2) field facilities, consisting principally of compressor horsepower, as may be required to compensate for declining reservoir pressures of existing gas resources. The proposed facilities are to be utilized for the attachment of new or expanded supplies of natural gas in various producing areas generally coextensive with applicant's pipeline system as well as for accommodating increased deliverability from existing sources and maintaining production from existing sources of supply at levels which will insure an orderly depletion of reserves.

The application indicates that the total cost of the proposed facilities will not exceed a maximum of $5 million and no single project will exceed a cost of $1 million. Applicant states that said cost will be financed from working funds, supplemented, as necessary, by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18024 Filed 10–20–72;8:47 am]

[Docket No. CP73–90]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 17, 1972.

Take notice that on October 3, 1972, El Paso Natural Gas Co. (Applicant) Post Office Box 1492, El Paso, TX 79978, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing on its Southern Division System the construction during the calendar year 1973 and operation of natural gas facilities or operation of existing natural gas facilities, to be utilized for sales, on a direct basis, of natural gas associated with the production of gas or oil other than such uses permitted under § 157.22(b) of the regulations under the Natural Gas Act (18 CFR 157.22(b)), and the sale, during the calendar year 1973, of natural gas for resale uses associated with the drilling of oil or gas wells, 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 anticipates during the calendar year 1973, requests for short-term direct gas service for such purposes as pumping, injection, pressure maintenance, equipment fuel, various lease and camp uses and emergency standby service. Applicant also anticipates, during the calendar year 1973, requests of both direct and resale gas service for uses in drilling oil or gas wells. Applicant states that the time and expense of preparing and filing numerous small certificate applications regarding the facilities herein requested

does not justify the filing of separate certificate applications and accordingly herein seeks budget-type authorization.

Total cost of the proposed facilities will not exceed $42,500 with no more than 25 separate sales facilities to be installed. Applicant proposes to finance the facilities through the use of working funds, supplemented, as necessary, by short-term borrowings.

Applicant proposes that all new sales hereunder will be made at a rate identical to that in effect under Rate Schedule X–1 of its Gas Tariff, Original Volume No. 1, plus a $500 connection charge and a $5 daily facility charge for short-term drilling gas sales or other new sales except for certain instances in the San Juan Basin Area where the $500 charge may be waived.

Any person desiring to be heard or to make any protest with reference to said application, should on or before November 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18012 Filed 10–20–72;8:46 am]

[Docket No. E–7548]

GEORGIA POWER CO.

Notice of Extension of Time

OCTOBER 17, 1972.

On October 13, 1972, Georgia Power Co. filed a motion for an extension of time within which to file briefs opposing exceptions to the Initial Decision issued August 3, 1972, in the above-designated matter. The motion requests that the time be extended to November 6, 1972, and that that be a mailing date. The motion states that counsel for the other parties have been contacted and that they join in the motion. Commission Staff Counsel does not oppose the motion.

Section 1.14 of the Commission's rules of practice and procedure (18 CFR 1.14) requires that filings be made by filing them with the Office of the Secretary of the Commission in Washington, D.C. Any such papers must be received by the Commission in Washington, D.C., within the time limit for such filing.

Upon consideration of the motion and the rules, notice is hereby given that the time is extended to and including November 13, 1972, within which briefs opposing exceptions may be filed by all participants.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18095 Filed 10–20–72;8:51 am]

[Docket No. G–7425, etc.] [1]

G. J. HOLLANDSWORTH ET AL.

Notice of Petition To Amend

OCTOBER 18, 1972.

Take notice that on October 2, 1972, Lone Star Gas Co. (Petitioner), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. G–7425, etc.,[1] a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets by substituting Petitioner in lieu of Natural Gas Pipeline Company of America (Natural) as purchaser of natural gas from the independent producer certificate holders, all as more fully set forth in the Appendix hereto and in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner has filed the subject petition to amend on behalf of the certificate holders involved and states that said producers propose to continue authorized sales of natural gas in interstate commerce without change except as to purchaser. Petitioner states further that the instant petition to amend has been filed as an incident to the authorizations sought in Docket No. CP71–274 et al., by Lone Star Gathering Co. et al.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 6, 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.

[1] The instant petition was filed in Docket No. G–4241 et al. The certificate granted in said docket was terminated by order issued Jan. 17, 1972, in Docket No. CS66–57 et al. The next earliest docket number involved in the instant petition is G–7425.

Producer	Docket No.	FPC Rate Schedule No.	Location
G. J. Hollandsworth	G–7425	1	Carthage Field, Panola County, Tex.
Phillips Petroleum	G–17897	344	Knox and Southeast Knox Fields, Grady and Stephens Counties, Okla.
Amoco Production Co.	G–17898	268	Do.
Gulf Oil Corp.	G–17965	341	Do.
Marathon Oil Co.	G–18003	47	Do.
Gulf Oil Corp.	G–18004	177	Do.
Norville Oil Co., Inc.	G–18005	1	Do.
Mobil Oil Corp.	G–20226	204	Do.
Humble Oil & Refining Co.	G–20293	232	Do.
Atlantic Richfield Co.	CI 60–112	483	Do.
Do.	CI 60–129	432	Do.
Sun Oil Co.	CI 60–163	380	Do.
Texaco, Inc.	CI 62–335	249	Do.
Texas Pacific Oil Co., Inc.	CI 62–852	60	Do.
Covers also:			
Edwin L. Cox			Do.
Ethel A. Hill et al.			Do.
N. W. Brillhart et al.			Do.
W. R. Hughey Operating Co.	CI 64–1198	3	Penn-Griffith Field, Rusk County, Tex.
Jack L. Phillips et al.	CI 64–1530	1	Carthage Field, Panola County, Tex.
Sun Oil Co.	CI 65–134	423	Penn-Griffith Field, Rusk County, Tex.
Chevron Oil Co.	CI 68–962	43	Rush Springs Field, Grady County, Okla.
Sun Oil Co.	CI 69–328	468	Do.
Lone Star Producing Co.	CI 71–90	92	Buffalo Wallow Field, Hemphill County, Tex.
Do.	CI 71–819	----------	Fashing Field, Atascosa and Karnes Counties, Tex.
Jake L. Hamon	CS 66–107	----------	Rush Springs Field, Grady County, Okla.
Mack Oil Co.	CS 71–184	----------	Knox and Southeast Knox Fields, Grady and Stephens Counties, Okla.
Singer-Fleischaker Oil Co.	CS 71–343	----------	Do.
Eason Oil Co.	CS 71–631	----------	Do.
Alfred C. Glassell	CS 71–708	----------	J.G.S. Field, Panola County, Tex.
Geological Exploration Co.	CS 71–1110	----------	Penn-Griffith Field, Rusk County, Tex.
Rogers Lacy, Inc.	CS 72–250	----------	Carthage Field, Panola County, Tex.
Beard Oil Co.	CS 72–292	----------	Knox and Southeast Knox Fields, Grady and Stephens Counties, Okla.
D. W. Hamilton, covers also W. H. Bryant et al.	CS 72–366	----------	Penn-Griffith Field, Rusk County, Tex.
G. E. Penn et al.	CS 72–505	----------	Do.

[FR Doc.72–18094 Filed 10–20–72;8:52 am]

[Docket No. CP73-83]

MID LOUISIANA GAS CO. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

OCTOBER 18, 1972.

Take notice that on September 27, 1972, Mid Louisiana Gas Co. (Mid Louisiana), 21st Floor, Lykes Center, 300 Plydras Street, New Orleans, LA 70130, and Mississippi River Transmission Corp. (Mississippi), 9900 Clayton Road, St. Louis, MO 63124, filed in Docket No. CP73-83 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the retention in place by Mid Louisiana of certain natural gas facilities, constructed pursuant to § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22), the sale for resale of natural gas by Mid Louisiana to Mississippi, and the transportation and exchange of natural gas by applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to § 157.22 of the Commission's regulations, Mid Louisiana constructed certain natural facilities in the Monroe Field, Ouachita Parish, La., in order to receive natural gas from Navarro Gas Producing Co. and Louisiana Gas Producing Co., divisions of Commercial Solvents Corp. (Navarro and Louisiana Gas). By order issued in Docket No. CI72-834, the Commission authorized Navarro and Louisiana Gas to continue the sale of natural gas to Mid Louisiana until December 1, 1972, pursuant to § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Applicants seek authorization for Mid Louisiana to retain in place the facilities constructed in the Monroe Field at a cost of $135,000, consisting of approximately 20,000 feet of 12-inch pipeline, a meter station and appurtenant facilities, and for Mid Louisiana to sell natural gas to Mississippi pursuant to the terms of a service agreement dated June 21, 1972. Under said agreement Mid Louisiana agrees to sell and deliver natural gas to Mississippi on an excess available basis which can be delivered without adversely affecting Mid Louisiana's ability to make deliveries to its customers other than those purchasing under Mid Louisiana's rate schedule E-1. Pursuant to said agreement, Mid Louisiana is to receive the rate contained in its rate schedule E-1 for such gas, which is currently 35.41 cents per Mcf. Applicants state that the Monroe Field facilities heretofore mentioned are necessary in order for Mid Louisiana to make sales of natural gas to Mississippi.

Applicants also seek authorization to exchange natural gas pursuant to the terms of an exchange agreement dated September 22, 1972. Under said agreement either party may deliver or receive natural gas at the point of interconnections of Applicants' facilities in Ouachita Parish, La., when either party requests it.

Any persons desiring to be heard or to make any protest with reference to said application should on or before November 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18096 Filed 10-20-72;8:52 am]

[Docket No. CI73-271]

MITCHELL ENERGY OFFSHORE CORP.

Notice of Application

OCTOBER 18, 1972.

Take notice that on October 13, 1972, Mitchell Energy Offshore Corp. (applicant), 3900 One Shell Plaza, Houston, TX 77002, filed in Docket No. CI73-271 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 Natural Gas Pipeline Company of America (Natural) from the Block 176-S Field Area, offshore Galveston County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 360,000 Mcf of gas per month at 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). There is a transportation charge by Natural of 0.02 cent per Mcf per mile for gas lost as a result of processing by applicant and there is a transportation charge by Natural of 20 cents per barrel for liquid hydrocarbons transported by Natural.

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 27, 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.72-18055 Filed 10-20-72;8:49 am]

[Docket No. CP73-37]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 17, 1972.

Take notice that on August 7, 1972, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP73-37 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon gas measuring station facilities, the Omaha TBS No. 3 in Douglas County, Nebr., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the subject facilities, which are used to deliver natural gas to the Metropolitan Utilities District of Omaha, Nebr. (MUD), for resale and distribution are no longer required since another existing delivery station, Omaha TBS No. 1E, provides adequate deliveries to this portion of MUD's distribution system. Applicant states further that no service would be discontinued as a result of removal of TBS No. 3 and that total consumption based upon MUD's contract demand would not change.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 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 1.8–1.10) 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 permission and approval for the proposed abandonment are 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.72-18023 Filed 10-20-72;8:47 am]

[Docket No. RP72-127]

NORTHERN NATURAL GAS CO.

Notice of Extension of Time and Postponement of Hearing

OCTOBER 17, 1972.

On October 11, 1972, Commission Staff Counsel filed a motion for an extension of time of the procedural dates fixed by Commission order issued June 30, 1972, in the above-designated matter, and for a postponement of the hearing date. On October 16, 1972, Northern Natural Gas Co. filed an answer to the motion, proposing changes in the dates requested by Staff Counsel. The answer states that counsel for other parties and Staff Counsel either concur or have no objections to the dates proposed in the answer.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Staff service date, December 5, 1972.
Intervenors service date, December 29, 1972.
Northern rebuttal service date, January 23, 1973.
Prehearing conference and hearing date, February 6, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18097 Filed 10-20-72;8:51 am]

[Docket No. AR64-1, etc.]

PHILLIPS PETROLEUM CO. ET AL.

Petition for Special Relief from Refund Obligations; Extension of Time

OCTOBER 17, 1972.

Area Rate Proceeding, et al. (Hugoton-Anadarko Area).

On October 12, 1972, and October 16, 1972, Amoco Production Co., and Cities Service Oil Co., respectively, filed motions requesting, among other things, that the time be extended for filing comments concerning the petition for special relief from refund obligations filed by Phillips Petroleum Co., on September 5, 1972. The notice issued September 27, 1972, and published in the FEDERAL REGISTER on October 3, 1972 (37 F.R. 20748), provided for the filing of comments not later than October 17, 1972.

Upon consideration, notice is hereby given that the time is extended to and including October 25, 1972, within which any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, views and comments in writing concerning the petition for special relief from refund obligations.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18092 Filed 10-20-72;8:52 am]

[Docket No. E-7723]

POTOMAC EDISON CO.

Notice of Postponement of Prehearing Conference

OCTOBER 17, 1972.

On August 28, 1972, the Potomac Edison Co. filed a motion for extension of time to file updated cost evidence and exhibits in the above matter as required by the Commission's order issued July 11, 1972. A notice was issued on September 1, 1972, extending all dates except for the prehearing conference.

Upon consideration, notice is hereby given that the prehearing conference scheduled for December 12, 1972, is hereby postponed to February 13, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18025 Filed 10-20-72;8:47 am]

[Docket No. CP73-87]

SEA ROBIN PIPELINE CO.

Notice of Application

OCTOBER 18, 1972.

Take notice that on September 29, 1972, Sea Robin Pipeline Co. (applicant), Post Office Box 1407, filed in Docket No. CP73-87 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, in Docket No. CP72-115,[1] has been granted a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, designated as Phase I facilities. The remainder of the facilities requested in Docket No. CP72-115 have been made subject to the proceeding pending in Docket No. CP72-6, et al., Tennessee Gas Pipeline Co., a division of Tenneco Inc., et al.[2] Applicant has filed in Docket No. CP72-115 an amendment deleting from its application pending in said docket its request for a certificate authorizing most of the remaining proposed facilities, referred to as applicant's 1973 program.

Applicant proposes in the instant application a revised 1973 construction program which includes:

1. The construction of 47.1 miles of 26-inch pipeline, looping the existing 24-inch and 26-inch pipelines in sections E and F from Block 205, Eugene Island Area to Block 149, Vermilion Area, offshore Louisiana; and

2. A 14,000 hp. compressor station in Block 149.

Applicant states that the installation of the proposed facilities will provide an ultimate maximum of 917,000 Mcf of natural gas per day to be available for sales to its customers. Applicant also requests authorization to amend its rate schedule Nos. X-1 and X-2 as to provide a contract demand of 485,500 Mcf per day under each rate schedule. Applicant estimates that the facilities, together with additional gas purchase and transportation volumes, will provide an increase in the daily deliverability of natural gas to it of approximately 285,000 Mcf.

Applicant estimates the total cost of the project at $22,935,100, which it plans initially to finance from short term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the

[1] Issued June 9, 1972 (47 FPC ——).
[2] Issued May 30, 1972 (47 FPC ——).

regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18098 Filed 10-20-72;8:52 am]

[Docket No. CP72-115; Phase II]

SEA ROBIN PIPELINE CO.

Notice of Amendment to Application

OCTOBER 17, 1972.

Take notice that on September 29, 1972, Sea Robin Pipeline Co. (Sea Robin), Post Office Box 1407, Shreveport, LA 71158, filed in Docket No. CP72-115 (Phase II), an amendment to its application in said docket deleting therefrom the request for authorization to construct and operate certain natural gas facilities, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

By order of June 9, 1972 (47 FPC ——) in Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., et al., Docket No. CP72-6, et al., Sea Robin was authorized to construct and operate certain natural gas purchase facilities as proposed in Docket No. CP72-115 (designated as Phase I facilities) within 12 months from the date of the order. Other facilities which Sea Robin had proposed to operate and construct in Docket No. CP72-115 relating to the transportation of volumes of gas for producers (designated as Phase II facilities) were made subject to the order issued May 30, 1972, in Docket No. CP72-6, et al. (47 FPC ——), which provided for a hearing to be held on certain applications.

Petitioner states that as a result of additional information, it has become apparent that the facilities it must construct in 1973, subject to the order issued May 30, 1972, will differ from those originally proposed in Docket No. CP72-115. Accordingly Petitioner is amending its application to delete all facilities, not covered by the Commission's order of June 9, 1972, except for the construction and operation of metering and regulating facilities to be used to redeliver transportation gas for the account of Humble Oil & Refining Co. Applicant has filed a new application covering its revised construction program in Docket No. CP72-87.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 7, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18027 Filed 10-20-72;8:47 am]

[Dockets Nos. R172-240, etc.]

SHELL OIL CO. ET AL.

Notice of Filing of Settlement Proposal

OCTOBER 18, 1972.

In regard Dockets Nos. R172-240, R172-251, and R172-263.

Take notice that on September 18, 1972, Shell Oil Co., Tenneco Oil Co., and Continental Oil Co., filed a request for approval of a settlement proposal in the above-entitled proceedings. These producers seek authorization to collect base rates for flowing gas in excess of the Texas Gulf Coast Area ceiling rate.

Copies of the settlement proposal were served on all the parties to the proceeding in Dockets Nos. RI72-240, et al. The settlement agreement filed by Shell Oil Co., Tenneco Oil Co., and Continental Oil Co., is on file with the Commission and open to public inspection.

Comments with respect to the settlement proposal may be filed with the Commission on or before November 3, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18099 Filed 10-20-72;8:52 am]

[Docket No. CP67-349]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Filing of Settlement Agreement

OCTOBER 16, 1972.

Pursuant to § 1.36(a) of the Commission's rules of practice and procedure, notice is hereby given that on October 6, 1972, South Texas Natural Gas Gathering Co. (South Texas) filed with the Commission for approval of a settlement agreement in the above-entitled proceeding. South Texas states inter alia, that:

This [settlement] agreement is based on the following conditions and commitments:

(1) South Texas will withdraw its petition to amend its certificate in Docket No. CP67-349 seeking abandonment of the two 1,000 hp. compressors. It will file an application to amend its certificate in Docket No. CP67-349 to permit it to relocate certain 1,000 hp. compression facilities as required by the changed loads on its system.

(2) South Texas will submit an appropriate rate filing, including its amendatory agreement with Transco, supplementing to its FPC Gas Rate Schedule No. 2 and providing for its rate to Transco to be fixed on the basis of its cost of service, including a reasonable rate of return, in lieu of a fixed price producer-type contract heretofore on file. This rate filing will permit South Texas to recover its cost of gathering and its purchased gas cost for sales of gas dedicated to Transco, including increased purchased gas costs from the McAllen Ranch Producers referred to above. As part of this settlement, it is agreed that the gathering charge shall be 6.25 cents per Mcf. * * *

(7) The settlement agreement filed in Docket Nos. RI72-240, et al., providing for the delivery of additional volumes of gas from the McAllen Ranch Field is contingent upon South Texas' flowing through the increased cost of the gas. The obligations of South Texas herein are conditioned upon Commission approval of the settlement proposal in Dockets Nos. RI72-240, et al., including approval of the flow through of the purchased gas costs specified therein as contractually authorized by the South Texas-Transco amendatory agreement.

South Texas states that copies of the settlement agreement have been served on all the parties to the proceeding in Docket No. CP67-349. The settlement agreement filed by South Texas is on file with the Commission and is available for public inspection.

Comments with respect to the settlement agreement may be filed with the Commission on or before November 17, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18015 Filed 10-20-72;8:46 am]

[Docket No. CP73-84]

SOUTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 17, 1972.

Take notice that on September 27, 1972, Southern Natural Gas Co. (Applicant),

Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP73–84 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation and exchange of natural gas with Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 14-inch connecting line and a measuring station near a point where Michigan Wisconsin's 20-inch transmission line in St. Mary Parish, La., crosses Applicant's Shadyside Compressor Station site in order to exchange natural gas with Michigan Wisconsin. Applicant proposes to exchange natural gas at the aforesaid point pursuant to the terms of an Exchange Agreement dated August 15, 1972, which provides for the following:

1. An exchange of natural gas on a gas-for-gas basis;

2. An exchange of natural gas only when the delivering party in its sole judgment believes it has such gas available for delivery to the requesting party;

3. An exchange of gas to be completed within 30 days from the initial delivery of natural gas to the requesting party; and

4. Redeliveries within 30 days or at other mutually agreeable times.

Said agreement also calls for each party to construct and operate tap connections at its own expense.

Applicant estimates the total cost of the connecting line and measuring station at $78,792, of which Michigan Wisconsin will reimburse Applicant for half. Applicant estimates the cost of its tap connections at $9,000.

Applicant states that the proposed construction and operation of facilities would enable it to receive supplemental supplies of natural gas during emergency and other conditions and would enable it to employ the diversity and flexibility available on the Michigan Wisconsin system.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18013 Filed 10–20–72;8:46 am]

[Docket No. CP72–192]

UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

OCTOBER 17, 1972.

Take notice that on September 22, 1972, United Gas Pipe Line Co. (Petitioner), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP72–192 a petition to amend the order of the Commission issued on April 17, 1972 (47 FPC _____), in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing a new delivery point in Acadia Parish, La., for the delivery of natural gas to Trunkline Gas Co. (Trunkline), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order of April 17, 1972, Petitioner was authorized to transport natural gas for Trunkline from the East Donner Field, Terrebonne Parish, La., to the tailgate of Humble Oil & Refining Co.'s Garden City Plant in St. Mary Parish, La. Petitioner states that due to certain operational problems, it has been unable to effectuate the transportation of gas as contemplated and has entered into a letter agreement with Trunkline dated June 13, 1972, to provide an additional delivery point where Trunkline can accept such gas at Continental Oil Co.'s Egan Plant in Acadia Parish, La. Petitioner seeks authorization herein to transport and deliver such gas to Continental's Egan Plant for delivery to Trunkline.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 7, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18026 Filed 10–20–72;8:47 am]

[Docket No. G–11742 et al.]

MOBIL OIL CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates [1]

OCTOBER 12, 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 November 6, 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 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

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

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.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-11742 [1] D 10-2-72	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, TX 77046.	Cities Service Gas Co., Hugoton Field, Grant et al., Counties, Kans.	----------	----------
G-12318 B 9-28-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Cities Service Gas Co., Eureka Area, Grant County, Okla.	Depleted	----------
CI61-1405 C 10-2-72	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, TX 77046.	Cities Service Gas Co., Hugoton (Deep) Field, Grant et al., Counties, Kans.	19.513125	14.65
CI66-1131 B 9-28-72	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Alte Hunde Field, Zapata County, Tex.	Depleted	----------
CI70-66 B 10-2-72	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, LA 70112.	Texas Gas Transmission Corp., Coon Point Field, Ship Shoal Area, La.	[2]	----------
CI70-126 C 9-28-72	Columbia Gas Development Corp., Post Office Box 1350, Houston, TX 77001.	Columbia Gas Transmission Corp., Block 255 Field, Vermilion Area, Offshore Louisiana.	35.0	15.025
CI73-221 A 9-27-72	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., Bearpaw Field, Hill and Blaine Counties (Montana-Dakota Area), Mont.	[3] 24.10	14.65
CI73-223 B 9-25-72	General Crude Oil Co., Post Office Box 2252, Houston, TX 77001.	United Gas Pipe Line Co., Coward Gully Field, Beauregard and Calcasieu Parishes, La.	Depleted	----------
CI73-224 B 9-22-72	Logue and Patterson, 628 Meadows Bldg., Dallas Tex. 75206.	United Gas Pipe Line Co., Refugio County, Tex.	[4]	----------
CI73-225 F 9-25-72	Petro-Lewis Corp. (successor to Monterey Pipeline Co.; Secure Trusts; H. L. Hunt; and Lyda Hunt Trusts, 1600 Broadway, Denver, CO 80202.	Southern Natural Gas Co., Coffee Bay Field, Lafourche Parish, La.	22.375	15.025
CI73-227 A 9-25-72	McCulloch Oil Corp. 10880 Wilshire Blvd., Suite 1500, Los Angeles, CA 90024.	El Paso Natural Gas Co., Acreage in Lea County, N. Mex., and Jamison 1-A Well in the W/½ of the NW/¼ of section 2.	11.0	14.65
CI73-228 B 9-27-72	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Transwestern Pipeline Co., Mocane Gas Area, Beaver County, (Hugoton-Anadarko Area) Okla.	[5]	----------
CI73-232 (G-16207) F 10-2-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Transcontinental Gas Pipe Line Corp., Cooke Field, La Salle County, Tex.	14.6958	14.65
CI73-233 A 10-2-72	Texas Oil & Gas Corp., Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Northern Natural Gas Co., Northwest Cedardale, Woodward County, Okla.	[6] 21.32	14.65
CI73-234 B 10-2-72	Sun Oil Co., Southland Center, Post Office Box 2880, Dallas, TX 75221.	Florida Gas Transmission Co., Edna Field, Jefferson Davis Parish, La.	[7]	----------

[1] Mobil is filing concurrently herewith an application to amend certificate in Docket No. CI61-1405 adding thereto the producing zones proposed to be deleted herein.
[2] Expiration of lease due to cessation of production.
[3] Minus 48 cents per Mcf B.t.u. adjustment.
[4] All production ceased.
[5] By letter agreement dated Mar. 20, 1972, between Amoco and Transwestern the well covered by the authorization is no longer capable of producing commercial quantities of gas into purchaser's system.
[6] Applicant is willing to accept a certificate at an initial rate of 21.32 cents per Mcf subject to B.t.u. adjustment; however, the contract price is 35 cents per Mcf.
[7] Expiration of leases and wells on the leases covered by reference contract have been plugged and abandoned.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.72-17992 Filed 10-20-72;8:45 am]

[Docket No. CS73-272 et al.]

TRAVIS OIL CO. ET AL.

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

OCTOBER 16, 1972.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 13, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

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

Docket No.	Date filed	Name of applicant
CS73-272	10- 3-72	Travis Oil Co., 941 Westwood Blvd., Los Angeles, CA 90024.
CS73-273	10- 2-72	The Oil Capitol Corp., 30 East 16th St., Tulsa, OK 74119.
CS73-274	10- 2-72	Joseph B. Singer et al., Post Office Box 663, 1501 Classen Blvd., Oklahoma City, OK 73101.
CS73-275	10- 4-72	Usu, Inc., Post Office Box 1972, Corpus Christi, TX 78403.
CS73-276	10- 5-72	American Liberty Oil Co., 4100 First National Bank Bldg., Dallas, Tex. 75202.
CS73-277	10- 5-72	V. B. Bottoms, 1002 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS73-278	10- 5-72	Vernon Oil Co., 1002 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS73-279	10- 5-72	Merle S. Burgess, 1002 Guaranty Bank Plaza, Corpus Christi, Tx 78401.
CS73-280	10- 2-72	H. R. Harris and James R. Walton, Post Office Box 763, Hobbs, NM 88240.
CS73-281	10- 2-72	Hobart Key, Jr., 510 North Bolivar St., Marshall, TX 75670.
CS73-282	10- 6-72	Intercontinental Energy Corp., Suite 2300, 299 Park Ave., New York, NY 10017.
CS73-283	10- 6-72	Sam F. Hurt, Jr., Post Office Box 1874, Midland, TX 79701.
CS73-284	10- 6-72	James R. Hurt, Post Office Box 72, Odessa, TX 79760.
CS73-285	10-10-72	Robert Neil Hillin, 1010 American Bank Bldg., Odessa, Tex. 79761.
CS73-286	10-11-72	Vaughey & Vaughey, Post Office Box 4268, Jackson, MS 39216.

[FR Doc.72-17991 Filed 10-20-72;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given that a meeting of the Advisory Committee for Science Education will be held at 9 a.m. on October 26 and 27, 1972, in Room W-651, 5225 Wisconsin Avenue NW., Washington, DC 20550. The purpose of this Committee is to provide advice and recommendations on all National Science Foundation activities relating to science education.

The Director of the National Science Foundation has, pursuant to section 13 (d) of Executive Order 11671 (dated June 5, 1972), determined that this meeting of the Committee shall be exempt from the provisions of subsections 13 (a), (b), and (c) of the order, relating to public participation and recordkeeping, inasmuch as the activities of the Committee for the October 26 and 27, 1972 meeting are matters which fall within policies analogous to those recognized in section 552(b) of Title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure. At this meeting, the Committee will review and consider program concepts developed for the science education area as part of the NSF fiscal year 1974 budget formulation process. These matters are considered privileged in nature.

In accordance with the determination by the Director of the National Science Foundation, dated October 18, 1972, this meeting will not be open to the public. Further information relative to this Committee may be obtained from Mrs. Frances Watts, Administrative Officer, Office of the Assistant Director for Education, Room W-600, 5225 Wisconsin Avenue NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director for Administration.

OCTOBER 18, 1972.

[FR Doc.72-18111 Filed 10-20-72;8:54 am]

ADVISORY PANEL FOR PHYSICS

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given that a meeting of the Advisory Panel for Physics will be held at 9 a.m. on October 26, 27, and 28, 1972, in Room 338, 1800 G Street NW., Washington, DC 20550. The purpose of this panel is to provide advice and recommendations: (a) Concerning support for research in physics; and (b) as part of the review and evaluation process for specific proposals and projects.

The agenda for this meeting will include:

OCTOBER 26 SESSION

This session will be devoted to remarks and presentations by NSF officials and staff on the following topics: NSF fiscal year 1973 budget; proposed new program in Physics; Materials Research Laboratories; and a report on the Atomic, Molecular and Plasma Physics Review.

OCTOBER 27 SESSION

1. Nuclear Physics Review; discussion on NSF Programs—NSF program staff.

2. Remainder of this session will be devoted to the review of proposed NSF support of individual nuclear physics projects.

OCTOBER 28 SESSION

This session will be devoted to discussion by the panel and staff on the Physics Survey (Bromley) Committee report; and physics programs.

The period covered by agenda item 2 of the October 27 session will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated August 23, 1972, pursuant to the provisions of Executive Order 11671, section 13(d). The remainder of this meeting will be open to the public.

Summary minutes relative to this meeting may be obtained by contacting the Management Analysis Office, Room 245, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director for Administration.

OCTOBER 16, 1972.

[FR Doc.72-18110 Filed 10-20-72;8:54 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to section 13(a)(2) of Executive Order No. 11671 of June 5, 1972, notice is hereby given of a meeting of the ad hoc panel of the Business Advisory Council on Federal Reports to be held in Room 2008, New Executive Office Building, 726 Jackson Place (entrance on 17th Street between Pennsylvania Avenue and H Street NW.), Washington, DC., on Monday, November 6, 1972, at 9:30 a.m.

The Advisory Council assists the Office of Management and Budget in the performance of certain duties imposed by the Federal Reports Act of 1942 (40 U.S.C. 3501-3511).

The names and affiliations of members of the Council are as follows:

Charles W. Stewart, Machinery & Allied Products Institute (Chairman).
Carl A. Beck, Charles Beck Machine Corp.
William F. Betts, Association of American Railroads.
Thomas M. Brennan, Brennan & Vallone.
A. Arthur Charous, Sears, Roebuck & Co.
Walter Couper, Federated Department Stores, Inc.
William E. Dunn, Associated General Contractors of America.
James G. Ellis, Automobile Manufacturers Association.
Edwin W. Gaynor, Chrysler Corp.
James M. Goldberg, American Retail Federation.
Eugene J. Hardy, National Association of Manufacturers.
Eugene H. Hasenberg, Natural Gas Pipeline Company of America.
Benjamin F. Holcomb, United States Steel Corp.
Charles C. Hornbostel, Financial Executives Institute.
Wayne E. Kuhn, Omark Industries, Inc.
John E. Lewis, National Small Business Association.
Herbert Liebenson, National Small Business Association.
Carl H. Madden, Chamber of Commerce of the United States.
David J. Mahrer, Aluminum Co. of America.
G. H. McDaniel, member at large.
Joseph F. Miller, Executives Consultants, Inc.
Robert H. North, International Association of Ice Cream Manufacturers.
Edwin M. Patterson, Pan American Sulphur Co.
Joseph A. Sciarrino, Financial Executives Institute.
William H. Shaw, E. I. du Pont de Nemours & Co., Inc.
Robert H. Stewart, Jr., Gulf Oil Corp.
Vincent T. Wasilewski, National Association of Broadcasters.
Robert O. Welk, Eastman Kodak Co.

The purpose of the meeting is to obtain advice on reporting problems involved in a public use report of the Bureau of Labor Statistics' Office of Occupational Safety and Health Administration entitled "1972 Occupational Injuries and Illnesses Survey," OSHA No. 103, now under review in the Office of Management and Budget. This form is a revision of OMB No. 44-S 1036. The meeting will be open to public observation and participation.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.72-18077 Filed 10-20-72;8:52 am]

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to section 13(a)(2) of Executive Order No. 11671 of June 5, 1972, notice is hereby given of a meeting of the Chemical Committee of the Business Advisory Council on Federal Reports to be held in Room 10104, New Executive Office Building, 726 Jackson Place (entrance on 17th Street between Pennsylvania Avenue and H Street NW.), Washington, DC, on Wednesday, November 1, 1972, at 10:15 a.m.

The Advisory Council assists the Office of Management and Budget in the performance of certain duties imposed by the Federal Reports Act of 1942 (40 U.S.C. 3501-3511).

The names and affiliations of members of the Committee are as follows:

Dr. S. Graeme Turnbull, Jr., E. I. du Pont de Nemours & Co., Inc. (Chairman).
Ronald B. Adams, Virginia Chemicals, Inc.
Oliver Axtell, Celanese Chemical Co.
Marjorie V. Campbell, Manufacturing Chemists Association.
Dr. Newman H. Giragosian, GAF Corp.
Dr. Charles E. Grabiel, The Dow Chemical Co.
George K. Graeber, Union Carbide Corp.
Howard D. Hensley, Great Lakes Chemical Corp.
George W. Ingle, Monsanto Co.
D. Lynn Johnson, Tennessee Eastman Co.
Thomas Klum, American Cyanamid Co.
Morris L. Neuville, The Ansul Co.
Douglas H. Ross, Allied Chemical Corp.
Malcolm L. Sagenkahn, Shell Chemical Co.
N. R. Wenrich, Merck and Co., Inc.

The purpose of the meeting is to obtain advice on reporting problems involved in a public use report of the Tariff Commission entitled "Selected Synthetic Organic Chemicals." Other matters to be discussed include the Wholesale Price Index, Census of Manufacturers, and the Quarterly Financial Report for Manufacturing Corporations as they relate to chemicals. The meeting will be open to public observation and participation.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.72-18078 Filed 10-20-72;8:53 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

IOWA DEVELOPMENTAL PLAN

Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Iowa has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan identifies the Bureau of Labor as the State agency designated by the Governor of the State to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). Under existing occupational safety and health legislation, effective July 1, 1972, the plan proposes to adopt all occupational safety and health standards and amendments thereto which have been adopted by the Secretary of Labor, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking, and longshoring). The plan sets forth a timetable for this adoption; a description of the enforcement program; and a description of personnel and resources.

Within the terms of 29 CFR 1902.2(b), the plan appears to be developmental in the following general areas: Occupational safety and health standards; compliance program for agriculture, mercantile and service employers; management information system; hiring and training of staff.

Included in the plan is a statement of the Governor's support for the plan and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of Iowa. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, Room 500, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Room 300 Waltower Building, 823 Walnut Street, Kansas City, MO 64106; Iowa Bureau of Labor, State House, East Seventh and Court Avenues, Fourth Floor, Des Moines, Iowa 50319. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given 30 days from the day of this publication in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of State Programs, OSHA, Railway Labor Building, Room 500, U.S. Department of Labor, Washington, D.C. 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed within the 30 days specified above. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

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

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-18045 Filed 10-20-72;8:48 am]

UTAH DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Utah has been submitted to the assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan identifies the Utah State Industrial Commission as the State agency designated by the Governor of the State to administer the plan throughout the State. It defines the covered occupational safety and health issues in accordance with 29 CFR Part 1910, with the exceptions of ship repairing, shipbuilding, shipbreaking, and longshoring.

The plan includes proposed draft legislation to be considered by the Utah Legislature during its 1973 session. Under the legislation the Commission will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State with the exception of employees of the United States or where there is occupational safety and health protection of employees under other Federal laws such as the Atomic Energy Act of 1954, 42 U.S.C. 2021; the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 801; and the Federal Metal and Nonmetallic Mine Safety Act, 30 U.S.C. section 721 et seq.

The plan contains detailed discussion of the following subjects: (1) Enforcement; (2) organization and staff; (3) training and education; (4) reporting systems; (5) a public employee program; (6) target dates; (7) budget; and (8) standards.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, Room 500, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Occupational Safety and Health Administration, Department of Labor, Federal Office Building, Room 15010, 1961 Stout Street, Denver, CO 80202; Utah Industrial Commission, Safety Division, 158 Social Hall Avenue, Salt Lake City, UT 84114. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given 30 days from the day of this publication in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of State Programs, OSHA, Railway Labor Building, Room 500, U.S. Department of Labor, Washington, D.C. 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed within the 30 days specified above. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved. The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

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

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-18046 Filed 10-20-72;8:48 am]

NORTH DAKOTA DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970

(29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of North Dakota has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan identifies the Workmen's Compensation Bureau as the State agency designated by the Governor of the State to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1).

The plan includes proposed draft legislation to be considered by the North Dakota Legislature during its 1973 session. Under the legislation the Workmen's Compensation Bureau will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State with the exception of ship repairing, shipbuilding, shipbreaking, and longshoring.

The legislation further proposes to bring the plan into conformity with the requirements of 29 CFR Part 1902 in areas such as procedures for variances and the protection of employees from hazards, procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards; and procedures for prompt restraint, or elimination of imminent danger situations.

The legislation is also intended to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements; a system of sanctions against employers for violations of standards; employer right of review and employee participation in review proceedings; and coverage of employees of political subdivisions.

Included in the plan is a statement of the Governor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of North Dakota. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 including provision for a merit system for personnel upon enactment of the proposed legislation by the State legislature.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, Room 500, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor, Room 15010, 1961 Stout Street, Denver, CO 80202; Workmen's Compensation Bureau, Ninth Floor, Room 10, State Capitol, Bismarck, N. Dak. 58501. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given 30 days from the day of this publication in which to submit to the Assistant Secreatry written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of State Programs, OSHA, Railway Labor Building, Room 500, U.S. Department of Labor, Washington, D.C. 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed within the 30 days specified above. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

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

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-18047 Filed 10-20-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte 241; Rule 19, Rev. Exemption 22]

ATCHISON, TOPEKA AND SANTA FE RAILROAD CO. ET AL.

Exemption from Mandatory Car Service Rules

It appearing, that there are substantial movements of grain and grain products moving in plain, 40-foot, narrow-door boxcars between points on the following railroads:

The Atchison, Topeka and Santa Fe Railway Co.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Chicago, Rock Island and Pacific Railroad Co.
Missouri Pacific Railroad Co.
St. Louis-San Francisco Railway Co.
Union Pacific Railroad Co.

and that unlimited exchange of such cars among these railroads will increase car utilization by reductions in switching and other movements of empty cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide owned by any of the aforementioned railroads and located empty on such lines, may be loaded with grain or grain products, as defined herein, to stations located on any of the aforementioned railroads. When so loaded, such cars shall be exempt from the provisions of Car Service Rules 1 and 2.

The term grain and grain products shall comprise the commodities specifically named in lists 1, 2, 5, 6, 7, and 8 published in Western Trunk Lines Freight Tariff 330-U, ICC A-4797, issued by Fred Ofcky, supplements thereto, or consecutive issues thereof.

Effective October 17, 1972.

Expires October 31, 1972.

Issued at Washington, D.C., October 16, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.72-18080 Filed 10-20-72;8:53 am]

[Rev. S.O. 994; I.C.C. Order 73]

ST. JOHNSBURY AND LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the St. Johnsbury & Lamoille County Railroad is unable to transport traffic over its line between Wolcott, Vt., and St. Johnsbury, Vt., because of track damage.

It is ordered, That:

(a) *Rerouting traffic.* The St. Johnsbury & Lamoille County Railroad, being unable to transport traffic over its line between Wolcott, Vt., and St. Johnsbury, Vt., because of track damage, that carrier and its connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted

and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4 p.m., October 16, 1972.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 16, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.72-18081 Filed 10-20-72;8:53 am]

[Notice No. 101]

ASSIGNMENT OF HEARINGS

OCTOBER 18, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No Amendments will be entertained after the date of this publication.

MC 2890 Sub 43, American Buslines, Inc., Extension—Sterling, Colo., now assigned November 14, 1972, at Sidney, Nebr., hearing will be held in the Basement Meeting Room, Cheyenne County Courthouse, 10th and Jackson.

MC 134040 Sub 3, Acme Transfer, Inc., now assigned November 6, 1972, MC 127172 Sub 4, Francis Margolies, doing business as Marc Baggage Lines, assigned November 7, 1972, MC 51146 Sub 268, Schneider Transport, Inc., assigned November 9, 1972, at Chicago, Ill., will be held in Room 813, Customhouse, 610 South Canal Street.

MC 128273 Sub 107, Midwestern Express, Inc., now assigned continued hearing November 13, 1972, at Columbus, Ohio, will be held 255 Federal Building, 85 Marconi Boulevard.

MC 133633 Sub 8, Highway Express, Inc., now assigned November 13, 1972, at Jackson, Miss., hearing will be held in Room 536, U.S. Post Office and Courthouse Building, East Capital and Southwest Streets.

MC 115841 Sub 407, Colonial Refrigerated Transportation, Inc., now assigned November 8, 1972, at Atlanta, Ga., hearing is canceled and application dismissed.

MC 107295 Sub 593, Pre-Fab Transit Co., assigned November 27, 1972, MC 124211 Sub 210, Hilt Truck Line, Inc., assigned November 28, 1972, MC-F-11423, Tower Lines, Inc.—Control and Merger—All Ohio Trucking Co., and MC 65941 Sub 36, Tower Lines, Inc., assigned November 29, 1972, MC 51146 Sub 273, Schneider Transport, Inc., assigned December 4, 1972, MC-F-11471, Suburban Motor Freight, Inc.—Control and Merger—The Hauselman Transportation Co., MC 44447 Sub 28, Suburban Motor Freight, Inc., and FD 27038, Suburban Motor Freight, Inc., Notes, now assigned December 6, 1972, at Columbus, Ohio, will be held in Room 4, State Office Building, 65 South Front Street.

MC 109397 Sub 274, Tri-State Motor Transit Co., now assigned December 5, 1972, at Columbus, Ohio, will be held in Room 5, State Office Building, 65 South Front Street.

MC 3062 Sub 33, L. A. Tucker Truck Lines, Inc., now assigned December 18, 1972, at Memphis, Tenn., is postponed indefinitely.

MC 136307, Burkewitz Transport, Inc., now assigned November 6, 1972, at Montpelier, Vt., will be held in Room 338, Federal Building, 87 State Street.

MC-F-11442, K. G. Moore, Inc.—Purchase—Fleming's Express, Inc., now assigned November 8, 1972, at Boston, Mass., will be held in Room 2211B, John Fitzgerald Kennedy Building, Government Center.

MC 172 Sub 8, Robert E. Wade, now assigned November 13, 1972, at Albany, N.Y., will be held in Room 434, U.S. Post Office and Courthouse, Broadway.

MC 263 Sub 199, Garrett Freight Line, Inc.—Alternate routes, now assigned October 30, 1972, at Portland, Oreg., hearing is canceled, and transferred to modified procedure.

MC 121658 Sub 2, Steve D. Thompson, now being assigned hearing December 4, 1972 (1 week), in Conference Room, Second Floor, State Office Building, 122 St. John Street, Monroe, LA.

MC 32882 Sub 50, Mitchell Bros. Truck Lines, MC 83539 Sub 282, C & H Transportation Co., Inc., now assigned October 30, 1972, at San Francisco, Calif., hearing room is transferred to Room 13025, Federal Building, 450 Golden Gate Avenue, San Francisco, Calif.

I & S 8789, Passenger Fare Increase, Penn Central, now being assigned hearing December 4, 1972 (3 days), at Providence, R.I., in a hearing room to be later designated.

MC-C-7823, New England-New York Transport, Inc.—Investigation and Revocation of Certificates—now being assigned hearing December 7, 1972 (2 days), at Boston, Mass., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-18083 Filed 10-20-72;8:53 am]

[Notice 145]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

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

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

No. MC-FC-73392. By order of October 3, 1972, the Motor Carrier Board, on reconsideration, approved the transfer to Harold H. Wolfe, Westfield, N.Y., of Certificate No. MC-62200, issued to Clyde H. Wolfe, doing business as Westfield Moving and Delivery Service, Westfield, N.Y., authorizing the transportation of: Household goods, between Westfield, N.Y., and points in Erie County, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, and Ohio, Arthur S. Tennant, attorney at law, 107 East Main Street, Westfield, NY 14787.

TRANSFER APPLICATION TO BE ASSIGNED FOR ORAL HEARING

No. MC-FC-73661. Authority sought by transferee, BIANCHI TRANSPORTATION COMPANY, INC., Box 241, Birch Street, Old Bridge, NJ 08857, to acquire the operating rights of transferor, BIANCHI TRUCK LINE, INCORPORATED, 79 Paterson Street, New Brunswick, NJ 08901. Applicants' representatives: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817, and Klemmer Kalteissen, 79 Paterson Street, New Brunswick, NJ 08901. Operating rights in No. MC-114132 sought to be transferred authorize the transportation of: Numerous specified commodities, including agricultural commodities, seafood, malt beverages, frozen fruits, canned goods, fertilizer and fertilizer materials, and chemicals, from and to named points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Illinois, Missouri, Iowa, Pennsylvania,

Rhode Island, South Carolina, Florida, Georgia, Virginia, and the District of Columbia.

By order of the Commission, Division 3, dated August 11, 1972, the subject application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with the petition filed March 30, 1972, in No. MC-114132 on behalf of Churn's Truck Line, Inc., L. S. Parsons, and Anthony T. Georgiana, seeking to have the name of Bianchi Truck Line, Incorporated, changed to Churn's Truck Line, Inc. The attorney for petitioner Churn's Truck Line is: E. Stephen Heisley, Ames, Hill & Ames, 666 11th Street NW., Washington, DC 20001.

The purpose of the hearing, the date and time of which will be fixed at a later date, is to determine ownership of title to the subject operating rights and whether the application satisfies the rules and regulations governing transfers of rights to operate as a motor carrier in interstate or foreign commerce (49 CFR Part 1132). Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the requested intervention, the place where the petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

No. MC-FC-73816. By order entered October 3, 1972, the Motor Carrier Board approved the transfer to Daniels Transportation Co., Inc., Lebanon, N.H., of that portion of the operating rights set forth in Certificate No. MC-65398 (Sub-No. 3), issued May 18, 1967, to Miller Brothers Moving & Storage, Inc., Riverside, N.J., authorizing the transportation of household goods, between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in 26 specified States and the District of Columbia. Frederick T. O'Sullivan, 622 Lowell Street, Peabody, MA 01960, attorney for applicants.

No. MC-FC-73949. By order of October 2, 1972, the Motor Carrier Board approved the transfer to Jalt Corp. doing business as United Newspaper Delivery Service, Woodbridge, N.J., of Permit No. MC-123778 (Sub-No. 1) and related subs thereunder, issued to Joseph Baio, doing business as United Newspaper Delivery Service, Woodbridge, N.J., authorizing the transportation of: Magazines, racks, and advertising matter, between specified points and areas in New Jersey, Connecticut, Pennsylvania, New York, Delaware, Maryland, and Washington, D.C. Morton E. Kiel, 140 Cedar Street, New York, NY 10006, attorney for applicants.

No. MC-FC-73958. By order of October 4, 1972, the Motor Carrier Board approved the transfer to Domenico Tours, Inc., Bayonne, N.J., of License No. MC-12850 (Sub-No. 1) and MC-12850 (Sub-No. 2) issued to Vincent Di Domenico, doing business as Domenico Tours, Bayonne, N.J., evidencing a right of the holder thereof to engage in operations as a broker, in arranging for the transportation of: Passengers and their baggage, in special and charter operations, between points in the United States, except Alaska and Hawaii. Charles J. Williams, attorney, 47 Lincoln Park, Newark, NJ 07102.

No. MC-FC-73964. By order entered October 2, 1972, the Motor Carrier Board approved the transfer to L. A. Lewis, Inc., Scranton, Pa., of the operating rights set forth in Certificate No. MC-31765, issued January 13, 1959, to Lewis A. Lewis, Jr., doing business as L. A. Lewis, Scranton, Pa., authorizing the transportation of household goods, between Scranton, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, and Ohio. Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

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CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR

Page

PROCLAMATIONS:

4160 ... 20665
4161 ... 20931
4162 ... 21411
4163 ... 21413
4164 ... 21415
4165 ... 21417
4166 ... 21419
4167 ... 21901
4168 ... 21903
4169 ... 22571

EXECUTIVE ORDERS:

July 2, 1910 (revoked in part by PLO 5273) ... 22617
August 25, 1914 (revoked in part by PLO 5287) ... 22745
July 21, 1915 (revoked in part by PLO 5274) ... 22618
August 27, 1915 (revoked in part by PLO 5274) ... 22618
May 21, 1920 (revoked in part by PLO 5288) ... 22746
5327 (revoked in part by PLO 5285) ... 22745
11671 (amended and superseded by EO 11686) ... 21421
11686 ... 21421
11687 ... 21479

3 CFR—Continued

Page

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Determination of Oct. 18, 1972 ... 22573

4 CFR

PROPOSED RULES:

331 ... 21177
404 ... 20956

5 CFR

175 ... 21925
213 ... 21149, 21481, 21987
550 ... 22717
713 ... 22717
890 ... 20667
2411 ... 20668, 22724
2470 ... 20671
2471 ... 20671

6 CFR

101 ... 20949
201 ... 21306
202 ... 21306
300 ... 20828, 21440, 21943
305 ... 20950
Rulings ... 20829-20837, 21481, 21987

7 CFR

Page

51 ... 21423
52 ... 21155
58 ... 22363
210 ... 22622
220 ... 22622, 22623
722 ... 21988
864 ... 21795
874 ... 21533
905 ... 21799
906 ... 21800, 21801
908 ... 20933, 21307, 21536, 21802, 22369, 22724
910 ... 21157, 21308, 21802, 22724
912 ... 21308
928 ... 21537
944 ... 21802
966 ... 21423
980 ... 21424
982 ... 21988
987 ... 21537
1036 ... 22623
1040 ... 20804
1043 ... 20804
1050 ... 22724
1801 ... 21425
1832 ... 21158
1861 ... 21425
1890n ... 21425
1890o ... 22369

7 CFR—Continued

Page

PROPOSED RULES:

58 ... 21331
319 ... 21444
722 ... 20721, 21642
724 ... 21950
725 ... 21443
728 ... 21642
729 ... 21853
730 ... 21173, 21642, 21643
775 ... 21332, 21642
811 ... 21333
906 ... 21947, 22753
911 ... 20951
929 ... 20867, 21538
982 ... 21442
984 ... 21443, 22000
987 ... 22387
989 ... 21538, 22625
991 ... 21539
999 ... 21538
1002 ... 22000
1007 ... 22625
1032 ... 21171
1050 ... 20952, 21171
1060 ... 22625
1061 ... 22625
1062 ... 21171, 21641
1063 ... 22625
1064 ... 21171, 22625
1065 ... 21171, 22625
1068 ... 22625
1069 ... 22625
1070 ... 22625
1071 ... 21821, 22625, 22753
1073 ... 21821, 22625, 22753
1076 ... 22625
1078 ... 22625
1079 ... 22625
1090 ... 22625
1094 ... 22625
1096 ... 22625
1097 ... 21821, 22625, 22753
1098 ... 22625
1099 ... 21332
1102 ... 21821, 22625, 22753
1103 ... 22625
1104 ... 21821, 22625, 22753
1106 ... 21821, 21947, 22625, 22753
1108 ... 21821, 22625, 22753
1120 ... 21821, 22625, 22753
1126 ... 21821, 22625, 22753
1127 ... 21821, 22625, 22753
1128 ... 21821, 22625, 22753
1129 ... 21821, 22625, 22753
1130 ... 21821, 22625, 22753
1131 ... 22625
1132 ... 21821, 22625, 22753
1133 ... 21539
1138 ... 21821, 22625, 22753
1139 ... 20867
1421 ... 21174, 21335
1464 ... 21956
1701 ... 20867, 20952

8 CFR

103 ... 22725
212 ... 22725
235 ... 22725
238 ... 22725
299 ... 22726
499 ... 22726

9 CFR

51 ... 22370
56 ... 21925
76 ... 20805, 20933, 21277, 21621, 22726–22728
78 ... 22370
82 ... 21427, 21989
92 ... 21149, 21804
94 ... 21149, 22728
301 ... 21926
312 ... 21926
327 ... 21927

10 CFR

PROPOSED RULES:

12 ... 22391
20 ... 21652
170 ... 20871

11 CFR

4 ... 22380

12 CFR

1 ... 21622
225 ... 20673, 21938
269 ... 21989
615 ... 22575

PROPOSED RULES:

291 ... 22003
545 ... 21178
561 ... 21179
563 ... 21179

13 CFR

302 ... 21154

PROPOSED RULES:

308 ... 21646

14 CFR

23 ... 21320
27 ... 21320
39 ... 20673, 21320, 21527, 21528, 21626–21628, 21928, 22371
47 ... 21528
71 ... 20674, 20806, 20807, 20934, 21160, 21321, 21427, 21528–21530, 21628, 21804, 21805, 21928–21930, 22372, 22373, 22576, 22577, 22729
75 ... 20807, 21160, 21530, 22577
91 ... 20934, 21990
95 ... 21930
97 ... 20935, 21628, 22373
121 ... 20936
169 ... 21321
Ch. II ... 20807
207 ... 20674
208 ... 20674
212 ... 20674, 20807
214 ... 20675, 20807
217 ... 20675
239 ... 21161
241 ... 20676
249 ... 20676, 20808
297 ... 21805
372a ... 20808
389 ... 21806
405 ... 21162

PROPOSED RULES:

39 ... 21444, 22390
71 ... 20727, 20871, 20952–20955, 21160, 21174 21175, 21542, 21651, 21853–21856, 21957, 21958, 22627, 22754
73 ... 21543, 21651, 21856
91 ... 20955
207 ... 21347

14 CFR—Continued

Page

PROPOSED RULES—Continued

208 ... 21347
212 ... 21347
214 ... 21347
239 ... 21175

15 CFR

371 ... 21309
373 ... 21309
376 ... 21310
911 ... 21806

16 CFR

2 ... 22611
3 ... 22611
4 ... 22611
13 ... 21312, 21313, 21315–21318, 21932–21936, 22729–22731
600 ... 21319

PROPOSED RULES:

303 ... 21653

17 CFR

1 ... 22611
15 ... 22612
18 ... 22612
211 ... 20937
231 ... 20937
240 ... 22612
241 ... 20937
251 ... 20937
271 ... 20937

PROPOSED RULES:

16 ... 22387, 22388
17 ... 22388
18 ... 22388, 22389
19 ... 22390
239 ... 21445
240 ... 21447, 21958, 22004
249 ... 21445

18 CFR

PROPOSED RULES:

2 ... 21181
101 ... 21181
104 ... 21181
201 ... 21181
204 ... 21181
260 ... 21544
801 ... 21355

19 CFR

11 ... 20678
12 ... 21804
24 ... 20678
133 ... 20678

PROPOSED RULES:

18 ... 22381
21 ... 22381
22 ... 20951
24 ... 22381
112 ... 22381
125 ... 22385
172 ... 22386

20 CFR

405 ... 21162, 21428, 21630
722 ... 21429

21 CFR

3 ... 21481, 21630, 21991
19 ... 20937

21 CFR—Continued

Page

37 ... 21481
51 ... 21807
121 ... 21150, 21151, 21278, 21905, 21991, 22374
135 ... 21630, 21808
135a ... 20938, 21905, 22374
135b ... 20938, 20939, 21429, 21631, 21632, 21808, 21905
135c ... 20683, 20939, 21631, 21906
135e ... 20683, 20939, 21279
135f ... 21808
135g ... 20683
141 ... 21302
146c ... 21906
148i ... 21809, 21906
148n ... 21809
148p ... 21809
148z ... 21302
164 ... 20685
295 ... 21632, 21633, 21635

PROPOSED RULES:

10 ... 21102
26 ... 21103
50 ... 21106
51 ... 21112
135 ... 21174
141 ... 20870, 21344
141c ... 21344
146c ... 21344
148f ... 21347
149q ... 21344
150d ... 21344
191 ... 22000
295 ... 22001

22 CFR

41 ... 21637

23 CFR

1 ... 21430, 21809

24 CFR

35 ... 22732
200 ... 22378
1914 ... 20940, 21433, 21937
1915 ... 21434, 21938

25 CFR

503 ... 21938

PROPOSED RULES:

161 ... 21947

26 CFR

1 ... 20686, 20688, 20767, 20799, 21434, 21907, 21991, 22375
194 ... 22734
201 ... 21637, 22735
250 ... 22735
251 ... 22740

PROPOSED RULES:

1 ... 20700, 20719, 20853, 22387
49 ... 21818
170 ... 21330
201 ... 20838, 22000
250 ... 21330
251 ... 21330
301 ... 20700, 21442, 21818
601 ... 21818

29 CFR

1 ... 21138
5 ... 21138
55 ... 21165

29 CFR—Continued

Page

101 ... 21481
102 ... 21481
103 ... 21939
1904 ... 20822, 20823
1910 ... 22102, 22743
1913 ... 21303
1915 ... 22458
1916 ... 22484
1917 ... 22510
1918 ... 22530
1919 ... 22554

PROPOSED RULES:

1902 ... 20728

30 CFR

75 ... 20689, 22375
77 ... 22375

PROPOSED RULES:

75 ... 21641

32 CFR

1 ... 21482
2 ... 21484
3 ... 21484
4 ... 21490
5 ... 21490
6 ... 21491
7 ... 21492
8 ... 21508
9 ... 21509
12 ... 21514
13 ... 21515
14 ... 21516
15 ... 21516
16 ... 21519
18 ... 21521
19 ... 21524
23 ... 21524
24 ... 21525
26 ... 21525
30 ... 21526
818a ... 20823
824 ... 20825
1301 ... 20942
1302 ... 20942
1472 ... 20690, 21994
1477 ... 20690

PROPOSED RULES:

1611 ... 21544
1623 ... 21544
1624 ... 21544
1626 ... 21544
1627 ... 21544
1660 ... 21653

32A CFR

Ch. X:
OI Reg. 1 ... 22743

33 CFR

1 ... 21481
72 ... 20693
92 ... 21151
117 ... 22375
173 ... 21396
174 ... 21396
207 ... 22375

PROPOSED RULES:

117 ... 21853
175 ... 21262
209 ... 21818

37 CFR

1 ... 21994

38 CFR

Page

3 ... 21436

39 CFR

11 ... 22578
12 ... 22578
13 ... 22578
21 ... 22578
22 ... 22582
23 ... 22587
24 ... 22588
25 ... 22589
31 ... 22589
32 ... 22594
41 ... 22595
42 ... 22596
43 ... 22598
44 ... 22599
45 ... 22599
46 ... 22599
47 ... 22601
51 ... 22601
52 ... 22602
53 ... 22603
54 ... 22603
55 ... 22604
56 ... 22604
57 ... 22604
61 ... 22604
62 ... 22608
71 ... 22608
72 ... 22609
73 ... 22611
74 ... 22611

PROPOSED RULES:

123 ... 21641

40 CFR

115 ... 21441
123 ... 21441
180 ... 20225, 21151, 21152, 21278, 21995

PROPOSED RULES:

60 ... 21653
85 ... 20914
180 ... 22627

41 CFR

1-1 ... 20693
1-3 ... 20693
1-15 ... 20693
3-3 ... 22613
5A-1 ... 20693, 22614
5A-72 ... 22615
9-7 ... 21322
9-16 ... 21322
9-53 ... 21322
15-4 ... 21637

101-26 ... 20940
101-32 ... 20941
114-51 ... 20941

PROPOSED RULES:

60-1 ... 20870
101-19 ... 20958

42 CFR

57 ... 21939

43 CFR

PUBLIC LAND ORDERS:

127 (revoked in part by PLO 5282) ... 22744
967 (see PLO 5282) ... 22744

43 CFR—Continued

PUBLIC LAND ORDERS—Continued

45 CFR

46 CFR

PROPOSED RULES:

47 CFR

47 CFR—Continued

PROPOSED RULES:

49 CFR

PROPOSED RULES:

50 CFR

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	Date
20659–20760	Oct. 3
20761–20923	4
20925–21142	5
21143–21270	6
21271–21404	7
21405–21471	Oct. 11
21473–21614	12
21615–21787	13
21789–21894	14
21895–21980	Oct. 17
21981–22356	18
22357–22564	19
22565–22709	20
22711–22786	21

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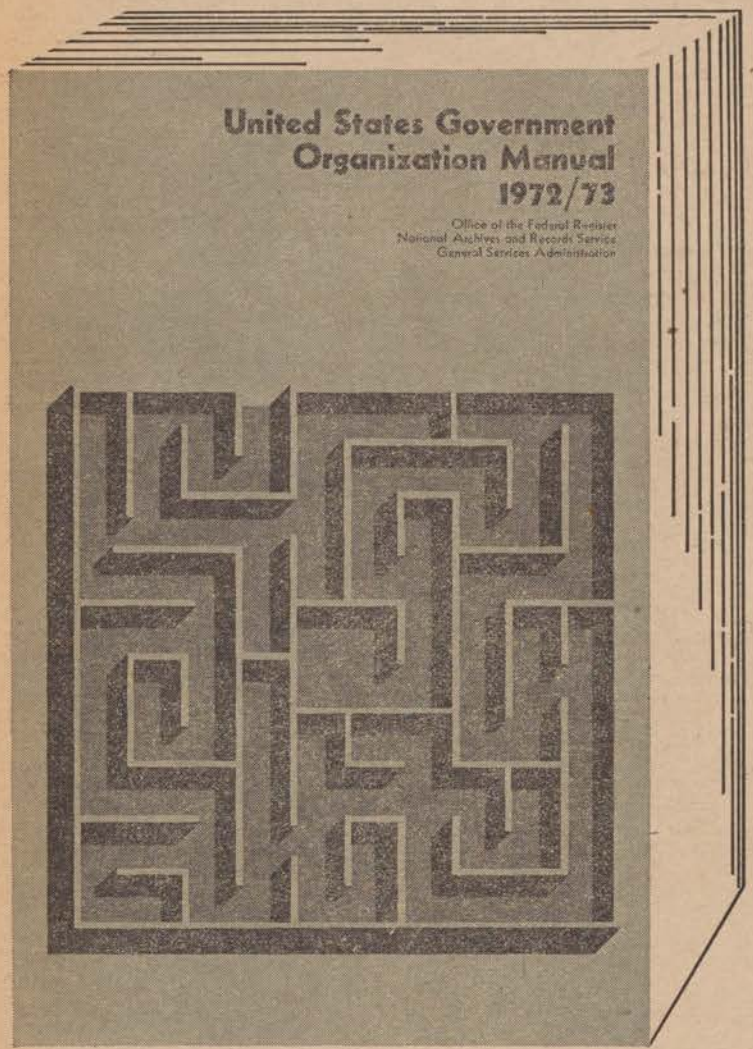

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