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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.

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes of the Code of Federal Regulations. The rate for subscription service to all revised volumes issued as of January 1, 1972, is $195 domestic, $50 additional for foreign mailing. The subscription price for revised volumes to be issued as of January 1, 1973, will be $200 domestic, $50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1972):

Title		Price
1		$1.00
2–3		2.75
3	1936–1938 Compilation	6.00
	1938–1943 Compilation	9.00
	1943–1948 Compilation	10.50
	1949–1953 Compilation	7.00
	1954–1958 Compilation	7.00
	1959–1963 Compilation	9.00
	1964–1965 Compilation	3.75
	1936–1965 Consolidated Indexes	3.50
	1936–1965 Consolidated Tables	5.25
	1966–1970 Compilation	10.00
	1971 Compilation	1.25
4		.55
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6	(Rev. June 1, 1972)	1.25
7	Parts:	
	0–45	2.75
	46–51	1.75
	52	3.25
	53–209	3.25
	210–699	2.50
	700–749	2.00
	750–899	1.25
	900–944	1.75
	945–980	1.00
	981–999	1.00
	1000–1059	1.75
	1060–1119	1.75
	1120–1199	1.50
	1200–1499	2.00
	1500-end	2.50
8		1.00
9		2.00
10		1.75
11	(As of July 1, 1972)	.50
12	Parts:	
	1–299	3.00
	300-end	2.75
13		1.25
14	Parts:	
	1–59	3.00
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	200-end	3.25
15		2.00
16	Parts:	
	0–149	$3.25
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	147–299	1.25
	300-end	.60
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24		3.25
25		1.75
26	Parts:	
	1 (§§ 1.0–1—1.300)	3.50
	1 (§§ 1.301–1.400)	1.00
	1 (§§ 1.401–1.500)	1.50
	1 (§§ 1.501–1.640)	1.25
	1 (§§ 1.641–1.850)	1.75
	1 (§§ 1.851–1.1200)	2.00
	1 (§§ 1.1201–end)	3.50
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	30–39	1.50
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	500–599	1.75
	600-end	.60
27		.45
28		1.00
29	Parts:	
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	900-end	4.00
30		2.75
31		2.50
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	1300-end	1.25
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Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 13]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1970–71 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.).

The main purpose of this amendment is to provide for obtaining a producer report of production of unmarketed tobacco at end of season. The regulations have provided for many years for obtaining a producer report of production and disposition of tobacco on MQ–108. This amendment provides for a report of unmarketed tobacco on MQ–108–1 which

is really an abbreviated MQ–108. Other amendments are included.

The changes in the regulations to incorporate this amendment are as follows:

1. Section 725.69 is completely rewritten to provide language uniformly adopted for all commodity allotments, bases, and quotas relative to establishing new farm allotments.

2. In § 725.72, paragraph (s) is amended to permit transfers from federally owned land where the land is leased back with uninterrupted possession to the former owner after acquisition under the right of eminent domain.

3. Section 725.73 is amended to include failed acreage and acreage prevented from being planted because of a natural disaster when determining tobacco history acreage and to delete other provisions that are no longer applicable.

4. In § 725.98, paragraph (d) is deleted because the provision is included in revised § 725.69 and paragraph (g) is amended to provide for obtaining a report of unmarketed tobacco from farm operators.

5. In § 725.100, subparagraph (1) of paragraph (d) is amended to clarify that tobacco dealers and buyers are required to furnish the warehouseman an adjustment invoice or buyers settlement sheet on a daily sales basis.

6. In § 725.102, the last sentence of paragraph (b) is amended to provide that reports of truckers, persons redrying, prizing, or stemming tobacco and storage firms are to be furnished to the State ASCS office of the State in which the business is located.

Tobacco farmers are now in the process of marketing their 1972 crop of Fluecured tobacco covered by these regulations and need to know the provisions of the amendments herein. Hence, it is essential that the amendments contained herein be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. The amendments contained herein shall become effective upon the date of filing this document with the Director, Office of the Federal Register.

The amendments are as follows:

1. Section 725.69 is amended to read as follows:

§ 725.69 Determination of acreage allotments for new farms.

The acreage allotment, other than an allotment made under § 725.68, for a new farm shall be that acreage which the county committee, with approval of the State committee, determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That, if an acreage is not planted to tobacco on a new tobacco farm, such allotment shall be automatically reduced to zero.

(a) *Written application.* The farm operator must file an application for a new farm allotment at the office of the county committee where the farm is administratively located on or before February 15 of the year for which the new farm allotment is requested.

(b) *Eligibility requirements for operator.* A new farm allotment may be established if each of the following conditions is met:

(1) *Owner and operator of the farm.* The operator shall be the sole owner of the farm. For the purpose of applying this subparagraph (1) a person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner and operator of a farm which they jointly own.

(2) *Interest in another farm.* The farm operator shall not own or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

(3) *Availability of equipment and facilities.* The operator must own, or have readily available, adequate equipment and any other facilities of production necessary to the production of tobacco on the farm.

(4) *Income requirement.* The operator must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products.

(i) *Computing operator's income.* The following shall be considered in computing operator's income.

(*a*) *Income from farming.* Income from farming shall include the estimated return from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. The estimated return from the production of the requested new farm allotment shall not be included.

(*b*) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments, and unemployment compensations.

(*c*) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(ii) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(iii) *Operator a corporation.* If the operator is a corporation, it must have no other major corporate purpose other than ownership or operation of the farm. Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(iv) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided they determine that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that their determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making their determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(5) *Experience.* Operator must have had experience in producing, harvesting, and marketing the kind of tobacco requested. Such experience must have been gained by being a sharecropper, tenant, or farm operator (bona fide tobacco production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement) during at least two of the 5 years immediately preceding the year for which the new farm allotment is requested. If the operator was in the armed services during the 5-year period, the period shall be extended 1 year for each year of military service during the 5 years. The experience must have been gained on a farm having a tobacco allotment for such years for the kind of tobacco requested in the application.

(c) *Eligibility requirements for the farm.* A new farm allotment may be established if each of the following conditions is met:

(1) *Current allotment or quota.* The farm must not have on the date of approval of a new farm acreage allotment an allotment or quota for any kind of tobacco.

(2) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for tobacco production. Also continuous production of tobacco must not result in an undue erosion hazard.

(3) *Entire allotment designated by owner where farm reconstituted.* A farm which includes land which has no tobacco allotment because the owner did not designate a tobacco allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter shall not be eligible for a new farm tobacco allotment for a period of 5 years beginning with the year in which the reconstitution became effective.

(4) *Eminent domain acquisition.* A farm which includes land acquired by an agency having the right of eminent domain for which the entire tobacco allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm allotment for a period of 5 years from the date the former owner was displaced.

(5) *Downward adjustment.* The acreage allotments established as provided in this section for each kind of tobacco shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms.

(6) *False information.* Any new farm acreage allotment which was determined by the county committee on the basis of incomplete or inaccurate information knowingly furnished by the applicant shall be canceled by the county committee as of the date the allotment was established. When incomplete or inaccurate information was unknowingly furnished by the applicant, the allotment shall be canceled effective for the current crop year except where the provisions of § 725.70(d) apply.

2. In § 725.72, paragraph (s) is amended to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

* * * * *

(s) *Allotment and marketing quota on land under restrictive lease.* No transfer under this section shall be made from any land owned by the United States, or any agency or instrumentality wholly owned by the United States, except that the transfer may be approved in cases where the land is leased back with uninterrupted possession to the former owner after acquisition under right of eminent domain. For such transfers, the Government agency or instrumentality is not required to sign the record of transfer.

3. Section 725.73 is amended to read as follows:

§ 725.73 Determining tobacco history acreages.

Tobacco history acreage shall be determined for each farm for which a tobacco farm acreage allotment has been established for the current year.

(a) *Farm acreage allotment fully preserved.* The farm acreage allotment is fully preserved as tobacco history acreage for the current year if:

(1) In the current year or either of the 2 preceding years (i) the sum of (*a*) the final tobacco acreage (including failed acreage and acreage prevented from being planted because of a natural disaster) as determined under Part 718 of this chapter, (*b*) the acreage computed for pounds leased and transferred from the farm under lease and transfer provisions, and (*c*) the acreage regarded as planted to tobacco under the conservation programs and practices determined pursuant to Part 719 of this chapter, was as much as 75 per centum of the farm's history allotment (basic allotment minus acreage reduced for (1) overmarketings and (2) violation of marketing quota regulations), or (ii) the farm acreage allotment is or was in the eminent domain allotment pool; or

(2) The farm consists of federally owned land for which a restrictive lease is in effect prohibiting the production of tobacco.

(b) *Computed history acreage.* If the farm acreage allotment is not fully preserved as tobacco history acreage under paragraph (a) of this section, the tobacco history acreage shall be the sum of the acreage (not to exceed the farm acreage allotment) as follows:

(1) Final tobacco acreage (including failed acreage and acreage prevented from being planted because of a natural disaster) as determined under Part 718 of this chapter.

(2) Acreage computed for pounds leased and transferred from the farm.

(3) Acreage regarded as planted to tobacco under the conservation programs and practices.

4. In § 725.98, paragraph (d) is deleted and paragraph (g) is amended to read as follows:

§ 725.98 Producer's records and reports.

* * * * *

(d) [Deleted]

* * * * *

(g) *Report of production and disposition.* In addition to any other reports which may be required by this subpart, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall, upon written request by certified mail from the State executive director, within 15 days after deposit of such request in the U.S. mail, addressed to such person at his last known address, furnish the Secretary on MQ–108, Report of Production and Disposition, a written report of the acreage, production and disposition of all tobacco produced on the farm by sending the same to the State ASCS office showing, as to the farm at the time of filing such report: (1) The number of fields (patches or areas) from which tobacco was harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price paid and the date of the marketings, and (5) the complete details as to any tobacco disposed of other than by sale. The operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall, upon written request on Form MQ–108–1 from the county committee, within the 15 days after deposit of such request in the U.S. mail, addressed to such person at his last known address, furnish the Secretary on MQ–108–1 a written report of the amount of tobacco produced on the farm which is unmarketed at the end of the marketing season and its location, and the amount of tobacco produced on any other farm which is unmarketed at the end of the marketing season and which is stored on the farm and its location. Failure to file the MQ–108 or MQ–108–1 as requested, the filing of an MQ–108 or MQ–108–1 which is found by the State committee (county committee in the case of MQ–108–1) to be incomplete or incorrect shall, to the extent that it involves tobacco produced on the farm constitute failure of the producer to account for disposition of tobacco produced on the farm and the quota next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committee (county committee in the case of MQ–108–1) that (i) failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided,* That such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the quota is being established caused, aided, or acquiesced in the failure to furnish such proof.

5. In § 725.100, subparagraph (1) of paragraph (d) is amended to read as follows:

§ 725.100 Dealer's records and reports.

* * * * *

(d) *Daily report to warehouseman for buyers corrections account.* * * *

(1) Any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish to the warehouseman on a daily sales basis an adjustment invoice or buyers settlement sheet.

6. In § 725.102, the last sentence of paragraph (b) is amended to read as follows:

§ 725.102 Records and reports of truckers, persons redrying, prizing, or stemming tobacco, and storage firms.

* * * * *

(b) * * * Any such person shall report this information to the State ASCS office of the State in which the business is located within 15 days of the end of the marketing year, except for tobacco handled for an association operating the price support program and tobacco purchased by him at auction or for which he had previously reported on Form MQ–79.

(Secs. 314, 316, 317, 373, 375, 52 Stat. 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, as amended, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1314, 1314b, 1314c, 1373, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 24, 1972.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-18597 Filed 10-31-72;8:47 am]

[Amdt. 2]

PART 726—BURLEY TOBACCO

Burley Tobacco, 1971–72 and Subsequent Marketing Years

On pages 18218 through 18222 of the FEDERAL REGISTER of September 8, 1972, there was published a notice of proposed rule making to issue regulations for establishing farm marketing quotas, the collection and refund of penalties, and records and reports incident thereto for burley tobacco for the 1971–72 and subsequent marketing years.

Interested persons were given 15 days after publication of such notice in which to submit written data, views, and recommendations with respect to the proposed regulations. The data, views, and recommendations which were submitted pursuant to the notice were duly considered within the limits of the Agricultural Adjustment Act of 1938, as amended.

One comment received in response to the proposed regulations on use of DDT and TDE on tobacco stated that the proposed rules assumes the continuing legality of the use of DDT and TDE on tobacco and pointed out that there are no valid registrations for the use of these pesticides on tobacco. The regulation does not condone the use of DDT or TDE on tobacco. It is addressed solely to enabling the Department to determine whether DDT or TDE has been used on tobacco in order to enforce the provisions of the price support regulations (7 CFR Part 1464) prohibiting price support on tobacco on which these pesticides have been used. The proposed regulations were adopted with the following changes and additions:

1. Section 726.65(b)(2) has been changed to make it clear that tobacco allotment or quota applies to a tobacco allotment or quota for any kind of tobacco.

2. Section 726.68(j) is revised to permit transfers of burley tobacco quotas by lease from federally owned land in those cases where the land was leased back with uninterrupted possession to the former owner after it was acquired under the eminent domain provision.

3. Section 726.92(e) is changed to provide that the operator on each farm or any producer on the farm shall, upon written request on Form MQ–108–1 from the county committee, furnish a written report of the amount of tobacco produced on the farm which is unmarketed at the end of the marketing season and its location and the amount of tobacco produced on any other farm which is unmarketed at the end of the marketing season and which is stored on the farm and its location. The new Form MQ–108–1 is an abbreviated MQ–108 which has been a provision in the regulations for many years.

4. Section 726.93(a)(4) is changed to provide that tobacco sales bills be sorted and filed in an orderly manner by sale days, numerical or alphabetical order.

5. Section 726.93(a)(7) (i) and (ii) is changed to clarify that dealers and warehouses are to enter name, address, and identification number on tobacco sale bills for each resale of tobacco.

6. Section 726.96 is changed to clarify that each person engaged in the business of redrying, prizing, or stemming tobacco and storage firms handling tobacco shall report required information to the State ASCS office in which the business is located.

7. Other editorial changes are made as appropriate.

8. Authority provision has been added.

Since farmers are now harvesting their tobacco crop in preparation for market it is essential that these regulations be made effective at the earliest possible date. Accordingly, this document is being made effective upon date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 24, 1972.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

1. Section 726.51(x) is amended to read as follows:

§ 726.51 Definitions.

* * * * *

(x) *Planted or considered planted.* Credit assigned in the current year for a farm with an established farm marketing quota when:

(1) Burley tobacco is planted on the farm (including failed acreage and acreage prevented from being planted because of a natural disaster), or

(2) Quota is: (i) Leased and transferred from the farm, (ii) in the eminent domain pool, or (iii) preserved under conservation programs or practices, as provided in Part 719 of this chapter, or

(3) The farm consists of federally owned land.

* * * * *

2. In § 726.62(b), the first sentence is amended to read as follows:

§ 726.62 Correction of errors and adjusting inequities in marketing quotas for old farms.

* * * * *

(b) *Basis for adjustment.* Increases to adjust inequities in quotas shall be made on the basis of the past acreages and yields of tobacco, making due allowances for failed acreage and acreage prevented from being planted because of a natural disaster; land, labor, and equipment, available for the production of tobacco, crop rotation practices; and the soil and other physical factors affecting the production of tobacco. * * *

* * * * *

3. In § 726.64, the first and second sentences of paragraph (d) are amended and a new paragraph (e) is added to read as follows:

§ 726.64 Marketing quotas and yields for farms acquired under right of eminent domain.

* * * * *

(d) *Release and reapportionment.* The displaced owner of a farm may, not later than the final release date established by the State committee for the current year, release in writing to the county committee for the current year all or part of the quota for the farm in a pool under Part 719 of this chapter for reapportionment for the current year by the county committee to other farms in the county having quotas for burley tobacco. The county committee may reapportion, not later than the final date established by the State committee for requesting reapportioned acreage for the current year, the released quota or any part of it to other farms in the county on the basis of past production of tobacco, land, labor, and equipment, available for the production of tobacco, crop rotation practices, and soil and other physical factors affecting the production of tobacco. * * *

(e) *Closing dates for release and reapportionment.* The State committee shall establish a final date for releasing quota to the county committee for reapportionment to other farms in the county having quotas for burley tobacco and a final date for filing a request to receive reapportioned acreage from the county committee for the current year. Such date(s) shall be for the entire State or for areas consisting of one or more counties in the State taking into consideration normal planting dates within the State. The dates will be determined and announced by regulations in this subpart or amendment thereto.

4. Section 726.65 is revised to read as follows:

§ 726.65 Determination of marketing quotas for new farms.

The marketing quota, other than a quota under § 726.64, for a new farm shall be that marketing quota which the county committee, with approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment, available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the marketing quota so determined shall not exceed 50 percent of the average of the marketing quotas established for two or more but no more than five old tobacco farms which are similar with respect to land, labor, and equipment, available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(a) *Written application.* The farm operator must file an application for a new farm marketing quota at the office of the county committee where the farm is administratively located on or before February 15 of the year for which the new farm marketing quota is requested.

(b) *Eligibility requirements for operator.* A new farm marketing quota may be established if each of the following conditions are met:

(1) *Owner and operator of the farm.* The operator must be the sole owner of the farm. For the purpose of applying this subparagraph (1), a person who owns only a part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner and operator of a farm which they own jointly.

(2) *Interest in another farm.* The farm operator shall not own or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

(3) *Availability of equipment and facilities.* The operator must own, or have readily available, adequate equipment and any other facilities of production necessary to the production of burley tobacco on the farm.

(4) *Income requirement.* The operator must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products.

(i) *Computing operator's income.* The following shall be considered in computing operator's income.

(a) *Income from farming.* Income from farming shall include the estimated return from home gardens, livestock, and livestock products, poultry, or other agricultural products, produced for home consumption or other use on the farm(s). The estimated return from the production of any requested new farm marketing quota shall not be included.

(b) *Income from nonfarming.* Nonfarming income shall include, but shall not be limited to, salaries, commissions, pensions, social security payments, and unemployment compensation.

(c) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(ii) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(iii) *Operator a corporation.* If the operator is a corporation, it must have no other major corporate purpose other than ownership or operation of the farm(s). Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(iv) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided they determine that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that their determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making their determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(5) *Experience.* Operator must have had experience in producing, harvesting, and marketing of burley tobacco. Such experience must have been gained:

(i) By being a sharecropper, tenant, or farm operator. (Bona fide tobacco production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement.)

(ii) During at least two of the 5 years immediately preceding the year for which the new farm quota is requested. If the operator was in the armed services during the 5-year period, extend the period 1 year for each year of military service during the 5 years.

(iii) On a farm having a burley tobacco allotment or quota for such years.

(c) *Eligibility requirements for the farm.* A new farm marketing quota may be established if each of the following conditions is met:

(1) *Current allotment or quota.* The farm must not have on the date of approval of a new farm marketing quota an allotment or quota for any kind of tobacco.

(2) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for tobacco production. Also, continuous production of tobacco must not result in an undue erosion hazard.

(3) *Entire quota designated by owner where farm reconstituted.* A farm which includes land which has no tobacco quota because the owner did not designate a quota for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter shall not be eligible for a new farm marketing quota for a period of 5 years beginning with the year in which the reconstitution became effective.

(4) *Eminent domain acquisition.* A farm which includes land acquired by an agency having the right of eminent domain for which the entire tobacco allotment or quota was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm marketing quota for a period of 5 years from the date the former owner was displaced.

(5) *Downward adjustment.* New farm marketing quotas established as provided in this section shall be subject to such downward adjustment as is necessary to bring the total of such quotas within the total pounds available for quotas to all new farms.

(6) *Failure to plant.* A new farm marketing quota shall be reduced to zero if no tobacco is planted on the farm the first year.

(7) *False information.* Any new farm marketing quota which was determined by the county committee on the basis of incomplete or inaccurate information knowingly furnished by the applicant, shall be canceled by the county committee as of the date the quota was established. When incomplete or inaccurate information was unknowingly furnished by the applicant, the quota shall be canceled effective for the current crop year except where the provisions of § 726.66 (d) applies.

(8) *New farm yields.* A farm yield shall be established for each new farm for which a farm marketing quota is established under this section. Such yield shall be appraised by the county committee based on farm yields established for similar farms in the area.

5. Section 726.68(j) is amended to read as follows:

§ 726.68 Transfer of burley tobacco farm marketing quotas by lease or by owner.

* * * * *

(j) *Quotas on federally owned land.* No transfer under this section shall be made from any land owned by the United States, or any agency or instrumentality wholly owned by the United States, except that the transfer may be approved in cases where the land is leased back with uninterrupted possession to the former owner after acquisition under right of eminent domain. For such transfers, the Government agency or instrumentality is not required to sign the record of transfer.

* * * * *

6. Section 726.80 is revised to read as follows:

§ 726.80 Identification of kinds of tobacco.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths of burley tobacco shall be considered burley tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" with respect to any farm located in an area in which burley tobacco as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture, is normally produced shall include all tobacco, excluding other kinds subject to marketing quotas, produced on a farm unless the county committee with the approval of the State committee determines from satisfactory proof furnished by the operator of the farm that a part or all of

such tobacco is certified by the Agricultural Marketing Service, U.S. Department of Agriculture, under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas.

7. Section 726.81 is amended by revoking subparagraph (5) of paragraph (f) and by adding paragraphs (g) and (h) to read as follows:

§ 726.81 Issuance of marketing cards.

* * * * *

(f) *Farm quota data entered on marketing card and supplemental card.* * * *

(5) [Revoked]

(g) *Lease only marketing card.* A marketing card for lease only may be issued in the name of the farm operator for a farm where there is no tobacco available for marketing in the current year if the farm is otherwise eligible to lease marketing quota.

(h) *Other data entered on marketing cards and supplemental card.* Other data specified in instructions issued by the Deputy Administrator shall be entered on the marketing card.

8. In § 726.85, paragraphs (a) and (e)(3) are amended to read as follows:

§ 726.85 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of tobacco from a farm in a quota area in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm unless an AMS certification shows it to be nonquota tobacco. The reverse side of the marketing card shall show in pounds (1) 110 percent of quota, (2) balance of 110 percent of quota after each sale, and (3) date of each sale. Each producer sale at auction shall be recorded on a Form MQ–72–1, Report of Tobacco Auction Sale, and each producer sale at nonauction shall be recorded on Form MQ–72–2, Report of Tobacco Nonauction Purchase. For producer sales at nonauction, the dealer purchaser shall execute Form MQ–72–2 and shall enter the data on MQ–76. For producer sales at auction, Form MQ–72–1 and Form MQ–76 shall be executed only by the ASCS marketing recorder.

* * * * *

(e) *Separate display on auction warehouse floor.* * * *

(3) Make and keep records that will insure a separate accounting and reporting of each of such kinds of tobacco (quota and nonquota) sold at auction over the warehouse floor.

* * * * *

9. Paragraph (c) of § 726.86 is amended by adding 1971–72 average market price data in subparagraph (1) and 1972–73 rate of penalty data in subparagraph (2) to read as follows:

§ 726.86 Rate of penalty.

* * * * *

(c)(1) *Average market price.* * * *

AVERAGE MARKET PRICE

Marketing year:	Cent per pound
1970–71	72.2
1971–72	80.9

(2) *Rate of penalty per pound.* * * *

RATE OF PENALTY

Marketing year:	Cent per Pound
1971–72	54
1972–73	61

10. Section 726.88 is amended by revising the last sentence of paragraph (c) to read as follows:

§ 726.88 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

* * * * *

(c) *Leaf account tobacco.* * * * The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floor sweepings for the season determined by multiplying the limitation set forth in § 726.51(n) by total first sales of tobacco at auction.

* * * * *

11. Paragraph (e) of § 726.92 is amended to read as follows:

§ 726.92 Producers' records and reports.

* * * * *

(e) *Report of production and disposition.* In addition to any other reports which may be required by this subpart, the operator on each farm or any producer on the farm (even though no allotment and quota was established for the farm) shall, upon written request by certified mail from the State executive director, within 15 days after deposit of such request in the U.S. mail, addressed to such person at his last known address, furnish the Secretary on MQ–108, Report of Production and Disposition, a written report on the production and disposition of all tobacco produced on the farm by sending the same to the State ASCS office showing, as to the farm at the time of filing such report, (1) the total pounds of tobacco produced, (2) the amount of tobacco on hand and its location, (3) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price paid and the date of marketings, and (4) the complete details as to any tobacco disposed of other than by sale. The operator on each farm or any producer on the farm (even though no allotment and quota was established for the farm) shall, upon written request on Form MQ–108–1 from the county committee, within 15 days after deposit of such request in the U.S. mail, addressed to such person at his last known address, furnish the Secretary on MQ–108–1 a written report of the amount of tobacco produced on the farm which is unmarketed at the end of the marketing season and its location, and the amount of tobacco produced on any other farm which is unmarketed at the end of the marketing season and which is stored on the farm and its location. Failure to file the MQ–108 or MQ–108–1 as requested, the filing of an MQ–108 or MQ–108–1, which is found by the State committee (county committee in the case of MQ–108–1) to be incomplete or incorrect shall, to the extent that it involves tobacco produced on the farm, constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment and quota next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committee (county committee in the case of MQ–108–1) that (i) failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided,* That such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the quota is being established caused, aided, or acquiesced in the failure to furnish such proof.

* * * * *

12. Section 726.93 is amended by revising the first sentence of the section, the first sentence of subparagraph (1) of paragraph (a), subparagraph (3) of paragraph (a), the second and succeeding sentences of subparagraph (4) of paragraph (a), subparagraphs (7) and (8) of paragraph (a), the first sentence of paragraph (c) and subparagraph (14) of paragraph (g), and paragraph (l) to read as follows:

§ 726.93 Warehouseman's records and reports.

Each warehouse shall keep the records and make the reports separately for each kind of tobacco (quota and nonquota) as provided in this section.

(a) *Record of marketing*—(1) *Auction sale.* Each warehouseman shall keep such records as will enable him to furnish the State office with respect to each auction sale of tobacco made at his warehouse the following information. * * *

* * * * *

(3) *Buyers corrections account.* Each warehouseman shall keep such records including negative adjustment invoices as will enable him to furnish a weekly report on Form MQ–71 to the State ASCS office showing the total pounds of the debits (for returned baskets, short baskets, and short weights of tobacco) and credits (for long baskets, and long weights of tobacco) to the buyers corrections account. Where the warehouseman returns to the seller tobacco debited

to the buyers corrections account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the buyers corrections account and a corresponding purchase (debit entry) in the case of a dealer on his MQ–79, Dealers Record. Any balancing figure reflected on the warehouseman's summary of bill-outs shall not be included in the buyers corrections account.

(4) *Tobacco sale bill and daily warehouse sales summary.* * * * The warehouseman shall not weigh in any tobacco for sale unless a marketing card (MQ–76 for producers, MQ–79–2 for dealers) is furnished the weighman or the tobacco is represented to be a nonquota kind which is required to be displayed in a separate area on the warehouse floor under § 726.85(e) of these regulations. The buyer and grade space on the tobacco sale bill shall show nonauction purchases by the warehouse, tobacco grade for tobacco consigned to price support, and the symbol for tobacco bought by private buyers. At the end of each sale day, the tobacco sale bills shall be sorted and filed in an orderly manner by sale days, numerical or alphabetical order, and basket tickets shall be filed in an orderly manner by sale dates or by numerical order. A copy of the executed Form MQ–80, Daily Warehouse Sales Summary, shall be furnished to the marketing recorder for the Kansas City Data Processing Center (KCDPC).

* * * * *

(7) *Labeling tobacco sale bill for resale tobacco.* In the case of resales, each sale bill shall show resale and: (i) For dealers, the name, address, and identification number of the dealer making each resale; and (ii) for the warehouse, the name, address, and identification number of the warehouse and either "floor sweepings" or "leaf account" tobacco.

(8) *Nonquota tobacco or quota tobacco of a different kind.* Should tobacco be presented for sale that is represented to be nonquota tobacco or there is question as to what kind of quota tobacco is being offered, an inspection shall be obtained from the Agricultural Marketing Service of this Department (AMS) after the tobacco is weighed and in line for sale. If an AMS inspection shows that a basket or lot of tobacco is of a different kind than that identified by the basket ticket after it is weighed in and a sale bill prepared, such tobacco shall be deleted from the original sale bill and a revised sale bill prepared.

* * * * *

(c) *Marketing card.* Each marketing of tobacco from a farm in the burley tobacco producing area shall be identified by a marketing card issued for the farm on which the tobacco was produced (unless prior to the marketing of such tobacco an AMS inspection certificate is obtained showing that the tobacco offered for sale is a kind of tobacco not subject to marketing quotas).

* * * * *

(g) *Daily warehouse sales summary.* * * *

(14) At the end of the season, each warehouseman shall: (i) Report on his final MQ–80 for the season the quantity of leaf account tobacco and floor sweepings, if any, on hand and its location, (ii) permit its inspection by a representative of ASCS, and (iii) provide for the weighing of such tobacco (to be witnessed by ASCS) and furnish to ASCS at that time a certification as to the actual weight of such tobacco. After the weight of such tobacco has been obtained as provided in subdivision (iii) of this subparagraph, it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

* * * * *

(l) *Maintaining copies of bill-out invoices to purchaser or daily summary journal sheet to reflect daily transactions.* For each marketing year, the warehouseman shall maintain copies of the bill-out invoices to the purchaser by grades showing the pounds purchased and identification references to such basic warehouse records as basket ticket or sale bill. In lieu of this requirement, the warehouseman may prepare and maintain for each sale day on a current basis a daily summary journal sheet to reflect for each purchaser (including warehouse leaf account or other similar account) pounds and dollar amounts for:

(1) Tobacco originally billed to the purchaser.

(2) Mathematical billing errors and corrections (added and deducted) from purchaser's adjustment invoices.

(3) Short (deducted) and long (added) weights from purchaser's adjustment invoices.

(4) Short (deducted) and long (added) baskets from purchaser's adjustment invoices.

(5) Net tobacco received and paid for by purchaser.

13. Section 726.94 is amended by revising the general statement at the beginning of the section, the first sentence of paragraph (b)(1)(i), subparagraph (4) of paragraph (c), and paragraph (d), to read as follows:

§ 726.94 Dealer's records and reports.

Each dealer, except as provided in § 726.95, shall keep the records and make the reports separately for each kind (quota and nonquota) of tobacco as provided by this section. Adjustment invoices, including the adjustment invoices for any sale day for which there is no adjustment to be made, required to be furnished to an auction warehouse shall be identified by the warehouse identification number and the reporting dealer's identification number as well as the names of the warehouse and dealers involved in the transaction.

* * * * *

(b) *Nonauction sale (country purchase) to a dealer.* (1)(i) Each purchase of tobacco from a producer from a burley tobacco producing area shall be identified by a marketing card issued for the farm on which the tobacco was produced unless prior to purchase an AMS inspection certificate is obtained showing that the tobacco offered for sale is of a kind of tobacco not subject to marketing quotas. * * *

* * * * *

(c) *Record and report of purchases and resales.* * * *

(4) At the end of the dealer's marketing operation, but not later than April 1, he shall for each kind of tobacco: (i) Show the word "final" on his final report, MQ–79, for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, (iii) permit its inspection by a representative of ASCS, and (iv) provide for weighing of such tobacco (to be witnessed by ASCS) and furnish to ASCS at that time a certification as to the actual weight of such tobacco. After the weight of such tobacco has been determined as provided in subdivision (iv) of this subparagraph, it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

* * * * *

(d) *Daily report to warehouseman for buyers corrections account.* Notwithstanding the provisions of § 726.95, reports shall be made as follows:

(1) Any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish to the warehouseman on a daily sales basis an adjustment invoice or buyers settlement sheet.

(2) Each dealer who purchases tobacco on a warehouse floor for any sale day in which there is no adjustment required in the account as shown on the warehouse bill-out invoice for that sale day, shall file a negative report with the warehouseman for that sale day.

(3) Such reports as required under subparagraphs (1) and (2) of this paragraph shall be furnished daily, if practicable (otherwise, they shall be furnished at the end of each week), and shall show the identification number of the purchasing dealer and the identification number of the warehouse where the purchase was made.

* * * * *

14. Section 726.95 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 726.95 Dealers exempt from regular records and reports on MQ–79; and season report for exempted dealers.

(a) Any dealer or buyer who acquires tobacco only at auction sale and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 726.94, except as provided in paragraph (d) of § 726.94. * * *

* * * * *

15. Section 726.96 is amended by revising the last sentence of paragraph (b) to read as follows:

§ 726.96 Records and reports of truckers, persons redrying, prizing, or stemming tobacco and storage firms.

* * * * *

(b) * * * Any such person shall report this information to the State ASCS office of the State in which the business is located within 15 days of the end of the marketing year, except for tobacco handled for an association operating the price support program, and tobacco purchased by him at auction or for which he has previously reported on Form MQ–79.

* * * * *

§ 726.101 [Amended]

16. Section 726.101 is amended by adding the language "warehouse bill-out invoices or daily summary journal sheet, the tissue copy of Form MQ–72–1, Report of Tobacco Auction Sale," immediately following the language "documents,".

17. Section 726.104 is amended by revising paragraphs (d) through (f) and adding new paragraphs (g) through (i).

§ 726.104 Determination of use of DDT and TDE.

* * * * *

(d) *Producers right to recertify.* Any producer on a farm shall have the right to recertify on MQ–38 to the use or nonuse of DDT or TDE if the recertification is filed with the county committee prior to the time any tobacco has been marketed from the farm or a request has been made to collect a sample of cured leaves.

(e) *Collection of samples for chemical analysis.* Samples shall be collected from selected producer tobacco crops during weigh-in at the auction warehouse. Samples shall also be collected on any farm where the county committee has reason to believe the producer used DDT or TDE on the tobacco and the producer certified to nonuse of DDT or TDE on the crop.

(f) *Producer refusal to permit sampling.* If a producer or producer representative refuses to permit the sampling of a tobacco crop, all tobacco of such crop produced on the farm shall be considered by the county committee to have been treated with DDT or TDE.

(g) *Chemical analyzation of samples.* Each sample shall be analyzed for residues of DDT, TDE, and their metabolites.

(h) *Notice to farm operator.* A written notice shall be furnished to the operator of each farm where the county committee determines that tobacco, after being transplanted in the field or after being harvested from the farm, was treated with DDT or TDE. Such determination by the county committee shall be based on (1) the certification on MQ–38, or (2) failure to file MQ–38, or (3) refusal to permit sampling, or (4) chemical analysis showing total DDT–TDE residue to be greater than or equal to 3 parts per million. The notice to the farm operator shall constitute notice to all persons who as owner, operator, landlord, tenant, or sharecropper, are interested in the tobacco being grown on the farm.

(i) *Producer's right to appeal.* Any producer on a farm who believes that the DDT–TDE determination for the farm by the county committee is not correct may file an appeal with the county committee asking for reconsideration of such determination. The request for appeal and facts constituting a basis for such reconsideration must be submitted in writing and postmarked or delivered to the county committee within 7 days after the date of mailing of the notice of such determination. The request for appeal must be signed by the person making the appeal. If the appellant believes that the county committee's determination of such appeal is not correct, he may appeal to the State committee within 7 days after the date of mailing of the notice of the decision of the county committee. The decision of the State committee shall be final.

(Secs. 314, 318, 319, 373, 375, 378, 52 Stat. 48, as amended, 81 Stat. 120, as amended, 85 Stat. 23, 52 Stat. 65, as amended, 66, as amended, 72 Stat. 995, as amended; 7 U.S.C. 1314, 1314d, 1314e, 1373, 1375, 1378)

Effective date: Date of publication in the FEDERAL REGISTER (11–1–72).

[FR Doc.72–18596 Filed 10–31–72;8:47 am]

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

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Expenses and Rate of Assessment

On October 12, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 21538) regarding proposed expenses and the related rate of assessment for the fiscal period Septemper 1, 1972, through August 31, 1973, pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded 10 days for interested persons to submit written data, views, or arguments in connection with said proposals. None were received.

After consideration of all relevant matter presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 929.213 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period September 1, 1972, through August 31, 1973, will amount to $56,404.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at $0.03 per barrel of cranberries, or equivalent quantity of cranberries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of cranberries are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cranberries handled during the aforesaid period, and (3) such period began on September 1, 1972, and said rate of assessment will automatically apply to all such cranberries beginning with such date.

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

Dated: October 26, 1972.

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

[FR Doc.72–18601 Filed 10–31–72;8:47 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Establishment of Free and Restricted Percentages and Withholding Factors for 1972–73 Crop Year

The California Date Administrative Committee unanimously recommended establishment, for the 1972–73 crop year, of free and restricted percentages and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, for Deglet Noor, Zahidi, Halawy, and Khadrawy varieties of domestic dates. The crop year began October 1, 1972. The establishment of such percentages and withholding factors is pursuant to the relevant provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, Calif., and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The free percentages, restricted percentages, and withholding factors, for the 1972–73 crop year, applicable to marketable dates are pursuant to §§ 987.44 and 987.45. These percentages and factors are based on California Date Administrative Committee estimates of supply and trade demand, adjusted for handler carryover. Trade demand means the aggregate quantity of whole or pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries the Committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States.

With respect to dates of the Deglet Noor variety, the total available supply of marketable dates subject to regulation is estimated at 29.1 million pounds and total trade requirements are estimated at 27.0 million pounds. It is expected that grade and size regulations effective during the 1972–73 crop year will cause a portion of the marketable supply to be sold in the form of products and export outlets. This quantity is expected to be more than the apparent excess of 2.1 million pounds. For dates of the Zahidi variety, the total available supply of marketable dates subject to regulation is estimated at 1.9 million pounds, and total trade requirements are estimated at 2.2 million pounds or 0.3 million pounds more than estimated supplies. The total available 1972–73 marketable supply of Halawys and Khadrawys is estimated at 0.7 million pounds, which approximates estimated total trade requirements.

After consideration of all relevant matter presented, the information and recommendations submitted by the Committee, and other available information, it is found that to establish free percentages, restricted percentages, and withholding factors, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the free percentages, restricted percentages, and withholding factors, for the 1972–73 crop year are established as follows:

§ 987.220 **Free and restricted percentages, and withholding factors.**[1]

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning October 1, 1972, and ending September 30, 1973, as follows: (a) Deglet Noor variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves current restrictions on date handlers and must be taken promptly to achieve its purpose; (2) the relevant provisions of said marketing agreement and this part require that (a) free and restricted percentages and withholding factors established for a particular crop year shall be applicable during the entire crop year to all marketable dates, and (b) the withholding obligations based on the continued regulations from the preceding crop year shall be adjusted to the newly established percentages upon their establishment; (3) the percentages and withholding factors established herein for the current 1972–73 crop year (which began October 1, 1972), will apply, and adjustment thereto of handlers' withholding obligations are required, automatically, with respect to all such dates; and (4) handlers are aware of the Committee's recommendation that all dates be free of volume regulation and need no additional time to comply therewith.

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

Dated: October 25, 1972.

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

[FR Doc.72-18600 Filed 10-31-72;8:47 am]

[1] The California Date Administrative Committee included no countries other than the continental United States and Canada in its determination of trade demand.

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. D and J]

PART 204—RESERVES OF MEMBER BANKS

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Computation and Requirements and Payment of Cash Items Upon Presentment; Effective Dates

As a result of the Temporary Restraining Order entered September 19, 1972, by the U.S. District Court for the District of Columbia upon petition filed by the Independent Bankers Association of America and the Western Independent Bankers, the effective dates for amendments to the Board's Regulation D (12 CFR Part 204) as set forth in the FEDERAL REGISTER of June 28, 1972 (37 F.R. 12713), and for amendments to the Board's Regulation J (12 CFR Part 210) as set forth in the FEDERAL REGISTER of June 28, 1972 (37 F.R. 12714), were postponed by the Board of Governors on September 20, 1972, pending judicial determination and subsequent action by the Board.

On October 19, 1972, the U.S. District Court for the District of Columbia denied a motion for a preliminary injunction sought by the plaintiffs on the ground that plaintiffs had failed to carry the burden of establishing (1) that they would be irreparably injured if the amendments to Regulation J were put into effect, and (2) that they would be likely to succeed on the merits of the case after full trial. The decision of the U.S. District Court for the District of Columbia was consistent with the decision rendered on October 10, 1972, by the U.S. District Court for the Central District of California in an action brought by a group of California banks seeking to enjoin full implementation of the Board's Regulation J; this court's decision on a motion for preliminary injunction was also based on these same grounds.

As a result of these court determinations, the Board has decided to implement the amendments to Regulations D and J.

The amendments to Regulation J, which were scheduled to become effective on September 21, 1972, are effective November 9, 1972.

The amendments to Regulation D, which were scheduled to become effective September 21, 1972, are effective November 9, 1972. The amendments to Regulation D, which were scheduled to be effective for the period September 21, 1972, to September 27, 1972, are effective for the period November 9, 1972, to November 15, 1972. The amendments to Regulation D, which were scheduled to become effective on September 28, 1972, are effective November 16, 1972. It should be noted that the date "September 21, 1972" appearing in § 204.5(a)(1)(iii) of Regulation D—in the amendments previously scheduled to become effective for the period September 21, 1972, to September 27, 1972—should now read "November 9, 1972".

By order of the Board of Governors, October 24, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-18587 Filed 10-31-72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-SW-61]

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 San Antonio, Tex., transition area.

On September 13, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 18565) stating the Federal Aviation Administration proposed to alter the San Antonio, Tex., transition area by enlarging the area to the northwest.

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 San Antonio, Tex., transition area is amended to read:

SAN ANTONIO, TEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30" N., longitude 97°47'00" W.; thence west via latitude 29°22'30" N. to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°13'15" N., longitude 98°20'00" W.; thence southeast to latitude 29°05'30" N., longitude 98°14'30" W.; thence southwest to latitude 29°01'40" N., longitude 98°21'40" W.; thence northwest to latitude 29°06'30" N., longitude 98°34'10" W.; thence north to the 23-mile radius circle at latitude 29°12'00" N., longitude 98°32'40" W.; thence clockwise along the arc of the 23-mile radius circle to latitude 29°38'00" N., longitude 98°50'15" W.; thence northwest to latitude 29°43'30" N., longitude 98°57'00" W.; thence northeast to latitude 29°53'00" N., longitude 98°50'30" W.; thence southeast to the 23-mile radius circle at latitude 29°47'30" N., longitude 98°42'40" W.; thence clockwise along the arc of the 23-mile radius circle to latitude 29°46'30" N., longitude 98°12'30" W.; thence to latitude 29°43'00" N., longitude 98°01'30" W.; thence to point of beginning and within 5 miles northeast and 8 miles southwest of the La Vernia VOR 149° radial extending from the VOR to 12 miles southeast.

(Sec. 307(a), Federal Aviation Act of 1959, 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 20, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-18582 Filed 10-31-72;8:48 am]

[Airspace Docket No. 72-AL-30]

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

Redescription of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe, in part, the Soldotna 700-foot floor transition area to eliminate dual designation of airspace and thereby clarify charting.

Airspace Docket 72-AL-14, effective December 7, 1972, designates the Kenai 700-foot floor transition area as extending within a portion of the existing Soldotna transition area. The Soldotna 700-foot floor transition area is redescribed herein to eliminate this dual designation.

Since this amendment involves a change only in the identity of controlled airspace and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, in order to allow sufficient time to make appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

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

In § 71.181 (37 F.R. 2143) Soldotna, Alaska, is amended to read as follows:

SOLDOTNA, ALASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Soldotna Airport (latitude 60°28'25" N., longitude 151°02'20" W.), excluding the portion within the Kenai 700-foot floor transition area.

(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 Anchorage, Alaska, on October 20, 1972.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.72-18583 Filed 10-31-72;8:49 am]

[Airspace Docket No. 72-WA-35]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On July 28, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 15171) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area at Whidbey Island, Wash.

Subsequent to publication of the notice, it was noted that elements of the description were omitted. Accordingly, on August 30, 1972, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 17564) deleting the description contained in the original notice and providing a substitute therefor.

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

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 4, 1973, as hereinafter set forth.

In § 73.67 (37 F.R. 2377) the following restricted area is added:

R-6713, WHIDBEY ISLAND, WASH.

Boundaries.

Beginning at lat. 48°25'00" N., long. 123°05'00" W.; to lat. 48°23'00" N., long. 123°06'00" W.; to lat. 48°16'30" N., long. 123°03'00" W.; to lat. 48°16'30" N., long. 122°55'30" W.; to lat. 48°18'20" N., long. 122°50'30" W.; to lat. 48°22'45" N., long. 122°50'30" W.; to lat. 48°25'00" N., long. 122°53'30" W.; to point of beginning, excluding that area within one-quarter mile of Smith Island located at lat. 48°19'10" N., long. 122°50'30" W.

Designated altitudes: Surface to 3,500 feet MSL.

Time of designation: Continuous.

Controlling agency: NAS Whidbey Approach Control.

Using agency: Commander, Fleet Air Whidbey, NAS Whidbey Island, Wash.

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

Issued in Washington, D.C., on October 25, 1972.

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

[FR Doc.72-18581 Filed 10-31-72;8:48 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-61]

PART 372a—TRAVEL GROUP CHARTERS

Correction

In F.R. Doc. 72-16841, appearing at page 20808, in the issue of Wednesday, October 4, 1972, the following changes should be made:

1. In the second column on page 20809, in the first complete paragraph directly after the third line, insert, "we shall institute in due course a rule".

2. On page 20812, in the first column, in the 16th line, the word "turn" should read "return".

3. In Appendix C, on page 20822, the word "compute" in the second line of paragraph 3a., should read "computed".

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Elimination of Requirements for Authentication of Shipper's Export Declarations

The following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 F.R. 11367) (15 CFR Part 30). In accordance with administrative procedure 5 U.S.C. 553, notice and hearing on these amendments and postponement of the effective date thereof are unnecessary because the amendment grants and recognizes exemptions and relieves restrictions.

These regulations are issued under the authority of title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department

of Commerce Organization Order No. 35-4A, January 1, 1972, 37 F.R. 3461.

Effective date. This amendent to the Foreign Trade Statistics Regulations is effective on the date of publication in the FEDERAL REGISTER (11-1-72).

§ 30.2 [Amended]

1. Footnote 2 to § 30.2 is amended to read as follows:

[2] See also the Export Control Regulations of the Office of Export Control, which may be purchased from the Government Printing Office or Department of Commerce field offices.

2. Section 30.5 is amended to read as follows:

§ 30.5 Number of copies of Shipper's Export Declaration required.

(a) Except as provided elsewhere in these regulations the Shipper's Export Declaration shall be delivered to the carrier or postmasters, as specified in §§ 30.12 and 30.15, in the following number of copies:

(1) In duplicate for shipments, except by mail, destined to all foreign countries except Canada.

(2) One copy only for shipments to Canada and nonforeign areas.

(3) One copy only for mail shipments to all destinations.

(b) In addition to the standard requirements set forth in paragraph (a) of this section, additional copies of Shipper's Export Declarations may be required for export control purposes by the regulations of the Office of Export Control or other Government agencies or in particular circumstances by the Customs Director or by the postmaster.

3. The first parenthetical sentence and footnote 4 of paragraph (h) of § 30.7 are amended to read as follows:

§ 30.7 Information required on Shipper's Export Declarations.

* * * * *

(a) * * * (See § 30.20(c) for definition of port of exportation.) * * *

* * * * *

[4] See Export Control Regulations. (See footnote 2 above.)

* * * * *

4. Section 30.12 is amended to read as follows:

§ 30.12 Time and place Shipper's Export Declarations required to be presented.

For shipments by mail, the Shipper's Export Declaration as required in § 30.1 shall be presented to the postmaster with the packages at the time of mailing. For shipments other than by mail, except as otherwise provided, the Shipper's Export Declaration in the number of copies required by § 30.5 shall be delivered to the exporting carrier prior to exportation. It is the duty of the exporter (or his agent) to deliver the required number of copies of the Shipper's Export Declaration to the exporting carrier prior to exportation; failure of the exporter (or his agent) to do so constitutes a violation of the provisions of these regulations, and renders such exporter (or his agent) subject to the penalties provided for in § 30.95. For shipments by pipeline, the Shipper's Export Declaration is not required to be presented prior to exportation, and exportation will be permitted upon the understanding that the exporter or his agent, within 4 working days after the end of each calendar month, will file with the Customs Director having jurisdiction for the pipeline, a Shipper's Export Declaration in the number of copies specified in § 30.5 to cover exports to each consignee during the calendar month.

§ 30.12 [Amended]

5. Footnote 7 to § 30.12 is deleted in its entirety.

§ 30.13 [Deleted]

6. Section 30.13 is deleted in its entirety.

§ 30.14 [Deleted]

7. Section 30.14 is deleted in its entirety.

8. Section 30.15 is amended to read as follows:

§ 30.15 Procedure for presentation of declarations covering shipments from an interior point.

For shipments from an interior point, the Shipper's Export Declaration in the number of copies required in § 30.5 may be prepared and delivered by the exporter or his agent to the inland carrier to accompany the merchandise to the exporting carrier at the seaport, airport, or border port of exportation, or it may be otherwise delivered directly to the exporting carrier. In either case, the Shipper's Export Declaration must be in the exporting carriers' possession prior to exportation. (See § 30.6 for requirements for a separate set of Shipper's Export Declarations for each car, truck, or other vehicle, covering only the merchandise exported in that car, truck, or vehicle.)

9. The existing paragraph of § 30.20 is lettered (a) and new paragraphs (b) and (c) are added reading as follows:

§ 30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.

* * * * *

(b) Except as otherwise specifically provided, declarations should not be filed at the place where the shipment originates if it is to be transshipped within the U.S. area before being dispatched to a foreign country or to its final destination in a nonfarm area. This applies to shipments originating in Puerto Rico or the Virgin Islands of the United States being forwarded to the United States for transshipment to another destination, and to shipments originating in the United States and being forwarded to Puerto Rico or the Virgin Islands of the United States for transshipment, as well as to merchandise being transshipped in Customs Districts within the States of the United States. In such cases, the declarations should be filed only with the Customs Director at the actual port of exportation.

(c) For purposes of these regulations, the port of exportation is defined as the Customs port at which or nearest to which the land surface carrier transporting the merchandise crosses the border of the United States into foreign territory, or, in the case of exportation by vessel or air, the Customs port where the merchandise is loaded on the vessel or aircraft which is to carry the merchandise to a foreign country or to a nonforeign area of ultimate destination.

§ 30.21 [Amended]

10. Section 30.21 is amended as follows:

a. The fourth sentence of paragraph (a) is amended to read as follows:

(a) * * * There shall also be shown for each item of cargo the bill of lading number shown on the declaration covering the item, except that bill of lading numbers are not required on manifests covering cargo destined for Canada or a nonforeign area. * * *

* * * * *

b. The fifth sentence of paragraph (b) beginning "In such cases" is amended to read as follows:

(b) * * * In such cases the air waybill numbers of such declarations shall be listed on the cargo manifest in the column for air waybill numbers, and the statement "Cargo as per Export Declarations Attached" noted on the manifest. * * *

c. In the second sentence of paragraph (b) delete figure "8" and delete footnote 8 explanation at bottom of column.

§ 30.22 [Amended]

Section 30.22 is amended as follows:

a. The last sentence of paragraph (a) is deleted.

b. Paragraph (b) is deleted in entirety.

c. Paragraph (c) is relettered (b) and amended to read as follows:

(b) The exporting carrier shall be responsible for the accuracy of the following items of information (where required) on the declaration: Name of carrier (including flag, if vessel carrier), foreign port of unloading, and the bill of lading or air waybill number.

d. Paragraph (d) is relettered (c), the last sentence thereof is deleted, and the statement immediately preceding the last sentence is amended to read as follows:

(c) * * * These commodities or technical data were included, but not shipped, on a Shipper's Export Declaration filed at _____ (Port) on _____ (Date).

e. Paragraph (e) is relettered paragraph (d).

§ 30.23 [Amended]

12. Except for the first sentence thereof, § 30.23 is deleted in its entirety.

§ 30.34 [Amended]

13. Section 30.34 is amended as follows:

a. The last sentence of paragraph (a) is amended to delete the words "Customs

authentication number of" and to substitute therefor the words "bill of lading numbers shown on."

b. The last sentence of paragraph (b) is deleted in its entirety.

§ 30.36 [Deleted]

14. Section 30.36 is deleted and reserved for future use.

15. Section 30.41(b) is amended to read as follows:

§ 30.41 "Split shipments" by air.

* * * * *

(b) On each subsequent manifest covering a flight on which any part of a split shipment is exported, a prominent notation "Split Shipment" will be made adjacent to the item on the manifest for ready identification. For the last shipment the notation will read "Split Shipment, Final".

Each subsequent manifest covering a part of a split shipment shall also show in the "number of packages" column only the merchandise carried on that particular flight and a reference to the total amount originally declared for export, e.g., 5 of 11, or 5/11; and immediately following the line showing the portion of the split shipment carried on that flight, a notation will be made showing the air waybill number shown on the original Shipper's Export Declaration and the portions of the originally declared total carried on each previous flight together with the number and date of each such previous flight, e.g., original Shipper's Export Declaration AWB 123; 2 of 11 flight 36A, June 6; 4 of 11, flight 40X, June 10.

* * * * *

§§ 30.42 and 30.43 [Deleted]

16. Sections 30.42 and 30.43 are hereby deleted and reserved for future use.

17. Paragraphs (b) and (d) of § 30.91 are amended as follows:

§ 30.91 Confidential information, Shipper's Export Declarations.

* * * * *

(b) * * * possession for official purposes, except for (1) the bill of lading number on the declaration, (2) information on the declaration which is identical with bills of lading or other sources of information available to the carrier, and (3) items of information which are required by export control regulations to be identical or consistent on both documents.

* * * * *

(d) *Limitations on issuance and reproduction of copies.* Consistent with the policy stated in paragraph (c) of this section, and with the confidential status of the document generally, the following limitations are placed upon the issuance of copies to exporters or their agents:

(1) A copy of a Shipper's Export Declaration may be supplied to exporters or their agents only when such a copy is needed by the exporter to comply with: (i) Official requirements for presentation of a copy as authorization for export, (ii) export control requirements, or (iii) U.S. Department of Agriculture requirements for proof of export in connection with subsidy payments. Copies issued to exporters or their agents under subdivisions (ii) or (iii) of this subparagraph will be stamped as follows by the Customs Director:

Certified pursuant to the export control regulations or to fulfill the requirements of a Federal agency and not for any other purpose. May not be reproduced in any form.

(2) Use of copies of the Shipper's Export Declaration in connection with claims for exemption from internal revenue taxes or State taxes is not permitted. Bureau of Customs Circular Letter EXP-4-MC, September 25, 1953 (CL-2861), provides for a proof of export form which may be certified by Customs officers for these purposes.

* * * * *

GEORGE H. BROWN,
Director,
Bureau of the Census.

I concur: October 11, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-18608 Filed 10-31-72;8:46 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 1, further amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Disclosure of Certain Information to Department of the Army, Department of Defense, for Purpose of Administration of Civilian Health and Medical Program of the Uniformed Services

On March 17, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5636) a notice of proposed rule making with a proposed amendment to paragraph (u) of § 401.3 of Regulation No. 1. The proposed amendment to the regulation provides that the Social Security Administration may disclose to the Department of the Army, Department of Defense, certain medicare information for use in administering the Civilian Health and Medical Program of the Uniformed Services. Interested persons were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed amendment.

In accordance with a suggestion from the Department of the Army, the words "Department of Defense" were added after "Department of the Army." This change is appropriate since the Department of the Army is a component organization of the Department of Defense and since the Civilian Health and Medical Program of the Uniformed Services operates under the policy guidance of the Department of Defense.

A suggestion has also been made that Social Security Administration fiscal intermediaries and carriers be permitted to authorize the release of medicare information to the Department of the Army, pursuant to the proposed amendment to the regulation. This suggestion has not been adopted. Authorization by the Social Security Administration is desirable for the purpose of achieving uniform application of disclosure practices among intermediaries and carriers. This will also enable the Social Security Administration to systematically evaluate and analyze trends in requests for data and costs involved in responding to such requests. Such authorizations can be obtained promptly from officials in the Bureau of Health Insurance regional offices.

No other comments, except for one which was favorable to the proposed amendment, were received. Accordingly, the amendment as proposed is hereby adopted, subject to the addition of the words "Department of Defense" as noted above.

(Secs. 1102, 1106, and 1871, 49 Stat. 647, as amended, 53 Stat. 1398, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1306, and 1395hh)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (11-1-72).

Dated: October 5, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 26, 1972.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Regulation No. 1 of the Social Security Administration (20 CFR 401.1 et seq.) is further amended as set forth below:

Section 401.3 is amended by revising paragraph (u) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * *

(u) To any officer or employee of an agency of the Federal or a State government lawfully charged with the administration of a program receiving grants-in-aid under titles V and XIX of the Social Security Act for the purpose of administration of such titles, or to any officer or employee of the Department of the Army, Department of Defense, solely for the administration of its Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), the following information, except that the release of such information shall not be authorized by a fiscal intermediary or carrier:

(1) Information, including the identification number, concerning charges made by physicians, other practitioners, or suppliers, and amounts paid under title XVIII of the Act for services furnished to beneficiaries by such physicians, other practitioners, or suppliers, to enable the agency to determine the proper amount of benefits payable for medical services performed in accordance with such programs; or

(2) Information as to physicians or other practitioners that has been disclosed under paragraph (i) (l) or (q) of this section; or

(3) Information relating to the qualifications and certification status of hospitals and other health care facilities obtained in the process of determining whether, and certifying as to whether, institutions or agencies meet or continue to meet the conditions of participation of providers of services or whether other entities meet or continue to meet the conditions for coverage of services they furnish; or

(4) Information concerning costs of operation and other pertinent information from the financial reports and other records of providers furnishing services pursuant to title XVIII of the Act.

[FR Doc.72-18628 Filed 10-31-72;8:50 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Nonsterile Devices Shipped in Interstate Commerce for Sterilization

In the FEDERAL REGISTER of January 25, 1972 (37 F.R. 1115), a notice was published in which the Commissioner of Food and Drugs proposed that Part 1 be amended by adding a new paragraph (i) to § 1.107 which, under certain conditions, would sanction the practice by which a device that is manufactured and/or assembled, packed, and labeled as sterile in one establishment is shipped or otherwise delivered to another establishment for sterilization. It was proposed, insofar as sterility of the product is concerned, to exempt devices which meet certain conditions from compliance with sections 501(c) and 502(a) of the Federal Food, Drug, and Cosmetic Act during introduction into and shipment in interstate commerce and while they are being held for sterilization following such shipment in interstate commerce.

Interested persons were invited to submit comments on the proposal within 60 days.

Comments were received from four manufacturers and/or distributors of sterile devices, one law firm on behalf of a manufacturer, one contract sterilizer, and one comment was received from an interested individual.

Several comments suggested that § 1.107(i) be clarified and expanded to include those cases involving shipment in interstate commerce of devices for sterilization at a separate facility or establishment owned and operated by the manufacturer. The Commissioner concludes that this comment is valid and the final order has been changed accordingly.

One comment suggested that an agreement should not be required where the manufacturer and the sterilizer share the same ownership but are physically separated. The Commissioner concludes that the same conditions exist for exemption from sections 501(c) and 502(a) of the Federal Food, Drug, and Cosmetic Act, as provided for in § 1.107(i), regardless of whether sterilization is performed by a contract sterilizer or at an establishment owned and operated by the manufacturer; therefore, this comment is rejected.

A comment was submitted urging that each article or device be labeled "nonsterile" either with a label which could be easily torn or cut off after sterilization or by means of a color code or writing which would be removed by the sterilization process. The Commissioner concludes that such procedures are not necessary to assure absolute sterility of a device and that such procedures may impart an additional element of risk which may contribute to compromising the integrity of the device.

A comment was submitted suggesting that, after sterilization of the device and prior to release from quarantine, each pallet, carton, or other designated unit be conspicuously marked "sterilized-awaiting test results" or an equivalent designation until such time as it is established that the device is sterile. This comment is considered valid and an appropriate revision has been made to reflect the need for conspicuously indicating that a device which has been sterilized and not released from quarantine is awaiting test results.

Therefore, pursuant to provision of the Federal Food, Drug, and Cosmetic Act (sections 501(c), 502(a), 701(a), 52 Stat. 1049, 1050, 1055; 21 U.S.C. 351(c), 352(a), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 1 is amended by adding a new paragraph (i) to § 1.107 as follows:

§ 1.107 Drugs and devices; exemptions.

* * * * *

(i) As it is a common industry practice to manufacture and/or assemble, package, and fully label a device as sterile at one establishment and then ship such device in interstate commerce to another establishment or to a contract sterilizer for sterilization, the Food and Drug Administration will initiate no regulatory action against the device as misbranded or adulterated when the nonsterile device is labeled sterile, provided all the following conditions are met:

(1) There is in effect a written agreement which:

(i) Contains the names and post office addresses of the firms involved and is signed by the person authorizing such shipment and the operator or person in charge of the establishment receiving the devices for sterilization.

(ii) Provides instructions for maintaining proper records or otherwise accounting for the number of units in each shipment to insure that the number of units shipped is the same as the number received and sterilized.

(iii) Acknowledges that the device is nonsterile and is being shipped for further processing, and

(iv) States in detail the sterilization process, the gaseous mixture or other media, the equipment, and the testing method or quality controls to be used by the contract sterilizer to assure that the device will be brought into full compliance with the Federal Food, Drug, and Cosmetic Act.

(2) Each pallet, carton, or other designated unit is conspicuously marked to show its nonsterile nature when it is introduced into and is moving in interstate commerce, and while it is being held prior to sterilization. Following sterilization, and until such time as it is established that the device is sterile and can be released from quarantine, each pallet, carton, or other designated unit is conspicuously marked to show that it has not been released from quarantine, e.g. "sterilized-awaiting test results" or an equivalent designation.

Effective date. This order shall become effective 30 days after date of publication in the FEDERAL REGISTER.

(Secs. 501(c), 502(a), 701(a), 52 Stat. 1049 1050, 1055; 21 U.S.C. 351(c), 352(a), 371(a))

Dated: October 25, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-18571 Filed 10-31-72;8:47 am]

SUBCHAPTER C—DRUGS

SODIUM OXACILLIN MONOGRAPHS

Recodification and Technical Revisions

In a notice of proposed rule making published in the FEDERAL REGISTER of June 23, 1972 (37 F.R. 12398) and a correction of July 4, 1972 (37 F.R. 13182), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended by revising Parts 141a, 146, and 146a and by establishing a new Part 149e to provide for the recodification and technical revisions of the sodium oxacillin monographs. Interested persons were invited to submit their comments in response to the notice of proposed rule making within 30 days. No

comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141a, 146, and 146a are amended and a new Part 149e is added as follows:

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§§ 141a.104, 141a.105, 141a.106, 141a.110, and 141a.117 [Revoked]

1. In Part 141a by revoking §§ 141a.104, 141a.105, 141a.106, 141a.110, and 141a.117 and by reserving them for future use.

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

2. In Part 146, § 146.2 is amended by adding a new sentence to the end of paragraph (c) (8) (iii) to read as follows:

§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.

* * * * *

(c) * * *

(8) * * *

(iii) In the case of drugs packaged for repacking or for use in the manufacture of another drug, the sample must be representative of the batch. Such samples may be taken from a composite composed of portions taken from a representative number of bulk containers, the composite consisting of no more than 10 times the amount required for conducting the required tests and assays. Such samples are not required if they have been previously submitted.

* * * * *

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

§§ 146a.8, 146a.12, 146a.13, 146a.14, and 146a.113 [Revoked]

3. In Part 146a by revoking §§ 146a.8, 146a.12, 146a.13, 146a.14, and 146a.113 and by reserving them for future use.

PART 149e—OXACILLIN

4. By adding a new Part 149e consisting at this time of five sections, as follows:

Sec.
149e.1 Sodium oxacillin.
149e.2 Sterile sodium oxacillin.
149e.3–149e.10 [Reserved]
149e.11 Sodium oxacillin capsules.
149e.12 Sodium oxacillin for oral solution.
149e.13 Sodium oxacillin for injection.

AUTHORITY: The provisions of this Part 149e issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 149e.1 Sodium oxacillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium oxacillin is the monohydrated sodium salt of 5-methyl-3-phenyl-4-isoxazolyl penicillin. It is so purified and dried that:

(i) It contains not less than 815 and not more than 950 micrograms of oxacillin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 3.5 and not more than 5.0 percent.

(iv) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 4.5 and not more than 7.5.

(v) Its sodium oxacillin content is not less than 90 percent and not more than 105 percent.

(vi) It is crystalline.

(vii) It gives a positive identity test for the oxacillin moiety.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5.0 micrograms of oxacillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a solution containing 30 milligrams per milliliter.

(5) *Sodium oxacillin content.* Place approximately 60 milligrams of sample, accurately weighed, into a 100-milliliter volumetric flask. Dissolve and fill to volume with distilled water. Pipette a 5.0-milliliter aliquot of the sample solution into a 22- by 200-milliliter test tube, and add 5 milliliters of 10*N* NaOH. Mix the solution, and place the tube in a boiling water bath for 60 minutes. Cool the tube, carefully add 10 milliliters of 6*N* HCL, mix, and replace the tube in the boiling water bath for 10 minutes. Position the tube in the bath so that the liquid level in the tube is the same as the liquid level in the bath. After heating, remove the tube from the bath, carefully agitate the contents of the tube, and cool to room temperature. Quantitatively transfer the contents of the tube to a 250-milliliter volumetric flask. Add approximately 200 milliliters of freshly boiled and cooled distilled water, then 4.0 milliliters of 7.5*N* NH_4OH, and dilute to volume with freshly boiled and cooled distilled water. Treat a sample of the oxacillin working standard in the same manner. Determine the absorbance of the sample and working standard solutions on a suitable spectrophotometer at 235 nanometers against a reagent blank, and calculate as follows:

$$\text{Percent sodium oxacillin} = \frac{\text{Absorbance of sample} \times \text{Weight in milligrams of standard} \times \frac{\text{Sodium oxacillin content of standard in percent}}{}}{\text{Absorbance of standard} \times \text{Weight in milligrams of sample}}$$

(6) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(7) *Identity.* Use the sample solution prepared as described in subparagraph (5) of this paragraph and record the ultraviolet spectrum between 230 nanometers and 260 nanometers. It should be basically identical to that of the standard similarly treated.

§ 149e.2 Sterile sodium oxacillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile sodium oxacillin is the monohydrated sodium salt of 5-methyl-3-phenyl-4-isoxazolyl penicillin. It is so purified and dried that:

(i) It contains not less than 815 and not more than 950 micrograms of oxacillin per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not less than 3.5 and not more than 5.0 percent.

(vi) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 4.5 and not more than 7.5.

(vii) Its sodium oxacillin content is not less than 90 percent and not more than 105 percent.

(viii) It is crystalline.

(ix) It gives a positive identity test for the oxacillin moiety.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

(b) For sterility testing: 20 packages, each containing approximately 600 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5.0 micrograms of oxacillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 20 milligrams of oxacillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using a solution containing 30 milligrams per milliliter.

(7) *Sodium oxacillin content.* Proceed as directed in § 149e.1(b)(5).

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(9) *Identity.* Proceed as directed in § 149e.1(b)(7).

§ 149e.11 Sodium oxacillin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium oxacillin capsules are composed of sodium oxacillin with or without one or more diluents and lubricants, enclosed in a gelatin capsule. Each capsule contains sodium oxacillin equivalent to 125, 250, or 500 milligrams of oxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of oxacillin that it is represented to contain. Its moisture content is not more than 6.0 percent. The sodium oxacillin used conforms to the standards prescribed by § 149e.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium oxacillin used in making the batch for potency, safety, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The sodium oxacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Place a representative number of capsules into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of oxacillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 149e.12 Sodium oxacillin for oral solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium oxacillin for oral solution is a mixture of sodium oxacillin with one or more suitable colorings, flavorings, buffer substances, stabilizers, and preservatives. When reconstituted as directed in the labeling, each milliliter contains sodium oxacillin equivalent to either 25 or 50 milligrams of oxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of oxacillin that it is represented to contain. Its moisture content is not more than 1.0 percent. When reconstituted as directed in its labeling, the pH of the solution is not less than 5.0 and not more than 7.5. The sodium oxacillin used conforms to the standards prescribed by § 149e.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Request for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium oxacillin used in making the batch for potency, safety, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The sodium oxacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Place an accurately measured representative aliquot of the sample into an appropriate-sized volumetric flask with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of oxacillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter using the drug reconstituted as directed in the labeling.

§ 149e.13 Sodium oxacillin for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sodium oxacillin for injection is a dry mixture of sodium oxacillin and one or more buffer substances, with or without trisodium ethylenediamine tetraacetic acid, and with or without one or more suitable and harmless preservatives. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of oxacillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not more than 6.0 percent. Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 6.0 and not more than 8.5. The sodium oxacillin used conforms to the standards prescribed by § 149e.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium oxacillin used in making the batch for potency, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, moisture, and pH.

(ii) Samples required:

(*a*) The sodium oxacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, or 40 immediate containers if each contains less than 600 milligrams.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of oxacillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 20 milligrams of oxacillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 30 milligrams per milliliter.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: October 26, 1972.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.72-18572 Filed 10-31-72;8:47 am]

Title 22—FOREIGN RELATIONS

Chapter VI—United States Arms Control and Disarmament Agency

PART 605—NATIONAL SECURITY INFORMATION REGULATIONS

Effective on the date of its publication in the FEDERAL REGISTER (11-1-72), a new Part 605 is added to Title 22 of the Code of Federal Regulations to implement Executive Order 11652 (37 F.R. 5209, March 10, 1972), and the National Security Council Directive of May 17, 1972 (37 F.R. 10053, May 19, 1972) pertaining to classification and declassification of national security information.

The regulations in this part have been approved by the Interagency Classification Review Committee as required by Executive Order 11652 and the National Security Council Directive of May 17, 1972.

GERARD SMITH,
Director, U.S. Arms Control and Disarmament Agency.

OCTOBER 20, 1972.

Sec.

AUTHORITY: The provisions of this Part 605 are issued under Executive Order 11652 (37 F.R. 5209, March 10, 1972) and National Security Council Directive of May 17, 1972 (37 F.R. 10053, May 19, 1972).

§ 605.1 Basis.

These regulations, taken together with the National Security Council Directive of May 17, 1972 "Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information" (37 F.R. 10053, May 19, 1972), provide the basis for the ACDA security classification program implementing Executive Order 11652, "Classification and Declassification of National Security Information and Material" (37 F.R. 5209, March 10, 1972).

§ 605.2 Classification assignment.

(a) *Security classification categories.* (1) Official information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of three categories, namely, Top Secret, Secret, or Confidential, depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute.

(2) As defined in section 1 of Executive Order 11652, security classification categories are:

(i) *Top Secret.* "Top Secret" refers to that national security information or material which requires the highest degree of protection. The test for assigning "Top Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause "exceptionally grave damage" to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. This classification shall be used with the utmost restraint.

(ii) *Secret.* "Secret" refers to that national security information or material which requires a substantial degree of protection. The test for assigning "Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause "serious damage" to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification "Secret" shall be sparingly used.

(iii) *Confidential.* "Confidential" refers to that national security information or material which requires protection. The test for assigning "Confidential" classification shall be whether its unauthorized disclosure could reasonably be expected to cause "damage" to the national security.

(b) *Authority to classify.* (1) Each person possessing classifying authority shall be held accountable for the propriety of the classifications attributed to him. Both unnecessary classification and overclassification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or Department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. (The term "Department" includes ACDA or any other governmental agency or unit.)

(2) The following ACDA officials have authority to originally classify information or material in each of the three categories under which they are shown below:

(i) *Top Secret.*

Director
Deputy Director
Assistant Directors (4)
Chairman, General Advisory Committee
Such other senior principal deputies and assistants as the Director may specifically designate in writing.

(ii) *Secret.*

Officials having Top Secret classification authority
Deputy Assistant Directors
Special Assistant to the Director

Counselor
Special Assistant to the Deputy Director
Intelligence Adviser
Classification Adviser
Executive Director
Deputy Executive Director
Contracting Officer
Security Officer
Chief, Communications and Reference Service Center
General Counsel
Deputy General Counsel
Assistant General Counsel (Congressional Relations)
Public Affairs Adviser
Deputy Public Affairs Adviser
Division Chiefs
Staff Director, General Advisory Committee
Officials specifically designated in writing by the Director, including project officers for external research projects classified Secret and above.

(iii) *Confidential.*

Officials having Top Secret or Secret classification authority
Officials specifically designated in writing by Bureau and Office Heads.

(3) The authority to originally classify vests only to the officials designated and may not be delegated. In the absence of any one of the officials named, the officer duly designated in writing to act in his place may exercise this authority.

(4) Separate listings by name of officials who have been designated in writing as having Top Secret, Secret, and Confidential classification authority will be maintained on a current basis by the Chief, Communications and Reference Service Center, and submitted quarterly to the Chairman of the Interagency Classification Review Committee.

§ 605.3 Classification responsibilities and identification of documents.

(a) *Classification responsibilities.* (1) Each officer of the agency who signs, authenticates or otherwise produces a document is responsible for determining that it is properly classified and marked. If in doubt, the officer should consult the ACDA Classification Adviser. Any substantial doubts on questions of proper classification or as to whether the material should be classified at all should be resolved in favor of the less restrictive treatment.

(2) A holder of classified information or material shall observe and respect the security classification category assigned by the originator, particularly when incorporating such information or material in new documents. In these cases, the previously assigned classification shall be reflected on the new documents together with the identity of the classifier, and, to help where needed to establish such identity, the document from which the information or material was derived.

(3) Where material requires initial classification for reasons other than those specified in subparagraph (2) of this paragraph, it constitutes originally classified material. The responsibility in subparagraph (1) of this paragraph includes responsibility for determining whether the document contains any originally classified material. Where the document contains any originally classified material, the classification must be authorized by one of the officials indicated in § 605.2(b)(2).

(4) In classifying information or material, as a first effort an individual is required to apply a date or event earlier than provided by the General Declassification Schedule for downgrading and declassification of national security information. If he is unable to specify an earlier date or event he will indicate that the General Declassification Schedule applies. Even if the information or material is determined to be exempt from the General Declassification Schedule, unless impossible the exempted information or material shall be assigned and clearly marked with a date or event upon which downgrading and declassification shall occur.

(5) If a holder of classified information believes that there is unnecessary classification, that the assigned classification is improper, or that the document is subject to declassification under Executive Order 11652 and these regulations, he shall follow the procedures described in § 605.4(a).

(b) *Identifying classified documents.* Each classified document shall show on its face the following:

(1) Its classification category;

(2) Whether it is exempt from the General Declassification Schedule, and if exempt, the appropriate exemption category (see § 605.4(b)(2));

(3) Office of origin;

(4) Date of preparation and classification;

(5) Control number in the case of Top Secret documents;

(6) Whenever possible, a specific date or event upon which downgrading and declassification shall occur; and

(7) The identity of the person at the highest level authorizing the classification and exemption, where applicable (see also paragraph (a)(2) of this section). Where the individual who signs or otherwise authenticates a document or items has also authorized the classification, no further annotation as to his identity is required.

(c) *Information or material furnished by a foreign government or international organization.* Classified information or material furnished to the United States by a foreign government or international organization shall either retain its original classification or be assigned a U.S. classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.

§ 605.4 Declassification and change of classification.

(a) *General.* If a holder of classified information or material believes that there is unnecessary classification, that the assigned classification is improper, or that the document is subject to declassification under Executive Order 11652, he shall refer the document to the responsible bureau or office within ACDA for review and appropriate action. Similarly, if the holder of unclassified information or material has reason to believe that it should be classified, or that the security classification category given to particular classified information or material does not insure adequate protection, he shall safeguard it in accordance with the security classification category deemed appropriate, and submit his recommendation to the original classifier. The ACDA Classification Adviser is available to provide guidance and advice in such cases. Where the document or material was not originally classified within the agency, it will be referred to the Classification Adviser for coordination with the responsible agency (e.g., DOD, AEC), if declassification or downgrading appears to be warranted.

(b) *Downgrading and declassification.* (1) The objective of the ACDA downgrading and declassification program is to assure that information will be downgraded or declassified when the existing classification is no longer required in the interest of national security. To emphasize its importance in achieving this objective, the General Declassification Schedule as set forth in section 5(A) of Executive Order 11652 (37 F.R. 10053) is repeated below:

(i) *Top Secret.* Information and material originally classified "Top Secret" shall become automatically downgraded to "Secret" at the end of the second full calendar year following the year in which it was originated, downgraded to "Confidential" at the end of the second full calendar year following the year in which it was originated, downgraded to "Confidential" at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the tenth full calendar year following the year in which it was originated.

(ii) *Secret.* Information and material originally classified "Secret" shall become automatically downgraded to "Confidential" at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(iii) *Confidential.* Information and material originally classified "Confidential" shall become automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

(2) Only an official authorized to originally classify information or material "Top Secret" may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision. The use of the exemption authority shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

(i) Classified information or material furnished by foreign governments or international organizations and held by

the United States on the understanding that it be kept in confidence.

(ii) Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.

(iii) Classified information or material disclosing a system, plan, installation, project, or specific foreign relations matter; the continuing protection of which is essential to the national security.

(iv) Classified information or material the disclosure of which would place a person in immediate jeopardy.

(3) If the originator of a classified document determines that it may be downgraded or declassified on or after the occurrence of a specified event he will note on the front of the document if this will occur earlier than the first automatic downgrading or declassification scheduled to take place under the General Declassification Schedule.

(4) If the person exempting a classified document determines that it may be appropriately placed under the General Declassification Schedule on or after a given date or after the occurrence of a specified event, he will so note on the front of the document. In such cases, the dates of automatic downgrading and declassification shall be governed by the date of the document or the date of placement under the General Declassification Schedule, whichever permits the earlier actions.

(5) The custodian of a classified document or other material which is not otherwise exempted from the General Declassification Schedule shall either downgrade or declassify the document or other material at the end of the periods specified in the General Declassification Schedule in subparagraph (1) of this paragraph, or assure that the document or other material will be so downgraded or declassified when next thereafter it is withdrawn from the files.

(6) The Chief, Communications and Reference Service Center, is responsible for monitoring and implementing all automatic downgrading and declassification procedures within ACDA and also for insuring that material or documents classified before the effective date of Executive Order 11652 and which are assigned to Group 4 under previous regulations, are subjected to the General Declassification Schedule.

(c) *Authority to change classification.* (1) Information or material may be downgraded or declassified by the official originally authorizing the classification, by a successor in capacity, by a supervisory official of either of the above, or by an official specifically designated by the Director. Any ACDA official specifically designated by the Director to have downgrading and declassifying authority must obtain the concurrence of the ACDA bureau or office originating or having substantive responsibility before taking final downgrading or declassification action on any classified information or material. This concurrence may cover classes or categories of documents as well as specific documents. Where there is disagreement involving the action to be taken, the matter will be referred to the Director or Deputy Director for decision.

(2) The authority to upgrade is restricted to (i) the official who originally classified the document or his successor or supervisor provided any of these has authority to classify at the higher level, or (ii) an official having Top Secret original classification authority (see § 605.2(b)(2)(i)).

§ 605.5 Public access to classified information and material.

(a) *Request for records.* All requests from the public for ACDA records (books, papers, maps, photographs, documentary materials, etc.) must be referred for action to the Chief, Communications and Reference Service Center (CRSC), U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451. In responding to such requests, the Chief, CRSC, will follow the procedures outlined in Part 602 of this chapter (as amended by 37 F.R. 6665), which are based on the Freedom of Information Act, 81 Stat. 54; 5 U.S.C. 552. In determining that requested records, if they contain classified or administratively controlled information may be withheld under exemptions listed in § 602.40 of this chapter, the Chief, CRSC, may in his judgment arrange for a prompt review for possible declassification or decontrol by the responsible ACDA office or bureau. Sections 602.45 through 602.51 of this chapter provide for an administrative review of a decision by the Chief, CRSC, to withhold a record.

(b) *Mandatory review of exempted records over 10 years old.* (1) All classified information and material originated after June 1, 1972, which is exempted under § 605.4(b)(2) from the General Declassification Schedule shall be subject to a classification review at any time after the expiration of 10 years from the date of origin, provided:

(i) A department or member of the public requests a review;

(ii) The request describes the record with sufficient particularity to enable the Agency to identify it;

(iii) The record can be obtained with only a reasonable amount of effort.

(2) Information or material which no longer qualifies for exemption under § 605.4(b)(2) of this chapter shall be declassified. Information or material continuing to qualify under § 605.4(b)(2) shall be so marked, and, unless impossible, a date for automatic declassification shall be set.

(3) Members of the public or a department may direct requests for mandatory review of material described above to the Chief, Communications and Reference Service Center (CRSC), U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451. The Chief, CRSC, will determine that the provisions of subparagraph (1) of this paragraph are met, and immediately acknowledge receipt of the request in writing unless a response containing a decision on the request can be made within 4 days. If the request is deficient in its description of the record sought, the Chief, CRSC, will ask the requester to provide additional information whenever possible. Before denying a request on the ground that it is unduly burdensome, the Chief, CRSC, will ask the requester to limit his request to records that are reasonably obtainable. If nonetheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester will be notified by the Chief, CRSC, of the reasons why no action will be taken and of his right to appeal such decision.

(4) If the request can be acted upon, the Chief, CRSC, will refer the request to the responsible bureau or office within ACDA for appropriate action.

(5) All information or material classified before June 1, 1972, which has been excluded from the General Declassification Schedule by Executive Order 11652, at any time after the expiration of 10 years from the date of origin shall be subject to a mandatory classification review under the same conditions described under subparagraph (3) of this paragraph.

(6) If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to the Freedom of Information Act and Part 602 of this chapter, as amended by 37 F.R. 6665, the requester shall be so notified.

(7) The office which has been assigned action shall thereafter make a determination within 30 days of receipt or shall explain the reasons why further time is necessary.

(8) If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the ACDA Classification Review Committee for determination (see § 605.6(b)(4)).

(9) Should the office assigned action on a request for review for exemption determine that under the criteria set forth in § 605.4(b)(2) continued classification is required, the requester shall be promptly notified by the Chief, CRSC, and whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. (It should be borne in mind that the burden of proof is on the Agency to show that continued classification is warranted.) The requester may appeal any such determination to the ACDA Classification Review Committee, and the notice of determination shall advise him of his right (see § 605.6(b)(4)).

(10) If it is determined that the requested information or material no longer warrants classification it shall be declassified and made promptly available to the requester if not otherwise exempt from disclosure under the Freedom of Information Act or other provision of law, such as the Atomic Energy Act of 1954.

(11) The Chief, CRSC, is responsible for insuring that the procedures outlined in this paragraph are followed.

(c) *Declassification of classified information or material after 30 years.* All classified information or material, other than Restricted Data and Formerly Restricted Data, which is 30 years old or more, whether originating before or after June 1, 1972, shall be declassified under the following conditions:

(1) All information and material classified after June 1, 1972, shall, whether or not declassification has been requested, become automatically declassified at the end of 30 full calendar years after the date of its original classification except for such information or material which the Director, ACDA, specifically determines in writing at that time to require continued protection because such continued protection is essential to the national security, or disclosure would place a person in immediate peopardy. In such case, the Director, ACDA, will also specify the period of continued classification.

(2) All information and material classified before June 1, 1972, and more than 30 years old will be systematically reviewed for declassification by the Archivist of the United States by the end of the 30th full calendar year following the year in which it was originated. In his review, the Archivist will separate and keep protected only such information or material as is specifically identified by the Director, ACDA, in accordance with subparagraph (1) of this paragraph. In such case, the Director, ACDA, will also specify the period of continued classification.

(3) A request by a member of the public or by a Department under section 5 (C) or (D) of Executive Order 11652 (37 F.R. 5209) to review for declassification documents more than 30 years old shall be referred directly to the Archivist of the United States, if the information or material has not been transferred to the General Services Administration for accession into the Archives and is still in the custody of ACDA. The Archivist shall, together with the Director of ACDA, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the Director of ACDA makes at that time the personal determination required by section 5(E)(1) of Executive Order 11652. The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(d) *Access by historical researchers.* (1) Persons outside the executive branch engaged in historical research projects may be authorized access to classified information or material originated within the Agency provided that the Director determines that:

(i) The project and access sought conform to the requirements of section 12 of Executive Order 11652 (37 F.R. 5209);

(ii) The information or material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort;

(iii) The historical researcher agrees to safeguard the information or material in a manner consistent with Executive Order 11652 and implementing NSC directives or Agency regulations;

(iv) The historical researcher agrees to authorize a review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained therein;

(v) The security requirements of the Arms Control and Disarmament Act (Sec. 45, 75 Stat. 631; 22 U.S.C. 2585) are adhered to.

(2) An authorization for access shall be valid for the period required but no longer than 2 years from the date of issuance unless a renewed authorization is approved by the Director.

(e) *Access by former presidential appointees.* Persons who previously accepted policy-making positions to which they were appointed by the President, other than those referred to in section 11 of Executive Order 11652 (37 F.R. 5209), may be authorized access to classified information or material which they originated, reviewed, signed or received while in public office. Upon the request of any such former official, such information and material as he may identify shall be reviewed for declassification in accordance with the provisions of section 5 of Executive Order 11652.

(f) *Dissemination of sensitive intelligence information.* Information or material bearing the notation "Warning Notice—Sensitive Sources and Intelligence Methods Involved," and such information or material known to be intelligence but not bearing the notation, shall not be disseminated in any manner outside authorized channels without the permission of the originating Department and an assessment by the Intelligence Adviser as to the potential risk to the national security and to the intelligence sources and methods involved.

§ 605.6 ACDA Classification Review Committee.

(a) *Membership.* The ACDA Classification Review Committee, established pursuant to section 7(B) of Executive Order 11652, is composed of the following members:

Executive Director, Chairman.
Special Assistant to the Director and Executive Secretary of ACDA.
Deputy Assistant Director for International Relations.
Deputy Assistant Director for Science and Technology.
Deputy Assistant Director for Weapons Evaluation and Control.
Deputy Assistant Director for Economic Affairs.
Deputy General Counsel.
Deputy Public Affairs Adviser.
ACDA Classification Adviser.

(b) *Functions.* The Committee shall:

(1) Have authority to act on all suggestions and complaints with respect to the administration of Executive Order 11652 and the application of NSC directives and ACDA regulations which implement the Executive order within ACDA. Such suggestions and complaints will include those regarding overclassification, failure to classify, or delay in declassifying not otherwise resolved.

(2) Review all appeals of requests for records under the Freedom of Information Act (81 Stat. 54; 5 U.S.C. 552) when the proposed denial is predicated on continued classification under Executive Order 11652.

(3) Consider cases involving repeated abuse of the classification process. Where it finds that unnecessary classification or overclassification has occurred or in cases of repeated abuse or violations of any provision of Executive Order 11652 or implementing NSC Directives, the Committee will make a report to the Director with recommendations as to corrective steps or disciplinary action to be taken. Such steps or disciplinary action may include notifications by warning letter, formal reprimand, and to the extent permitted by law, suspension without pay and removal.

(4) Review and act within 30 days upon all applications and appeals regarding requests for declassification provided the requester has first followed the procedures outlined in § 605.5(b)(3). The Director, acting through the Committee, is authorized to over-rule previous determinations in whole or in part when, in its judgment, continued protection is not longer required. If the Committee determines that continued classification is required under the criteria of section 5(B) of Executive Order 11652 (dealing with exempting from the General Declassification Schedule) it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

(c) *Chairman.* In addition to chairing the ACDA Classification Review Committee, the Chairman has specific responsibility for:

(1) Insuring within the Agency effective compliance with and implementation of Executive Order 11652, NSC directives issued pursuant to section 5 of the order, and ACDA regulations;

(2) Carrying out decisions of the Director on recommendations submitted by the Committee under paragraphs (b)(3) and (4) of this section;

(3) Submitting to the Chairman of the Interagency Classification Review Committee:

(i) Copies of listings by name of the officials who have been designated in writing to have Top Secret, Secret, and Confidential classification authority. Such lists will be submitted quarterly and maintained on a current basis by the Chief, CRSC;

(ii) Quarterly reports of ACDA Classification Review Committee actions on classification review requests, classification abuses and unauthorized disclosures;

(iii) Progress reports on information accumulated in the Agency's data index system; and

(iv) Such other reports as the Chairman of the Interagency Classification

Review Committee may find necessary for the Committee to carry out its responsibilities.

§ 605.7 Loss or possible compromise of classified information.

Any person who has knowledge of the loss or possible compromise of classified information shall immediately report the circumstances to the ACDA Security Officer. The Security Officer will take appropriate action on such cases, including initiation of an immediate inquiry into the matter and notification to any other interested Departments.

§ 605.8 Data index system and systematic reviews of Classified Material.

(a) *Establishment.* A computer supported data index system within the Communications and Reference Service Center will be established no later than July 1, 1973, for Top Secret, Secret, and Confidential information in selected categories approved by the Intergency Classification Review Committee as having sufficient historical or other value appropriate for preservation. The data index system shall index such selected categories produced and classified after December 31, 1972, and for each document indexed will contain the data specified by the NSC Directive of May 17, 1972 (37 F.R. 10053, May 19, 1972). In addition to indexing classified information and material in approved categories, the data index system will also provide current accountability records as prescribed by the Director.

(b) *Systematic reviews.* All information and material in the data index system which has been originally classified within ACDA after June 1, 1972, shall be systematically reviewed by the Communications and Reference Service Center at least once each year for the purpose of making such information and material publicly available in accordance with the determination regarding declassification made by the classifier pursuant to § 605.3(a). All such information and material becoming declassified at or prior to the end of each calendar year shall be identified. Upon request the information will be made available to the public in accord with the provisions of the Freedom of Information Act.

[FR Doc.72-18607 Filed 10-31-72;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

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

[Docket No. R-72-216]

PART 0—STANDARDS OF CONDUCT

Miscellaneous Amendments

These amendments to Part 0 of Subtitle A of Title 24 of the Code of Federal Regulations are made to effect certain minor changes and clarifications and to update the appendix so as to reflect the current organization of the Department.

Since these amendments relate to Department management and personnel, notice and public procedure and a deferred effective date are unnecessary.

1. Section 0.735–101 is amended by adding new third and fifth sentences so that the section reads as follows:

§ 0.735–101 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. At the same time, the Department fully supports maximum participation by its employees in voluntary activities not in conflict with these standards. To accord with these concepts, this part sets forth the Department's regulations prescribing standards of conduct and responsibilites, and governing statements of employment and financial interests for employees and special Government employees. To insure a uniform application of these regulations, any questions or requests for interpretations shall be directed to the Department Counselor or a deputy counselor.

2. In § 0.735–105, paragraphs (a), (b), and (c) are amended to clarify the language, as follows:

§ 0.735–105 Reviewing statements and reporting conflicts of interest.

(a) Subpart D of this part and the appendix to this part identify the categories of positions and, as necessary, the specific positions the incumbents of which are required to submit statements of employment and financial interests.

(b) When a statement submitted under Subpart D of this part and the appendix to this part or information from other sources indicates a conflict between the interests of an employee or special Government employee and the performance of his services for the Government the employee or special Government employee concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

(c) When the conflict or appearance of conflict is not resolved by the Department Counselor, he shall report the information concerning the conflict or appearance of conflict to the Secretary.

* * * * *

3. Section 0.735–204(a) is amended (i) by substituting the word "activities" for the word "employment" in subparagraph (2); (ii) by inserting the word "Outside" before the word "activities" in subparagraph (3); (iii) by substituting the words "outside activities" for the first word, "Employment" in subparagraphs (5) and (7); and (iv) by adding the word "development" and rearranging the language in subparagraph (7) so that they read as follows:

§ 0.735–204 Outside employment and other activity.

(a) * * *

(2) Outside activities which tend to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner;

(3) Outside activities that may be construed by the public to be the official acts of the Department;

* * * * *

(5) Outside activities that may involve the use of information secured as a result of employment in the Department to the detriment of the Department or the public interest, or that may give preferential treatment to any person, corporation, public agency, or group;

* * * * *

(7) Outside activities related to or similar to the substantive programs conducted by any part of the Department. This includes, but is not limited to, the broad fields of real estate, mortgage lending, property insurance, construction, construction financing, land planning, and real estate development.

* * * * *

4. In § 0.735–205, paragraph (a)(3) is amended, a new paragraph (c) is added [which includes the text of § 0.735–406 which is being deleted], and present last paragraph (c) is redesignated as paragraph (d) as follows:

§ 0.735–205 Financial interests.

(a) * * *

(3) Acquire securities issued by the Federal National Mortgage Association or guaranteed by the Government National Mortgage Association or the Community Development Corporation.

* * * * *

(c) The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

* * * * *

5. The introductory text of § 0.735–213 is amended to read as follows:

§ 0.735–213 Prohibited activities by former employees.

A former officer or employee or former special Government employee of the Department shall not:

* * * * *

6. Section 0.735–214(p) is amended by deleting "608" so that the paragraph reads as follows:

§ 0.735–214 Miscellaneous statutory provisions.

* * * * *

(p) The prohibitions against political activities in Subchapter III of Chapter

73 of title 5, United States Code, and 18 U.S.C. 602, 603, and 607.

* * * * *

7. Section 0.735–214 is amended by adding a new paragraph (r) to read as follows:

§ 0.735–214 Miscellaneous statutory provisions.

* * * * *

(r) The prohibition against the employment of an individual convicted of felonious rioting or related offenses (5 U.S.C. 7313).

8. Section 0.735–401 is amended by revising the last sentence in paragraph (d) so that paragraph (d) reads as follows:

§ 0.735–401 Employees required to submit statements.

* * * * *

(d) Employees classified below GS–13 who are in positions which otherwise meet the criteria in paragraph (b) or (c) of this section. These positions have been approved by the Civil Service Commission as exceptions that are essential to protect the integrity of the Government and avoid employee involvement in a possible conflict-of-interest situation. These positions are included among those identified by footnote 1 in the appendix to this part.

§ 0.735–406 [Deleted]

9. Section 0.735–406 is deleted.

10. The appendix is revised to read as follows:

APPENDIX—LIST OF POSITIONS SUBJECT TO SUBPART D

Officers and employees in the following positions are subject to the provisions of Subpart D of this part:

OFFICE OF THE SECRETARY

Executive Assistant to the Secretary.
Administrative Officer.
Special Assistants to the Secretary.
Assistant to the Secretary for Labor Relations.
General Assistant Secretary.
Assistant to the Secretary for Congressional Relations.
Director, Office of Public Affairs.
Director, Office of International Affairs.
Assistant to the Secretary for Programs for the Elderly and the Handicapped.

OFFICE OF THE UNDER SECRETARY

Under Secretary.
Deputy Under Secretary for Policy Analysis and Program Evaluation.
Special Assistants to the Under Secretary.

OFFICE OF THE GENERAL COUNSEL

General Counsel.
Deputy General Counsel.
Special Assistants to the General Counsel.
Associate General Counsels.
Assistant General Counsels.
Regional Counsels.
Area Counsels.

ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND MANAGEMENT

Assistant Secretary.
Deputy Assistant Secretary for Community Planning and Management.
Director, Office of Administration.
Director, Budget Division.
Director, Management and Administrative Services Division.
Director, Program Statistics Division.
Director, Intergovernmental Relations Division.
Director, Office of Policy Planning.
Deputy Director, Office of Policy Planning.
Director, Urban Growth Policy Division.
Director, Evaluation Division.
Director, Program Policy Division.
Director, Office of Planning and Management Assistance.
Deputy Director, Office of Planning and Management Assistance.
Director, Program Regulations Division.
Director, Field Support Division.
Director, Office of Community and Environmental Standards.
Deputy Director, Office of Community and Environmental Standards.
Director, Environmental and Land Use Planning Division.
Director, Program Requirements Division.
Director, Office of New Communities Development.
Deputy Director, Office of New Communities Development.
Director, Application Review Division.
Chief, Physical and Social Planning Branch.
Chief, Financial Planning Branch.
Director, Project Management Division.
Assistant Director, Financial Management.
Assistant Director, Planning Review.
Assistant Director, Supplementary Grants.

ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

Assistant Secretary.
Deputy Assistant Secretary for Equal Opportunity.
Special Assistants to Assistant Secretary.
Director, Office of Voluntary Compliance.
Director, Housing and Community Development Division.
Director, Manpower and Business Opportunities Division.
Director, Office of Civil Rights Compliance and Enforcement.
Director, Compliance Procedures Division.
Director, Field Assistance Division.
Director, Hearings Division.
Director, Office of Program Standards and Analysis.
Director, Program Standards Division.
Director, Data Analysis Division.
Director, Office of Management and Field Coordination.
Director, Budget and Management Division.
Director, Field Coordination and Equal Opportunity Operations Evaluation Division.

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Assistant Secretary.
Deputy Assistant Secretary for Housing Production and Mortgage Credit and Deputy Federal Housing Commissioner.
Executive Assistant.
Director, Office of Field Support.
Director, Office of Technical and Credit Standards.
Director, Office of Policy and Program Evaluation and Development.
Director, Office of Subsidized Housing Programs.
Director, Office of Unsubsidized Insured Housing Programs.
Director, Office of Administration.
Deputy Director, Office of Technical and Credit Standards.
Deputy Director, Office of Policy and Program Evaluation and Development.
Director, Subsidized Mortgage Insurance Division.
Director, Publicly Financed Housing Division.
Director, Rehabilitation Housing Division.
Director, Multifamily Division.
Director, Single Family and Land Development Division.
Director, Property Improvement Division.
Participation Control Officer.
Management Analysis Officer—GS–343–15.
Supervisory Appraisers.[1]
Appraisers.[1] [2]

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

President.
Executive Vice President.
Vice President—Fiscal Management.
Secretary-Treasurer.
Controller.

ASSISTANT SECRETARY FOR COMMUNITY DEVELOPMENT

Assistant Secretary.
Deputy Assistant Secretary for Community Development.
Executive Assistant.
Special Assistant to the Assistant Secretary.
Director, Office of Management.
Director, Program Budgeting Division.
Director, Local Finance and Administrative Practices Division.
Director, Administrative Services Division.
Director, Office of Program Policy.
Deputy Director, Office of Program Policy.
Director, Policy Development Division.
Director, Evaluation Division.
Director, Interagency Resources Division.
Director, Office of Program Services.
Deputy Director, Office of Program Services.
Director, Program Regulations and Assistant Division.
Director, Technical Services Division.
Director, ADP and Statistics Division.
Director, Office of Field Support.
Deputy Director, Office of Field Support.

ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Assistant Secretary.
Deputy Assistant Secretary for Housing Management.
Executive Assistant to the Assistant Secretary.
Special Assistants to the Assistant Secretary.
Director, Project Financing Staff.
Director, Emergency Preparedness Staff.
Director, Field Support Staff.
Director, Program Evaluation and Management Staff.
Director, Office of Housing Programs.
Director, Office of Loan Management.
Director, Office of Property Disposition.
Director, Office of Administrative and Program Services.
Director, Administrative Division, Office of Administrative and Program Services.
Chief, Budget Branch, Administrative Division, Office of Administrative and Program Services.
Director, Local Agency Services Staff, Office of Administrative and Program Services.
Program Assistant, Local Agency Services Staff, Office of Administrative and Program Services.
Supervisory Supply Management Officer, Maintenance and Utilities Branch, Programs Services Division, Office of Housing Programs.
Director, Reconditioning and Contracting Staff, Office of Property Disposition.
Contracting Officers, Reconditioning and Contracting Staff, Office of Property Disposition.

ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Assistant Secretary.
Deputy Assistant Secretary.
Director, Office of Administration, Program Planning and Control.
Director, Division of Administration.
Director, Division of Project Planning and Evaluation.

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[1] See § 0.735–401(d).

[2] All personnel performing appraisal functions to be included.

Director, Division of Budget and Contracts.
Director, Division of Community Planning Development and Conservation.
Director, Division of Community Management Systems (USAC).
Director, Division of Community Environment and Utilities Technology.
Director, Division of Housing Assistance and Economic Research.
Director, Division of Housing Management Research.
Director, Office of Operation Breakthrough.
Deputy Director, Office of Operation Breakthrough.
Director, Division of Market Aggregation.
Director, Division of Site and Land Planning.
Director, Division of Site Relation and Negotiations.
Director, Division of Building Technology and Site Operations.
Special Assistant.

ASSISTANT SECRETARY FOR ADMINISTRATION

Assistant Secretary.
Deputy Assistant Secretary.
Special Assistant to the Assistant Secretary.
Director, Office of Financial Systems and Services.
Deputy Director, Office of Financial Systems and Services.
Director, Office of Budget.
Deputy Director, Office of Budget.
Director, Office of General Services.
Deputy Director, Office of General Services.
Director, Contracts and Agreements Division.
Deputy Director, Contracts and Agreements Division.
Director, Supply and Facilities Management Division.
Director, Office of Management and Organization.
Director, Office of ADP Systems Management and Operations.
Deputy Director, Office of ADP Systems and Management and Operations.
Director, Office of Personnel.
Deputy Director, Office of Personnel.
Director, Office of Regional Liaison.
Comptroller.

FEDERAL INSURANCE ADMINISTRATION

Federal Insurance Administrator.
Assistant Administrator for Program Development.
Assistant Administrator for Special Programs.
Assistant Administrator (Flood Insurance).
Assistant Administrator (Urban Property Insurance).
Assistant Administrator (Crime Insurance).
Chief Actuary.
Director, Flood Plain Management Division.
Director, Engineering and Hydrology Division.
Director, Review and Compliance Division.
Director, Riot Reinsurance Division.
Director, Flood Insurance Operations Division.

OFFICE OF INTERSTATE LAND SALES REGISTRATION

Deputy Administrator, Office of Interstate Land Sales Registration.
Director, Administrative Proceedings Division.
Director, Examination Division.

OFFICE OF INSPECTOR GENERAL

Inspector General.
Assistant Inspector General for Audit.
Director of Audit Operations.
Assistant Directors of Audit Operations.
Regional Inspectors General for Audit.
Assistant Inspector General for Investigation.
Director of Investigative Operations.
Assistant Directors of Investigative Operations.
Regional Inspectors General for Investigation.
Assistant Inspector General for Security.
Assistant Inspector General for Administration.
Assistant Inspector General for Washington Operations and Special Projects.
Auditors (GS–13 and above).
Investigators (GS–13 and above).
Security Personnel (GS–13 and above).

REGIONAL OFFICES

Regional Administrator.
Deputy Regional Administrator.
Director, Program Planning Staff.
Regional Breakthrough Director.
Assistant Regional Administrator for Community Planning and Management.
Assistant Regional Administrator for Community Development.
Assistant Regional Administrator for Housing Production and Mortgage Credit.
Production Coordinator.
Assistant Regional Administrator for Housing Management.
Loan and Contract Servicing Officer.
Assistant Regional Administrator for Equal Opportunity.
Director, Contract Compliance and Employment Opportunity.
Director, Housing Opportunity.
Business and Manpower Development Officer.
Supervisory Appraisers.[1]
Appraisers.[1] [2]

AREA OFFICES

Area Director.
Deputy Area Director.
Director, Operations Division.
Deputy Director, Operations Division.
Assistant Director for Technical Services.
Assistant Director for Single Family Mortgage Insurance.
Assistant Director for Planning and Relocation.
Director, Housing Management Division.
Director, Housing Programs Management Branch.
Director, Loan Management and Property Disposition Branch.
Director, Equal Opportunity Division.
Supervisory Appraisers.[1]
Appraisers.[1] [2]

INSURING OFFICES

Director.
Deputy Director.
Assistant Director.[1]
Assistant to Director.[1]
Chief Underwriter.[1]
Supervisory Appraisers.[1]
Appraisers.[1] [2]

(18 U.S.C. 201 through 209; E.O. 11222 of May 8, 1965; 30 F.R. 6469; 3 CFR 1965 Supp.; 5 CFR 735.104)

These amendments were approved by the Civil Service Commission on September 12, 1972.

Effective date. The amendments are effective upon publication in the FEDERAL REGISTER. (11–1–72).

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72–18652 Filed 10–31–72;8:52 am]

[1] See § 0.735–401(d).

[2] All personnel performing appraisal functions to be included.

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER A—PROCEDURES; PRACTICE

PART 5—RESERVATION ACCELERATION PROGRAM (RAP)

This notice is published in exercise of rule making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

On page 12326 of the June 22, 1972, FEDERAL REGISTER (37 F.R. 12326), there was published a notice of proposed rule making to add a new Part 5 to Subchapter A, Chapter I, Title 25 of the Code of Federal Regulations. The regulations establish the Reservation Acceleration Program (RAP) to give federally recognized Indian tribes the opportunity to consult with Bureau of Indian Affairs line officials on restructuring Bureau services to provide maximum support for the tribes' comprehensive development plans. The regulations were proposed pursuant to 5 U.S.C. 301.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted as set forth below with the following correction:

1. In § 5.4(c), the word "Commission" is changed to read "Commissioner."

The new Part 5 shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

LOUIS R. BRUCE,
Commissioner.

Sec.
5.1 Purpose.
5.2 Applicant eligibility.
5.3 Application submission and acceptance.
5.4 Implementation procedures.

AUTHORITY: The provisions of this Part 5 issued under 5 U.S.C. 301.

§ 5.1 Purpose.

The regulations in this part govern the procedures by which Indian or Native Alaska communities may negotiate with the Bureau of Indian Affairs to restructure the Bureau's programs.

§ 5.2 Applicant eligibility.

Applicant must be an Indian or Native Alaska community currently receiving services from the Bureau of Indian Affairs or an intertribal organization representing a group of such communities.

§ 5.3 Application submission and acceptance.

(a) The governing body of the community or the intertribal organization making application must support participation in the Reservation Acceleration Program by a formal resolution. The

resolution requesting participation in the program may be submitted at any time to the Commissioner of Indian Affairs.

(b) If the applicant is a community or communities served by a single Bureau of Indian Affairs Agency which serves no other communities, the Commissioner of Indian Affairs will, within 30 days after the date the application is received, inform the applicant of the date when negotiations may begin. In other cases, the Commissioner will direct members of his staff to meet with the applicant to develop special procedures that are acceptable both to the Commissioner and to the applicant. As soon as such procedures are accepted, a date for the start of negotiations will be announced.

§ 5.4 Implementation procedures.

(a) Leaders of communities selected to participate in the program will meet with the staff of the Bureau of Indian Affairs Agency that serves their communities to familiarize themselves with all aspects of the current Bureau program in their locality. The governing body will then prepare recommendations for changes in the Bureau program that it feels will support the comprehensive development plans of the community. These recommendations will be discussed with the Agency staff to determine if the Superintendent has the authority to implement them. When agreement is reached on those recommendations which are within the Superintendent's authority, he will implement them providing the changes proposed will not adversely affect services to other communities. All RAP recommendations will be forwarded to the area office.

(b) The same procedures described for negotiations at the Agency level will also apply at the area office level. In addition, when a community indicates it would be willing to exchange Bureau funds or staff in a single activity for funds or staff of another activity, the Area Director will be responsible for contacting other communities within his service area to inform them of the offer. When such an exchange is agreed to by all parties, the Area Director will implement it. Other recommendations that are within his authority and on which agreement is reached will also be implemented immediately by the Area Director.

(c) All RAP recommendations will then be forwarded to the Central Office where the negotiation process will be repeated. The Commissioner will be responsible for contacting other area offices to facilitate program exchanges that could not be made within a single area.

(d) Upon completion of the Central Office negotiations, the agreement will be signed by the tribal leader, the Superintendent, the Area Director and the Commissioner of Indian Affairs.

(e) The Area Director will be responsible for making any changes in the staffing or program of the area office that are necessary to implement the agreement.

[FR Doc.72-18610 Filed 10-31-72;8:45 am]

Title 29—LABOR

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

PART 1923—SAFETY AND HEALTH PROVISIONS FOR FEDERAL AGENCIES

Deletion

Under authority in section 33 of the Federal Employees' Compensation Act, as amended (5 U.S.C. 7902(b)-(e)); Executive Order No. 11612 (36 F.R. 13891); and Secretary of Labor's Order No. 12-71 (36 F.R. 8754), Part 1923 of Chapter XVII of Title 29, Code of Federal Regulations, is hereby deleted.

It is the intention of the Secretary of Labor to replace the regulations in this Part 1923 with safety and health provisions for Federal agencies pursuant to section 19 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1609, 29 U.S.C. 668; and Executive Order No. 11612 (36 F.R. 13891)).

Signed at Washington, D.C., this 26th day of October 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-18605 Filed 10-31-72;8:46 am]

PART 1951—GRANTS FOR IMPLEMENTING APPROVED STATE PLANS

On August 5, 1972, notice of proposed rule making setting the requirements and procedures for awarding grants to the several States for the purpose of implementing section 23(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590), was published in the FEDERAL REGISTER (37 F.R. 15880). After consideration of all such relevant matter as was presented by interested persons, the new part is hereby adopted, subject to the following changes:

1. In paragraph (b) of § 1951.11, the words "with 10 copies" are changed to read "with two copies."

2. In paragraph (b) of § 1951.25, the period is removed after the last word in the paragraph and insert after the word "therefor" the words "together with the effective date."

3. In paragraph (a) of § 1951.42, the words "Department's Property Handbook for Occupational Safety and Health Administration For Grantees" are changed to read "Occupational Safety and Health Administration Property Administration Guide."[3]

4. Add footnote "3" to the bottom of page after footnote "2" for paragraph (a) of § 1951.42 to read as set forth below.

5. In paragraph (b) of § 1951.42, the words "Department's Property Handbook for Occupational Safety and Health Administration For Grantees" are changed to read "Occupational Safety and Health Administration Property Administration Guide"

Effective date. This new Part 1951 shall be effective upon publication in the FEDERAL REGISTER (11-1-72).

Signed at Washington, D.C., this 26th day of October 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

Subpart A—Applicability and Definitions

Subpart B—Applications

Subpart C—Award and Termination

Subpart D—Special Grant Conditions

Subpart E—Grantee Accountability

AUTHORITY: The provisions of this Part 1951 issued under secs. 8(g), 23, 84 Stat. 1600, 1613.

Subpart A—Applicability and Definitions

§ 1951.1 Purpose and scope.

(a) This part contains the procedures for making grants to the several States for the purposes listed in section 23(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590).

(b) Under section 23(g) of the Act, the Assistant Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Assistant Secretary pursuant to section 18 of the Act and Part 1902 of this chapter.

§ 1951.2 Definitions.

As used in this part and in grant instruments entered into pursuant to this part:

(a) The terms "State," "Assistant Secretary," and "Act" are defined as provided in paragraphs (a), (b), and (c) respectively, of § 1950.2 of this chapter.

(b) "State plan" means a plan submitted by a State to the Assistant Secretary for approval as set out in Part 1902 of this chapter.

(c) "Approved State plan" means a State plan which the Assistant Secretary has approved.

Subpart B—Applications

§ 1951.10 Eligibility.

Grants under this part may be awarded only to a State agency, designated by the Governor of a State, which has had its State plan approved by the Assistant Secretary and which has submitted an application for a grant under this part. Such an application may be funded by a grant under this part for an amount not to exceed 50 per centum of the total cost to the State of implementing the State plan for the period covered by the grant application. The grant application must contain proposed costs which are allowable (i.e., directly allocable to implementing the approved plan, reasonable, and not otherwise barred by law, regulation, or policy). In addition, the State agency must be able to demonstrate that it can and will maintain such fiscal records and file with the Assistant Secretary such fiscal reports as are necessary to ensure the appropriate recordation of costs during the period of any grant awarded under this part.

§ 1951.11 Manner of submitting application.

(a) An application for a grant under this part shall be submitted in such manner and at such time as the Assistant Secretary may prescribe.[1] The application shall contain a budget and sufficient cost detail with which to associate estimated cost elements with specific activities under the State plan, as more particularly described in the instructions for a grant application.[1]

(b) An application with two copies must be submitted by a State agency, designated by the Governor of a State, to the appropriate Regional Administrator of the Occupational Safety and Health Administration, U.S. Department of Labor.

(c) The application shall be executed by an individual authorized to act for the applicant State agency and to assume on behalf of the State agency those obligations imposed by the terms and conditions of any award, including the regulations of this part.

(d) The application must contain assurances satisfactory to the Assistant Secretary that the State agency has available to it sufficient funds and other resources with which it will match the Federal share of the cost of implementing the approved State plan.

(e) The application must bind the applicant to accept the grant conditions and other requirements of this part.

§ 1951.12 Action upon application.

(a) The Assistant Secretary shall proceed to pass upon each application for a grant within a reasonable time following its receipt. In passing upon each application, the Assistant Secretary shall consult with a representative of the Secretary of Health, Education, and Welfare designated to establish liaison with the Assistant Secretary for the purpose of assisting the latter's evaluation of grant applications. In so doing, he may act through such officers and employees and such experts or consultants engaged for this purpose as he determines are specially qualified to evaluate the particular grant application. Any recommendations of such representative as to approval or disapproval of an application shall be reduced to writing, and due regard shall be given to any such recommendations.

(b) The State agency shall be notified of action taken on its application. In the event of either a deferral (for further clarification, for final approval of the State plan, for lack of funds, or, otherwise, for further evaluation) or a disapproval, the notice shall be accompanied by a brief statement of the grounds for such deferral or disapproval, except where there is an affirmation of a previous disapproval. Any deferral or disapproval of an application shall not preclude its reconsideration or a reapplication within a reasonable time. Such request for reconsideration by or a reapplication to the Assistant Secretary shall be in writing. In his discretion, the Assistant Secretary may afford the applicant an opportunity for informal oral presentation concerning the request for reconsideration or reapplication.

(c) It is the policy of the Secretary of Labor to encourage the submission of applications for grants to fund approved State plans. To the extent practicable, the Assistant Secretary shall provide technical assistance to any State agency in the preparation of an application and in the correction of any defective application.

(d) If a grant is made, the initial award shall set forth the amount of funds granted and shall specify the period for which the grant is contemplated. The grant may provide that additional funds will be added at a later time, provided that grant performance is satisfactory and appropriations are available. Grantees will be required to make separate application for continued support beyond the expiration of the period covered by any grant under this part.

Subpart C—Award and Termination

§ 1951.20 Grant awards.

Within the limits of funds available for such purpose, the Assistant Secretary shall approve grant applications and make awards, in writing, for grants under this part, which grants shall specify the period covered by the award and the terms and conditions with which the grantee must comply in incurring costs in implementing the approved State plan, provided further, that the regulations in this part shall be incorporated by reference into and become a part of any grant awarded hereunder.

§ 1951.21 Delegation of authority.

The Assistant Secretary was delegated under Secretary of Labor Order 12–71, effective April 28, 1971 (36 F.R. 8754) and Secretary of Labor Order 19–71, effective June 18, 1971, the general authority of the Secretary to review applications for grants and make awards under section 23 of the Act and was empowered to subdelegate that authority to such officers and employees as he deems appropriate. The delegation to the Assistant Secretary, therefore, includes the power to issue, amend, and repeal rules under this part and to provide any policy, regulations, or guidelines by which this part is implemented. He may, with respect to any grant award, impose additional conditions prior to or at the time of any award when, in his judgment, such conditions are necessary to assure safe and healthful working conditions for working men and women, to assure or protect advancement of the approved State plan, or to promote the conservation of grant funds.

§ 1951.22 Amount of award.

(a) The amount of any award shall be determined by the Assistant Secretary on the basis of his estimate of the sum necessary for all of the direct costs of implementing the approved State plan plus an additional amount for indirect costs, if any, which will be calculated by the Assistant Secretary either: On the basis of his estimate of the actual indirect costs reasonably related to the plan; or on the basis of a percentage of all of the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Assistant Secretary: *Provided, however,* That no grant shall be made for an amount in excess of 50 percentum of the total cost as found necessary by the Assistant Secretary for the carrying out of the plan. In determining the grantee's share of the costs of implementing the approved State plan for the period to be covered by the grant, the grantee may not include (1) costs for which Federal grants from other sources have been or may be claimed or received, or (2) costs used to match other Federal grants, or (3) costs to be met from the Federal share of grant related income.

(b) All amounts awarded, whether provisional or otherwise, remain subject to accountability as provided under Subpart E of this part.

(c) To be an allowable cost under any grant awarded under this part, the cost that is paid or incurred by the grantee must be, in the opinion of the Assistant Secretary:

(1) *Allocable.* A cost must be necessary to implement the approved State

[1] Instructions may be obtained from the Regional Administrators of the Occupational Safety and Health Administration.

plan and expended in accordance with this part and those conditions imposed in the grant instrument.

(2) *Reasonable.* A cost must be reasonable in amount.

(3) *Timely.* A cost must have been incurred after the effective date of the grant and prior to its expiration or termination.

(4) *Documented.* A cost must be supported by satisfactory evidence.

(d) Except as may otherwise be provided by this part, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities provided it is in conformance with the applicable principles set forth in Chapter 29 and Subpart 1–15.7 of Chapter 1 of Title 41, Code of Federal Regulations.

(e) While §§ 1–15.712–2 and –3 provide respectively that expenditures which may increase the value of or useful life of facilities and capital assets shall be allowable only with the prior approval of the grantor agency, nevertheless, such costs will not be approved for grants awarded under this part unless the application clearly and convincingly establishes that the State agency cannot implement the approved State plan unless such expenditures are allowed.

(f) Any grant awarded under this part shall not commit or obligate the United States in any way to make any additional or supplemental or other award or continuation with respect to implementing that portion of the approved State plan covered by the proposed grant. However, the Assistant Secretary may, from time to time, within the period of time covered by the grant under this part, amend upward the initial grant award with respect to the implementation of an approved State plan, without any change in the plan or the period covered by the grant, where he finds, on the basis of such progress and accounting reports as he may require, that the amount of any prior award was less than the amount necessary to implement the approved State plan within the period covered by the grant and that the State will match such increase.

§ 1951.23 Payments.

The Assistant Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the implementation of that portion of the approved State plan covered by the period for which the grant is given. Payments will be made in a manner, monthly or otherwise, that will closely approximate the grantee's rate of expenditure, except that no partial Federal payment may be made in an amount that would bring the aggregate amount of all partial payments to an amount in excess of the total non-Federal or matching State share which the State has available at the time of such partial payment. All such payments shall be recorded by the grantee in accounting records which will disclose the financial results of a grant award, such as authorizations, program income, obligations, assets, liabilities, and disbursements, in terms of the Federal and State shares. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this part throughout the grant period subject to such limitations as are contained in this part and in the grant instrument.

§ 1951.24 Federal share; matching requirements.

(a) Federal funds will be granted on the basis of grant applications and may be used to meet not more than 50 percentum of the cost of implementing the approved State plan.

(b) The non-Federal or matching participation by the State may be derived from a variety of sources, including:

(1) *Cash contributions.* Cash contributions represent the grantee's cash outlay, including the outlay of money contributed to the grantee by other public (other-than-Federal) agencies and institutions and private organizations and individuals, except that funds originating from another Federal source or funds provided by a State as its matching share under another Federal grant may not be counted as part of a State's matching share for grants awarded under this part.

(2) *In-kind contributions.* In-kind contributions represent the value of noncash contributions provided from any of the sources in subparagraph (i) of this paragraph and are creditable as part of the State's matching share to the extent cash contributions from the same source would have been.

§ 1951.25 Termination.

(a) *Discontinuance by agreement.* Whenever, in the judgment of the Assistant Secretary and the designated State agency, the continuation of the performance of the grant by the grantee would produce results of no value in furthering the purposes of either the Act or the approved State plan, the parties shall enter into a written agreement terminating the grant.

(b) *Termination by the Assistant Secretary for default.* Any grant awarded under this part may be revoked or terminated, in whole or in part, by the Assistant Secretary at any time within the period of the grant, whenever he finds that in his judgment the grantee has failed in a material respect to comply with the terms and conditions of the grant or the regulations of this part. The grantee shall be promptly notified of such finding in writing and given the reasons therefor, together with the effective date.

(c) *Constructive termination by the Assistant Secretary.* If, under the procedures of section 18(f) of the Act, including notice and an opportunity for a hearing, the Assistant Secretary notifies the State agency of his withdrawal of approval of a previously approved State plan, such notice shall operate constructively as notice of termination of any grant awarded under this part.

(d) *Termination by the grantee.* A grantee may at any time terminate or cancel its performance of an approved grant by notifying the Assistant Secretary in writing setting forth the reasons for such termination.

(e) *Accounting.* Upon any termination, the grantee shall render an accounting pursuant to Subpart E of this part. Credit shall be allowed to the grantee as a cost under the grant of the amount required to settle, at minimum cost, any noncancelable obligations properly incurred by the grantee prior to receipt of notice of termination.

Subpart D—Special Grant Conditions

§ 1951.30 Political activity.

Under the provisions of the Federal Hatch Act (Political Activities Act of August 2, 1939, as amended; 5 U.S.C. 1501ff), all State or local agency officers and employees whose principal employment is in connection with activities financed by any grant under this part, irrespective of whether they are under the merit system, are prohibited, with certain exceptions, from:

(a) Using official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the result thereof.

(b) Directly or indirectly coercing, attempting to coerce, commanding, or advising any other State or local officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.

(c) Actively participating in political management or in political campaigns.

§ 1951.31 Nondiscrimination.

(a) The State shall comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) which provides that no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance and shall comply with the implementing rules issued by the Secretary of Labor with the approval of the President (29 CFR Part 31).

(b) The State shall comply with E.O. 11246 dated September 24, 1965, as amended, with regard to equal employment opportunities, and all rules, regulations, and procedures prescribed pursuant thereto.

§ 1951.32 Procurement standards.

Grantees, when procuring property and services, shall use their own procurement standards and procedures which are based upon their laws, rules, or regulations, which as a minimum shall provide that:

(a) All proposed procurement actions shall be reviewed selectively by grantee

officials to avoid purchasing unnecessary or duplicative items. Where appropriate, lease versus purchase considerations shall be given and documented.

(b) All procurements, advertised or negotiated, shall be accomplished by obtaining adequate and effective competition to the maximum practicable extent, unless restricted by the nature and complexity of the material or services being procured. Where sealed bids are obtained by formal advertisement, the awards will be made to the lowest responsible bidder whose bid is responsive to the invitation for bids and is the most advantageous.

(c) Single source procurement and sole source procurements shall be adequately documented to support the selection of vendors and the prices accepted. Procurement by brand names shall be limited to sole source procurements.

(d) The type of contracts or purchase orders used (i.e., fixed price, cost reimbursable, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the grant program involved. A "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(e) Solicitation for bids or quotations shall contain a clear and accurate description of the technical requirements for the material, product, or service to be procured and exclude any features which restrict competition.

(f) All procurements shall be conducted so as to avoid any possibility or appearance of collusion or conflict of interest.

(g) A system of contract administration shall be maintained to assure:

(1) Contractor conformance with the terms, conditions, and specifications of the contract or purchase order;

(2) Adequate expediting and timely followup of all purchases.

(h) All contracts awarded by grantees, exclusive of purchase orders, shall provide for unilateral termination by the grantee. In addition, such contracts shall provide for conditions of default and those situations where the contract cannot be completed through no fault of the contractor, i.e., termination for the convenience of the grantee.

§ 1951.33 Travel.

To the extent the grantee has not established rules or policies which it uniformly applies regardless of source of funds in determining the amounts and types of reimbursable travel expenses, the Standardized Government Travel Regulations (OMB Circular No. A–7) [2] shall be applied in determining the amount of grant funds chargeable for travel expenses.

Subpart E—Grantee Accountability

§ 1951.40 Date of final accounting.

In addition to such other accounting as the Assistant Secretary may require, a grantee shall render, with respect to each grant, a full accounting as provided herein, as of a date which shall be either (a) the end of the period covered by the grant or as that date may have have been extended by mutual agreement or (b) the date of termination as provided in §1951.25, whichever first occurs.

§ 1951.41 Accounting for grant award payments.

With respect to each approved grant, the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available vouchers or any other evidence satisfactory to the Assistant Secretary of expenditures for direct or indirect costs meeting the requirements of § 1951.22: *Provided, however,* That where the amount awarded for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

§ 1951.42 Accounting for equipment.

(a) As used in this section the term "equipment" means an article of property procured or fabricated, in whole or in part with grant funds, which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand as of the date established in § 1951.40 for which accounting is required in accordance with the procedures set forth in the "Occupational Safety and Health Administration Property Administration Guide" [3] shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Assistant Secretary:

(1) *Retention of equipment for other occupational safety and health projects.* Equipment may be used, without adjustment of accounts, on other grants within the scope of the Act or other activities, by the grantee, which the Assistant Secretary determines in writing, fall within the objectives of the Act, and no other accounting for such equipment shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization, or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or "trade-in" on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or may be transferred to another grantee for the purpose of pursuing an objective within the scope of the Act.

(b) The grantee can be relieved of accountability for equipment by request, to the Assistant Secretary, in accordance with instructions in the "Occupational Safety and Health Administration Property Administration Guide" when the erty is:

(1) Excess to the grantee's needs;

(2) Discovered to be missing from inventory or is destroyed or damaged;

(3) Desired by the grantee for cannibalization;

(4) Desired by the grantee for use in a "trade-in" transaction;

(5) Requested for return by the Department; and

(6) Disposed of as required in grant closeout procedures.

§ 1951.43 Program income.

All program income (i.e., licenses, fees for inspection and otherwise, levies, royalties, etc.) except that income excluded below, earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be deducted from the total project cost for the purpose of determining the net cost on which the Federal share will be based. The income in the two exceptions listed below may be retained by the State without credit to the cost of any grant awarded under this part. The two exceptions are:

(a) All interest income earned by a State government (including State agencies and instrumentalities) on deposits or investments of advance Federal payments of the Federal share of grants awarded under this part, except that interest or other income earned by a local unit of government (e.g., county, municipality, city, town, or school, or any agency or instrumentality of such local unit of government) shall be returned in its

[2] The Office of Management and Budget Circular No. A–7 instructions are available for inspection at the Regional Administrative Office of the Assistant Secretary for Administration and Management, Department of Labor.

[3] Information concerning the "Guide" may be obtained from the Regional Administrators of the Occupational Safety and Health Administration.

entirety to the Department for deposit in the U.S. Treasury.

(b) All revenue from fines and/or penalties.

§ 1951.44 Final settlement.

There shall be payable to the Federal Government as final settlement, with respect to each approved grant, the total sum of:

(a) Any amount not accounted for pursuant to this subpart;

(b) Any credits for equipment as provided in § 1951.42;

(c) Any credits for residual material of a consummable nature, title to which has not been previously waived by the Assistant Secretary;

(d) Any credits for earned income as provided in § 1951.43(a); and

(e) Any other settlements required pursuant to § 1951.43.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

§ 1951.45 Disputes.

Any disputes, concerning a question of fact arising as the result of the State agency's performance of any grant awarded under this part, shall be resolved by applying the disputes and appellate procedures and related clauses contained in §§ 1–1.318 and 1–7.101–12 of Chapter 1 and § 29–1.318 and Part 29–60 of Chapter 29 of Title 41, Code of Federal Regulations, except that:

(a) The word "contract" shall mean grant awarded under this part;

(b) The word "contractor" shall mean grantee;

(c) The term "contracting officer" shall mean the Assistant Secretary or his designee;

(d) The requirements in this section in no way alter, diminish, or in any way affect the responsibilities of the Assistant Secretary under section 18(f) of the Act with regard to a State's failure to comply substantially with any provision of the State plan or the State's remedies, as provided in section 18(g) of the Act, concerning a decision of the Assistant Secretary, under section 18(f), for which decision the State wishes to obtain judicial review.

§ 1951.46 Copyrights and patents.

(a) Any application for a grant award under this part shall constitute the consent of the grantee to give the Federal Government, its officers, agents, and employees, acting within the scope of their official duties, a royalty-free, nonexclusive and irrevocable license throughout the world to publish, translate, reproduce, deliver, perform, dispose of and sublicense such subject data or inventions, whether copyrighted or patented, any "subject data" (including writing, sound recordings, pictorial reproduction, drawings, or other graphical representatives and works of any similar nature) or invention, originated in or arising out of activities financed by this grant, whether or not within the scope of the approved State plan.

(b) Laboratory notes, related technical data and information pertaining to inventions or discoveries shall be maintained for such periods, and filed with or otherwise made available to the Assistant Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Departmental regulations.

(c) Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from implementation of a State plan supported by a grant under this part, subject, however, to a royalty-free, nonexclusive license or right in the Federal Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

(d) Appropriate measures shall be taken by the grantee and by the Assistant Secretary to assure that no contracts, assignments, or other arrangements inconsistent with this grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation.

§ 1951.47 Retention and custody of records.

(a) Record retention requirements, for the designated State agencies, established by the State governments receiving grants under this part are deemed adequate except that financial records, supporting documents, statistical records, and all other records pertinent to a grant program shall be retained for a period of 3 years, with the following qualifications:

(1) The records shall be retained beyond the 3-year period if audit findings have not been resolved.

(2) Records for nonexpendable property which was acquired with Federal grant funds shall be retained for 3 years after final disposition of the property.

(3) When grant records are transferred to or maintained by the Department, the 3-year retention requirement is not applicable to the grantee.

(b) The retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually, from the date of the submission of the annual expenditure report.

(c) State agencies are authorized, if they so desire, to substitute microfilm copies in lieu of original records.

(d) The Assistant Secretary shall request transfer of certain records to his custody from State governments when he determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping, he may make arrangements with State governments concerning the retention of any records which are continuously needed for joint use.

(e) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State governments and their subgrantees or subcontractors which are pertinent to a specific grant program for the purpose of making audit, examination, evaluation, excerpts and transcripts. As used in this subsection, political subdivisions, e.g., counties, cities, towns, etc., are, to the extent their relationship to the designated State agency is applicable, considered to be subgrantees or subcontractors. The substance of this subsection shall be inserted in any subgrant or subcontract entered into by the designated State agency under any grant awarded under this part.

(f) No restriction is placed on State agencies which limits public access to the State governments' records except when records must remain confidential for the following reasons:

(1) To prevent a clearly unwarranted invasion of personal privacy.

(2) To specifically comply with a Federal Executive order or statute requiring the record to be kept secret.

(3) To protect commercial or financial information obtained from a person or firm on a privileged or confidential basis.

(4) To avoid the disclosure of any other information which can be exploited for the purpose of personal gains.

[FR Doc.72-18606 Filed 10-31-72;8:46 am]

Title 32—NATIONAL DEFENSE

Chapter XII—Defense Supply Agency

SUBCHAPTER B—MISCELLANEOUS

[DSA Reg. 5500.7]

PART 1281—HEARING RULES FOR SANCTION PROCEEDINGS, EXECUTIVE ORDER 11246

OCTOBER 13, 1972.

Part 1281 is added to Title 32 of the Code of Federal Regulations, reading as follows:

Sec.

AUTHORITY: The provisions of this Part 1281 are issued pursuant to sections 205, 208, 209, 301, 302(b), and 303(a) of Executive Order 11246, as amended, 30 F.R. 12319; 32 F.R. 14303; 41 CFR 60–1.26; Department of Defense Directive 1100.11.

§ 1281.1 Purpose and scope.

To outline responsibilities to govern the practice and procedure for proceedings conducted, and decisions made, by the Agency precedent to the imposition of sanctions under section 209(a) (5) and (6) of Executive Order (EO) 11246, for violations of EO 11246, and rules, regulations, and orders thereunder. This part is applicable to HQ DSA and the Defense Contract Administration Services Regions.

§ 1281.2 Definitions.

(a) *Agency.* The Defense Supply Agency (DSA).

(b) *Agency Counsel.* Counsel of the DSA primary field activity assigned to represent the Agency.

(c) *Director.* Director of DSA.

(d) *Hearing Examiner.* The hearing officer designated by the Director pursuant to section 208(b) of EO 11246, as amended, and 41 CFR 60–1.26(b) to conduct hearings under section 209 of the EO.

(e) *Notice.* Notice of hearing.

(f) *Party.* A respondent; the Director, DSA; and any person or organization participating in a proceeding pursuant to this regulation.

(g) *Respondent.* A person or organization against whom sanctions are proposed because of alleged violations of EO 11246, and rules, regulations, and orders thereunder.

§ 1281.3 Background.

(a) *Applicability of rules.* These rules of procedure supplement the provisions of 41 CFR 60–1.26(b). The rules govern the practice and procedure for hearings conducted by the Director, DSA, with respect to the impositions of sanctions under sections 208(b), 209(a) (5) and (6) of EO 11246, as amended, and DOD Directive 1100.11.

(b) *Waiver, modification.* Upon notice to all parties, the hearing examiner or the Director may, with respect to matters pending before him, modify or waive any rule herein upon determination that no party will be prejudiced and that the ends of justice will be served thereby.

(c) *Computation of time.* In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday, in which event it includes the next following business day.

(d) *Form and filing of documents and pleadings*—(1) *Form.* Documents and pleadings filed pursuant to a proceeding herein shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall show the title, if any, and address of the signatory. Copies need not be signed, but the name of the person signing the original shall be reproduced.

(2) *Filing; service*—(i) *Manner of service.* Service upon any party shall be made by the party filing the document or pleading by delivering a copy or mailing a copy to the last known address; *Provided, however,* That the notice of hearing shall be sent by registered mail, return receipt requested, pursuant to 41 CFR 60–1.26(b)(1).

(ii) *Upon whom served.* All papers shall be served upon counsel of record and upon parties not represented by counsel; and upon the Agency Counsel or his designate.

(iii) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be proof of the service.

(iv) *Number of copies.* An original and three copies of all documents and pleadings shall be filed.

§ 1281.4 Responsibilities.

(a) The Director, DSA will:

(1) Designate a hearing examiner for each proceeding.

(2) Make a decision in each proceeding on the basis of the record before him.

(b) The Agency Counsel will represent the Agency in all aspects of the hearing proceeding.

(c) The Office of Counsel, HQ DSA (DSAH–G) will:

(1) Provide technical assistance to DSA activities on matters pertinent to this Part 1281.

(2) Maintain this Part 1281 in a current status and review it annually.

§ 1281.5 Procedures.

(a) *Prehearing procedures*—(1) *Notice of proposed cancellation, termination or ineligibility.* Actions shall be commenced under these rules and 41 CFR 60–1.26(b)(2) by service of a written notice signed by the Director, on the contractor or subcontractor against whom the Director seeks the imposition of sanctions. The notice shall indicate whether the Director proposes to cancel or terminate, or cause to be canceled or terminated, in whole or in part, any one or more contracts or subcontracts, or to declare the prime contractor or subcontractor ineligible for further contracts or subcontracts under Section 209 of the order. The notice shall contain a concise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the imposition of sanctions, an enumeration of the sanctions being proposed, and a citation of the provisions of the order and regulations pursuant to which the requested action may be taken.

(2) *Answer*—(i) *Filing and service.* Within 14 days after receipt of the notice of proposed cancellation, termination or ineligibility, Respondent shall file an answer and a hearing request with the hearing examiner or the Director.

(ii) *Contents; failure to file.* The answer shall admit or deny specifically, and in detail, matters set forth in each allegation of the notice unless Respondent is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure to file an answer shall constitute an admission of all facts recited in the notice.

(iii) *Hearing request.* The request for a hearing shall be included as a separate paragraph of the answer.

(3) *Amendments.* The Director may amend the notice once as a matter of course before an answer is filed, and Respondent may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing examiner. An amended notice shall be answered within 7 days of its service or within the time for filing an answer to the original notice, whichever period is longer unless the hearing examiner orders otherwise.

(4) *Notice of hearing.* In response to Respondent's request for a hearing, a notice of hearing shall be served on the Respondent pursuant to 41 CFR 60–1.26(b)(1). Such notice shall contain the time, place, and nature of the hearing and the legal authority under which the proceedings are to be held.

(5) *Motions; disposition of motions*—(i) *Motions.* Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the hearing examiner. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the hearing examiner may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Within 7 days after a written motion is served, or such other time period as may be fixed, any party may file a response to a motion.

(ii) *Disposition of motions.* The hearing examiner, or Director, may not grant a written motion prior to expiration of the time for filing response thereto, except upon consent of the parties or following a hearing thereon, but may overrule or deny such motion without awaiting response; *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions. Rulings by the hearing examiner shall not be appealed prior to the transfer of the case to the Director, but shall be considered by the Director when the case is transferred to him for decision.

(6) *Participation by interested persons.* (i) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(ii) Other persons or organizations shall have the right to participate as parties if the final decision of the Director could adversely affect them or the class they represent, and such participation may contribute materially to the proper disposition of the proceedings.

(iii) Any person or organization wishing to participate as a party under this paragraph shall file and serve upon the hearing examiner, and all parties a petition within 7 days after the commencement of the action. Such petition shall concisely state (*a*) the petitioner's interest in the proceedings, (*b*) who will appear for petitioner, (*c*) the issues on which petitioner wishes to participate, and (*d*) whether petitioner intends to present witnesses.

(iv) The hearing examiner shall determine whether each petitioner has the requisite interest in the proceedings and

shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the hearing examiner may request all such petitioners to designate a single representative to represent all such petitioners; provided that the representative of a labor organization qualifying to participate under subparagraph a above must be permitted to participate in the proceeding. The hearing examiner shall give each petitioner written notice of the decision on his petition; and if the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The hearing examiner shall give written notice to each party of each petition granted.

(v) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the final hearing with the hearing examiner. Such petition shall concisely state (*a*) the petitioner's interest in the hearing, (*b*) who will represent the petitioner, and (*c*) the issues on which petitioner intends to present argument. The hearing examiner may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this paragraph.

(vi) An amicus curiae may present a brief oral statement at the hearing, at the point in the proceedings specified by the hearing examiner. He may submit a written statement of position to the hearing examiner prior to the beginning of a hearing, and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and shall serve a copy on each party.

(7) *Admissions as to facts and documents.* Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the hearing examiner may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period designated in the request (not less than 7 days, and not more than 10 days, after service thereof) the party to whom the request is directed serves upon the requesting party a sworn statement either (i) denying specifically the matters as to which an admission is requested, or (ii) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

(8) *Production of documents and things and entry upon land for inspection and other purposes.* (i) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any unprivileged documents, phonorecords, and other compilations which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(ii) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(iii) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(iv) The party upon whom the request is served shall respond within 7 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

(9) *Depositions upon oral examination*—(i) *Deposition; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination for the purposes of discovery and the perpetuation of testimony. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(ii) *Production of witnesses; obligation of parties; objections.* It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the hearing examiner, an objection within 3 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(iii) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the law of the United States or of the place where the deposition is held. At the time and place specified in the notice, the officer designated to take the deposition shall permit each party to examine and cross-examine the witness under oath upon any unprivileged matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create an irrebuttable presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the hearing examiner. *Provided,* That the examining party shall note on the record during the deposition the question which the deponent has failed, or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(iv) *Subscription; certification; filing.* The testimony shall be reduced to typewriting by the officer taking the deposition or under his direction, and shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, and that the deposition is a true record of the testimony and exhibits given by the witness, and that said officer is not of counsel or attorney to any of the parties nor interested in the proceeding. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver any original copy of the transcript, together with his certificate, in person or by mail to the hearing examiner. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges therefor, unless distribution is restricted by order of the hearing examiner for good cause shown.

(v) *Rulings on admissibility; use of deposition.* Subject to the provisions of

this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the hearing examiner, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with the following provisions:

(*a*) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(*b*) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(*c*) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the hearing examiner finds: (*1*) That the witness is dead; or (*2*) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (*3*) that the party offering the deposition has been unable to procure the attendance of the witness by notice; or (*4*) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(*d*) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(vi) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

(10) *Prehearing conferences.* (i) Within 14 days after the answer has been filed, the hearing examiner shall establish a date for the prehearing conference to include all parties and petitioners for status as a party whose petition has not yet been ruled on. Written notice of the prehearing conference shall be sent to all participants in the conference. At the prehearing conference the following matters shall be considered:

(*a*) Simplification and delineation of the issues to be heard;

(*b*) Stipulations, admissions of fact, and of contents and authenticity of documents;

(*c*) Limitation of number of witnesses, particularly the avoidance of duplicate expert witnesses, and exchange of expert witness lists;

(*d*) Scheduling dates for the exchange of witness lists (except as provided in (*c*) of this subdivision) and exhibits;

(*e*) Offers of settlement;

(*f*) Scheduling of such additional prehearing conferences as may be considered necessary; and

(*g*) Such other matters as may tend to expedite the disposition of the proceedings.

(ii) The record shall show the matters disposed of by order and by agreement in the prehearing conference. The subsequent course of the proceeding shall be controlled by such action.

(b) *Designation and responsibilities of hearing examiner*—(1) *Designation.* Hearings shall be held before a hearing examiner designated by the Director. After service of an order designating a hearing examiner to preside, and until such examiner makes his decision, motions and petitions shall be submitted to him. In the case of the death, illness, disqualification, or unavailability of the designated hearing examiner, another hearing examiner may be designated to take his place.

(2) *Authority and responsibilities.* The hearing examiner shall propose findings and conclusions to the Director on the basis of the record before him. In order to do so, he shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(i) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion;

(ii) Require parties to state their position with respect to the various issues in the proceeding;

(iii) Require parties to produce for examination those relevant witnesses and documents under their control;

(iv) Administer oaths;

(v) Rule on motions, and other procedural items on matters pending before him;

(vi) Regulate the course of the hearing and conduct of participants therein;

(vii) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(viii) Receive, rule on, exclude, or limit evidence, and limit lines of questioning or testimony whch are irrelevant, immaterial or unduly repetitious;

(ix) Fix time limits for submission of written documents in matters before him, and extend any time limits established by this part upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

(x) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(*a*) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(*b*) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(*c*) Expelling any party or person from further participation in the hearing.

(xi) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice.

(xii) Recommend whether the Respondent is in current violation of Executive Order 11246, as amended, and applicable rules, regulations and orders, as well as the nature of whatever corrective action may be necessary to bring the Respondent into compliance with the equal employment opportunity clause;

(xiii) Recommend to the Director the adoption of a consent order agreed to by the parties in settlement of the issues in a proceeding; and

(xiv) Take any action authorized by these rules.

(c) *Hearings and related matters*—(1) *Appearances*—(i) *Representation.* The parties or other persons or organizations participating pursuant to these rules have the right to be represented by Counsel.

(ii) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's recommended decision and to file exceptions to it.

(iii) *Appearance of witnesses.* (*a*) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice setting forth the time, date and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the hearing examiner and additional copies shall be served upon the opposing parties.

(*b*) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(*c*) The party or prospective witness may file an objection within 3 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

(2) *Evidence; testimony.* Formal rules of evidence shall not apply, but rules or

principles designed to assure production of the most probative evidence available shall be applied, as the hearing examiner directs. Testimony shall be given orally by the witnesses at the hearing, but may, in the discretion of the hearing examiner, be prepared in writing and served on all parties within 10 days prior to the hearing. A witness shall be available for cross-examination, and, at the discretion of the hearing examiner, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding. The hearing examiner may exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(3) *Objections; exceptions*—(i) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the hearing examiner may be relied upon subsequently in the proceedings.

(ii) *Exceptions.* Formal exception to adverse ruling is not required. Rulings by the hearing examiner shall not be appealed prior to the transfer of the case to the Director, but shall be considered by the Director upon filing exceptions to the hearing examiner's recommendations and conclusions.

(4) *Offer of proof.* An offer of proof made in connection with an objection taken to any ruling of the hearing examiner excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

(5) *Public documents.* Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such documents need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof.

(6) *Ex parte communications.* The hearing examiner shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision, except as witness or counsel in the proceeding.

(7) *Oral argument.* Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral arguments shall be included in the official transcript of the hearing.

(8) *Official transcript.* The agency will designate the official reporter for all hearings. The official transcripts of testimony taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing examiner. Transcripts of testimony may be obtained from the official reporter by the parties and the public at rates not to exceed the applicable rates fixed by the contract between the agency and the reporter unless distribution is limited by order of the hearing examiner for good cause shown. Upon notice to all parties, the hearing examiner may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

(9) *Summary judgment*—(i) *For agency.* At any time after the expiration of 14 days from the commencement of the action or after service of a motion for summary judgment by the respondent, the agency counsel may move the hearing examiner with or without supporting affidavits for summary judgment in his favor upon all claims or any part thereof.

(ii) *For respondent.* The respondent may, at any time after commencement of the action, move the hearing examiner with or without supporting affidavits for a summary judgment in his favor as to all claims or any part thereof.

(iii) *Other parties.* Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the agency or respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(10) *Motion and proceedings thereon.* The motion shall be served upon all parties and the hearing examiner at least 15 days before the time fixed for the hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of hearing. The judgment sought shall be rendered forthwith if the notice and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment rendered for or against the agency or the respondent shall constitute the hearing examiner's findings and recommendations to the Director on the issues involved. Hearings on motions made under this section shall be scheduled by the hearing examiner and may be postponed until the date established in the notice for the final hearing on the merits.

(11) *Case not fully adjudicated on motion.* If on motion under this section judgment is not rendered upon the whole case or for all the relief asked and a final hearing is necessary, the hearing examiner at the hearing of the motion, by examining the notice and answer and the evidence before him and by interrogating counsel, shall, if practicable, ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in controversy, and directing such further proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

(12) *Form of affidavits; further testimony; defense required.* Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The hearing examiner may permit affidavits to be supplemented or opposed by depositions or further affidavits. When a motion for summary judgment is made and supported as provided in this section, an adverse party may not rest upon the mere allegations or denials in his notice or answer, but his response, by affidavit or as otherwise provided in this section, must set forth specific facts showing there is a genuine issue for final hearing. If he does not so respond, summary judgment, if appropriate, shall be rendered against him.

(13) *When affidavits are unavailable.* Should it appear from the affidavits of a party opposing the motion that he cannot for the reasons stated present by affidavit facts essential to justify his opposition, the hearing examiner may refuse the application for summary judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or make such other orders as are just.

(14) *Affidavits made in bad faith.* Should it appear to the satisfaction of the hearing examiner at any time that any of the affidavits presented pursuant to this section are presented in bad faith or solely for the purpose of delay, the hearing examiner may make such orders and impose such sanctions as may be appropriate against the offending party.

(d) *Posthearing Procedures*—(1) *Proposed findings of fact and conclusions.* Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief with the hearing examiner. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the hearing examiner. Requests for additional time in which to file a brief shall be made to the hearing examiner, in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the hearing examiner.

(2) *Record for recommended decisions.* The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

(3) *Recommended decision.* Within 20 days after the filing of briefs, or, if the parties elect not to file such documents,

not more than 20 days after the close of the hearing, the hearing examiner shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record to the Director for his decisions. The recommended findings, conclusions, and decisions shall be served on all parties and amici to the proceeding.

(4) *Exceptions to recommended decision.* Within 14 days after receipt of the hearing examiner's recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 10 days of their receipt by said parties. All exceptions and responses shall be filed with the Director. Service of such briefs and exceptions and responses thereto shall be made simultaneously on all parties to the proceeding, and a certificate of service shall be furnished to the Director. Requests to the Director for additional time in which to file exceptions and responses thereto shall be in writing and copies thereof shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due.

(5) *Record.* After expiration of the time for filing briefs and exceptions, the Director shall make a decision on the basis of the record before him. The record shall consist of the record for decision, the rulings, the recommended findings, conclusions, and decision of the hearing examiner, and the exceptions and briefs filed subsequent to the hearing examiner's decision.

(6) *Final decision.* The Director may affirm, modify, or set aside in whole or in part, the recommended findings, conclusions, and decision of the hearing examiner. The decision of the Director shall not be final without the approval of the Assistant Secretary of Defense (Manpower and Reserve Affairs) and the approval of the Director, Office of Federal Contract Compliance, Department of Labor.

By order of the Director, Defense Supply Agency.

GEORGE W. JOHNSON, Jr.,
Colonel, U.S. Air Force, Deputy Staff Director, Administration.

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Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-1—GENERAL

Subpart 3-1.4—Procurement Responsibility and Authority

RATIFICATION PROCEDURE

Chapter 3, Title 41, Code of Federal Regulations, is amended as follows. The purpose of this amendment is to reflect current authorizations for the ratification of unauthorized contractural commitments.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves an internal administrative procedure. Therefore, the public rule making process is deemed unnecessary in this instance.

Section 3-1.405-50 is revised to read as follows:

§ 3-1.405-50 Ratification procedure.

Requests received by contracting officers for ratification of commitments made by personnel lacking contracting authority shall be procesed as follows:

(a) The individual who made the unauthorized contractual commitment shall furnish the contracting officer all records and documents concerning the commitment and a complete, written statement of facts, including, but not limited to, a statement as to why the procurement office was not utilized, why the proposed contractor was selected and a list of other sources considered, description of work to be performed or products to be furnished, estimated or agreed contract price, citation of appropriation available, and a statement of whether the contractor has commenced performance.

(b) The contracting officer will review the file and forward it to the head of the procuring activity or the Deputy Assistant Secretary for Administration (see § 3-1.405(b)) with any comments or information which should be considered in evaluation of the request for ratification. If legal review is desirable, the head of the procuring activity or the Deputy Assistant Secretary for Administration will coordinate the request for ratification with the Office of General Counsel, OS (GBA).

(c) If ratification is authorized by the head of the procuring activity or Deputy Assistant Secretary for Administration, the file will be returned to the contracting officer for issuance of a purchase order or contract as appropriate.

(d) Heads of the procuring activities or their designees, the Director, Office of Administrative Services, OS, and Director, Office of Regional and Community Development, or their designees, will report quarterly number and dollar value of (1) requests for ratifications received and (2) ratifications authorized during each calendar quarter. Reports shall be submitted in an original and one copy to the Director of Procurement and Material Management, OASAM, to arrive no later than 30 calendar days after the close of each reporting period. Negative reports, where applicable, are required.

(5 U.S.C. 301, 40 U.S.C. 486(c))

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (11-1-72).

Dated: October 25, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.72-18627 Filed 10-31-72;8:50 am]

Title 49—TRANSPORTATION

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

[Docket No. 72-5; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, reflective devices, and associated equipment* to specify stop and turn signal lens area requirements that are identical for all motor vehicles less than 80 inches in overall width.

As the NHTSA explained in its proposal published April 8, 1972 (37 F.R. 7107), Standard No. 108 requires (table III) passenger cars, multipurpose passenger vehicles, trucks, and buses to be equipped with "Class A" turn signal lamps. Class A lamps prior to Standard No. 108 were generally found only on vehicles whose overall width is 80 inches or more. Class A lamps differ from Class B lamps in having a minimum effective projected illuminated area of 12 square inches rather than 3½ square inches. Paragraph S4.1.1.7 of Standard No. 108, however, permits passenger cars to meet Class A photometrics through an effective projected illuminated area not less than that of a Class B lamp (3½ square inches). The NHTSA, in response to a petition from Jeep Corp., proposed that this exception be provided for all vehicles less than 80 inches in overall width, instead of being limited to passenger cars, and that stop lamps be included as well.

The comments received supported the proposal. Recommendations were also made as to standardization of lens area, and identification of lamps providing Class A photometric values. These will be treated as suggestions for future rulemaking since they were beyond the scope of the proposal.

In consideration of the foregoing the first sentence of paragraph S4.1.1.7 of 49 CFR 571.108, Standard No. 108, is revised to read:

Turn signal lamps and stop lamps on each multipurpose passenger vehicle, truck, trailer, and bus less than 80 inches in overall width and on each passenger car shall meet the photometric minimum candlepower requirements for Class A turn signal lamps, and shall have effective projected illuminated areas not less than those of Class B Lamps as specified in SAE Standard J588d, "Turn Signal Lamps," June 1966.

Effective date: January 1, 1973. Because the amendment relaxes a requirement and creates no additional burden, it is found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest.

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

Issued on October 26, 1972.

CHARLES H. HARTMAN,
Acting Administrator.

[FR Doc.72-18626 Filed 10-31-72;8:50 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1106, Amdt. 1]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.; Authorization To Operate Over Tracks of Penn Central Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of October 1972.

Upon further consideration of Service Order No. 1106 (37 F.R. 15307), and good cause appearing therefor:

It is ordered, That: § 1033.1106 *Service Order No. 1106* (The Baltimore and Ohio Railroad Co. authorized to operate over tracks of Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., October 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-18647 Filed 10-31-72;8:52 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 212, 299]

DETERMINATION THAT PROSPECTIVE IMMIGRANT IS AN INVESTOR

Documentary Requirements

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to exemptions of aliens from the labor certification requirement. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

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

In § 212.8(b), subparagraph (4) is amended to read as follows:

§ 212.8 Certification requirement of section 212(a)(14).

* * * * *

(b) *Aliens not required to obtain labor certifications.* * * * (4) an alien who establishes on Form I–526 that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise which may reasonably be expected to be of prospective benefit to the economy of the United States and not intended solely to provide a livelihood for the investor and his family, and in which he has invested, or is actively in the process of investing, his own capital, totaling at least $25,000 exclusive of goodwill or personal skills. * * *

PART 299—IMMIGRATION FORMS

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in alphabetical and numerical sequence:

§ 299.1 Prescribed forms.

* * * * *

Form No.	*Title and description*
I–526	Request for Determination that Prospective Immigrant is an Investor.

* * * * *

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

Dated: October 27, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72–18633 Filed 10–31–72;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 47]

REVISION OF THE MEMBERSHIP ROLL OF EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Eliminating Time Limits for Filing Applications

OCTOBER 27, 1972.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Notice is hereby given that it is proposed to revise Part 47, Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to Resolution 110 passed by the Tribal Council of the Eastern Band of Cherokee Indians of North Carolina on February 16, 1972, and section 2 of the Act of August 21, 1957 (71 Stat. 374).

The purpose of the revision is to remove the time limit for filing applications, change the terms of office of the members of the Enrollment Committee, define Tribal Enrollment Office as used in the revision, and delete certain eligibility requirements for persons born after August 21, 1957, which no longer apply. With the revision of Part 47 the present definition in § 47.1(e) "Persons who are in the Armed Forces of the United States" is no longer applicable. Therefore, in the revision § 47.1(e) defines "Tribal Enrollment Office."

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed revision to the Superintendent, Cherokee Agency, Cherokee, N.C. 28719, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

The table of contents for Part 47 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

PART 47—REVISION OF THE MEMBERSHIP ROLL OF THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Sec.

AUTHORITY: The provisions of this Part 47 issued under sec. 2, 71 Stat. 374.

1. Section 47.1 (e), (f), and (g) are revised to read as follows:

§ 47.1 Definitions.

As used in this part:

* * * * *

(e) "Tribal Enrollment Office" means the Tribal Enrollment Clerk working in concert with the Enrollment Committee.

(f) "Tribal Enrollment Clerk" means the individual working in the Tribal Enrollment Office.

(g) "Enrollment Committee" means the three individuals appointed by the Tribal Council in accordance with Section 47.12.

* * * * *

2. Sections 47.5 and 47.6–47.15 are revised to read as follows:

§ 47.5 Removal of deceased persons from the roll.

The name of any person who was not alive as of midnight August 21, 1957, shall be stricken from the basic membership roll by the Tribal Enrollment Office upon receipt of a death certificate or other evidence of death acceptable to the Tribal Enrollment Office.

§ 47.7 Applications for enrollment.

Each adult person who believes he meets the requirements for enrollment established herein may submit to the Tribal Enrollment Office an application for enrollment as a member of the Eastern Band of Cherokee Indians.

§ 47.8 Applications for minors and incompetents.

Applications for enrollment of minors may be filed by the parent, next of kin,

recognized guardian, or other person responsible for their care. Applications for enrollment of persons known to be in mental or penal institutions may be filed by the Principal Chief of the Eastern Band of Cherokee.

§ 47.9 Application form.

The form of application for enrollment will be prepared by the Tribal Enrollment Office and, in addition to whatever information the Enrollment Committee may deem ncessary, shall contain the following:

(a) The name and address of the applicant. If the application is filed on behalf of a minor, the name and address of the person filing the application and his relationship to the minor.

(b) The name, relationship, tribe and roll number of the ancestor or ancestors through whom enrollment rights are claimed, and whether applicant is enrolled with another tribe.

(c) The date of death of such ancestor, if deceased.

§ 47.10 Where application forms may be obtained.

Application forms will be supplied by the Tribal Enrollment Office of the Eastern Band of Cherokee Indians, Council House, Cherokee, N.C. 28719, upon request, either in person or by mail.

§ 47.11 Proof of relationship.

If the applicant's parents or other Eastern Cherokee ancestors through whom the applicant claims enrollment rights are unknown to the Tribal Enrollment Office, the Tribal Enrollment Office may request the applicant to furnish such additional information and evidence as it may deem necessary to determine the applicant's eligibility for enrollment. Failure of the applicant to furnish the information requested may be deemed sufficient cause for rejection.

§ 47.12 Enrollment Committee.

The Tribal Council shall appoint either from within or without the membership of the Council, but not from without the membership of the Band, a committee of three (3) persons to serve as the Enrollment Committee. The Enrollment Committee shall review all applications for enrollment filed in accordance with the existing regulations, and shall determine the qualifications of the applicant for enrollment with the Band. The Enrollment Committee may perform such other functions relating to the enrollment and membership in the Band as the Tribal Council may from time to time direct.

§ 47.13 Tenure of Enrollment Committee.

The members of the Enrollment Committee shall be appointed to serve a term of office of 2 years by each newly elected Tribal Council.

§ 47.14 Appeals.

Any person whose application for enrollment has been rejected by the Enrollment Committee shall have the right to appeal to the Tribal Council from the determination made by the Enrollment Committee: *Provided*, That such appeal shall be made in writing and shall be filed in the office of the Principal Chief for presentation to the Tribal Council within sixty (60) days from the date on which the Enrollment Committee issues notice to the applicant of his rejection. The applicant may submit with his appeal any additional data to support his claim to enrollment not previously furnished. The decision of the Tribal Council as to whether the applicant meets the requirements for enrollment set forth in this part shall be final. The Tribal Council shall review no applications for enrollment except in those cases where the rejected applicant appeals to the Council in writing from the determination made by the Enrollment Committee.

§ 47.15 Current membership roll.

The membership roll of the Eastern Band of Cherokee Indians shall be kept current by striking therefrom the names of persons who have relinquished their membership in the Band as provided in § 47.17 and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Tribal Enrollment Office, and by adding thereto the names of individuals who meet the qualifications and are accepted for membership in the Band as set forth in this part.

3. Section 47.16 (a), (b), and (c) are revised to read as follows:

§ 47.16 Eligibility for enrollment of persons born after August 21, 1957.

(a) Persons possessing one-sixteenth or more degree Eastern Cherokee Indian blood and born after August 21, 1957, may be enrolled in either of the following manners:

(1) An application to have the person enrolled must be filed by or on behalf of the person by the parent or recognized guardian or person responsible for his care, which application shall be accompanied by the applicant's birth certificate or by other evidence of eligibility of the applicant for enrollment that the Tribal Enrollment Office may require.

(2) In the absence of such application within 6 months after a person's birth, the Tribal Enrollment Office shall be authorized and encouraged to obtain evidence relating to the eligibility of the person for enrollment in the Eastern Band, and present an application in his behalf to the Enrollment Committee which may proceed to enroll the person if the evidence submitted meets the criteria.

(b) A person adopted in accordance with applicable laws by either tribal members or nonmembers, shall be considered for enrollment as a tribal member if the person otherwise meets the requirements for enrollment.

(c) A person born to an enrolled member of the Band and an enrolled member of another Tribe, and said person is enrolled in the other Tribe, may be transferred from the rolls of the other and added to the rolls of the Eastern Band if he meets the general requirements for enrollment and, in addition:

(1) A death certificate or other acceptable evidence of the death of the parent enrolled in the other Tribe is received and the surviving parent who is a member of the Eastern Band makes application for enrollment by way of transfer.

(2) Upon receipt of divorce documents in the Tribal Enrollment Office, there is evidence of custody of the minors being awarded to the parent who is a member of the Band and the parent awarded custody makes application for enrollment of the minors with the Eastern Band by way of transfer.

* * * * *

No further changes are made in the text of Part 47.

JOHN O. CROW,
Deputy Commissioner.

[FR Doc.72-18619 Filed 10-31-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 82]

INTERSTATE MOVEMENT OF BIRDS

Proposed Relief of Restriction

Notice is hereby given in accordance with the administrative procedure provisions of 5 U.S.C. 553, that pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), consideration is being given to amending § 82.4 of Part 82, Title 9, Code of Federal Regulations, as follows:

In § 82.4, paragraph (c) would be redesignated as paragraph (d), and a new paragraph (c) would be added to read:

§ 82.4 Restrictions on interstate movement from quarantined areas.

* * * * *

(c) A lot consisting of no more than two psittacine or mynah birds or birds of any other species, which are not known to be affected with or exposed to any communicable disease of poultry, which are caged and are personal pets may be moved interstate by the owner thereof from any quarantined area, if (1) prior to such movement, the owner of such birds signs and furnishes to a Federal inspector in the State of origin of the movement[1] a notarized declaration under oath or affirmation stating that the birds have been in his possession for a minimum of 90 days preceding the interstate movement, that such birds have not shown any signs of illness during that period, and that such birds have not been in contact with poultry or other

[1] Information as to the location of such inspectors can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

birds (including association with any other birds at exhibitions or in aviaries) in the quarantined area during that period; (2) prior to such movement, the owner signs an agreement [3] on a form obtainable from a Federal inspector in the State of origin of the movement [1] stating that the birds will be maintained in his personal possession separate and apart from all poultry or other birds, in a place approved by the Deputy Administrator, at destination, for a minimum of 30 days following such interstate movement and until released by a Federal or State inspector of the State of destination [3]; that the birds will be made available for health inspection by a Federal or State inspector, or both, upon request until so released, and that Federal or State officials of the State of destination [3] will be immediately notified if any signs of disease are noted in any of the birds or any of the birds die during that period; and (3) there is compliance with the terms of such agreement.

* * * * *

The proposed amendments would permit the interstate movement of not more than two personal pet birds from quarantined areas under conditions specified to prevent the spread of poultry disease, including the requirement of no contact with poultry or other birds for 90 days preceding movement interstate and the requirement of isolation for 30 days following such movement.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782, within 20 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Center Building, 6505 Belcrest Road, Room 370, Hyattsville, MD 20782, during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 26th day of October 1972.

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

[FR Doc.72-18648 Filed 10-31-72;8:52 am]

[1] Information as to the location of such inspectors can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

[3] Owners will be provided a copy of the agreement containing the name and address of the appropriate Federal and State officials of the State of destination. Animal Health officials in States of destination of pet birds to be moved from a quarantined area will be immediately notified by the Federal official in the originating State when such movement into the particular State is made under a declaration furnished to such Federal official.

[9 CFR Part 101]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Definitions

Notice is hereby given in accordance with the provisions contained in section 553(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 101 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

This proposed revision of Part 101 would change the title to "Definitions"; would amend § 101.1 to state the purpose of words and phrases defined in six sections to be added to Part 101; would revoke obsolete words and phrases defined in § 101.1; would recodify words and phrases in § 101.1 in the new sections which are considered accurately defined; would recodify and also redefine some words and phrases for clarity; and would add new definitions to be used in the interpretation of regulations in Parts 101 through 117 of this subchapter.

1. Part 101 is amended to read:

PART 101—DEFINITIONS

Sec.
101.1 Applicability.
101.2 Administrative terminology.
101.3 Biological products and related terms.
101.4 Labeling terminology.
101.5 Testing terminology.
101.6 Cell cultures.
101.7 Seed virus.

AUTHORITY: The provisions of this Part 101 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 101.1 Applicability.

When used in Parts 101 through 117 of this subchapter, the meaning of the words and phrases listed shall be as defined in this part.

§ 101.2 Administrative terminology.

The following administrative words and phrases shall mean:

(a) *Virus-Serum-Toxin Act.* The virus, serum, toxin, and analogous products provisions of the Act of Congress of March 4, 1913, 37 Stat. 832–833, 21 U.S.C. 151–158.

(b) *Regulations.* The provisions in Parts 101 through 117 of this subchapter.

(c) *Domestic animals.* All animals, other than man, including poultry.

(d) *Department.* The U.S. Department of Agriculture.

(e) *Secretary.* The Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) *Veterinary Services.* Veterinary Services unit of Animal and Plant Health Inspection Service of the Department.

(g) *Deputy Administrator.* The Deputy Administrator for Veterinary Services or any officer or employee of Veterinary Services to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(h) *Inspector.* Any officer or employee of Veterinary Services who is authorized by the Deputy Administrator to do inspection work.

(i) *Inspection.* An examination made by an inspector to determine the fitness of animals, establishments, facilities, and procedures used in connection with the preparation, testing, and distribution of biological products and the examination or testing of biological products.

(j) *Person.* Any individual, firm, partnership, corporation, company, association, educational institution, State or local governmental agency, or other organized group of any of the foregoing, or any agent, officer, or employee of any thereof.

(k) *Subsidiary.* A corporation in which a corporate licensee owns in excess of 50 percent of the voting stock.

(l) *Distributor.* A person who sells, distributes, or otherwise places in channels of trade, one or more biological products he does not produce or import.

(m) *Licensee.* A person to whom an establishment license and at least one product license or special license has been issued.

(n) *Permittee.* A person who resides in the United States or operates a business establishment within the United States, to whom a permit to import biological products has been issued.

(o) *Research investigator or research sponsor.* A person who has requested authorization to make interstate movements of an experimental biological product for the purpose of evaluating such product as provided for in Part 103 of this subchapter or has been granted such authorization.

(p) *Premises.* All buildings, appurtenances, and equipment used to produce and store biological products located within a particular land area shown on building plans or drawings furnished by the applicant or the licensee and designated by an address adequate for identification.

(q) *Establishment.* One or more premises designated on the establishment license.

(r) *U.S. Veterinary Biologics Establishment License.* A document, sometimes referred to as an establishment license, which is issued pursuant to Part 102 of this subchapter, authorizing the use of designated premises for production of biological products specified in one or more unexpired, unsuspended, and unrevoked product license(s) or special license(s).

(s) *Licensed establishment.* An establishment operated by a person holding an unexpired, unsuspended, and unrevoked U.S. Veterinary Biologics Establishment License.

(t) *U.S. Veterinary Biological Product License.* A document, sometimes referred to as a product license, which is issued pursuant to Part 102 of this subchapter to the holder of an establishment license, as a part of and ancillary to the establishment license, and which authorizes production of a specified biological product in the designated licensed establishment.

(u) *U.S. Veterinary Biological Product License (Special).* A document, sometimes referred to as a special license, which is issued pursuant to Part 102 of this subchapter to the holder of an establishment license as a part of and ancillary to the establishment license and which authorizes production of a specified biological product in the licensed establishment subject to such restrictive production, distribution, or use of the product as indicated on the license.

(v) *U.S. Veterinary Biological Product Permit.* A document, sometimes referred to as a permit, issued to a person authorizing the importation of specified biological products subject to restrictions and controls as provided in the regulations.

(w) *Biological products.* The term biological products, sometimes referred to as biologics, biologicals, or products, shall mean all viruses, serums, toxins, and analogous products of natural or synthetic origin, such as allergens, antitoxins, vaccines, tuberculins, live micro-organisms, killed micro-organisms, and the antigenic or immunizing components of micro-organisms, intended for use in the diagnosis, treatment, or prevention of diseases of animals.

(x) *Microorganisms.* Minute organisms, which are sometimes referred to as organisms, which may introduce or disseminate disease of animals.

§ 101.3 Biological products and related terms.

When used in conjunction with or in reference to a biological product, the following terms shall mean:

(a) *Licensed biological product.* A biological product prepared within a licensed establishment by a person holding an unexpired, unsuspended, and unrevoked product license or special license for such product.

(b) *Experimental biological product.* A biological product which is being evaluated to substantiate an application for a product license, special license, or permit.

(c) *Completed product.* A biological product in bulk or final container produced in compliance with the regulations to final form and composition.

(d) *Finished product.* A completed product which has been bottled, sealed, packaged, and labeled as required by the regulations.

(e) *Released product.* A finished product released for marketing after all requirements have been satisfactorily complied with.

(f) *Fraction.* A specific antigen, its antibodies, or its antitoxin which constitutes a component of a biological product.

(g) *Diluent.* A liquid used to rehydrate a desiccated product, *Provided,* That, when used in a test procedure, diluent may mean a liquid used to dilute another liquid.

(h) *Serial.* The total quantity of biological product in final composition which has been thoroughly mixed in a single container and identified by letters and/or numbers: *Provided,* That, when all or part of a serial of liquid biological product is packaged as diluent for all or part of a serial of desiccated product, the resulting combination packages shall be considered a serial of the multiple fraction product.

(i) *Subserial.* Each of two or more properly identified portions of a serial which are further processed at different times or under different conditions such as, but not limited to, being desiccated in different size final containers and/or at different times.

(j) *Outline of production.* A detailed protocol of methods of manufacture to be followed in the preparation of a biological product and which may sometimes be referred to as an outline.

(k) *Product Code Number.* A number assigned by Veterinary Services to each type of licensed biological product.

§ 101.4 Labeling terminology.

Terms pertaining to identification and packaging of biological products shall mean:

(a) *Label.* All written, graphic, or printed matter:

(1) Upon or attached to a final container of a biological product;

(2) Appearing upon any immediate carton or box used to package such final container; and

(3) Appearing on any accompanying leaflets, inserts, or circulars, on which required information or directions as to the use of the biological product shall be found.

(b) *Labeling.* All labels and other written, printed, or graphic matter accompanying the final container.

(c) *Final container.* The unit, bottle, vial, ampule, tube, or other receptacle in which any biological product is marketed for distribution and sale.

(d) *True name.* The name entered on the product license, specal license, or permit at the time of issuance to differentiate the biological product from others; *Provided,* That, the principal part of such name shall be emphasized on such license or permit by being more prominently lettered than descriptive terms which may be necessary to complete the differentiation.

(e) *Serial number.* Letter(s) and/or number(s) used to identify and distinguish one serial from others.

(f) *Expiration date.* A date designating the end of the period during which a biological product, when properly stored and handled, can be expected with reasonable certainty, to be efficacious.

(g) *Label number.* A number assigned to each label or sketch when submitted for review to Veterinary Services.

§ 101.5 Testing terminology.

Terms used when evaluating biological products shall mean:

(a) *Standard requirement.* Test methods, procedures, and criteria established by Veterinary Services for evaluating biological products to be pure, safe, potent, and efficacious, and not to be worthless, contaminated, dangerous, or harmful under the Act.

(b) *Supplemental Assay Methods or SAM's.* Guidelines issued by Veterinary Services to aid in conducting tests prescribed in Standard Requirements.

(c) *Pure or purity.* Quality of a biological product prepared from pure cultures to a final form relatively free of extraneous micro-organisms (living or dead) and extraneous material (organic or inorganic) and free of extraneous micro-organisms or material which in the opinion of the Deputy Administrator may adversely affect the safety, potency, or efficacy of such product.

(d) *Safe or safety.* Freedom from properties causing undue local or systemic reactions when used as recommended or suggested by the manufacturer.

(e) *Sterile or sterility.* Freedom from viable contaminating microorganisms as demonstrated by procedures prescribed in Part 113 of this subchapter, Standard Requirements, and outlines.

(f) *Potent or potency.* Relative strength of a biological product as determined by test methods or procedures as established by Veterinary Services.

(g) *Efficacious or efficacy.* Specific ability or capacity of the biological product to effect the result for which it is offered when used under the conditions recommended by the manufacturer.

(h) *Dose.* The amount of a biological product recommended on the label to be given to one animal at one time.

(i) *Vaccinate.* An animal which has been inoculated, injected, or otherwise administered a biological product being evaluated.

(j) *Control animal.* An animal, which may be referred to as a control, used in a test procedure for purposes of comparison or to add validity to the results.

(k) *Day.* Time elapsing between any regular working hour of one day and any regular working hour of the following day.

§ 101.6 Cell cultures.

When used in conjunction with or in reference to cell cultures, which may be referred to as tissue cultures, the following terms shall mean:

(a) *Batch of primary cells.* A pool of original explanted cells derived from normal tissue including up to the 10th subculture.

(b) *Cell line.* A pool of explanted cells which are 11 or more subcultures from the tissue of origin.

(c) *Subculture.* Each flask to flask transfer or passage regardless of the number of cell replications.

(d) *Master Cell Stock (MCS).* The supply of cells of a specific passage level

from which cells for production of a vaccine originate.

§ 101.7 Seed virus.

When used in conjunction with or in reference to seed virus, the following terms shall mean:

(a) *Master Seed Virus.* The passage level of virus, sometimes referred to as MSV, which has been selected and permanently stored by the licensee from which all other seed virus is derived within permitted passage levels.

(b) *Working Seed Virus.* Any passage level of virus, sometimes referred to as WSV, between the Master Seed Virus and production virus.

(c) *Production Seed Virus.* That passage of virus, sometimes referred to as PSV, which is used directly without further propagation for inoculation of the embryos or cell cultures used for preparation of a production lot of vaccine.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to Biologics Staff, Veterinary Services, Federal Center Building, Hyattsville, Md. 20782, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27 (b)).

Done at Washington, D.C., this 27th day of October 1972.

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

[FR Doc.72-18650 Filed 10-31-72;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 148v]

CANDICIDIN

Proposed Change in Potency Assay Method

The Commissioner of Food and Drugs has evaluated a request to amend the antibiotic drug regulations by revising the potency assay method for both candicidin vaginal ointment and candicidin vaginal capsules to provide for the addition of 0.1 percent butylated hydroxyanisole to both the *n*-hexane and the dimethylsulfoxide used in the extration of candicidin. The Commissioner concludes that the proposed method is less time-consuming and yields more accurate results.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 148v be amended as follows:

1. By revising § 148v.3 in paragraph (b) (1) to read as follows:

§ 148v.3 Candicidin vaginal ointment.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of *n*-hexane (containing 0.1 percent butylated hydroxyanisole). Shake the sample and *n*-hexane until homogeneous. Add 15 milliliters of dimethylsulfoxide (containing 0.1 percent butylated hydroxyanisole) and shake well. Allow the layers to separate. Remove the bottom layer and repeat the extraction procedure with a second 15-milliliter portion of dimethylsulfoxide (containing 0.1 percent butylated hydroxyanisole). Combine the extractives in a suitable volumetric flask and fill to volume with sterile distilled water. Further dilute an aliquot with sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated).

* * * * *

2. By revising § 148v.4 in paragraph (b) (1) to read as follows:

§ 148v.4 Candicidin vaginal capsules.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Remove the tips from two capsules and express the ointment from each capsule into a separatory funnel containing approximately 50 milliliters of *n*-hexane (containing 0.1 percent butylated hydroxyanisole). Shake the sample and *n*-hexane until homogeneous. Add 15 milliliters of dimethylsulfoxide (containing 0.1 percent butylated hydroxyanisole) and shake well. Allow the layers to separate. Remove the bottom layer and repeat the extraction procedure with a second 15-milliliter portion of dimethylsulfoxide (containing 0.1 percent butylated hydroxyanisole). Combine the extractives in a suitable volumetric flask and fill to volume with sterile distilled water. Further dilute an aliquot with sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated).

* * * * *

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

Dated: October 26, 1972.

MARY A. MCENIRY,
Assistant to the Director of Regulatory Affairs, Bureau of Drugs.

[FR Doc.72-18570 Filed 10-31-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-71]

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 Ada, Okla.

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, Forth 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:

ADA, OKLA.

That airspace extending upward from 700 feet AGL within a 5-mile radius of the Ada Municipal Airport (latitude 34°48'20" N., longitude 96°40'15" W.) and within 3.5 miles each side of the 139° bearing from the Ada RBN (latitude 34°48'30" N., longitude 96°40'

23″ W.) extending from the 5-mile radius area to 8.5 miles southeast of the RBN.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Ada, Okla., Municipal Airport.

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

Issued in Fort Worth, Tex., on October 20, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-18580 Filed 10-31-72;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 72-RM-15]

VOR FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 134 from Grand Junction, Colo., to Denver, Colo., including a south alternate.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207.

All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The proposed amendment would extend V-134 from Grand Junction to Denver, including a south alternate via INT Kremmling 121° M (135° T) and Denver 219° M (232° T) radials. The extension of V-134 from Grand Junction to Glenwood Springs Intersection would have the same alignment and floors as the existing portion of V-8S. Between Glenwood Springs and Denver the airway floor would be 1200′ AGL.

The portion of this proposed route between Glenwood Springs and Denver is presently published as a direct route in Part 95 of the Federal Aviation Regulations. However, approximately 25 daily flights en route to/from Aspen, Colo., are expected to operate thereon during the winter season, and a charted airway with bearings and minimum en route altitudes would provide convenience and additional safety for these flights over mountainous terrain.

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

Issued in Washington, D.C., on October 25, 1972.

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

[FR Doc.72-18579 Filed 10-31-72;8:49 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-4410]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 6, 1972.

The Department of Agriculture has filed an application Serial No. I-4410, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as the Musselshell Camas Historic Site in the Clearwater National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 West Fort Street, Post Office Box 042, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

CLEARWATER NATIONAL FOREST

MUSSELSHELL CAMAS HISTORIC SITE
BOISE MERIDIAN

T. 35 N., R. 6 E.,
Sec. 19, E½SW¼SE¼SW¼, E½SE¼SW¼, S½SE¼;
Sec. 20, SW¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, NE¼NW¼NE¼NW¼, N½NE¼NE¼NW¼, N½N½NW¼NE¼, NE¼NE¼.

The area described aggregates 242.5 acres in Clearwater County, Idaho.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.72-18578 Filed 10-31-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 67]

GRAPES GROWN IN NEW YORK

Extension of Closing Date for Filing of Applications for 1973 Crop Year

Pursuant to the authority contained in § 411.3 of Title 7 of the Code of Federal Regulations, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for grape crop insurance for the 1973 crop year in all counties in New York where such insurance is otherwise authorized to be offered is hereby extended until the close of business on December 1, 1972. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] RICHARD H. ASLAKSON,
Manager.

[FR Doc.72-18649 Filed 10-31-72;8:52 am]

Office of the Secretary

KAIBAB-PAIUTE INDIANS IN MOHAVE AND COCONINO COUNTIES, ARIZ.

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Kaibab-Paiute Indian Tribe located on Indian lands in Arizona, has been materially increased and become acute because of severe drought during the 1971, and 1972, growing seasons creating a serious shortage of livestock feeds. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing land of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corp. to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corp. may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on October 13, 1972.

RICHARD E. LYNG,
Acting Secretary.

[FR Doc.72-18598 Filed 10-31-72;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(72)-4]

LESLIE WEBB & CO., LTD.

Order Denying Export Privileges for an Indefinite Period

In the matter of Leslie Webb & Co., Ltd., Blackford House, Sutton, Surrey, England, respondent.

The Director, Compliance Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondent all U.S. export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Hearing Commissioner, Bureau of International Commerce, who, after consideration of the evidence, has recommended that the application be granted. The report of the Hearing Commissioner and the evidence in support of the application have been considered.

The evidence presented shows the following: The respondent, Leslie Webb & Co., Ltd., is a trader and exporter of machinery with a place of business in Sutton, Surrey, England; in February 1970 the respondent placed an order

with a supplier in the United Kingdom for 80 U.S.-origin pumps of particular design, having a total value in excess of $7,300; the United Kingdom supplier ordered and received said pumps from the United States and sold and delivered them to respondent; the respondent knew or had reason to know that the pumps were of U.S. origin; the respondent reexported said pumps from the United Kingdom and there is reason to believe that the destination was Cuba or another destination that would not have been authorized by the Office of Export Control.

The Compliance Division is conducting an investigation into the above transaction to ascertain what disposition the respondent made of the pumps in question, and whether there were violations of the Export Control regulations.

It is impracticable to subpena the respondent, and relevant and material interrogatories regarding its disposition of the pumps in question were served on it pursuant to § 388.15 of the Export Control regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to said transaction. The respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 388.15 of the Export Control regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license, or other export control document; (d) in the carrying on of negotiations with erspect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents, employees, representatives, and partners, and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon it or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 388.15 of the Export Control regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Hearing Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested, shall be held before the Hearing Commissioner, at Washington, D.C., at the earliest convenient date.

Dated: October 24, 1972.

This order shall become effective on October 31, 1972.

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

[FR Doc.72-18741 Filed 10-31-72;8:52 am]

Maritime Administration

[Docket No. S-296]

COLONIAL TANKERS CORP., AND NATIONAL TRANSPORT CORP.

Notice of Multiple Applications

Notice is hereby given that applications have been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed applicants, and/or related persons or firms, employ ships in the domestic, intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicants have requested permission involving the domestic, intercoastal, or coastwise services described below:

Name of applicant: Colonial Tankers Corp. (Colonial).

Description of domestic service and vessels: On January 10, 1962, a related company of the applicant, American Export Lines, Inc. (Export), was granted written permission for SS *Orion Hunter*, now the SS *Western Hunter*, to be operated by a company related to Export, for the carriage of petroleum and/or petroleum products, in bulk, in the domestic, coastwise, or intercoastal commerce of the United States as an adjunct to worldwide operation of such vessels. The authority was not extended beyond the economic life of the vessel or expiration of Export's subsidy contract, whichever shall first occur.

Written permission is now required by the applicant (Colonial) notwithstanding the previous grant to a related company (Export) or the fact that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Name of applicant: National Transport Corp. (National).

Description of domestic service and vessels: The same as for Colonial Tankers Corp.

Written permission is required by this applicant (National) as a related company to Colonial Tankers Corp.

Interested parties may inspect these applications in the Office of The Secretary, Maritime Subsidy Board, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and

desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on November 8, 1972, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., November 10, 1972, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: October 30, 1972.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-18744 Filed 10-31-72;8:53 am]

[Docket No. S-295]

NATIONAL TRANSPORT CORP. AND COLONIAL TANK CORP.

Notice of Multiple Applications

Notice is hereby given that the following corporations have filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and the trades in which each purposes to engage are presented also.

Operators' names:
National Transport Corp., 26 Broadway, New York, NY 10004.
Colonial Tankers Corp., 26 Broadway, New York, NY 10004.

Vessel names and vessel description

s.t. National Defender, tanker.
s.t. Western Hunter, tanker.

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) 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. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on October 21, 1972 (37 F.R. 22747).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before November 8, 1972, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to any application(s), the purpose of such hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: October 30, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-18745 Filed 10-31-72;8:53 am]

Office of Import Programs

ARIZONA 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. 72-00424-70-54600. Applicant: Arizona State University, Tempe, Ariz. 85281. Article: Optical diffractometer (with U.S. laser). Manufacturer: Polaron Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used in research involving analysis and optical processing of electron micrographs. The experiments to be conducted will be the evaluation of biological material images to test electron optical systems for imaging defects such as defocus, astigmatism, etc., and reconstruction of the images to emphasize and examine periodic components in the presence of optical noise. The article will also be used for instruction of graduate students in advanced concepts and research methods.

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 article has basic usefulness for the applicant's purposes in that it operates in the manner of an optical analog computing device. We are advised by the Department of Health, Education, and Welfare (HEW) that the characteristics of the article described above are pertinent to the applicant's intended purposes. HEW further advises that it knows of no comparable domestic instrument of equivalent scientific value to the article for the applicant's intended use.

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.72-18612 Filed 10-31-72;8:45 am]

JOHNS HOPKINS UNIVERSITY AND UNIVERSITY OF GEORGIA

Notice of Consolidated Decision on Applications for Duty-Free Entry of Batch Microcalorimeters

The following is a consolidated decision on applications for duty-free entry of batch microcalorimeters 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.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00623-01-07520. Applicant: The Johns Hopkins University, Purchasing Department, Charles and 34th Streets, Baltimore, Md. 21218. Article: LKB batch microcalorimeter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to investigate the chemical thermodynamics of muscle proteins and larger functional fragments of muscle. Specific experiments include the thermal effects of the reaction of the muscle protein myosin with its substrate adenosine triphosphate, the reaction of glycerinated myofibrillar suspensions and actomyosin with adenosine triphosphate, and the reaction of calcium ions with sarcoplasm and muscle proteins. Application received by Commissioner of Customs: June 19, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 6, 1972.

Docket No. 72-00624-01-07520. Applicant: University of Georgia, Department of Biochemistry, Boyd Research Center, Athens, Ga. 30601. Article: LKB batch microcalorimeter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for measurement of enthalpies of ligand binding to proteins: Magnesium, salts, and substrates to yeast enolase, sodium dodecysulfate to ovalbumin, anilinonapthalene sulfonic acid to bovine serum albumin, and AT to formyltetrahydrofolate synethetase. This is to correlate these data with data obtained previously by other methods to get a better understanding of how proteins bind ligands, and what effect ligand binding have on proteins. Application received by Commissioner of Customs: June 19, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 6, 1972.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article has a sensitivity of 1 microcalorie. We are advised by the Department of Health, Education, and Welfare (HEW) in its respectively cited memoranda that the sensitivity of each article is pertinent to the purposes for which it is intended to be used. HEW further advises that it knows of no domestically manufactured instrument which is scientifically equivalent to any of the articles cited above for each applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-18613 Filed 10-31-72;8:45 am]

NATIONAL INSTITUTE OF DENTAL RESEARCH

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. 72-00617-00-46040. Applicant: National Institute of Dental Research, Building 30, Bethesda, Md. 20014. Article: Universal camera with magazines and counting drive. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for studies concerned with the examination of various tissues and synthetic materials to determine the following: (1) Changes in the functional state of secretory cells following exposure to various experimental procedures; (2) intercellular junctions in vertebrate and nonvertebrate tissues; and (3) the chemical nature and morphology of the various mineral phases in bones and teeth.

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 application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-18614 Filed 10-31-72;8:45 am]

STATE OF ALASKA, DEPARTMENT OF FISH AND GAME

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. 72-00611-90-29900. Applicant: State of Alaska, Department of Fish and Game, Subpart Building, Juneau, Alaska 99801. Article: Pluralis filter, Model FA-HCF-P-6. Manufacturer: R. E. Flatow and Co., Inc., Canada. Intended use of article: The article is intended to be used in studies involving the rearing and genetic manipulations of fishes. It will provide a filtered water supply which will not clog and impede water flow through small interspaces. The most critical aspect is to efficiently, without failure or interruption, remove all living matter above 15 microns in size. This allows the associated ultraviolet ray treatment to destroy the remaining organisms and provide sterile water to carry large numbers of eggs and fish in an extremely crowded environment without the otherwise inevitable introduction of diseases from the water supply.

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: For its intended purposes the applicant institution

requires a complete water filtration system designed to provide a hatchery with a controlled environment and disease-free water. The foreign article is a complete system which satisfies the applicant's requirements by providing in-service backwash of individual filtration units and utilizing filter elements designed to avoid contamination of the filtrate while assuring optimum filtration results. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 6, 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 of equivalent scientific value to the article for the applicant's intended purposes.

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.72-18615 Filed 10-31-72;8:46 am]

UNIVERSITY OF CALIFORNIA

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. 73-00037-75-27000. Applicant: University of California, Lawrence Berkeley Laboratory, Calif. 94720. Article: Two (2) electron tubes type TH-515. Manufacturer Compagnie Generale de Telegraphie, France. Intended use of article: The article is intended to be used as spares to identical tubes now in service in a proton-deuteron accelerator complex (the Bevatron) to furnish power at approximately 200 MHz for the second of three stages of acceleration, a 50 MeV linear accelerator.

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's use for experiments in high energy physics using a proton-deuteron accelerator requires replacement components with the same mechanical specifications for physical replacement and the same electrical specifications for the operation of the accelerator as the article. We are advised by the National Bureau of Standards (NBS) in its memorandum dated October 4, 1972, that the characteristics described above are pertinent to the purposes for which the article is intended to be used. NBS also advises that it knows of no domestically manufactured instrument which is scientifically equivalent to the foreign article for the applicant's intended use.

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.72-18616 Filed 10-31-72;8:46 am]

YALE 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. 73-00084-98-34040. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: "Carcinotron" Millimeter Backward Wave Oscillator, Model CO-40-B. Manufacturer: Compagnie Generale de Telegraphic Sans Fil, France. Intended use of article: The article is intended to be used to operate an existing polarized proton target at less than 0.5° K. The target is to be used in an experiment involving measurement of the resultant asymmetries in the scattering of K^+, K^- mesons and antiprotons upon polarized protons when the direction of polarization is reversed.

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 wide-band continuous power source in the 70 gigahertz (GHz) frequency range. We are advised by the National Bureau of Standards (NBS) in its memorandum dated October 3, 1972, that the capability described above is pertinent to the applicant's intended use. NBS also advises that it knows of no domestically manufactured instrument which is scientifically equivalent to the foreign article for the applicant's intended use.

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.72-18617 Filed 10-31-72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-474; NADA 6-588V]

SALSBURY LABORATORIES

Salsbury's Sulfaquinoxaline; Order Vacating Notice of Withdrawal; Notice of Opportunity for Hearing

A notice withdrawing approval of new animal drug application (NADA) No. 6-588V, Salsbury's Sulfaquinoxaline; by Salsbury Laboratories, Charles City, Iowa 50616, was published in the FEDERAL REGISTER of September 8, 1972 (37 F.R. 18230).

Counsel for Salsbury Laboratories objected to said notice on the grounds that proper procedure was not followed in withdrawing the above-named NADA in that no opportunity for hearing was published. The Commissioner of Food and Drugs finds that no opportunity for hearing has been published. Therefore, said notice of withdrawal is hereby vacated insofar as the above-named product is concerned and an opportunity for a hearing is provided for by this notice.

Salsbury Laboratories submitted for review by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group labeling on Sulquin Soluble Powder and associated this drug on their NAS/NRC Form A submission with NADA No. 6-588V. The Academy's review of this product was the subject of an announcement published in the FEDERAL REGISTER of July 9, 1970 (35 F.R. 11069, DESI 6391V). Administration records, including a Salsbury Laboratorie's letter of January 25, 1972, reveal that NADA No. 7-285V provides for the product, Sulquin Soluble Powder and that NADA No. 6-588V provides for the product, Salsbury's Sulfaquinoxaline.

Regulations published in the FEDERAL REGISTER of September 14, 1971 (36 F.R. 18375) (21 CFR 135.35), required that each applicant for whom a new animal drug application or supplement for a drug for use in animals became effective or was approved at any time prior to June 20, 1963, shall submit in duplicate certain specified information for each dosage form within 90 days from the effective date of said regulations (October 14, 1971). The referenced regulation (§ 135.35) states that if reports show that a new animal drug is not marketed or has been discontinued a notice may

be published in the FEDERAL REGISTER proposing to withdraw approval of such application, on any of the grounds specified in section 512 of the Act (21 U.S.C. 360b). Salsbury Laboratories by letter of January 4, 1972, responded by advising the Commissioner that the above-named drug, Salsbury's Sulfaquinoxaline, is not now marketed.

Salsbury Laboratories did not submit efficacy data for Salsbury's Sulfaquinoxaline as required by the notice regarding drug effectiveness which was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426). In addition, Salsbury Laboratories has failed to submit information on this product in response to the statements of policy and interpretation regarding animal drugs and medicated feeds (§ 135.102) published in the FEDERAL REGISTER of October 23, 1970 (35 F.R. 16538).

Information available to the Commissioner fails to establish that the drug is effective or that there would be no residue of this product in food derived from treated animals when the drug is administered in accordance with the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, in accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant, and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-named NADA should not be withdrawn.

Within 30 days after the date of publication hereof in the FEDERAL REGSTER, such persons are requested to file with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of NADA No. 6–588V.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by said persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this order will be open to the public except that any portion of the hearing concerning a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials but must set forth the specific fact showing that there is a genuine and substantial issue of fact requiring a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the applications, the Commissioner will enter an order stating his findings and conclusions on such data. If the hearing is requested and justified by the response to this notice, the issues will be defined, an administrative law judge will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

Responses to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 26, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-18567 Filed 10-31-72;8:45 am]

[Docket No. FDC–D–474; NADA 6–588V, etc.]

SALSBURY LABORATORIES, ET AL.

Certain New Animal Drug Applications; Order Vacating Notice of Withdrawals; Notice of Opportunity for Hearing

In announcements in the FEDERAL REGISTER of October 17, 1969 (34 F.R. 16635 DESI 11036V), July 9, 1970 (35 F.R. 11069, DESI 6391V), July 9, 1970 (35 F.R. 11071, DESI 7055V), July 21, 1970 (35 F.R. 11645, DESI 9695V), August 6, 1970 (35 F.R. 12565, DESI 12409V), August 22, 1970 (35 F.R. 13490, DESI 10285V), and September 4, 1970 (35 F.R. 14103, DESI 7779V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Enheptin Soluble, NADA (new animal drug application) No. 7–982V; by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540.

2. Triple Sulfa Solution, NADA No. 7–055V; by Jensen-Salsbery Laboratories, 520 West 21st Street, Kansas City, MO 64141.

3. Sulfabrom, NADA No. 12–409V; by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Rahway, NJ 07065.

4. Purina Hepzide Blackhead Control, NADA No. 11–179V; by Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188.

5. Kaobiotic Suspension, NADA No. 9–695V; by the Upjohn Co., Kalamazoo, MI 49001.

6. (a) SQS (Sulfaquinoxaline), NADA No. 6–895V; (b) Histosep-S, NADA No. 7–779V; and (c) Histocarb Soluble, NADA No. 11–501V; by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, PA 17067.

A notice withdrawing the approvals for the above new animal drug applications was published in the FEDERAL REGISTER of September 8, 1972 (37 F.R. 18230).

The Commissioner finds that no opportunity for hearing was published prior to the notice of withdrawal of these applications. Therefore said withdrawal notice is vacated and a notice of opportunity for hearing is hereby provided to the holders of the above listed NADA's.

The cited initial announcements invited the holders of said new animal drug applications and any other interested persons to submit pertinent data on the drugs' effectiveness. Jensen-Salsbery Laboratories responded to the announcement of July 9, 1970 (35 F.R. 11071, DESI 7055V) and the statements of policy and interpretation regarding animal drugs and medicated feeds October 23, 1970 (35 F.R. 16539) by submitting revised labeling for Triple Sulfa Solution. Their submission was found to be inadequate in that (1) The labeling lacked proper directions for the intravenous route of administration; (2) no data were presented to indicate that 72 hours (6 milkings) after the latest treatment would provide milk free of drug residues; (3) the "caution" statement was not identical to that published in the statement of policy (21 CFR 135.-102); and (4) the manufacturing and control portions of the application were not updated. No other data were submitted in response to said announcements and available information fails to provide substantial evidence that these drugs will have the effect they purport to have when administered in accordance with the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicants, and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-named new animal drug applications should not be withdrawn.

Within 30 days after the date of publication hereof in the FEDERAL REGISTER, such persons are requested to file with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by said persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this order will be open to the public except that any portion of the hearing concerning a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials but must set forth the specific fact showing that there is a genuine and substantial issue of fact requiring a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the applications, the Commissioner will enter an order stating his findings and conclusions on such data. If the hearing is requested and justified by the response to this notice, the issues will be defined, an administrative law judge will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

Responses to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 26, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–18569 Filed 10–31–72;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

[Docket No. N–72–125]

MORTGAGE-BACKED SECURITIES PROGRAM

Notice of Meeting

Notice is hereby given that members appointed by the Secretary to the Government National Mortgage Association Advisory Board, as well as individuals (within the limitations of conference room facilities) who are interested in a discussion of certain technical aspects of the GNMA Mortgage-Backed Securities Program, are invited to a meeting to be held at the Departmental Conference Room of the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC, at 10 a.m., November 3, 1972.

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.72–18786 Filed 10–31–72;8:50 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–390; 50–391]

TENNESSEE VALLEY AUTHORITY

Order Scheduling Prehearing Conference and Evidentiary Hearing

In the matter of Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), Dockets Nos. 50–390 and 50–391.

Notice is hereby given that a prehearing conference in the captioned proceeding will be held on November 6, 1972, at 11 a.m. local time, Rhea County Courthouse, Dayton, Tenn. 37321.

The purpose of the prehearing conference is as follows:

1. Simplification, clarification, and specification of the issues;

2. The necessity or desirability of amending the pleadings;

3. The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

4. Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

5. The setting of a hearing schedule; and

6. Such other matters as may aid in the orderly disposition of the proceeding.

The evidentiary hearing on environmental issues will be held on November 29, 1972, at 11 a.m. local time, in the same courtroom. The time and place for the evidentiary hearing on radiation and safety issues will be set later by a second public notice.

All members of the public are entitled to attend the prehearing conference as well as the subsequent evidentiary sessions of the hearing.

Issued at Washington, D.C., this 27th day of October 1972.

By the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc. 72–18674 Filed 10–31–72;8:53 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Designating Location of Hearing

In the matter of Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station).

At a session of evidentiary hearings held on October 26, 1972, in Brattleboro, Vt., the Regulatory Staff of the Commission stated that one of their witnesses was unable to attend hearings in Brattleboro but could be available in Washington, D.C. With the consent of attorneys for the parties, a session of evidentiary hearings was scheduled for November 9, 1972, at a location to be designated in Washington, D.C. It is contemplated that this further session will be the last of evidentiary hearings in this proceeding.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that an evidentiary session of hearings shall convene at 10 a.m. on Thursday, November 9, 1972, in Room 111, Lafayette Building, 811 Vermont Avenue NW., Washington, DC.

Issued: October 30, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72–18753 Filed 10–31–72;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 72-10-76]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority October 20, 1972.

Agreements have 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 agreements name additional specific commodity rates, as set forth in the attachment hereto,[1] and reflect reductions from the otherwise applicable general cargo rates. The agreements, which have been assigned the above-designated CAB agreement numbers, were adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated October 16, 1972, and October 13, 1972, respectively.

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

Acccordingly, it is ordered, That:

Agreements CAB 23338 and 23339, R-1 through R-3, be and hereby are 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.72-18637 Filed 10-31-72;8:51 am]

[1] Filed as part of the original document.

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. 145 etc.]

ALDRIN AND DIELDRIN

Cancellation of Registration of Pesticides; Notice of Objection and Request for Hearing

Notice is hereby given, pursuant to § 164.20 of the rules of practice (37 F.R. 9476) issued pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), that objections and requests for a public hearing were filed by the Shell Chemical Co., the manufacturer of the pesticides aldrin and dieldrin, 40 other registrants and a representative of users thereof in connection with cancellations of registrations of pesticides containing aldrin and dieldrin. These 42 proceedings have been consolidated for hearing.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency, Room 3902-A, Waterside Mall, 401 M Street SW., Washington, DC.

WILLIAM D. RUCKELSHAUS,
Administrator.

OCTOBER 26, 1972.

[FR Doc.72-18634 Filed 10-31-72;8:51 am]

O,O-DIETHYL S-[2-(ETHYLTHIO ETHYL] PHOSPHORODITHIOATE

Notice of Establishment of Temporary Tolerances

In response to a request from South Dakota State University, Brookings, S. Dak. 57006, temporary tolerances are established for residues of the insecticide *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate in or on rye straw at 5 parts per million and rye grain at 0.3 part per million.

It has been determined that temporary tolerances for residues of the insecticide in or on rye straw and rye grain, at the above levels, will protect the public health. These temporary tolerances are established on condition that the insecticide will be used in accordance with the temporary permit which is being issued concurrently.

These temporary tolerances expire December 31, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: October 19, 1972.

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

[FR Doc.72-18586 Filed 10-31-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

INSTRUCTIONAL TELEVISION FIXED SERVICE COMMITTEE

Notice of Fall Meeting

OCTOBER 24, 1972.

FCC Commissioner H. Rex Lee has announced that the 1972 meeting of the National Committee for the Instructional Television Fixed Service (ITFS) will be held at 4 p.m. on November 1 in Las Vegas during the annual convention of the National Association of Educational Broadcasters, scheduled to be held at the Las Vegas Hilton Hotel. Information concerning the room location will be announced at the NAEB convention. As always, the meeting will be open to all interested observers.

In announcing the meeting, Commissioner Lee stated: "Many of the original purposes in setting up this committee have been achieved. The field of instructional communications is expanding so that ITFS, as all other media, can no longer stand alone. Cable and satellites both are likely to play significant roles in any educational technology system, including those in which ITFS may now be the dominant or sole factor. Questions have legitimately been raised whether the ITFS Committee should be phased out or whether it should be expanded to include these other areas of instructional communications."

Accordingly, the main agenda topic for the meeting will be the future of the committee. Views of educators in addition to committee members will be welcomed on this subject. Other matters to be discussed are the relationship of ITFS to the new cable television rules, and the allocation of the 2500 MHz band by the World Administrative Radio Conference for educational uses.

The National Committee for the Instructional Television Fixed Service is made up of FCC, other Federal agency representatives, and members of the educational community. Its current 46 members represent all educational levels,

users, and geographical areas. It was formed in October 1965 to assist in planning for efficient use of ITFS frequencies in local areas. It provides information and acts as liaison between the Commission and educators with ITFS interests. Commissioner Lee is Chairman of the Committee. Dr. Robert L. Hilliard, Chief of the FCC Educational Broadcasting Branch, is Executive Vice Chairman.

Instructional Television Fixed Service (ITFS) was established by the FCC on an experimental basis in 1963 and on a regular basis in 1971 to provide multiple frequencies in the 2500 MHz band for in-school educational television use. It is not a broadcast service. A single ITFS system can provide up to four simultaneous channels for in-school service, plus response systems. About 140 systems with some 400 channels were on the air in September 1972 and about 40 systems with some 120 channels had outstanding construction permits. ITFS is currently serving about 8,000 schools with about 5 million students. ITFS is now being used in several areas as a means for distributing materials for continuing education, for educational data exchange, improving communication among various governmental entities, and as a two-way communication service providing instantaneous feedback from students to instructors.

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

[FR Doc.72-18624 Filed 10-31-72;8:50 am]

INTERDEPARTMENT RADIO ADVISORY COMMITTEE

Use of Guidelines

OCTOBER 11, 1972.

FCC Chairman Dean Burch has informed Clay T. Whitehead, Director, Office of Telecommunications Policy (OTP), that the Commission has no objections to the use of guidelines developed by the Interdepartment Radio Advisory Committee (IRAC) for determining when common carriers are required to obtain Commission radio authorization even though Government frequencies are to be used.

(On February 3, 1971, the Commission adopted a public notice stating that common carriers, which provide service to the U.S. Government, are subject to titles II and III of the Communications Act to the same extent as when such services are provided to any other customer. Because of the uncertainty which developed among carriers and various Federal agencies as to when a radio station qualifies as a Government station under section 305(a) of the Act, IRAC developed its guidelines to assist Federal agencies in making the determination.)

The following is the text of the letter to Dr. Whitehead:

This is in response to the letter of June 14, 1972, from Mr. W. Dean, Jr., to Mr. Raymond E. Spence, concerning the use of Government frequencies by common carriers and requesting the Commission's views with regard to guidelines for such use developed by the Interdepartment Radio Advisory Committee (IRAC) in response to the Commission's public notice of February 4, 1971 (FCC 71-106).

These guidelines read:

"The following guidelines are to assist in the determination of whether or not a station belongs to and is operated by the United States as specified in section 305(a) of the Communications Act of 1934, As Amended:

"a. The department or agency concerned should be able to exercise effective control over the radio equipment and its operation; and

"b. The department or agency concerned assumes responsibility for contractor compliance with Executive Branch, departmental, or agency instructions and limitations regarding use of the equipment and ensures that such instructions and limitations are met when operating under the authority of an Executive Branch frequency authorization to the department or agency; and

"c. The station should be operated by an employee of the department or agency or by a person who operates under the control of the department or agency on a contractual or cooperative agreement basis, and who is under supervision of the department or agency sufficient to ensure that Executive Branch, departmental, or agency instructions and limitations are met.

"It is recognized that a Government agency may make a contract arrangement for maintenance or operation of a radio station under its control without diminishing the effective control of, or responsibility for, such station, provided the appropriate limitations or requirements are specified.

"Since the foregoing may not cover every case, or where there may be doubt, the determination will be made by the department or agency concerned after consultation with the OTP/FCC as appropriate."

The Commission has no objections to the use of these guidelines in appropriate cases.

Action by the Commission October 5, 1972.[1]

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

[FR Doc.72-18625 Filed 10-31-72;8:50 am]

PANEL 6 OF TECHNICAL ADVISORY COMMITTEE

Meeting Scheduled

OCTOBER 26, 1972.

Panel 6 (Technical Operations) of the Cable Television Technical Advisory Committee will hold an open meeting on November 6, 1972, at 10 a.m. The meeting will be held in Room 847S of the main FCC building, 1919 M Street NW., Washington, DC.

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

[FR Doc.72-18623 Filed 10-31-72;8:50 am]

[1] Commissioners Burch (Chairman), Robert E. Lee, H. Rex Lee, Wiley, and Hooks, with Commissioner Johnson dissenting.

PANEL 8 OF CABLE TECHNICAL ADVISORY COMMITTEE

Membership Solicited

OCTOBER 26, 1972.

FCC Chairman Dean Burch has announced the appointment of Panel Chairmen for the Cable Television Technical Advisory Committee (C-TAC). The committee was established to formulate technical standards for carrying television broadcast signals, cable-originated programs, return (two-way) communication, and various miscellaneous cable services.

The following is a listing of the nine C-TAC panels and their chairmen:

Panel 1: Measurement Methods & Instrumentation, Mr. Kenneth A. Simons, Jerrold Electronics Corp.

Panel 2: Subjective Evaluation of Picture Quality, Mr. Archer S. Taylor, Malarkey, Taylor & Associates.

Panel 3: TV Receivers for Cable TV, Mr. Bernard D. Loughlin, Hazeltine Corp.

Panel 4: Class II Cable Television Channels, Mr. Larry Janes, Capitol Cablevision Corp.

Panel 5: Cable Frequency Assignments, Mr. Henry M. Diambra, Westinghouse Broadcasting, Inc.

Panel 6: Technical Operations, Mr. Herbert Michels, Time-Life Broadcast, Inc.

Panel 7: Interface Compatibility, Mr. James W. McNabb, MCI Communications Corp.

Panel 8: Television System Coordination, Mr. Howard T. Head, A. D. Ring & Associates.

Panel 9: Class III and IV Channels (Bidirectional), Mr. Joseph A. Stern, Goldmark Communications Corp.

The work of the various panels is handled by engineers from the cable television and related industries who have volunteered their services on the panels. Industry engineers have not yet had an opportunity to volunteer for service on Panel 8, however, since it was the most recently formed.

The task of Panel 8 is the identification of the technical characteristics of the overall television system where picture quality may be affected by the combined characteristics of more than one portion of the system. The panel is charged with describing the technical operating environment involved in the formulation of cable standards and will conduct such actual testing as may be needed to accomplish its objectives.

Any individual wishing to volunteer his services on Panel 8 should inform either the Commission, or the Panel Chairman at the following address:

Howard T. Head, A. D. Ring & Associates, 1771 N Street NW., Washington, DC 20036, Telephone: 202—296-2315

Chairman Burch heads C-TAC. Cable TV Bureau Chief Sol Schildhause is Vice Chairman.

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

[FR Doc.72-18622 Filed 10-31-72;8:50 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on December 7, 1972, the following standard broadcast application will be considered as ready and available for processing:

BP-19265 NEW, Agana, Guam, Magof, Inc., Req.: 570 kHz, 5 kw., U.

Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application or with any other application on file by the close of business December 6, 1972, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business December 6, 1972.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: October 24, 1972.

Released: October 26, 1972.

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

[FR Doc.72-18621 Filed 10-31-72;8:50 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 139]

UNITED FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Approval of Acquisition of Control of Citizens Savings and Loan Association

OCTOBER 27, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the United Financial Corporation of California, Los Angeles, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Citizens Savings and Loan Association, San Francisco, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by an exchange of stock between Citizens Savings and Loan Association and United Financial Corporation of California. Prior to said acquisition, it is proposed that Dollar Savings and Loan Association, San Bruno, Calif., an insured institution, which is controlled by Citizens Savings and Loan Association through its service corporation, Citizens Auxiliary Corporation, be liquidated or merged into Citizens. Following said acquisition, it is proposed that the United Savings and Loan Association of California, an insured subsidiary of United Financial Corporation of California, be merged into Citizens Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72-18651 Filed 10-31-72;8:52 am]

FEDERAL MARITIME COMMISSION

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE AND TRANS-PACIFIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 8600-2 is a modification of the joint agreement between the Japan-Atlantic and Gulf Freight Conference and the Trans-Pacific Freight Conference authorizing committees of each conference to meet together on a working basis. As stated by the conferences' counsel's letter of transmittal: "The purpose of the agreement is explicitly to authorize committees of each conference sitting in Tokyo to confer, discuss, consider, and investigate matters of mutual interest within the scopes of their respective conference agreements, and to authorize such committees to submit separate or joint recommendations upon such matters subject to the right of independent action. In addition, in respect to such matters, authority is sought to enable the common conference Chairman to issue joint circulars, and as the need may arise, to conduct joint studies. The latter authority is requested in order to reduce the now not inconsiderable cost and time burden placed upon the conferences' administrative machinery."

The working committees mentioned above are to be distinguished from the policy meetings at the owners level otherwise authorized by Agreement No. 8600.

Dated: October 27, 1972.

By order of the Federal Martime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18629 Filed 10-31-72;8:50 am]

TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set

forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald C. Lord, General Manager, Trans-Pacific Passenger Conference, 311 California Street, San Francisco, CA 94104.

Agreement No. 131–256, filed by the Trans-Pacific Passenger Conference, modifies Article E–2, which is concerned with the promulgation and filing with the Federal Maritime Commission of any new rule or document, or modification of a rule or document, concerning travel agents. The second paragraph of Article E–2 presently reads as follows:

Within the notice period, the Commission shall cause to be published in the Federal Register notice of receipt of the filings and shall afford affected persons 10 days time from the date of publication within which they may comment, protest, or request hearing with respect to the matter filed.

Agreement No. 131–256 modifies the second paragraph of Article E–2 to read as follows:

Within the notice period, the Commission shall cause to be published in the Federal Register notice of receipt of the filings and shall afford affected persons opportunity to comment, protest, or request hearing with respect to the matter filed.

Dated: October 27, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–18630 Filed 10–31–72;8:51 am]

JADRANSKA LINIJSKA PLOVIDBA–RIJEKA

Notice of Application for Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provsions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Jadranska Linijska Plovidba-Rijeka ("Jadrolinija"), Rijeka, Palace "Jadran", Rijeka, Yugoslavia.

Dated: October 27, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–18631 Filed 10–31–72;8:51 am]

JADRANSKA LINIJSKA PLOVIDBA–RIJEKA

Notice of Application for Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Jadranska Linijska Plovidba - Rijeka ("Jadrolinija"), Rijeka, Palace "Jadran", Rijeka, Yugoslavia.

Dated: October 27, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–18632 Filed 10–31–72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. CI73–285]

BELCO PETROLEUM CORP.

Notice of Application

OCTOBER 27, 1972.

Take notice that on October 20, 1972, Belco Petroleum Corp., Agent (applicant), 630 Third Avenue, New York, NY 10017, filed in Docket No. CI73–285 an application, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Glendale Area, Trinity County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization pursuant to § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) for a sale of natural gas to United from the Glendale Area for 1 year at 35 cents per Mcf at 14.65 p.s.i.a. Applicant proposes to initiate such sales for 1 year commencing with the expiration of deliveries of gas to United from the subject leases for a period of 60 days pursuant to § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29).

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 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). 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.72–18563 Filed 10–31–72;8:49 am]

[Docket No. E–7784]

BOSTON EDISON CO.

Notice of Proposed Rates and Conditions

OCTOBER 27, 1972.

Take notice that Boston Edison Co. (Edison) on October 3, 1972, tendered for filing Exhibits B–PR and C–PR to its general service for resale tariff. Edison states that the sole purpose of the new exhibits is to provide generally applicable rates and conditions for partial requirements services for Edison's wholesale for resale customers seeking such services. Edison claims that the filing makes no change in the availability, rates, or conditions for all requirements service provided under Edison's general service for resale tariff, the new rates for which are the subject of Docket No. E–7738. The proposed rates described in the company's transmittal letter is summarized as follows:

Edison states that the rates for transmission services, installed reserve capacity service, and operating reserve capacity service are initial rates for new services. Edison contends that the concept of firm base, firm intermediate, and firm peaking load power is also new, but that all requirements customers are entitled to receive firm partial requirements power under S rates until these partial requirements rates become effective under the Federal Power Act.

Edison says that the partial requirements rates submitted herewith are based upon the same revenue requirements as Edison's Rate S–2 which has been suspended for 5 months and will become effective January 1, 1973. Edison also claims that it will refund from the initial date of service under the partial requirements rates filed herewith, any amounts for firm base, intermediate or peaking load power which would be or may be found excessive if the revenue requirements in Edison's cost of service are found to be excessive by the Federal Power Commission in the S–2 case. According to Edison, if such revenue requirements are found to be excessive, the partial requirements rates for firm load power can easily be recomputed under the methods set forth in Exhibit C–PR which was submitted with this proposal and appropriate refunds made with interest. Also, the company says that if any change in methods for use in determining the partial requirements rates for firm load power should be found appropriate resulting in a finding that the rates filed herewith are excessive, refunds similarly would be made.

Edison contends that it cannot provide any estimate as to its likely revenues under the rates for partial requirements services since it does not have any firm requests for any of the services and the commercial operation dates of three atomic units are not known. Edison says that No.—— (BE–503), however, establishes the fact that the firm load power revenues under the partial requirements tariff match those under Rate S–2, so that what is involved under this filing is actually a reduction in Edison's revenues when a customer buys its power elsewhere.

No description of special facilities is submitted because Edison says it is unaware at this time of any facilities which need to be installed or modified to provide the partial requirements services.

Because Edison has a special contract rate for partial requirements service to the town of Braintree which was entered into on March 25, 1969, and the firm power rate in that special contract was based upon an Edison 1965 cost of service study, Edison argues that the rate is clearly no longer compensatory. Upon the expiration of that special contract, it is Edison's position that its partial requirements tariff will be applicable to Braintree, as well as all other customers taking the services provided for in the tariff.

Edison proposes to make these rates effective 30 days after this submission for filing or as soon thereafter as partial requirements services are provided. Edison says it is not in a position to state precisely when any of the services will be required.

Unless the partial requirements rates are effective when these units come on the line, Edison contends that it will have no applicable rate available covering transmission services or installed or operating reserve services.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 10, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18566 Filed 10–31–72;8:49 am]

[Docket No. E–7780]

IDAHO POWER CO.

Notice of Application

OCTOBER 25, 1972.

Take notice that on October 2, 1972, Idaho Power Co. (applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Idaho, Oregon, Nevada, and Wyoming, with its principal business office at Boise, Idaho, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of not to exceed $100 million in principal amount at any one time outstanding of unsecured promissory notes in the form of: (1) Short-term borrowings obtained from banks and evidenced by unsecured notes ($79 million); and (2) in the form of commercial paper ($21 million).

(1) Notes in the sum of not to exceed $79 million in an aggregate amount would be issued as bank loans, evidenced by and not to exceed 1 year after date thereof. Such bank loans would be made at the "prime rate" applicable in New York, N.Y., for commercial banks loans will provide character. Applicant anticipates that said bank loans will provide that the interest rate will change within the period of said loans, so that they remain constant with the prime rate applicable in New York. Applicant also requests that the authorization include the right to renew such of said short-term notes as expire prior to 1 year from the date of such authorization; and that the principal amount of such renewals, if made, either of notes issued under the authorization herein or of notes issued under the exemptions set forth in 204(e) of the Federal Power Act, shall not be considered as replying against, or a reduction of, the $84,136,400 authorization herein requested.

(2) Unsecured promissory notes in an aggregate principal amount of not to exceed $21 million at any one time outstanding would be issued and sold by applicant to one or more commercial paper dealers. Each note issued as commercial paper would be dated the date of issuance, have a maturity of not more than 270 days from the date thereof and be discounted at the rate prevailing at the time of issuance for commercial paper of comparable quality and maturity.

Proceeds from the borrowing will be used in the further financing of applicant's construction expenditures for 1973, now estimated at approximately $127,793,000. The balance of funds required for construction is expected to be undertaken early in 1973, but the amounts and types of securities and the exact timing of the issuance has not yet been determined.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petition to intervene or 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 proceedings. 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 of practice and procedure. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18577 Filed 10–31–72;8:49 am]

[Docket No. E–7789]

IOWA POWER & LIGHT CO.

Notice of Application

OCTOBER 25, 1972.

Take notice that on October 16, 1972, Iowa Power & Light Co. (applicant) of Des Moines, Iowa, filed an application seeking authority pursuant to section 204 of the Federal Power Act to enter into a guaranty agreement with the trustee of pollution control revenue bonds to be issued by the city of Council Bluffs, Iowa, in the amount of $4 million, which bonds will be sold by the city as soon as possible after obtaining approval of this guaranty.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa.

The bonds of the city will be sold to purchase air pollution abatement equipment at Iowa Power & Light Co.'s Council Bluffs Steam Electric Generating Station at Council Bluffs, Iowa, which installation is expected to be completed in the fall of 1974. Said equipment will be leased by the city to the applicant and payments under said lease will be sufficient to pay principal, premium, if any, and interest due on said bonds. The bonds will not be issued by the applicant. The rate of interest will be negotiated at a

private sale of the bonds between the city and the underwriters.

The authorization sought is for applicant to issue an independent guaranty to the trustee and holders of the bonds of payment of principal, premium, if any, and interest on said bonds. No payments will be required under the guaranty if all payments are made pursuant to the lease.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18576 Filed 10-31-72; 8:49 am]

[Docket No. E-7777]

PACIFIC GAS & ELECTRIC CO.

Notice of Extension of Time

OCTOBER 25, 1972.

On October 20, 1972, the California cities of Alameda, Healdsburg, Lodi, Lompoc, Ukiah, Palo Alto, and Santa Clara, filed a request for an extension of time within which to file petitions to intervene or protests in the above-designated proceeding. A notice of proposed changes in rates and charges was issued October 16, 1972.[1]

Upon consideration, notice is hereby given that the time is extended to and including November 10, 1972, within which petitions to intervene or protests may be filed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18573 Filed 10-31-72;8:49 am]

[Docket No. RP73-55]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

OCTOBER 25, 1972.

Take notice that Southern Natural Gas Co. (Southern), on October 16, 1972, tendered for filing revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, proposing increased rates and charges in the amount of $14,346,887 annually, to become effective November 16, 1972, or in the event the proposed rate increase of Southern's gas supplier, Sea Robin Pipeline Co. (Sea Robin) is suspended in Docket No. RP73-47, to become effective on the day Sea Robin's rates are made effective.

Southern states that the proposed increase in rates is occasioned solely by and will compensate it only for the jurisdictional portion of the increase in its cost of purchased gas and cost of transportation resulting from Sea Robin's rate increase filing in Docket No. RP73-47. Southern states that the instant filing reflects the effect of the increased rates filed by Sea Robin on the rates included in the "Proposed Tariff Sheets" filed by Southern on September 29, 1972, in Docket No. RP73-46, to become effective November 1, 1972, upon which the Commission has not yet acted. Southern states that in the event that tariff sheets other than the "Proposed Tariff Sheets" in Docket No. RP73-46 are in effect prior to the effective date of the tariff sheets tendered herein it will file appropriate substitute tariff sheets reflecting the Sea Robin increase.

Southern states that other than the costs filed for herein all other items of cost included in this filing are identical to those in the rate increase filings in Dockets Nos. RP72-91, et al.

Copies of the filing have been served upon Southern's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a protest, or if not previously granted intervention in Dockets Nos. RP72-91, et al., file a petition to intervene with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before November 7, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18574 Filed 10-31-72;8:49 am]

[Docket No. RP73-48]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

OCTOBER 27, 1972.

Take notice that Northern Natural Gas Co. (Northern) on September 27, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 4. The proposed changes would incorporate in Northern's tariff a purchased gas adjustment (PGA) clause applicable to its jurisdictional sales made in Texas, Oklahoma, and New Mexico on a system operated independently of the main pipeline system. Concurrently, Northern filed a purchased gas increase to cover the increase from 17.0 cents per Mcf to 21.73 cents per Mcf to be made effective by Colorado Interstate Gas Co. (CIG), the system's sole supplier, on October 1, 1972. Northern requests waiver of section 154.22 and any other applicable sections of the Commission's regulations under the Natural Gas Act to allow the PGA clause to become effective as of October 11, 1972, and the rate increase thereunder to take effect on October 12, 1972, or on such later dates as the Commission may order.

Copies of the filing were served upon Northern's affected jurisdictional customers and the State commissions of New Mexico and Oklahoma.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 10, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18681 Filed 10-31-72;8:53 am]

FEDERAL RESERVE SYSTEM

CONSOLIDATED BANKSHARES OF FLORIDA, INC.

Order Approving Acquisition of Bank

Consolidated Bankshares of Florida, Inc., Fort Lauderdale, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Union Trust National Bank of St. Petersburg, St. Petersburg, Fla. (Union Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls seven banks with aggregate deposits of approximately $306 million, representing 1.9 percent of total deposits in commercial banks in Florida and is the 12th largest banking organization and bank holding company in the State. (All banking data are as of December 31, 1971, adjusted to reflect holding

[1] Published at 37 F.R. 22411, Oct. 19, 1972.

company formations and acquisitions approved by the Board through September 15, 1972.) The acquisition of Union Bank ($156 million deposits) would increase Applicant's share of State deposits by 1 percentage point, and Applicant would become the eighth largest banking organization in Florida.

The Board has on two previous occasions denied applications for the acquisition of Union Bank (55 Bulletin 615, and 48 Bulletin 480). In both cases the Board found that the proposed acquisitions would foreclose significant potential competition. In one case, the Applicant was the leading organization in the adjoining market, and in the other, was one of the States leading banking organizations which simultaneously received approval to acquire a smaller bank in St. Petersburg. In the instant case Applicant's operations are concentrated in the Fort Lauderdale area and its closest banking subsidiary is located 150 miles from the St. Petersburg area. No present competition exists between Union Bank and any of Applicant's present subsidiary banks. It further appears unlikely that any significant competition would develop between Applicant's present subsidiaries and Union Bank in the future due to the wide separation of the banking offices, the number of banks in the intervening area, and State laws restricting branching. It is true, as in the earlier applications, that the proposal will eliminate Union Bank as a potential lead bank of a new holding company. However, Union Bank has demonstrated no inclination to organize a bank holding company, and as this is its third proposed affiliation with an existing holding company it appears unlikely that Union Bank is willing to serve as a lead bank. Consummation of the proposed acquisition would have no adverse effects on existing or potential competition, nor would it have any adverse effects on any competing banks in the area.

Union Bank serves St. Petersburg banking market (approximated by the southern portion of Pinellas County) as the second largest of 25 banks, controlling approximately 15.6 percent of market deposits. There are 12 banking organizations represented in the market. The largest market bank holds deposits of $176 million, and seven banks smaller than Union Bank control deposits ranging from $94 million to $39 million.

The financial condition and managerial resources of Applicant and its present subsidiaries are satisfactory and future prospects of each appear favorable. The financial condition and managerial resources of Union Bank, as supplemented by Applicant, will also be satisfactory. Prospects for Union Bank appear favorable. Considerations relating to banking factors are consistent with approval of the application.

The present ownership and management of Union Bank are desirous of selling the bank and have shown a reluctance to expand or improve its services. Applicant proposes to increase the lending limit and correspondent banking services of Union Bank, to expand its drive-in facilities, to develop an efficient data processing department, and to furnish capital for future expansion. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some support to approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 20, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18590 Filed 10-31-72;8:47 am]

FIRST NATIONAL CITY CORP.

Acquisition of Bank

First National City Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Central Valley National Bank, Central Valley, N.Y., to be named Citibank (Mid-Hudson). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First National City Corp. is also engaged in the following nonbank activities: mortgage banking; reinsurance with regard to life insurance policies and group accident and health certificates in conjunction with mortgage loans; commercial factoring; commercial financing; leasing; real estate consulting; general management consulting; travel services and travelers checks; data processing; real estate held for community development projects; freight deconsolidation; investment management; community development projects; and ownership of an apartment building. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 21, 1972.

Board of Governors of the Federal Reserve System, October 25, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-18588 Filed 10-31-72;8:47 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Brimmer.

FIRST TENNESSEE NATIONAL CORP.

Order Approving Acquisition of Bank

First Tennessee National Corp., Memphis, Tenn., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to First Bank and Trust Co., Dyersburg, Tenn. (Bank). The bank into which Bank is to be merged has no significance except as a means to acquire all the shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Tennessee, controlling five banks with aggregate deposits of $1.0 billion, representing 11.6 percent of total banking deposits in the State of Tennessee. (Banking data are as of December 31, 1971, adjusted to reflect holding company formations and acquisitions approved by the Board through September 30, 1972.) The acquisition of Bank ($17.4 million deposits) would increase applicant's share of State deposits by 0.20 percentage points and would not result in a significant increase in the concentration of banking resources in the State.

Bank, located in Dyersburg, Tenn., is one of four banks having offices in a market area which includes all of Dyer County. It holds 24.4 percent of total market deposits as the second largest bank; whereas the largest bank controls 58.9 percent, and the third and fourth largest hold 11.0 and 5.8 percent, respectively. It appears that consummation of the proposal would have no adverse effect on any competing bank.

Applicant's nearest subsidiary banking office is located in a separate market area, approximately 70 miles from Dyersburg. There is no meaningful present competition between any of applicant's offices and Bank. In view of the distances involved and restrictions placed on branching by Tennessee laws,

there appears to be little likelihood for the development of any significant amount of future competition between these institutions.

The Department of Justice has commented that, in its view, the proposed acquisition is likely to have an adverse effect on potential competition. The Department expressed the opinion that the Dyersburg area is potentially attractive for de novo entry by applicant because of the "population growth" and attractive economic outlook" for that area and emphasized the presence of two significantly smaller banks in Dyer County, either of which might possibly serve as a vehicle for such entry with less serious competitive consequences than the proposed acquisition. It also voiced concern about possible increases in statewide concentration of banking resources in Tennessee which it anticipates may result from continuing expansion by that State's large multibank organizations through the acquisition of banks with significant or leading positions in local markets.

It appears to the Board that the market served by Bank would not be particularly attractive for de novo entry by applicant or for its acquisition of a foothold bank. Population per banking organization is 7,607 in Dyer County, as compared with a statewide average of 13,125. Moreover, while the town of Dyersburg has experienced satisfactory population growth, reflecting a shift of population from the rural areas of the county to the town as a result of the increasing industrialization of this predominantly agricultural area, the population growth of Dyer County as a whole (only 3 percent in the decade of the 1960's) has lagged behind that of the State (10 percent during the same period).

In the Board's judgment, size or locational disadvantages preclude the two smallest banks in Dyer County from having comparable attraction to applicant as vehicles for entry into that market. Both such banks have their head offices in outlying villages, and although the larger of the two banks also has two branches in Dyersburg, it has total deposits of only $7.9 million.

The Board has concluded that competitive considerations are consistent with approval of the application.

In view of applicant's plans to improve the capital position of one of its subsidiary banks, it appears that applicant, its group of banks, and Bank are in generally satisfactory financial condition; their managements are capable, and prospects for each appear favorable. Banking factors are consistent with approval of the application. Although the major banking needs of Dyer County residents are being served at the present time, the proposed affiliation would extend the range of services presently offered by Bank, especially in the areas of trust, investment management, and automated customer services, would place Bank in a better position to compete for larger commercial accounts, and should enable Bank to compete more effectively with its substantially larger competitor, First Citizens National Bank of Dyersburg. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some support to approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 24, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18595 Filed 10-31-72;8:48 am]

FIRST VIRGINIA BANKSHARES CORP.

Proposed Acquisition of Company Engaged in Certain Consumer Lending and Insurance Sales Activities

First Virginia Bankshares Corp., Falls Church, Va., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of the successor by merger to Benson Investment Corp., Birmingham, Ala., and indirectly thereby the shares of National Management Co., Atlantic Finance Co., Allied Finance Company of Albany, Inc., Augusta Loan and Finance Co., Delta Loan and Finance Company of Columbia, and Atlanta Finance Company of Louisiana, Inc. Benson Investment Corp. operates various offices in Alabama, Florida, Georgia, Louisiana, and South Carolina under the names "Allied Finance Co.", "Atlantic Finance Co.", "Delta Loan Co.", "B.I.C. Financial Services", "Benson Financial Services", "Delta Finance Co.", and "Acme Finance Co." Notices of the application were published on August 9, 10, 11, 12, 13, or 24, 1972, in various newspapers circulated in the 20 communities in Alabama, Florida, Georgia, Louisiana, and South Carolina where Benson Investment Corp. or its subsidiaries maintain offices.

Applicant states that the proposed subsidiary would engage in the activities of making personal loans, consumer sales financing, and mortgage lending. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant also states that the proposed subsidiary would engage in the sale of credit life, health, and accident insurance and property insurance on household goods and automobiles serving as collateral for its extensions of credit, such insurance being sold exclusively to its debtors. Under certain conditions described in 12 CFR 225.128, such insurance sales activities have been specified in § 225.4(a) of Regulation Y as permissible for bank holding companies.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 21, 1972.

Board of Governors of the Federal Reserve System, October 25, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc. 72-18611 Filed 10-31-72;8:45 am]

ROBLES, INC.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency Activities

Robles, Inc., Oberlin, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of an additional 58.6 percent of the voting shares of State Bank of Herndon, Herndon, Kans. (Bank). Applicant at present owns 24 percent of the voting shares of Bank.

At the same time, Applicant has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to retain its insurance agency, Herndon Insurance Agency, Herndon, Kans. (Agency), a general insurance agency in a community of less than 5,000 persons.

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act, and the time for

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher. Absent and not voting: Governors Robertson and Daane.

filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(3) of the Act (12 U.S.C. 1843(c)(8)) and finds that:

Applicant presently owns 120 shares of Bank and proposes to acquire an additional 293 shares of Bank from its own principal shareholders (including 137 shares purchased from minority shareholders in 1971). Bank, with deposits of $2.3 million, controls 11.7 percent of commercial bank deposits in Rawlins County and is the fourth smallest of five banks in the county. (All banking data are as of December 31, 1971.) Since the transaction essentially involves only a change from individual to corporate ownership, consummation of the proposal will have no significant adverse effects on existing or potential competition.

Considerations relating to the financial and managerial resources and prospects of Applicant and Bank appear to be satisfactory and consistent with approval. In this connection, the Board has determined that the previous purchase of the 137 shares from minority shareholders was done on a basis which was substantially equivalent to the present offer. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that consummation of the transaction would be in the public interest and that the acquisition of Bank should be approved.

Applicant acquired Agency in 1966 and operates Agency from bank premises. Agency is the only general insurance agency in Herndon, a community of less than 5,000 persons. The Board has previously determined by regulation that the operation of such an agency is closely related to banking (12 CFR 225.4(a)(9)(iii)).

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices. Approval of the application would enable Applicant to continue to provide a convenient source of insurance agency services for Herndon and nearby areas. Based on the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors that the Board is required to consider regarding the acquisition of Agency under section 4(c)(8) is favorable and that the application should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisition of bank shares shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Agency's activities is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Govenors,[1] effective October 24, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18594 Filed 10-31-72;8:48 am]

SOUTHWEST BANCSHARES, INC.

Acquisition of Bank

Southwest Bancshares, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Gulf Coast National Bank, Houston, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 21, 1972.

Board of Governors of the Federal Reserve System, October 25, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-18589 Filed 10-31-72;8:47 am]

U.N. BANCSHARES, INC.

Order Approving Acquisition of Bank

U.N. Bancshares, Inc., Springfield, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Pulaski County Bank, Richland, Mo. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 12th largest banking organization and 11th largest bank holding company in the State, controls two banks with aggregate deposits of $113.6 million, representing 0.9 percent of the total commercial bank deposits in Missouri. (All banking data are as of December 31, 1971, adjusted to reflect bank holding company formations and acquisitions approved by the Board through September 30, 1972.) Consummation of the proposal herein would increase applicant's share of commercial bank deposits in the State by only 0.05 percent and would not result in a significant increase in the concentration of banking resources in the State.

Bank ($6.7 million in deposits) is the second largest of three banks in the Richland banking market with control of approximately 37 percent of area deposits. There is no significant existing competition between any of applicant's subsidiary banks and Bank, nor is there a reasonable probability of competition developing in the future in view of the distances between Bank and applicant's banking subsidiaries (the closest banking subsidiary is located about 80 miles from Richland), the low population per banking office (considerably below the statewide average), and Missouri's restrictive branching laws. It appears, therefore, that consummation of the proposal herein would not likely have any adverse effects on existing or potential competition.

The financial and managerial resources and future prospects of applicant and its subsidiaries are regarded as satisfactory and consistent with approval. The financial resources of Bank are satisfactory; its future prospects are favorable; and its management is regarded as generally satisfactory. Considerations relating to convenience and needs lend weight toward approval of the application as affiliation with applicant would allow Bank to introduce more specialized services into the market, and better enable Bank to meet the anticipated increasing demands for real estate and commercial loans as the area develops. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Robertson and Daane.

By order of the Board of Governors,[1] effective October 24, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18592 Filed 10-31-72;8:48 am]

UNITED CAROLINA BANCSHARES CORP.

Order Approving Acquisition of Bank

United Carolina Bancshares Corp., Whiteville, N.C., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 49 percent of the voting shares of Capitol National Bank, Raleigh, N.C. (Bank), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with aggregate deposits of approximately $222 million, representing 2.7 percent of the total commercial bank deposits in the State, and is the ninth largest banking organization in North Carolina. (All banking data are as of December 31, 1971, unless otherwise noted, adjusted to reflect bank holding company formations and acquisitions approved by the Board through September 30, 1972.) Since Bank is a proposed new bank, no existing competition would be eliminated by consummation of the proposal nor would concentration be increased in any relevant area. The proposed site of Bank is in the heart of downtown Raleigh, the capital of North Carolina, and a rapidly growing urban area. The relevant banking market is Wake County and Bank would compete in this market with 13 banks, including five of the six largest banks in North Carolina, which control approximately 91 percent of the total commercial bank deposits in the market (as of June 30, 1970).

The financial and managerial resources of applicant and its subsidiary banks are deemed satisfactory in view of applicant's commitment to provide additional capital for its two largest subsidiary banks, and projected growth and earnings for the group appear favorable. Bank, as a proposed new bank, has no financial or operating history; however, its prospects under applicant's group are consistent with approval of the application. It appears that the major banking needs of the area are being adequately served at the present time. However, Bank would provide an additional source of convenient banking services to the area. Considerations under convenience and needs aspects of the proposal are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after that date, and (c) Capitol National Bank, Raleigh, N.C., shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 24, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18593 Filed 10-31-72;8:48 am]

VALLEY FALLS INSURANCE, INC.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency

Valley Falls Insurance, Inc., Valley Falls, Kans., has applied for the Board's approval under section 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through retention of 51 percent of the voting shares of Kendall State Bank, Valley Falls, Kans. (Bank), and the acquisition of an additional 37 percent of the voting shares of said Bank.

At the same time, applicant has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of Regulation Y to continue to engage in certain permissible insurance agency activities through the retention of Valley Falls Insurance, Inc., Valley Falls, Kans. (Agency).

Notice of receipt of these applications was published in the FEDERAL REGISTER on May 2, 1972 (37 F.R. 8915), and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant was organized in January 1971 and on February 1, 1971, acquired a majority of the shares of Bank without the prior approval of the Board. Applicant commenced its insurance agency activity de novo shortly thereafter. On June 22, 1971, the Board, in order to avoid the imposition of unnecessary hardships, issued an order which provided that any company which acquired a bank between December 31, 1970, and that date, without securing prior Board approval because the company lacked knowledge of the Bank Holding Company Act Amendments of 1970, might file an application to retain the Bank and, thus, cure its violation of the Act. In this connection, however, the Board provided that the standards to be applied to applications to retain shares would be the same as those normally applied to applications for prior approval. Applicant apparently acted without knowledge of the Act and the application has been considered on that basis.

Bank ($6.7 million in deposits as of December 31, 1971) is the only bank in Valley Falls, a rural community of about 1,200. Agency conducts a general insurance business from the premises of Bank. Since the transaction involves only a change from individual to corporate ownership, consummation of the proposal will have no adverse effects on existing or potential competition.

The financial and managerial resources and future prospects of applicant, Bank and Agency are consistent with approval. It is noted that Bank's satisfactory condition was reached only after it came under applicant's control. Additionally, the Board regards the offer to be made to minority shareholders as being substantially equivalent to the price paid for the shares of majority shareholders. Although applicant will incur considerable debt in acquiring Bank, its income from Bank and Agency will provide sufficient revenue to adequately service the debt. Furthermore, applicant's acquisition of Bank will assure continued operation of the only bank in Valley Falls. Accordingly, considerations relating to the convenience and needs of the community to be served, with respect to the acquisition of Bank, lend weight toward approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Agency was commenced de novo and is one of three insurance agencies in Valley Falls. The operation by a bank holding company of a general insurance agency in a community with a population of less than 5,000 is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)).

There is no evidence in the record indicating consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest. On the basis of the foregoing and other facts reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) in permitting a holding company to engage in an activity on the basis that it is closely related to banking both

[1] Voting for this action: Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Robertson and Bucher.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Robertson and Daane.

favor approval of the applicant's proposal.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Agency's activities is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective October 24, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18591 Filed 10-31-72;8:48 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-21, Supp. 1]

DISCREPANCIES IN SHIPMENTS

Revised Policy on Reporting

To heads of Federal agencies.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation E-21.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (11-1-72).

3. *Expiration date.* This regulation expires April 30, 1973, unless sooner superseded or canceled.

4. *Revised date.* The expiration date shown in paragraph 3 of FPMR Temporary Regulation E-21 is extended to April 30, 1973. This extension is to provide agencies more time to gain experience in using the revised procedures for reporting discrepancies in shipments prior to their incorporation into the permanent regulations of GSA.

Dated: October 30, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72-18794 Filed 10-31-72;9:52 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Sheehan, and Bucher. Absent and not voting: Governors Daane and Brimmer.

[Federal Property Management Regs.; Temporary Reg. F-160]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires October 31, 1972.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

Number, date, and subject

Number F-75; October 15, 1970; Delegation of Authority to Secretary of Defense—Regulatory Proceeding.

Number F-91; March 15, 1971; Delegation of Authority to Secretary of Defense—Regulatory Proceeding.

Number F-145; April 10, 1972; Delegation of Authority to Secretary of Defense—Regulatory Proceeding.

Dated: October 30, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72-18793 Filed 10-31-72;9:52 am]

OFFICE OF ECONOMIC OPPORTUNITY

[B3B-5429]

MATERNAL AND INFANT NUTRITION PROJECT

Research on Alleviating Malnutrition; Award of Contract

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the award of contract B3B-5429 to St. Jude Children's Research Hospital, Memphis, Tenn., for a research and demonstration project entitled, "Maternal and Infant Nutrition Project." The purpose of this contract is to explore ways of alleviating malnutrition among infants from low-income families in Memphis, Tenn., by providing adequate food and comprehensive health care to the mother and infant.

The estimated cost of this contract is $399,677 and the intended completion date is October 1, 1973.

WESLEY L. HJORNEVIK,
Deputy Director.

[FR Doc.72-18584 Filed 10-31-72;8:48 am]

[B3B-5423]

MATERNAL AND INFANT NUTRITION PROJECT

Research on Impact of Special Formula Feeding on Infants; Award of Contract

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the award of contract B3B-5423 to Johns Hopkins University, Baltimore, Md., for a research and demonstration project entitled "Maternal and Infant Nutrition Project." The purpose of this project is to determine the biological, dietary, and educational impact on infants through the distribution of iron-fortified infant formula to a population of high risk infants in urban and rural settings in the State of Maryland.

The estimated cost of this contract is $277,991, and the intended completion date is September 29, 1974.

WESLEY L. HJORNEVIK,
Deputy Director.

[FR Doc.72-18585 Filed 10-31-72;8:48 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

[Temporary Instruction 631-3]

EXTENDED PRIORITY SELECTION GROUP REPORTING

OCTOBER 18, 1972.

1. It is desired to have an RSN breakdown of registrants who are expected to be in the Extended Priority Selection Group in 1973. This information is to be submitted with the Availability of Registrants (SSS Form 117) for the months of October 1972 through March 1973.

2. The Extended Priority Selection Group will be reported in two parts on the attached form, Availability of Extended Priority Selection Group—Classes 1-A and 1-A-O (SSS Form 117-A), as follows:

a. *Part 1.* For the October, November, and December 1972 reports, Part 1 will consist of those registrants who are expected to enter the Extended Priority Selection Group on January 1, 1973, from the 1972 First Priority Selection Group (RSN 1 through 95). For the January, February, and March 1973 reports, Part 1 will consist of registrants who actually entered the Extended Priority Selection Group on January 1, 1973, from the 1972 First Priority Selection Group (RSN 1 through 95).

b. *Part 2.* All registrants actually in the Extended Priority Selection Group other than those specified in paragraph 2a of this instruction will be reported in Part 2 each month (October through March).

3. A registrant reported in Part 1 shall not be reported in Part 2 and vice versa. Column entries will be made in the same manner as on the SSS Form 117. The totals in Item 21 are the sum of Items 1 through 20. Such totals should agree with the entry in Item 2 of the SSS Form 117.

4. The SSS Form 117–A is to be reproduced locally.

5. This temporary instruction terminates upon submission of the March 1973 SSS Form 117–A.[1]

CHAPTER 617—THE REGISTRATION CERTIFICATE

SECTION 617.1 *Effect of date of birth that appears on registration card (SSS Form 1).* The date of birth of the registrant that appears on his Registration Card (SSS Form 1) on the day before the lottery is conducted to establish his random sequence number will be conclusive as to his date of birth in all matters pertaining to his relations with the Selective Service System.

SEC. 617.2 *Issuing of duplicate registration certificate.* 1. A duplicate SSS Form 2 shall be issued to a registrant by the local board with which he is registered upon receipt of his request made by letter or SSS Form 6 and the presentation of satisfactory proof to the local board that the SSS Form 2 of the registrant has been lost, destroyed, mislaid, or stolen.

2. A registrant may complete and file a request for a duplicate Registration Certificate (SSS Form 2) made on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form 6) at his own or any other local board. When he makes such request by letter he may file it only at his own local board. If the registrant files a request made on Request for Duplicate Registration Certificate or Notice of Classification (SSS Form 6) at any local board other than the local board with which he is registered and the registrant's own local board or the place of residence of the registrant at the time of registration is within its State, the local board with which the request is filed shall immediately mail the request to the local board having jurisdiction of the registrant. If the local board with which the request is filed has any doubt as to which other local board in its State has jurisdiction or if the registrant's own local board or his place of residence at the time of registration is not within its State, it shall mail the request to its State director for transmission to the proper local board. Upon receipt of the request, the local board with which the registrant is registered shall issue a duplicate Registration Certificate (SSS Form 2) to the registrant. If the registrant has appeared in person at his local board to file the request, the local board shall deliver the duplicate Registration Certificate (SSS Form 2) to him. If the registrant has filed the request through another local board or by letter, the duplicate Registration Certificate (SSS Form 2) shall be mailed to him at his mailing address. A sample letter for this purpose is Attachment 617–1 which shall be used when issuing duplicates of SSS Form 2 and/or SSS Form 110 to inform the registrant of his duty to return any previous issuances.

SEC. 617.3 *Changes to registration certificate when Selective Service Number remains unchanged.* The local board shall record changes in registration information which do not affect the selective service number by issuing a corrected SSS Form 2. It shall mark the "Change" block of the form. (See Procedural Directive of SSS Form 2 for distribution.) Such changes shall include name change, day or month of birth change, social security number change, date of registration change, or place of birth change. Changes in descriptive information, other than those resulting from registration errors, shall not be included. No cancellation action shall be taken when any of the above changes are made.

(Local Board Stamp)

DEAR SIR: Attached is your:

☐ duplicate Registration Certificate (SSS Form 2).
☐ duplicate Notice of Classification (SSS Form 110).

If any such certificate previously issued to you is in your possession or you later regain possession of any such certificate previously issued, it is your duty to immediately return to this local board the previously issued certificate. However, any SSS Form 110 which does not reflect your current classification need not be returned and should be destroyed.

Authorized Signature

Sections 613.3 and 613.5 were revised on November 1, 1972, to read as follows:

SEC. 613.3 *Use of the Tally Sheet (SSS Form 4) and preparation of the Registration Card (SSS Form 1).* 1. At the option of local board, the Tally Sheet (SSS Form 4) may be used as a temporary work sheet of registrants' names and selective service numbers, prior to entries being made in the Classification Record (SSS Form 102). The use of the tally sheet is not mandatory.

2. The Registration Card (SSS Form 1) shall be completed. The registrar will prepare the registration card or provide such assistance as the registrant requires in order for him to prepare it. It shall be typewritten or clearly printed in ink.

SEC. 613.5 *Preparation and issuance of registration certificate, registration questionnaire and notice of classification.* 1. When a man has completed the SSS Form 1 at his own local board within the prescribed time for registration and his identity and address have been verified, use the following procedure:

a. Assign his selective service number from the SSS Form 102, administratively assign him to 1–H and complete and issue SSS Forms 2 and 110.

b. The SSS Form 100 should be completed at time of registration or issued to the registrant with instructions to complete the SSS Form 100 and return within 10 days.

c. If it is more efficient to do so, the local board may delay the action in (a) and (b) and mail the SSS Form 2 and SSS Form 110 within 10 working days. The SSS Form 100, if not completed at time of registration, shall be mailed with instructions to return the Form within 10 days.

2. A registrant who registered at his own local board after the prescribed time, but prior to the day the lottery is conducted to establish his random sequence number, and who has presented proper identification and verification of his address, will be issued or mailed his forms in accordance with the provisions of paragraph 1.

3. A registrant who registered at his own local board without any verification of his address, shall not be issued his SSS Form 2 and SSS Form 110. The forms will be completed and mailed to him within 10 working days. The SSS Form 100 may be completed at time of registration or mailed to him with instructions to return the form within 10 days.

4. A registrant who registered at his own local board on or after the day the lottery is conducted to establish his random sequence number, shall not be issued or mailed an SSS Form 2 and SSS Form 110 until satisfactory evidence of date of birth has been received. The registrant shall be instructed to furnish such evidence within 10 days. If the evidence has not been received within 10 days, the local board will endeavor to secure evidence of date of birth. The local board should contact county or State bureau of vital statistics or other sources that may be available. If the local board does not receive satisfactory evidence of date of birth within 30 days, the file shall be forwarded to the State director.

5. When registration is accomplished at a local board other than registrant's local board of jurisdiction only completion of SSS Form 1 (except for SSN) is required. If possible, the SSS Form 100 may be completed and signed at that time. The registrant shall be advised that his SSS Form 1 will be forwarded to his local board of jurisdiction which will mail him his SSS Forms 2 and 110, and SSS Form 100 if it was not completed at the time of registration. The registrar should also advise any registrant who registered on or after the day the lottery is conducted to establish his RSN and who did not present satisfactory evidence as to his date of birth, that the evidence will be required by his local board of jurisdiction prior to issuing his SSS Forms 2 and 110.

6. When the registration has been accomplished at a place other than a local board, the registrar shall inform the registrant that the SSS Forms 2 and 110 will be mailed to him by his local board. At the close of business each day, the registrar shall forward the SSS Form 1 and any SSS Form 100 which may have been completed to the local board which appointed the registrar. If the registrar is in a foreign country, the registrar shall deliver the completed SSS Form 1 to the chief registrar of the embassy or consular office which appointed him, for transmittal to the Director of Selective Service.

7. When registration has been accomplished at a local board other than the registrant's local board of jurisdiction, the registrar shall forward the SSS Form 1 (and SSS Form 100, if completed) at the close of business that day to the local board having jurisdiction over the registrant's place of residence, if known. Otherwise, it shall be forwarded to the State director of selective service concerned, for transmittal to the proper local board.

[Temporary Instruction 632–11]

INDUCTION OF CERTAIN REGISTRANTS DURING THE PERIOD DECEMBER 12 THROUGH DECEMBER 19, AND DECEMBER 26 THROUGH DECEMBER 28, 1972.

OCTOBER 18, 1972.

Registrants in the following categories may be forwarded for induction during the periods shown above:

1. Postponed registrants whose postponements terminate in December.

2. Volunteers for induction.

3. Violators who are willing to submit to induction.

Arrangements for such inductions should be coordinated with the AFEES commanders. Registrants other than those mentioned above will not be scheduled for induction during the period December 12 through December 29, 1972.

This temporary instruction terminates on December 30, 1972.

BYRON V. PEPITONE,
Acting Director.

[FR Doc.72–18618 Filed 10–31–72;8:45 am]

[1] Filed as part of the original document.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 427; Class B]

SHELLFISH FROM COASTAL AREAS IN MAINE, MASSACHUSETTS, AND NEW HAMPSHIRE

Products Disaster Declaration

Whereas, many small businesses situated in coastal areas of the States of Maine, Massachusetts, and New Hampshire are engaged in harvesting and shipping soft-shell clams, hard-shell clams and mussels; and

Whereas, the action of local authorities in banning the sale of clams and mussels contaminated by toxic red tide algae, has resulted in substantial economic injury to many small businesses; and

Whereas, the Food and Drug Administration has recalled shucked, fresh, and frozen hard- and soft-shell clams, and mussels; and

Whereas, it has been determined that red tide algae is a natural phenomenon caused by unknown factors and that it has resulted in toxicity in clams and mussels,

Now, therefore, as Administrator of the Small Business Administration, I hereby declare that the foregoing circumstances constitute a disaster within the meaning of section 7(b)(4) (Public Law 88–64) of the Small Business Act, as amended. Applications will be received from individuals and small business concerns which have suffered economic injury as a result thereof. Financial assistance, if found to be necessary or appropriate, will be extended to small business concerns determined by the Small Business Administration to have suffered economic injury as a result of this disaster. No applications under this declaration shall be accepted subsequent to December 31, 1972.

Dated: September 22, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72–18609 Filed 10–31–72;8:45 am]

TARIFF COMMISSION

[AA1921–109]

KANEKALON WIGS FROM HONG KONG

Notice of Investigation and Hearing

Having received advice from the Treasury Department on September 29, 1972, that kanekalon wigs from Hong Kong are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted investigation No. AA1921–109 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigations will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on November 17, 1972. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Tuesday, November 14, 1972.

Issued: October 27, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72–18653 Filed 10–31–72;8:52 am]

TENNESSEE VALLEY AUTHORITY

LAND BETWEEN THE LAKES

Notice of Establishment of Concurrent Criminal Jurisdiction Over a Portion of Stewart County, Tenn.

The United States of America has obtained concurrent criminal jurisdiction for the purposes of section 13 of Title 18 of the United States Code (Assimilative Crimes Statute) and enforcement proceedings pursuant thereto over the portion of Stewart County, Tenn., within the boundaries of Land Between the Lakes by virtue of the following:

Chapter 552, Tennessee Public Acts, 1972, p. 307,

AN ACT ceding to the United States concurrent jurisdiction over that portion of Stewart County within the boundaries of the Land Between the Lakes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. Concurrent criminal jurisdiction is hereby ceded by Tennessee to the United States, solely for the purposes of section 13 of Title 18 of the United States Code and enforcement proceedings pursuant thereto, over the portion of Stewart County that lies within the boundaries of the Tennessee portion of the Land Between the Lakes and is more specifically described as follows:

Beginning at a point in the Tennessee River at Tennessee River mile 49.2, such being the point where the Tennessee-Kentucky state line turns in an easterly direction along the boundary between Stewart County, Tennessee, and Trigg County, Kentucky; thence with the Tennessee-Kentucky state line as it meanders in an easterly direction for a distance of approximately 8.6 miles to a point where the Tennessee-Kentucky state line intersects the 378-foot contour on the west shore of Lake Barkley; thence with the 378-foot contour as it meanders southward for a distance of approximately 62 miles to a point, said point being N. 84 degrees 01 foot W., 27 feet from U.S.E.D. Corner 6822–1 (Coordinates: N. 777,559; E. 1,448,835); thence N. 84 degrees 01 foot W., 2,869 feet to a set stone; thence N. 83 degrees 55 feet W., 1,879 feet to an angle iron; thence N. 1 degree 30 feet W., 4 feet to an angle iron; thence N. 81 degrees 12 feet W., 373 feet to a post oak tree; thence N. 5 degrees 25 feet W., 621 feet to an oak stump; thence N. 2 degrees 21 feet W., 1,151 feet to an angle iron; thence S. 84 degrees 17 feet W., 787 feet to an angle iron; thence S. 84 degrees 17 feet W., 266 feet to a point in the centerline of a road; thence with the centerline of the road approximately along the following bearings and distances: S. 5 degrees 52 feet E., 23 feet and S. 2 degrees 28 feet E., 422 feet to a point; thence with the centerline of the road approximately along a bearing and distance of S. 0 degree 34 feet E., 50 feet to an iron pin; thence, leaving the road, N. 85 degrees 14 feet W., 158 feet to a concrete monument (U.S.E.D. Corner 6605–6606–41); thence S. 6 degrees 37 feet W., 497 feet to a concrete monument (U.S.E.D. Corner 6605–6606–37); thence N. 88 degrees 5 feet W., 420 feet to an iron pin; thence N. 85 degrees 19 feet W., 664 feet to a concrete monument (U.S.E.D. Corner 6607–30); thence S. 7 degrees 33 feet W., 519 feet to a concrete monument (U.S.E.D. Corner 6607–26); thence N. 83 degrees 39 feet W., 319 feet to a buggy axle; thence N. 82 degrees 14 feet W., 2,024 feet to an angle iron; thence S. 6 degrees 45 feet W., 1,097 feet to an angle iron and three set stones; thence S. 5 degrees 16 feet W., 721 feet to an angle iron; thence N. 81 degrees 50 feet W., 1,375 feet to a 10-inch hickory tree; thence N. 80 degrees 25 feet W., 378 feet to a stake; thence N. 84 degrees 21 feet W., 314 feet to a 16-inch ash tree; thence S. 59 degrees 28 feet W., 347 feet to a 6-inch hackberry tree; thence S. 1 degree 46 feet W., 201 feet to an 18-inch walnut tree; thence N. 87 degrees 8 feet W., 595 feet to a stake; thence S. 12 degrees 1 foot W., 849 feet to a 30-inch hickory tree; thence S. 12 degrees 36 feet W., 511 feet to an angle iron; thence S. 70 degrees 36 feet E., 87 feet to an angle iron; thence S. 4 degrees 31 feet W., 282 feet to a stone; thence N. 85 degrees 28 feet W., 799 feet to a point in the centerline of a road; thence with the centerline of the road as it meanders in a westerly direction approximately along the following bearings and distances: S. 63 degrees 5 feet W., 322 feet, S. 72 degrees 7 feet W., 399 feet, S. 86 degrees 51 feet W., 485 feet, and S. 85 degrees 39 feet W., 177 feet to a point; thence, leaving the road, S. 20 degrees 12 feet W. 671 feet passing a 24-inch red oak tree at 27 feet to a 6-inch post oak tree; thence S. 35 degrees 39 feet E., 1,080 feet to a stump hole; thence S. 1 degree 4 feet W., 114 feet to a 10-inch white oak tree; thence S. 8 degrees 26 feet W., 1,540 feet to an angle iron; thence S. 59 degrees 44 feet W., 1,380 feet to an angle iron at a stone pile; thence S. 16 degrees 32 feet W., 1,044 feet to an angle iron at a rock pile; thence N. 51 degrees 47 feet W., 783 feet to an angle iron; thence N. 27 degrees 44 feet W., 651 feet to an angle iron at a stone pile; thence S. 41 degrees 36 feet W., 703 feet to an angle iron in a fence line; thence S. 29 degrees 21 feet W., 978 feet to an 18-inch white oak tree; thence S. 14 degrees 46 feet E., 671 feet to an 18-inch red oak tree; thence S. 8 degrees 19 feet W., 1,391 feet to a stump; thence S. 83 degrees 27 feet E., 425 feet to a stump; thence S. 5 degrees 59 feet W., 1,084 feet to a 14-inch black gum tree; thence S. 74 degrees 2 feet W., 470 feet to a 24-inch white oak tree; thence S. 33 degrees 31 feet W., 422 feet to an oak stump; thence N. 82 degrees 21 feet W., 500 feet to a stone pile; thence S. 33 degrees 33 feet E., 692 feet to a point in the centerline of the relocated U.S. Highway 79 at survey station 340+64 on said highway at or near Bear Creek; thence

with said centerline as it meanders in a westerly direction 2.55 miles to survey station 205+66.6; thence leaving the centerline of the highway S. 18 degrees 22 feet E., 209 feet to a 16-inch red oak tree; thence S. 35 degrees 16 feet W., 2,315 feet to a stake; thence N. 82 degrees 12 feet W., 1,424 feet to a stone; thence N. 7 degrees 38 feet E., 619 feet to a point in the centerline of relocated U.S. Highway 79; thence with the said centerline as it meanders in a westerly direction approximately 4.1 miles to a point where the centerline of U.S. Highway 79 intersects the Stewart County-Henry County line at Tennessee River mile 66.3 at the Scott Fitzhugh Bridge; thence with said county line as it meanders in a northerly direction approximately 3.8 miles to a point at or near Tennesee River mile 62.5 where said county line abuts the Tennessee-Kentucky state line; thence with the Tennessee-Kentucky state line and the county line between Stewart County, Tennessee, and Calloway County, Kentucky, approximately 13.3 miles to the point of beginning. Nothing in this Section shall be construed as ceding to the United States any existing legislative or other regulatory jurisdiction of the State of Tennessee.

SEC. 2. This Act shall take effect, subject to due acceptance of the cession herein contained on behalf of the United States, from and after its passage, the public welfare requiring it.

Passed: March 16, 1972.

JAMES R. MCKINNEY,
Speaker of the House of Representatives.
JOHN S. WILDER,
Speaker of the Senate.

Approved: March 22, 1972.

WINFIELD DUNN,
Governor.

RESOLUTION BY THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY ADOPTED JUNE 22, 1972

Whereas the General Assembly of the State of Tennessee, by act approved March 22, 1972 (Chapter No. 552, Tennessee Public Acts, 1972, p. 307), has ceded to the United States concurrent criminal jurisdiction over the portion of Stewart County, Tenn., lying within the boundaries of the Land Between the Lakes; and

Whereas section 355 of the Revised Statutes of the United States, as amended (40 U.S.C. sec. 255), authorizes acceptance of such cession on behalf of the United States by an authorized officer of any independent agency of the United States having immediate custody and control of the lands or interests therein affected by such cession; and

Whereas the Director of Land Between the Lakes and the General Counsel deem it desirable in the interest of facilitating administration of Land Between the Lakes that such cession be accepted in accordance with the terms of the United States statute cited in the preceding clause, and have recommended to the General Manager, who in turn has recommended to the Board, that the Director of Land Between the Lakes be authorized and directed to accept such cession on behalf of the United States; and

Whereas the Board finds that such acceptance is desirable in the interest of facilitating administration of the Land Between the Lakes;

Be it resolved, That the Director of Land Between the Lakes be and he is hereby authorized and directed to accept on behalf of the United States, in the form filed with the records of the Board as Exhibit 6-22-72s, the aforesaid cession by the General Assembly of the State of Tennessee of concurrent criminal jurisdiction over the portion of Stewart County, Tenn., lying within the boundaries of the Land Between the Lakes and to notify the Governor of the State of Tennessee of such acceptance.

NOTICE OF ACCEPTANCE OF JURISDICTION BY THE UNITED STATES OF AMERICA

To: The Honorable Winfield Dunn, Governor of the State of Tennessee.

The Governor of the State of Tennessee is hereby respectfully notified, pursuant to the provisions of section 355 of the Revised Statutes of the United States, as amended (40 U.S.C. 255), that the undersigned Director of Land Between the Lakes, under the authority of the U.S. statute cited above and a resolution adopted June 22, 1972, by the Board of Directors of the Tennessee Valley Authority, a certified copy of which resolution is attached hereto, hereby accepts, on behalf of the United States, cession to the United States of concurrent criminal jurisdiction over that portion of Stewart County, Tenn., within the boundaries of the Land Between the Lakes as made and effected by the Act of the General Assembly of the State of Tennessee approved March 22, 1972 (Chapter No. 552, Tennessee Public Acts, 1972, p. 307), for the purposes and subject to all the terms and conditions stated in such Act, effective upon the Governor's receipt of this notice.

Done at Knoxville, Tenn., this, the 23d day of June, 1972.

ROBERT M. HOWES,
Director, Land Between the Lakes.

CERTIFICATE OF ACKNOWLEDGMENT

I hereby certify that the original of the foregoing "Notice of Acceptance of Jurisdiction by the United States of America" was received at Nashville, Tenn., on the 28th day of June, 1972.

WINFIELD DUNN,
Governor of the State of Tennessee.

Approved as to legality, this the 27th day of June, 1972.

DAVID M. PACK,
Attorney General.

Filed, this the 29th day of June, 1972.

JOE C. CARR,
Secretary of State.

The foregoing notice and documents are published for the purpose of informing the general public and persons more particularly interested of the new jurisdictional status of this area.

Dated: October 24, 1972.

LYNN SEEBER,
General Manager.

[FR Doc.72-18602 Filed 10-31-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 106]

ASSIGNMENT OF HEARINGS

OCTOBER 27, 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-C-7668, Georgia-Florida-Alabama Transportation Co., and Bay Transportation, Inc.—Investigation and Revocation of Certificates, now assigned November 9, 1972, at Birmingham, Ala., hearing is cancelled.

MC 72243 Sub 28, The Aetna Freight Lines, Inc., now assigned December 7, 1972, at Birmingham, Ala., is cancelled and the application is dismissed.

MC-56679 Sub 41, 48, 50, and 63, Brown Transport Corp., is continued to November 27, 1972, at Albert Pick Motor Inn, 1152 Spring Street NW., Atlanta, GA.

MC 129823 Sub 2, Easton Motor Lines, Inc., doing business as Marshall's Express, now assigned October 30, 1972, at Washington, D.C., is postponed indefinitely.

I & S 8787, Freight, all kinds, between Illinois and New Jersey, now being assigned hearing January 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35664, The Department of Defense v. Aberdeen and Rockfish Railroad Co., et al., now being assigned for prehearing conference on January 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Ex Parte No. 270 Sub 1A, Investigation of Railroad Freight Rate Structure Export-Import Rates and Charges, now being assigned continued hearing November 13, 1972, in Room E-139, King County Courthouse, Third and James Streets, Seattle, Wash.

MC 120646 Sub 9, Bradley Freight Lines, Inc., now assigned November 30, 1972, at Washington, D.C., is advanced to November 27, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7849, Idaho Cedar Sales Co., Inc.—Investigation of Operations—now being assigned January 15, 1973 (2 days), at Billings, Mont., in a hearing room to be later designated.

MC 26396 Sub 51, Popelka Trucking Co., doing business as The Waggoners, now being assigned January 17, 1973 (3 days), at Billings, Mont., in a hearing room to be later designated.

MC 115826 Sub 244, W. J. Digby, Inc., now being assigned hearing January 22, 1973, at Denver, Colo., in a hearing room to be later designated.

MC-F-11275, Navajo Freight Lines, Inc.—Control—Joe Hodges Transportation Corp., now being assigned January 29, 1973 (1 week), at Denver, Colo., in a hearing room to be later designated.

I & S M-25952, Household Goods, Increased Rates Nationwide, now assigned November 13, 1972, at Washington, D.C., postponed to November 27, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35585, Akron Canton & Youngstown Railroad Co. et al. v. Aberdeen and Rockfish Railroad Co. et al., No. 35585 Sub 1, Burlington Northern, Inc. et al. v. Aberdeen and Rockfish Railroad Co. et al. No. 32055, Louisville and Nashville Railroad Co. et al. v. Akron, Canton & Youngstown Railroad Co. et al., and No. 34275, Cincinnati, New Orleans & Texas Pacific Railway Co. et al. v. Akron, Canton & Youngstown Railroad Co. et al., now assigned for continued prehearing conference on November 1, 1972, at Washington, D.C., postponed to December 5, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-18646 Filed 10-31-72;8:52 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 26, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42555—*Beet or cane sugar from North Atlantic ports of the United States.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3026), for interested rail carriers. Rates on sugar, beet or cane, other than raw, dry, in bulk in covered hopper cars, as described in the application, from North Atlantic Ports of Albany, N.Y., Baltimore, Md., Boston, Mass., New York, N.Y., Norfolk, Va., Philadelphia, Pa., and Richmond, Va., to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 61 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-729. Rates are published to become effective on December 2, 1972.

FSA No. 42556—*Lime from Eden, Wis.* Filed by Southwestern Freight Bureau, agent (No. B-355), for interested rail carriers. Rates on lime (calcium), viz: Common lime, in carloads, as described in the application, from Eden, Wis., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 43 to Southwestern Freight Bureau, agent, tariff ICC 4919. Rates are published to become effective on December 4, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-18643 Filed 10-31-72;8:51 am]

[Notice 88]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 27, 1972.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.[1]

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 29120 (Sub-No. 138) (Republication), filed March 2, 1972, published in the FEDERAL REGISTER issues of March 30 and June 8, 1972 (as amended), and republished this issue. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux City, SD 57101. Applicant's reresentative: Mead Bailey (same address as applicant). An order of the Commission, Operating Rights Board, dated October 3, 1972, and served October 17, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as defined by sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Certified Foods, Inc., at Marshall, Mo., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, restricted to the transportation of traffic originating at Marshall, Mo., and destined to points in the named States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted in this order will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such republication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES FOR FILING OF PETITIONS

No. MC 42487 (Sub-No. 578) (Notice of Filing of Petition for Modification of Certificate), filed August 17, 1972. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, Menlo Park, Calif. Petitioner's representative: Eugene T. Liipfert, 1660 L Street NW., Suite 1100, Washington, DC 20036. Petitioner presently holds a certificate in MC 42487 (Sub-No. 578), authorizing, as pertinent, operation as a common carrier by motor vehicle, over regular routes with certain restrictions. The following restriction applies to a portion of the motor cargo rights: Restriction: All of the operating authority in (Part 2) of (A) above shall be subject to the limitation that no shipments shall be transported over routes described thereunder between any two points, both of which are west of the Illinois-Indiana State line, except that shipments may be transported from Minneapolis and St. Paul, Minn., to Chicago, Ill., and points in Illinois within the Chicago, Ill., commercial zone as defined above. The authority in (Part 2) of section (A) of the Sub-578 certificate authorized operations over a route network extending generally from Anoka, Minn., and Des Moines, Iowa, on the west, through Wisconsin, Illinois, Indiana, and Ohio to Youngstown, Ohio, and Sharon, Pa., on the east. (Generally the restricted routes connect on an end-to-end basis with other motor cargo routes to the eastern seaboard.) Alternate routes covering the same general territory are set forth in (Part 10) and (Part 11) of section (A) of the Sub-578 certificate, and these alternate routes are similarly restricted. By the instant petition, petitioner seeks to have the language of each of these restrictions modified by striking the words "west of the Illinois-Indiana State line" and substituting therefor the words "located in the area comprised of the States of Iowa, Minnesota, Wisconsin, and Illinois." As modified, the restriction in (Part 2) of section (A) would read: Restriction: All of the operating authority in (Part 2) of (A) above shall be subject to the limitation that no shipments shall be transported over routes

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

described thereunder between any two points, both of which are located in the area comprised of the States of Iowa, Minnesota, Wisconsin, and Illinois, except that shipments may be transported from Minneapolis and St. Paul, Minn., to Chicago, Ill., and points in Illinois within the Chicago, Ill., commercial zone as defined above. Similar changes would be made in the restrictions governing the alternate routes. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127355 (Correction), filed September 13, 1972, and published in the FEDERAL REGISTER issue of September 27, 1972, republished in part, as corrected, this issue. Petitioner: M & N GRAIN COMPANY, a Corporation, 804 East Hickory, Nevada, MO 64772. Petitioner's representative: Donald J. Quinn, 1012 Baltimore, Suite 900, Kansas City, MO 64105.

NOTE: The purpose of this partial republication is to correctly classify the previous publication as a Notice of Filing of Petition for Modification of Permit. The rest of the petition remains as previously published.

No. MC 134477 (Sub-No. 13) (Notice of Filing of Petition for Modification of Certificate), filed October 13, 1972. Petitioner: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Petitioner's representative: Paul Schanno (same address as above). Petitioner presently holds a certificate in No. MC 13447 (Sub-No. 13), authorizing operation as a common carrier by motor vehicle, over irregular routes, of *cooked, cured, or preserved meats*, in vehicles equipped with mechanical refrigeration, from the plantsite of Peters Meat Products, Inc., at St. Paul, Minn., to Laurens and Sioux City, Iowa, with no transportation for compensation on return except as otherwise authorized. Restriction: Restricted to the transportation of traffic originating at the above-named plantsite and destined to the above-named destination points. By the instant petition, petitioner seeks modification of its certificate to read as follows: "from the plantsite of Schweigert Meat Co. at Minneapolis, Minn., in lieu of the present wording "from the plantsite of Peters Meat Products, Inc., at St. Paul, Minn." Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 60014 (Sub-No. 32), filed October 16, 1972. Applicant: AERO TRUCKING, INC., Post Office Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value), classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in Connecticut. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. This application is a matter directly related to MC-F-11693, published in the FEDERAL REGISTER issue of October 26, 1972. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11696. Authority sought for merger by CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, WI 54701, of the operating rights and property of McCLAIN DRAY LINE, INC., 404 Railroad Avenue, Marion, IN 46952, and for acquisition by FRANK BABBITT, also of Eau Claire, WI 54701, of control of such rights and property through the transaction. Applicants' attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be merged: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Connersville, Ind., and College Corner, Ohio, serving all intermediate points and the off-route point of Brownsville, Ind., between Cincinnati, Ohio, and College Corner, Ohio, serving all intermediate points, with restriction; between Cincinnati and Hamilton, Ohio, serving no intermediate points, between Hamilton and Millville, Ohio, serving all intermediate points, with restriction; between Hamilton and Oxford, Ohio, serving all intermediate points, between junction Ohio Highway 177 and unnumbered highway (formerly Ohio Highway 130) over unnumbered highway to McGonigle, and return over the same route, between Oxford, Ohio, and Richmond, Ind., serving all intermediate points, and the off-route points of Boston and Kitchell, Ind., between Marion, Ind., and Chicago, Ill., serving the intermediate points of Converse, Peru, Plymouth, and Kokomo, Ind., between Marion and Anderson, Ind., serving the intermediate point of Alexandria, Ind., and the off-route points of Gas City, Hartford City, and Jonesboro, Ind., between Marion and Muncie, Ind., serving the intermediate points of Alexandria, Anderson, Chesterfield, Daleville, and Yorktown, Ind., between Marion and Muncie, Ind., serving no intermediate points, but serving the off-route points of Alexandria, Gas City, Hartford City, and Jonesboro, Ind., between Marion and Muncie, Ind., serving the intermediate points of Gas City and Hartford City, Ind., and the off-route points of Alexandria and Jonesboro, Ind., between Richmond and Muncie, Ind., serving no intermediate points, between Muncie and Connersville, Ind., between New Castle and Richmond, Ind., serving all intermediate points, between Chicago, Ill., and junction Indiana Highway 49 and U.S. Highway 30, between Marion and Hartford City, Ind., between Anderson, Ind., and junction Indiana Highways 9 and 109, serving no intermediate points, between Hagerstown and Richmond, Ind., serving no intermediate points, in connection with said carrier's regular operations authorized herein between Richmond and Muncie, Ind., and between New Castle and Richmond, Ind., serving various intermediate and off-route points; over one alternate route for operating convenience only; *building materials and supplies, and iron and steel articles*, over irregular routes, between Oxford, Ohio, and points within 25 miles thereof, on the one hand, and, on the other, points in Ohio, and that part of Indiana south of U.S. Highway 24 and east of U.S. Highway 41, including points on the indicated portions of the highways specified; *prepared roofing and roofing material*, from Joliet, Ill., to Marion, Ind., with restriction; *general commodities*, with exceptions, between points in Ohio and Indiana within 40 miles of Oxford, Ohio, between Oxford, Ohio, on the one hand, and, on the other, points in Ohio within a radius of 50 miles of Oxford; *iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp. located in Putnam County, Ill., to points in Indiana and Ohio; *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Indiana and Ohio, to the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., with restriction. CHIPPEWA MOTOR FREIGHT, INC., is authorized to operate as a common carrier in Wisconsin, Minnesota, Illinois, Indiana, and Iowa. Application has not been filed for temporary authority under section 210a(b).

NOTE: Pursuant to order dated September 29, 1970, in No. MC-F-10835, transferee acquired control of transferor.

No. MC-11697. Authority sought for purchase by GERSON TRANSPORTATION, 475 Burlington Avenue, Bridgeton, NJ 08302, of a portion of the operating rights of WATKINS MOTOR LINES,

INC., 1120 West Griffin Road, Lakeland, FL 33801, and for acquisition by MOTOR CARGO TRANSPORT CORP., and in turn by, THOMAS R. ROCAP, both of 21 D'shibe Terrace, Vineland, NJ 08360, of control of such rights through the purchase applicants' attorney: Charles Ephraim, 1250 Connecticut Avenue, NW., Washington, DC 20036. Operating rights sought to be transferred: *Glass containers*, as a *common carrier* over irregular routes, from Bridgeton and Salem, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, from Millville, N.J., to Relay, Md.; *glassware*, from points in Cumberland County, N.J., to Tuckahoe, N.Y., and Relay, Md.; *used pallets, used platforms, used skids, and damaged glassware and glass containers*, from points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, to Bridgeton and Salem, N.J., from Tuckahoe, N.Y., and Relay, Md., to points in Cumberland County, N.J.; *glassware and glass containers*, from Salem, N.J., to certain specified points in Maine, and Manchester, N.H. Vendee is authorized to operate as a *common carrier* in Pennsylvania, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11699. Authority sought for control by OLD DOMINION FREIGHT LINE, Post Office Drawer 2006, High Point, NC 27261, of STAR TRANSPORT CO., INC., 4710 Hollins Ferry Road, Baltimore, MD 21227, and for acquisition by L. C. CROWDER, E. E. DONGDON, both of Post Office Box 1189, High Point, NC 27261, and J. R. CONGDON, Post Office Box 4265, Richmond, VA 23224, of control of STAR TRANSPORT CO., INC., through the acquisition by OLD DOMINION FREIGHT LINE. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Winchester, Va., and Frostburg, Md., serving all intermediate points; and off-route points within a territory bounded by a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 50 to certain specified points in Virginia, Maryland, and the District of Columbia; *general commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, over irregular routes, between points in Cumberland and Salem Counties, N.J., on the one hand, and, on the other, Providence, R.I., Corning, N.Y., and certain specified points in Pennsylvania, New York, Massachusetts, and Connecticut, between points in New Jersey, on the one hand, and, on the other, Baltimore, Md., between points in the Philadelphia, Pa., commercial zone as defined by the Commission; *flour*, in bulk, from Muirkirk, Md., to Baltimore, Md., and Washington, D.C.; *wool* imported from any foreign country, *wool tops and noils, and wool waste* (carded, spun, woven, or knitted), from North Chelmsford, Boston, East Weymouth, West Millbury, and Lawrence, Mass., to Baltimore, Md. Old Dominion Freight Line, is authorized to operate as a *common carrier*, in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Indiana, Michigan, Ohio, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Florida, Alabama, Mississippi, Missouri, Delaware, New Mexico, Texas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGER

No. MC–F–11695. Authority sought for control by LAIDLAW MOTORWAYS LIMITED (noncarrier), 65 Guise Street, Hamilton 21, Ontario, Canada, of GREY GOOSE BUS LINES LIMITED, 405–491 Portage Avenue, Winnipeg, Canada, and for acquisition by MICHAEL G. DEGROOTE, also of Hamilton 21, Ontario, Canada, of control of Grey Goose Bus Lines, Limited, through the acquisition by Laidlaw Motorways Limited. Applicants' attorney: David A. Sutherlund, 2001 Massachusetts Avenue NW., Washington, DC 20036. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Warroad and Baudette, Minn., between Warroad, Minn., and the United States-Canada boundary line, near Longworth, Minn., serving all intermediate points; passengers and their baggage, in round trip charter operations, over irregular routes, from points on the United States-Canada boundary line through ports of entry in North Dakota, Montana, and Minnesota, to points in the United States (except points in Alaska), and return. Laidlaw Motorways Limited holds no authority from this Commission. However, it is affiliated with Laidlaw Transport Limited, which is authorized to operate as a *common carrier* in New York, Illinois, Indiana, Ohio, Pennsylvania, Michigan, New Jersey, Maryland, and Delaware. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGER

No. MC–F–11698. Authority sought for merger into QUEEN CITY COACH COMPANY, of the operating rights and property of (B) SMOKY MOUNTAIN STAGES, INCORPORATED, (BB) CAROLINA SCENIC STAGES, AND (BBB) COASTAL STAGES CORPORATION, all of 417 West Fifth Street, Charlotte, NC 28201. Applicants are commonly controlled. Applicants' attorneys: D. Paul Stafford, 315 Continental Avenue, Dallas, TX 75207, and John Ray, 417 West Fifth Street, Charlotte, NC 28201. Operating rights sought to be merged: (B) Passengers and their baggage and etc., as a common carrier over regular routes, between Asheville, N.C., and Atlanta, Ga., between Chattanooga, Tenn., and Ranger, N.C., between Sylva, N.C., and Commerce, Ga., between Atlanta, Ga., and Anderson, S.C., between Carnesville, and Augusta, Ga., between Sevierville, and Greenville, Tenn., between Clarksville, and Atlanta, Ga., between Waynesville, N.C., and the junction of U.S. Highway 19 and U.S. Highway 19A, between Dellwood, N.C., and Knoxville, Tenn., between Cherokee, N.C., and junction Tennessee Highway 71 and Tennessee Highway 73, between Jefferson and Athens, Ga., between Clarksville, and Royston, Ga., between Hiawassee, Ga., and Hayesville, N.C., between Elberton, Ga., and Anderson, S.C., between Fontana, and Deals Gap, N.C., between Maryville, and Knoxville, Tenn., between Asheville, N.C., and Anderson, S.C., between Rosman, and Franklin, N.C., between junction U.S. Highway 64 and North Carolina Highway 294 and Ducktown, Tenn., between Sylva, N.C., and Greenville, S.C., between junction U.S. Highway 23 and unnumbered Georgia Highway near Dillard, Ga., and Highlands, N.C., between Canton, N.C., and Waynesville, N.C., between Lauada and Franklin, N.C., between Asheville and Enka, N.C., between junction Tennessee Highway 71 and Tennessee Highway 73 (near Gatlinburg, Tenn.) and Elkmont, Tenn., between Topton, N.C., and Maryville, Tenn., between Madisonville and Sweetwater, Tenn., between Franklin, N.C., and Madisonville, Tenn., between Fair Play, S.C., and Hiawassee, Ga., between Fair Play, S.C., and junction of South Carolina Highways 59 and 24, between Newport, Tenn., and Dellwood, N.C., between Gollywood and Toccoa, Ga., between Abbeville, S.C., and Lincolnton, Ga., between junction of Georgia Highway 104 and Clarks Hill Dam Road and Clarks Hill Dam, Ga., between Asheville, and Avery Creek, N.C., between Cleveland, Ga., and junction U.S. Highway 19 and Georgia Highway 141 north of Cummings, Ga.; (BB), commodity and route description as shown in (B), between Charlotte, N.C., and Augusta, Ga., between Batesburg, and Anderson, S.C., between Blacksburg, and Anderson, S.C., between Asheville, N.C., and Savannah, Ga., between Camden and Columbia, S.C., between Newberry and Johnston, S.C., between Clinton and Saluda, S.C., between Marion, N.C., and Greenwood, S.C., between Chimney Rock, N.C., and Spartanburg, S.C., between Salem Crossroads, and Winnsboro, S.C., between Rockton and Bookman, S.C., between Tryon and Ruthefordton, N.C., between Shelby, N.C., and North Carolina-South Carolina State line, between Shelby, N.C., and Gaffney, S.C., between Shelby, N.C., and junction North Carolina Highway 18 and unnumbered highway, between Winnsboro, S.C., and junction South Carolina Highway 200 and U.S. Highway 21, between points in North Carolina, serving all intermediate points, between Enoree and Union, S.C., between Union, S.C., and junction unnumbered highway and

South Carolina Highway 9, between Fort Lawn and Lancaster, S.C., between Chester and Nitrolee, S.C., between Great Falls, S.C., and junction South Carolina Highway 99 and South Carolina Highway 9, between Walhalla, and Anderson, S.C., between Honea Path and Whitmire, S.C., between Honea Path and junction of South Carolina Highway 52 with U.S. Highway 76 (near Laurens, S.C.), between Donalds and Greenwood, S.C., between Pelzer, S.C., and junction unnumbered Anderson County highway with South Carolina Highway 20, between Greenville, S.C., and junction of South Carolina Highway 296 with Interstate Highway 26, between junction South Carolina Highways 101 and 296 and Woodruff, S.C., between junction unnumbered county highway and South Carolina Highway 296 and junction of South Carolina Highways 290 and 296, between Landrum and Greer, S.C., between junction U.S. Highway 1 and South Carolina Highway 97 (near Camden, S.C.), and junction South Carolina Highway 97 and U.S. Highway 21, between Columbia, and St. Matthews, S.C., between junction South Carolina Highway 34 and unnumbered highway approximately 3 miles west of Winnsboro and Chester, S.C., between Hilton Head Island and the junction of South Carolina Highways 46 and 170; (BBB), commodity and route description as shown in (B), between Camden and Sumter, S.C., between Andrews and Myrtle Beach, S.C., between St. Matthews and Moncks Corner, S.C., between junction U.S. Highways 601 and 176 (2 miles south of St. Matthews) and junction of U.S. 176 and alternate U.S. 17 (12 miles south of Moncks Corner), between junction South Carolina Highways 6 and 33 and Orangeburg, between Charleston and Moncks Corner, S.C., between Moncks Corner, S.C., and junction Alternate U.S. Highway 17 with U.S. Highway 521, between Andrews and Sumter, S.C., between junction U.S. Highway 521 and South Carolina Highway 261 and junction South Carolina Highway 377 and U.S. Highway 521, between junction U.S. Highway 601 and South Carolina Highway 267 and junction South Carolina Highway 33 with South Carolina Highway 6, between Sumter and Andrews, S.C., between Andrews, S.C., and junction South Carolina Highway 41 and Alternate U.S. Highway 17, between junction Alternate U.S. Highway 17 and U.S. Highway 176 and Ten Mile Hill, S.C. (at the junction U.S. Highway 52 and Airport Road), between Eutawville and Holly Hill, S.C., between Sumter and Manning, S.C. Queen City Coach Company, is authorized to operate as a common carrier in Tennessee, North Carolina, South Carolina, and Georgia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-18641 Filed 10-31-72;8:51 am]

[Notice 149]

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-73873. By order entered October 17, 1972, the Motor Carrier Board approved the transfer to Rubber City Express, Inc., Akron, Ohio, of the operating rights set forth in Permit No. MC-76297, issued August 30, 1971, to Richard Dean Wendelken, doing business as Rubber City Express, authorizing the transportation of: Such commodities as are manufactured, processed and/or dealt in by rubber manufacturers and steel product manufacturers, and equipment, materials, and supplies used in the conduct of such businesses, from Akron, Ohio, to points in Rhode Island, Massachusetts, Connecticut, New York, and New Jersey; tire fabric, from Fall River and New Bedford, Mass., to Akron, Ohio; chemicals, from Naugatuck, Conn., to Akron, Ohio; and scrap tires and tubes, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N.J., and Albany and New York, N.Y., and points on Long Island, N.Y., to Akron, Ohio. Paul F. Beery, 88 East Broad Street, Columbus, OH 43215, attorney for applicants.

No. MC-FC-73947. By order of October 18, 1972, the Motor Carrier Board approved the transfer to Gollott & Sons Transfer & Storage, Inc., Biloxi, Miss., of Certificate of Registration No. MC-120472 (Sub-No. 1), issued October 13, 1964, to C. W. Gandy, Jr., and H. C. Gollot, a partnership, doing business as G & G Moving and Storage, Biloxi, Miss., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Common Carrier Certificate No. 3039, dated June 11, 1958, issued by the Mississippi Public Service Commission. Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205, attorney for applicants.

No. MC-FC-73990. By order of October 24, 1972, the Motor Carrier Board approved the transfer to George H. Germann, doing business as Germann Trucking Co., Mt. Vernon, Ill., of Certificates No. MC-117647 and subs thereunder issued April 24, 1959, November 19, 1963, August 13, 1964, and August 15, 1972, to James R. Noles and Mildred Noles, doing business as Noles Trucking, Terre Haute, Ind., authorizing the transportation of: Creosoted ties, piling, poles, structural timbers, etc., between points in Indiana, Illinois, Kentucky, Michigan, Ohio, Wisconsin, and Iowa. Robert W. Loser II, attorney, 1009 Chamber of Commerce, Indianapolis, Ind. 46204.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-18644 Filed 10-31-72;8:52 am]

[Notice 141]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 24, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 127840 (Sub-No. 32 TA), filed October 5, 1972. Applicant: MONTGOMERY TANK LINES, INC., 612 Maple, William Springs, IL 60480. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog mucosa*, in bulk, in tank vehicles, from St. Louis, Mo., to North Chicago, Ill., for 180 days. Supporting shipper: Abbott Laboratories, 1400 Sheridan Road, North Chicago, IL 60064. Send protests to: District Supervisor Robert G. Anderson, Interstate

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128375 (Sub-No. 82 TA), filed October 3, 1972. Applicant: CRETE CARRIER CORPORATION, Box 249, 1444 Main, Crete, NE 68333. Applicant's representative: Ken Adams (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive replacement parts, automotive accessories, and equipment, materials, and supplies* used in the manufacture of the above-described commodities (except in bulk), between Saco, Maine, on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, under continuing contract with the Maremont Corp., for 180 days. Supporting shipper: Edward A. Coxhead, Traffic Manager, Maremont Corp., 168 North Michigan Avenue, Chicago, IL 60601. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, NE 68508.

No. MC 135871 (Sub-No. 11 TA), filed October 4, 1972. Applicant: H. G. M. TRANSPORT COMPANY, 1079 West Side Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores and *supplies and equipment* used in the conduct of such business, for the account of S. E. Nichols, Inc., between Jersey City, N.J., on the one hand, and, on the other, Wilson, N.C., for 180 days. Supporting shipper: S. E. Nichols, Inc., 599 Eighth Avenue, New York, NY 10018. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136159 (Sub-No. 9 TA), filed October 5, 1972. Applicant: AVIS HIGGINS, doing business as A. B. S. MOVERS, 824 Valley View Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, sign poles, sign pole parts, and accessories*, from Portage, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shipper: General Indicator Corp. (GIC), 413 South Main Street, Pardeeville, WI 53954. Send protests to: Barney L. Hardin, District Superivsor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 136220 (Sub-No. 3 TA), filed September 29, 1972. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 Northeast Woodland, Ponca City, OK 74601. Applicant's representative: Roy Sullivan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the mining facilities of Buckhorn Coal Co., Ltd., Prairie View, Ark., to Coffeyville, Kans., and Bartlesville, Okla., for 180 days. Supporting shippers: John S. Van Aken, Manager National Zinc Co., Inc., Bartlesville, Okla. 74003; Wayne Livington, Purchasing Agent, Sherwin-Williams Chemicals, Post Office Box 855, Coffeyville, KS 67337. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136228 (Sub-No. 5 TA), filed October 2, 1972. Applicant: LUISI TRUCK LINES, INC., Post Office Box 606, New Walla Walla Highway No. 11, Milton-Freewater, OR 97862. Applicant's representative: Eugene Luisi (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and/or frozen meat*, from Wallula, Wash., to Seattle, Wash., for subsequent movement by water, for 180 days. Supporting shipper: Cudahy Co., Wallula, Wash. 99363. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136711 (Sub-No. 3 TA), filed October 5, 1972. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 616 South Western Avenue, Oklahoma City, OK 73125. Applicant's representative: David G. McCorkle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the mining facilities of Western Continental of Oklahoma, Inc., at or near Quinton, Okla., to the loading facilities of Sierra Coal Co., Inc., located on the Arkansas River at or near Webbers Falls, Okla., for 180 days. Supporting shipper: Harold Passmore, General Manager, Western Continental of Oklahoma, Inc., Denver, Colo. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136950 (Sub-No. 1 TA), filed September 29, 1972. Applicant: FROSTY TRANSPORTATION, INC., Box 184, Douglassville, PA 19518. Applicant's representative: Jay Rhoads (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries*, from points in Michigan, to Pottstown, Morgantown, Philadelphia, and York, Pa., Portsmouth, Va., and Silver Spring, Md., for 180 days. Supporting Shipper: Victor D. Rosso, Transportation Manager, Mrs. Smith's Pie Co., Box 298, Pottstown, PA 19464. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 138000 (Sub-No. 2 TA), filed October 11, 1972. Applicant: ARTHUR H. FULTON, R.F.D., Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newark, N.J., Winston-Salem, N.C., Cumberland, Md., Cleveland, Ohio, Philadelphia and Norristown, Pa., to points in Morgan, Berkeley, and Jefferson Counties, W. Va., for 180 days. Supporting shipper: Martin Distributing Co., Inc., 1182 Winchester Avenue, Martinsburg, W. Va. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20436.

No. MC 138050 (Sub-No. 1 TA), filed October 3, 1972. Applicant: STILWELL CANNING COMPANY, INC., Post Office Box 432, Stilwell, OK 74960. Applicant's representative: William P. Parker, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Indiana, Michigan, and Wisconsin to Arkansas City, and Wichita, Kans., and Enid, Okla., for 180 days. Supporting shipper: The Ranney-Davis Mercantile Co., Arkansas City, Kans. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capital, Little Rock, AR 72201.

No. MC 138076 (Sub-No. 1 TA), filed September 28, 1972. Applicant: HEAVY HAULING, INC., 1100 West Grand, Salina, KS 67401. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reciprocal engines, reciprocal engine parts, turbine engines, turbine engine parts, castings, steel plates, and shafting*, between shop, plant and/or warehouse facilities of Exline, Inc., located approximately 1½ miles east of Salina, Kans., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Mexico, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, for 180 days. NOTE: Applicant does not intend to tack the authority

here applied for to other authority which may be obtained by it, or to interline with other carriers. Supporting shipper: Exline, Inc., Post Office Box 1267, Salina, KS 67401. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 138083 TA, filed October 2, 1972. Applicant: ABBOT MOVING & STORAGE, INC., 2136 Northwest 24th Avenue, Miami, FL 33152. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida, restricted to the transportation of traffic having a prior or subsequent movement, in containers and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115; Kingpak, Inc., Post Office Box 18298, Wichita, KS 67218; Northwest Consolidators, Inc., Post Office Box 55010, North City Station, Seattle, WA 98155; Swift Home-Wrap, Inc., 839 Northeast Northgate Way, Seattle, WA 98125. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-18642 Filed 10-31-72;8:51 am]

[Notice 142]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 26, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 431 TA), filed October 11, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, 50704, Waterloo, IA 50702. Applicant's representative: Larry L. Strickler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail discount stores (except foodstuffs and commodities in bulk), from New York, N.Y., and commercial zone to Minneapolis-St. Paul, Minn., and commercial zone and Duluth, Minn., restricted to shipments originating at or destined to the facilities of Target Stores, Inc., for 180 days. Supporting shipper: Target Stores, Inc., 7120 Highway 65 NE., Fridley, MN 55432. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 52110 (Sub-No. 126 TA), filed October 6, 1972. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from the plantsite of Dubuque Packing Co. at Mankato, Kans., to points in Indiana, Ohio, Michigan, Pennsylvania, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Washington, D.C., and Louisville, Ky., for 150 days. Supporting shipper: Dubuque Packing Co., 1410 East 21st Street, Wichita, KS 67214. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 59531 (Sub-No. 95 TA), filed October 2, 1972. Applicant: AUTO CONVOY CO., a partnership doing business as, ESTATE OF HARRY E. STEWART, PETER P. STEWART, HENRY EXALL, JR., PETER STEWART TRUST A-E, WALDO E. STEWART TRUST I-5 and Ian, Inc., 3020 South Haskell Avenue, Dallas, TX 75223. Applicant's representative: Henry Exall, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as described in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Dallas, Tex., to points in Colorado, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Saab-Scania of America, Inc., Southwestern Region, 3400 Avenue E, East, Arlington, TX 76010. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 9A27, Dallas, TX 75202.

No. MC 68860 (Sub-No. 15 TA) (Correction), filed October 2, 1972, published in the FEDERAL REGISTER issue of October 20, 1972, corrected and republished in part as corrected this issue. Applicant: RUSSELL TRANSFER INCORPORATED, 444 Glenmore Drive, Salem, VA 24153. NOTE: The purpose of this partial republication is to include the State of West Virginia as a destination point, and to delete the State of Virginia, and to include John W. Hancock, Jr., Inc., Post Office Box 1400, Salem, VA 24153 as a supporting shipper. The rest of the notice remains the same.

No. MC 107496 (Sub-No. 862 TA), filed October 10, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint products*, in bulk, in tank vehicles, from Fort Madison, Iowa, to points in Alabama, Louisiana, and Texas, for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 109599 (Sub-No. 5 TA), filed October 6, 1972. Applicant: HOMER BENNETT TRUCKING CO., INC., 800 Allen Street, Post Office Box 543, Clovis, NM 88101. Applicant's representative: Larry L. Lamb, 500 Second Street, Albuquerque, NM 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses and buildings*, excluding trailers designed to be drawn by automobiles, and building in sections mounted on wheel undercarriages equipped with hitch-ball connectors, between various points in the State of New Mexico and various points on the Navajo and Hopi Indian Reservations, for 180 days. NOTE: Applicant states that it does intend to tack with the authority in MC 109599. Supporting shipper: Banes Co., Inc., 4322 Second Street NW., Albuquerque, NM 87107. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 109637 (Sub-No. 388 TA), filed October 10, 1972. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

vehicle, over irregular routes, transporting: *Dry synthetic rubber,* in bulk, from Dowling, Tex., to Clinton, Iowa, for 180 days. Supporting shipper: George W. Fillingame, Manager Truck & Air Transportation Section, Traffic Department, E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, DE 19898. Send protests to: Ross A. Davis, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111170 (Sub-No. 196 TA), filed October 4, 1972. Applicant: WHEELING PIPE LINE, INC., 2811 North West Avenue, Post Office Box 1718, El Dorado, AR 71730. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Phosphatic feed ingredients,* in bulk and in bags, from Van Buren, Ark., to points in Arkansas, Oklahoma, Kansas, Missouri, Colorado, Nebraska, Mississippi, and Louisiana, for 180 days. Supporting shipper: Occidental Chemical Co., Post Office Box 1185, Houston, TX 77001. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 112801 (Sub-No. 136 TA), filed October 6, 1972. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, 5100 West 41st Street, Chicago, IL 60650. Applicant's representative: Albert A. Andrin. 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Soybean solubles,* liquid, in bulk, from Remington, Ind., to Monence, Rockford, and Minonk, Ill., and Juneau, Wis., for 180 days. Supporting shipper: Griffith Laboratories, 1415 West 37th Street, Chicago, IL. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 115331 (Sub-No. 333 TA), filed October 11, 1972. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paint and paint products,* in bulk, from Fort Madison, Iowa, to points in Alabama, Louisiana, and Texas, for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 117940 (Sub-No. 81 TA), filed October 10, 1972. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Phonograph records and tapes, phonograph and tape players and recorders, radio and television receivers, musical instruments, and wire and wooden racks,* from Somerset, Mass., Mountainside and Pitman, N.J., Gloversville, Hauppauge, New York, and Oceanside, N.Y., and Allentown, Pa., to warehouse sites of Heilicher Bros., at Minneapolis, Minn., restricted to traffic originating at named origins and destined to the named destinations, for 180 days. Supporting shipper: Heilicher Bros., Inc., 7600 Wayzata Boulevard, Minneapolis, MN 55426. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 123885 (Sub-No. 8 TA), filed October 10, 1972. Applicant: C AND R TRANSFER CO., 1315 West Blackhawk Street, Sioux Falls, SD 57104. Applicant's representative: James W. Olson, 506 West Boulevard, Rapid City, SD 57701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* in bags and in bulk, from Sioux Falls, S. Dak., to Bloomfield, Newcastle, Plainview, Wisner, Tekamah, and Newman Grove, Nebr., Everly, Larchwood, Akron, and Rock Valley, Iowa; Worthington, Adrian, Currie, Leota, Chandler, Ballaton, Pipestone, and Ghent, Minn., for 180 days. Supporting shipper: South Dakota Cement Plant, Rapid City, S. Dak. 57701, John E. Doane, Director of Transportation and Terminals. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 124793 (Sub-No. 1 TA), filed October 5, 1972. Applicant: LOU'S TRANSPORT CO., LTD., 610 Dixon Road, Rexdale, ON, Canada. Applicant's representative: David C. Laub, 1410 Liberty Bank Building, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Mined zinc concentrate,* in bulk, in dump vehicles, from Kingston, Ontario, Canada, to Edwards and Balmat, N.Y., for 180 days. Supporting shipper: Lynx-Canada Explorations Ltd., Suite 1513, 25 Adelaide Street East, Toronto, ON, Canada. Send protests to: District Supervisor George M. Parker, Interstate Commerce Commission, Bureau of Operations, 612 Federal Office Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 126489 (Sub-No. 17 TA), filed October 3, 1972. Applicant: GASTON FEED TRANSPORTS, INC., Post Office Box 1066, 1203 West Fourth Street, Hutchinson, KS 67501. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed ingredients,* from Van Buren, Ark., to points in Arkansas, Oklahoma, Kansas, Missouri, Colorado, Nebraska, Mississippi, Louisiana, Texas, New Mexico, Iowa, and South Dakota, for 150 days. Supporting shippers: Occidental Chemical Co., Post Office Box 1185, Houston, TX 77001; International Minerals & Chemical Corp., IMC Plaza, Libertyville, Ill. 60048. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 127196 (Sub-No. 12 TA), filed October 10, 1972. Applicant: KLINE TRUCKING, INC., Rural Delivery No. 1, Millville, Pa. 17846. Applicant's representative: S. Berne Smith, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Artificial Christmas trees and component parts of artificial Christmas trees,* from the facilities and warehouses of Marathon Carey-McFalls Co., at Avis, Montgomery, and Philadelphia, Pa., to points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Marathon Carey-McFall Co., Montoursville, Pa. 17754. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 128075 (Sub-No. 24 TA), filed October 11, 1972. Applicant: LEON JOHNSRUD, Highway 9 West, Post Office Box 447, Cresco, IA 52136. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Butter and agricultural commodities* which are otherwise exempt under section 203(b)(6) of the Interstate Commerce Act, when transported with butter, from New Ulm, Minn., and Mason City, Iowa, to points in Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Rhode Island, and Ohio, for 180 days. Supporting shipper: Associated Milk Producers, Inc., Post Office Box 61, Mason City, IA 50401. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 128217 (Sub-No. 5 TA), filed October 10, 1972. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles* for the account of Clark Equipment Co., Melroe Division, Gwinner, N. Dak., from points in the Chicago, Ill., and Minneapolis, Minn., commercial zones to Cooperstown and Gwinner, N. Dak., for 180 days. Supporting shipper: Clark Equipment Co., Gwinner, N. Dak.

58040. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 133984 (Sub-No. 3 TA), filed October 4, 1972. Applicant: M. A. POPPERT, doing business as POPPERT TRUCKING COMPANY, City of Industry, Calif. 91744, Post Office Box 1142, Elmoute, CA 91734. Applicant's representative: Gerold Von Pahlen-Fedoroff, 9401 Wilshire Boulevard, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial, institutional, or store fixtures and equipment, and parts thereof*, from points in Los Angeles County, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Merchandising Equipment Group, Inc., 1683 Blake Avenue, Los Angeles, CA 90031. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135276 (Sub-No. 2 TA) (Correction), filed October 2, 1972, published in the FEDERAL REGISTER issue of October 20, 1972, and republished as corrected this issue. Applicant: GENE ROMSBURG ENTERPRISES, INC., South Water Street, Frederick, MD 21701. Applicant's representative: Francis J. Ortman, 110—17th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump trucks, from Warfordsburg, Pa., to the plantside of Frederick Asphalt Products Co., at or near Frederick, Md., and the plantsite of the Kline Paving Co., near Boonsboro, Md., for 180 days. Supporting shippers: Frederick Asphalt Products, Inc., and the Kline Paving Co., Post Office Box 665, Frederick, MD 21701. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20436. NOTE: The purpose of this republication is to show that the application is also supported by the Kline Paving Co.

No. MC 135936 (Sub-No. 8 TA), filed October 10, 1972. Applicant: LIEBMANN TRANSPORTATION CO., INC., Off.: Highway 65 North, Post Office Box 1022, Iowa Falls, IA 50126. Applicant's representative: C. H. Rogers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 207 and 766, except hides and commodities in bulk, from Denison and Iowa Falls, Iowa, to New York, N.Y., and Boston, Mass., for 180 days. Supporting shipper: Farmland Foods, Inc., Post Office Box 918, Iowa Falls, IA 50126. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 135936 (Sub-No. 9 TA), filed October 10, 1972. Applicant: LIEBMANN TRANSPORTATION CO., INC., Off.: Highway 65 North, Post Office Box 1022, Iowa Falls, IA 50126. Applicant's representative: C. H. Rogers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veterinary supplies* for use in or on livestock, in containers, from Louisville, Ky., Ashland, Ohio, Chicago, Ill., commercial zone, Van Buren, Ark., and Hannibal, St. Joseph, Lee Summit, and Kansas City, Mo., to Iowa Falls, Sioux City, and Cedar Rapids, Iowa, and Mankato, Minn., for 180 days. Supporting shipper: Iowa Veterinary Supply Co., Post Office Box 820, Iowa Falls, IA 50126. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 138077 TA, filed October 2, 1972. Applicant: PEP TRUCKING CO., INC., 386 Henderson Street, Jersey City, NJ 07302. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk in pneumatic type equipment, from Clifton and Jersey City, N.J., and Brooklyn Eastern District Terminal, Brooklyn, N.Y., to Elmont, N.Y., for 180 days. Supporting shipper: Andrew Sapienza Bakery, Inc., 553 Meacham Avenue, Elmont, L.I., N.Y. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 138098 TA, filed October 10, 1972. Applicant: JACK E. BRAZIL, doing business as BRAZIL VAN & STORAGE, 1427-D West Park Avenue, Redlands, CA 92373. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in the Counties of Imperial, San Diego, Kern, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo, Calif., for 180 days. Supporting shipper: Astron Forwarding Co., Post Office Box 161, Oakland, CA 94604. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 138099 TA, filed October 10, 1972. Applicant: EDWARD LOWRANCE, doing business as LOWRANCE MOVING & STORAGE, 735 West Commercial, Lebanon, MO 65535. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Camden, Christian, Dallas, Dent, Douglas, Greene, Howell, Laclede, Maries, Miller, Oregon, Ozars, Phelphs, Polk, Pulaski, Shannon, Stone, Taney, Texas, Webster, and Wright Counties, Mo., for 180 days. Supporting shippers: Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, WA 98109; Pyramid Van Lines, Inc., 479 South Airport Boulevard, South San Francisco, CA 94080. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-18645 Filed 10-31-72;8:52 am]

[Ex Parte MC-19; Sub-No. 18]

MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Released Rates; Filing of Petition for Institution of Rule Making Proceeding; Extension of Time

OCTOBER 25, 1972.

Household Goods Carriers' Bureau declaratory order—Certain procedures with respect to releasing the value of household goods shipments (49 CFR 1307.201(a)).

At the request of Mr. Allen J. O'Brien, attorney for Aerospace Industries Association of America, Inc., the time for filing representations has been extended from October 30, 1972, to November 13, 1972.[1]

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-18640 Filed 10-31-72;8:51 am]

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[1] Previous notice in this matter was published at 37 F.R. 20207, September 27, 1972.

FEDERAL REGISTER PAGES AND DATES—NOVEMBER

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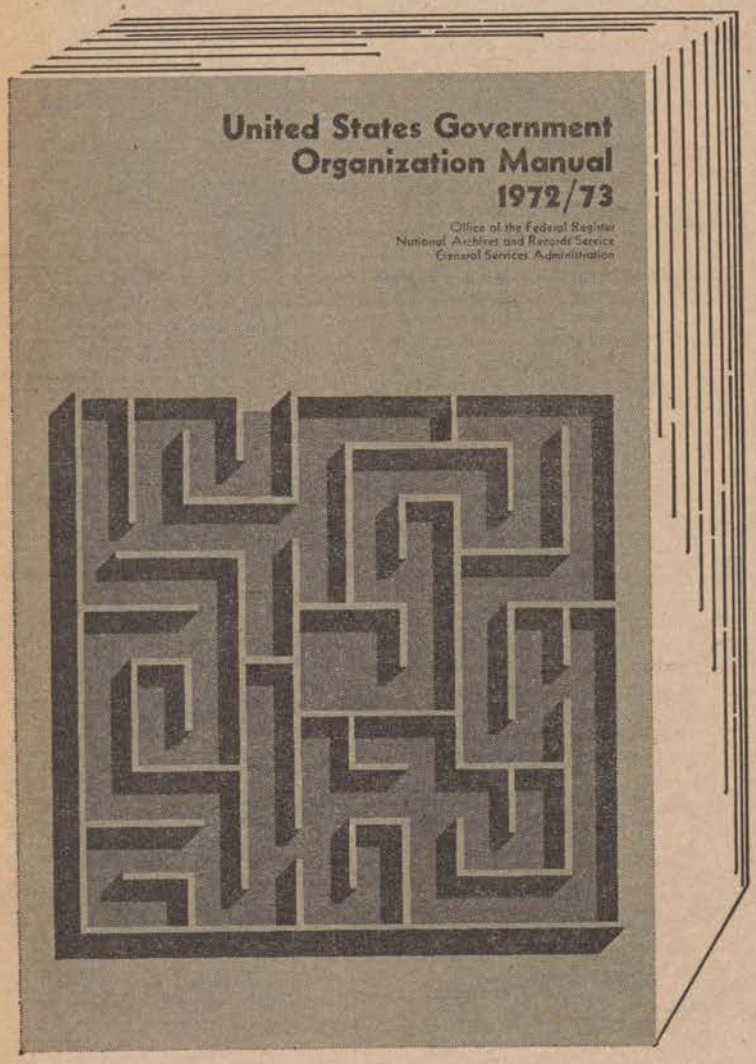

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