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HIGHLIGHTS OF THIS ISSUE

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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 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one additional position of confidential secretary to the Director, Special Action Office for Drug Abuse Prevention, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (11–7–72), subparagraph (1) of paragraph (j) of § 213.3303 is amended as set out below.

§ 213.3303 **Executive Office of the President.**

* * * * *

(j) *Special Action Office for Drug Abuse Prevention.* (1) Three confidential secretaries to the Director.

* * * * *

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

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

[FR Doc.72–19045 Filed 11–6–72;8:51 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of assistant to the Secretary is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (11–7–72), § 213.3316(a)(13) is amended as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

(a) *Office of the Secretary.* * * *

(13) Seven assistants to the Secretary.

* * * * *

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

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

[FR Doc.72–19047 Filed 11–6–72;8:51 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of special assistant to the Assistant Secretary for Public Affairs is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (11–7–72), subparagraph (20) of paragraph (a) under § 213.3316 is revoked.

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

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

[FR Doc.72–19043 Filed 11–6–72;8:51 am]

PART 213—EXCEPTED SERVICE

Administrative Conference of the United States

Section 213.3319 is amended to show that one position of Private Secretary to the Chairman is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (11–7–72), § 213.3319 is revoked.

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

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

[FR Doc.72–19048 Filed 11–6–72;8:51 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Confidential Secretary to the Chairman, National Advisory Council on Economic Opportunity, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (11–7–72), § 213.3337(g)(2) is added as set out below.

§ 213.3337 **General Services Administration.**

* * * * *

(g) *National Advisory Council on Economic Opportunity.* * * *

(2) One Confidential Secretary to the Chairman.

* * * * *

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

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

[FR Doc.72–19046 Filed 11–6–72;8:51 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the following positions are no longer excepted under Schedule C: Two Confidential Secretaries and one Special Assistant to the Assistant Secretary for Public Affairs. This section is further amended to reflect the following title changes: From one State Liaison Officer, Office of the Assistant Secretary for Public Affairs, to one State Liaison Officer, Office of the Director of Intergovernmental Relations; and from seven Congressional Liaison Officers, Office of the Assistant Secretary for Public Affairs, to seven Congressional Liaison Officers, Office of the Director of Congressional Affairs.

Effective on publication in the FEDERAL REGISTER (11–7–72), subparagraphs (5) and (8) of paragraph (a) are revoked and subparagraphs (16) and (17) of paragraph (a) are amended under § 213.3394 as set out below.

§ 213.3394 **Department of Transportation.**

(a) *Office of the Secretary.* * * *

(5) [Revoked]

* * * * *

(8) [Revoked]

* * * * *

(16) One State liaison officer, Office of the Director of Intergovernmental Relations.

(17) Seven congressional liaison officers, Office of the Director of Congressional Affairs.

* * * * *

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

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

[FR Doc.72–19044 Filed 11–6–72;8:51 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 41—STANDARD CONTAINERS

Deletion of Regulations

On October 22, 1968, Public Law 90–628 repealed the Standard Container Acts of 1916 and 1928. Sections 41.4 through 41.22 of the regulations issued under the Standard Container Acts were deleted from Title 7, Part 41, of the Code of Federal Regulations on January 29,

1971. However, through error, §§ 41.1 through 41.3 were not deleted at that time. Since the authority for these regulations has expired, §§ 41.1 through 41.3 are hereby deleted from Title 7, Part 41, of the Code of Federal Regulations.

This notice shall be effective upon publication in the FEDERAL REGISTER (11-7-72).

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

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

[FR Doc.72-19067 Filed 11-6-72;8:51 am]

Chapter III—Animal and Plant Health Inspection Service; Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Citrus Fruit

DELETION OF MARKING REQUIREMENT

On October 11, 1972, there was published in the FEDERAL REGISTER (37 F.R. 21444) under the administrative procedure provisions of 5 U.S.C. 553, a notice of proposed rule making, concerning an amendment to Notice of Quarantine No. 28 relating to the importation of citrus fruit (Unshu oranges) by deleting a marking requirement on the individual fruit. Interested persons were given until October 25, 1972, to submit written data, views, or arguments with respect to the proposal. Only one comment was received and it objected to the possible loss of identification of individual fruits by deleting the marking requirement.

This marking requirement was one of several safeguards included in the quarantine when it was amended in 1967 and 1972 to permit Unshu oranges into specified areas of the United States (32 F.R. 7958; 37 F.R. 7481). Such requirement has proven a considerable hardship to the importer. Because of the odd shape of the fruit, such marking must be done by hand rather than machine. It has been determined that such marking on the fruit is not necessary because the remaining safeguards contained in the quarantine are adequate to insure the identity of the individual fruits. Accordingly, it has been determined that the deletion of the individual fruit marking requirement will not affect the degree of pest risk of introducing citrus canker into the United States nor prevent the effective enforcement of the restrictions on interstate distribution of the fruit within the United States.

Therefore, pursuant to section 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 151 et seq.), paragraph (b)(4)(i) of Quarantine 28 (7 CFR 319.28) is amended by deleting the first sentence thereof.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162; 29 F.R. 16210, as amended, 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505)

Effective date. This amendment shall become effective upon issuance.

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

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

[FR Doc.72-19068 Filed 11-6 72;8:51 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1973

Basis and purpose and bases and considerations. This regulation is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101), hereinafter referred to as the "Act". The purpose of Sugar Regulation 811 is to determine pursuant to section 201 of the Act the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1973, and to establish sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the amount determined to be needed in 1973. Furthermore, this regulation determines and prorates and allocates deficits in quotas, establishes quantities of certain quotas that may be filled by direct-consumption sugar and establishes a liquid sugar quota.

In accordance with the rule-making requirements in 5 U.S.C. 553 there was published in the FEDERAL REGISTER (37 F.R. 21333) a notice of proposed rule making for the issuance of a regulation determining sugar requirements for the continental United States and establishing quotas for the calendar year 1973. Written data, views, or arguments for consideration in connection with the proposed regulation were to be submitted by interested persons prior to October 19, 1972. Thorough consideration has been given to all data, views, and comments received relative to the proposed regulation and are briefly summarized at the end of this statement of bases and considerations.

Subsection 201(a) of the Act requires a determination for each calendar year of the amount of sugar needed to meet the requirements of consumers in the continental United States and a revision of such determination during the calendar year whenever necessary to attain the price objective set forth in subsection 201(b) of the Act.

The price objective is a price for raw sugar which will maintain the same ratio between such price and the average of the parity index (1967=100) and the wholesale price index (1967=100) as the ratio that existed between (1) the simple average of the monthly price objective calculated for the period September 1, 1970, through August 31, 1971, under this section as in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971 (8.55 cents per pound), and (2) the simple average of such two indexes for the same period (115.4). Adjustments shall be made in the determination of requirements during the period November through February whenever the simple average price for raw sugar over 7 consecutive market days is 3 percent or more above or below the average price objective for the previous 2 calendar months. The percentage is increased to 4 percent for the March through October period.

During the first 9 months of 1972, the domestic price of raw sugar fluctuated from a low 8.76 cents per pound as an average for May to a high of 9.39 cents per pound as an average for September. The average for the 9-month period was 9.07 cents per pound or 100.4 percent of the average monthly price objective for the same period. The price on October 26 was 9.20 cents per pound, or 100.4 percent of the current price objective referred to in section 201 of the Act. In developing this determination, consideration has been given to maintaining prices in 1973 that will carry out the price objective set forth in section 201(b) of the Act.

In the proposal of October 3, the Secretary announced that consideration was being given to a requirement level of 11.8 million short tons, raw value. It now appears that cane sugar refiners' deliveries during 1972 will be somewhat less than estimated at that time and consequently, yearend stocks of quota sugar held by refiners will be greater.

In consideration of these matters, it is determined that 11.7 million short tons, raw value, is the quantity of sugar needed to meet the requirements of consumers in the continental United States and to attain the price objective of the Act.

A quota of 20,000 short tons, raw value, is established for the Texas Cane Area on the basis of estimated production from 1973 crop sugar available for marketing in 1973.

A quota of 1,110,000 short tons, raw value, is established herein for Hawaii pursuant to section 202(a)(3) of the Act. Such quota is subject to adjustment pending final data on the production and marketing of sugar by Hawaii in 1972.

The quota for Southern Rhodesia has been withheld pursuant to Executive Order 11322 issued on January 5, 1967, and is prorated herein to Western Hemisphere countries pursuant to section 202(d)(1)(B) of the Act.

On the basis of information currently available to the Department, it is herein determined, pursuant to section 202(d)(3) of the Act, that total quotas be withheld and not established for the Bahamas and Uganda for calendar year 1973. The total quantity of quotas withheld from the Bahamas and Uganda are prorated herein to other foreign countries in the same manner as deficits under section 204 of the Act.

It is also determined on the basis of information currently available to the

Department that no reduction is required at this time, pursuant to section 202(d)(3) and (4) of the Act, in the quotas established herein for other foreign countries. This action is based on the tentative assumption that each such country will fill its 1972 quota within a reasonable tolerance and that facts will be submitted which will support a finding that any deficit and/or shortfall in a country's 1972 quota was due to force majeure.

Production of sugar in Puerto Rico is not expected to exceed 335,000 short tons, raw value, while requirements for consumption in Puerto Rico are expected to be of the order of 130,000 tons. It appears that the quantity of sugar from Puerto Rico available for shipment to the continental United States would not be more than 205,000 tons. It is now estimated that the Domestic Beet Sugar Area may have a slightly lower effective inventory of sugar as of January 1, 1973, than at the beginning of 1972. The size of the effective inventory limits marketings of domestic beet sugar until new crop becomes available. Therefore, it appears that the Domestic Beet Sugar Area will be unable to market sugar in excess of 3,500,000 short tons, raw value. Accordingly, deficits are herein determined in the quotas for Puerto Rico and the Domestic Beet Sugar Area of 650,000 and 144,333 short tons, raw value, respectively, and such total quantity of 794,333 short tons, raw value, is herein allocated, pursuant to section 204 of the Act, to the Republic of the Philippines and Western Hemisphere countries with 1973 quotas in effect.

This determination differs from the proposal of October 3 in the following respects: (1) Sugar requirements and quotas have been reduced by 100,000 tons; (2) a quota of 20,000 tons has been established for the new Texas Cane Area; (3) the proposed quota for Hawaii has been reduced by 65,000 tons on the basis of recent estimates of 1972 crop sugar production in Hawaii; and (4) the quota established for the Bahamas has been withheld and a quota has been established for Bolivia.

The following views were received from interested persons regarding the proposed requirements level announced on October 3, 1972:

The American Sugar Cane League, of the U.S.A., Inc., the Florida Sugar Cane League, Inc., the Hawaiian Sugar Planters' Association, the National Sugarbeet Growers Federation and the growers of the Farmers and Manufacturers Beet Sugar Association recommended that 1973 requirements be established at 11,500,000 short tons, raw value. The California Beet Growers Association, Ltd., recommended a 1973 requirement level of 11,550,000 tons. A brief submitted on behalf of all of the sugar beet processors, except Spreckels Sugar Co., recommended a 1973 requirement level of 11,400,000 tons. In individual briefs by sugar beet processors, Michigan Sugar Co. also recommended requirements be establisesd at 11,400,000 tons while the Amalgamated Sugar Co. recommended that requirements be established significantly less than the 11,800,000 ton level proposed by the Department. The principal reason given for recommending a lower requirement level was the fear of lower sugar prices, especially during the next few months since quarterly import limitations cannot be imposed. Several stated that the Department's projection of domestic beet area deficits may be too high, others that the population or per capita consumption estimates used by the Department in making projections of U.S. requirements were too high. Some said that a high beginning requirement level takes the flexibility out of maintaining prices in line with the price objective. Several stated that the Department's own bases would support a requirement level of only 11,650,000 tons. None of the briefs received from processor or grower representatives mentioned that the then current raw sugar price exceeded the price objective in excess of 2 percent nor did they make reference to the short world sugar supply.

The U.S. Cane Sugar Refiners' Association supported the Department's proposed requirement level of 11,800,000 short tons, raw value. They also stated that they believed it imperative that foreign sugar quota holders receive notice immediately of the quantity of sugar they must commit to the U.S. market in 1973 so consumers are assured of adequate supplies at reasonable prices.

The Sugar Users Group, representing 12 food processing associations, recommended that 1973 sugar requirements be established at 12 million short tons, raw value. They pointed out that world sugar consumption continues to outpace world sugar production and that resulting higher prices could cause a delay in foreign sugar reaching the United States at various times during the year. For this reason the group stated that a larger quota is needed to insure adequate supplies at all times for the U.S. market. The group also projected that domestic consumption would increase due to more emphasis on the food stamp program, the special food services program, and the school lunch program. They also pointed out that the average raw price is currently higher than the price objective, that the average raw price for 1972 has exceeded the average guide price by one-half of 1 percent and that the 11,800,000-ton requirement level proposed by the Department may not result in actual shortages but it could well continue the trend of having an average spot price which is higher than the guide price set out in the Sugar Act.

Sec.
811.20 Sugar requirements 1973.
811.21 Quotas for domestic areas.
811.22 Proration and allocation of deficits in quotas.
811.23 Quotas for foreign countries.
811.24 Applicability of quotas.
811.25 Restrictions on importations and marketings within quotas.

AUTHORITY: §§ 811.20 to 811.25 issued under Sec. 403, 61 Stat. 932, 7 U.S.C. 1153; Secs. 201, 202, 204, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended; 7 U.S.C. 1111, 1112, 1114, 1117, 1118, 1119, 1120 and Public Law 92-138 approved October 14, 1971.

§ 811.20 Sugar requirements 1973.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1973 is hereby determined to be 11,700,000 short tons, raw value.

§ 811.21 Quotas for domestic areas.

(a)(1) For the calendar year 1973, domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act in column (1), and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act in column (2), as follows:

Area	Quotas	Direct-consumption limits
	(Short tons, raw value)	
	(1)	(2)
Domestic beet sugar	3,644,333	No limit
Mainland cane sugar	1,625,667	No limit
Texas cane area	20,000	No limit
Hawaii	1,110,000	40,356
Puerto Rico	855,000	169,000

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1973 Puerto Rico and the Domestic Beet Area will be unable by 650,000 and 144,333 short tons, raw value, respectively, to fill their quotas established in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.22 Proration and allocation of deficits in quotas.

(a) The deficit in the Puerto Rican and the Domestic Beet Area quotas determined in paragraph (a)(2) of § 811.21 of 794,333 short tons, raw value, is hereby prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 238,935 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 555,398 short tons, raw value, to Western Hemisphere countries on the basis of quotas determined herein pursuant to section 202.

(b) In establishing deficit prorations herein for Western Hemisphere countries consideration has been given to the purchase of U.S. agricultural commodities by such countries, by determining that the value of U.S. agricultural exports to each such country exceeded the total net receipts f.a.s. port of shipment derived from the sale of sugar from deficit prorations imported from each such country during the most recent 12-month period for which data are available. Each

foreign country which is unable to fill its quota including its deficit proration has the responsibility to notify the Secretary the extent of and reasons for such shortfall.

§ 811.23 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1973 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), (e), and (f) of this section.

(b) For the calendar year 1973, the quota for the Republic of the Philippines is 1,376,758 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202(b) of the Act, 238,935 short tons established pursuant to section 204 of the Act and 11,803 short tons established pursuant to section 202 (d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1973, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. In column (3) a portion of the deficit proration in the quotas of Puerto Rico and the Domestic Beet Area amounting to 555,398 short tons, raw value, is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act, on the basis of quotas determined herein pursuant to section 202. Total quotas and prorations are shown in column (4).

Production area	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d) [1]	Deficits and deficits prorations	Total quotas and prorations
		(Short tons, raw value)		
Dominican Republic	424,144	144,568	117,061	685,773
Mexico	375,103	127,851	103,525	606,479
Brazil	365,825	124,690	100,965	591,480
Peru	261,777	89,225	72,248	423,250
West Indies	136,521	46,532	37,679	220,732
Ecuador	54,012	18,409	14,907	87,328
Argentina	50,698	17,280	13,992	81,970
Costa Rica	45,728	15,586	12,621	73,935
Colombia	45,065	15,360	12,438	72,863
Panama	42,746	14,570	11,797	69,113
Nicaragua	42,746	14,570	11,797	69,113
Venezuela	40,757	13,893	11,249	65,899
Guatemala	39,101	13,327	10,792	63,220
El Salvador	28,497	9,713	7,865	46,075
British Honduras	22,533	7,681	6,219	36,433
Haiti	20,544	7,002	5,670	33,216
Honduras	7,953	2,710	2,195	12,858
Bolivia	4,308	1,469	1,189	6,966
Paraguay	4,308	1,469	1,189	6,966
Australia	166,344	46,276		212,620
Republic of China	69,255	19,266		88,521
India	66,604	18,529		85,133
South Africa	47,054	13,090		60,144
Fiji Islands	36,450	10,141		46,591
Mauritius	24,521	6,822		31,343
Swaziland	24,521	6,822		31,343
Thailand	15,243	4,240		19,483
Malawi	12,260	3,410		15,670
Malagasy Republic	9,941	2,766		12,707
Ireland	5,351			5,351
Total	2,489,910	817,267	555,398	3,862,575

[1] Proration of the quota withheld from Cuba, Southern Rhodesia, Bahamas, and Uganda.

(d) The importation of raw sugar within the annual quotas from foreign countries will be authorized on the basis of applications on Form SU-3 in accordance with the provisions of Part 817 of this chapter. Applications to import raw sugar from the Republic of the Philippines, before final approval, must be supplemented by certification from the Sugar Quota Administrator for the Government of the Philippines granting the applicant the permission to export sugar to the U.S. market.

(e) For the calendar year 1973, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country:	*Short tons, raw value*
Ireland	5,351
Panama	3,817

(f) For the calendar year 1973, the quota for liquid sugar for foreign countries as a group is 2 million gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substances that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

§ 811.24 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner, and conditions under which quotas and prorations are filled by the marketing and importation of sugar or liquid sugar.

(b) The quantitative limitations established by §§ 811.21 to 811.23, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to sections 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

§ 811.25 Restrictions on importation and marketings within quotas.

Subject to the provisions of Parts 816 and 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States, (a) any sugar or liquid sugar from any country for which no quota is established or in excess of or after the applicable quota or quantity set forth in §§ 811.21 to 811.23 inclusive has been filled, or (b) any sugar or liquid sugar as direct-consumption sugar from any country for which no direct-consumption sugar limitation is established or after the direct-consumption portion of the applicable quota has been filled.

Effective date. The Act provides for the determination of sugar requirements and the establishment of sugar quotas for the continental United States for the calendar year 1973 during October of 1972. This regulation applies to the submission and approval of applications to import sugar prior to January 1, 1973, for the importation of sugar subsequent to that date. Accordingly, it is hereby found to be impracticable and not in the public interest to comply with the 30-day effective date requirements in 5 U.S.C. 533. The aspects of § 811.23 relating to the submission and approval of applications shall be effective when filed with the Office of the Federal Register and all other provisions of this regulation shall become effective January 1, 1973.

Signed at Washington, D.C. on November 1, 1972.

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

[FR Doc.72-19016 Filed 11-2-72;11:23 am]

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

[Amdt. 13]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container, Pack, and Container Marking Regulations

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid market-

ing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of Texas oranges and grapefruit, as hereinafter set forth, is in accordance with the provisions of said marketing agreement and order, and will tend to effectuate the declared policy of the act.

(2) This action reflects the Department's appraisal of the need for restricting the use of containers and pack sizes to those most suitable for the packing and handling of fruit to promote orderly marketing, so as to provide consumers with good quality fruit and improve returns to producers pursuant to the declared policy of the act. The amendment suspends for the period November 6, 1972, through July 31, 1973, the requirement that bags having a capacity of 18 pounds of fruit be mesh or woven. The current requirement that bags having a capacity of 18 pounds of fruit be mesh or woven has been in effect since January 1, 1971, under § 906.340 (7 CFR 906.340; 37 F.R. 2765; 4707; 21800). The committee has asked for the temporary suspension of the "mesh or woven" requirement for this container; so that it will have a period of time to evaluate 18-pound bags of other types for shipping Texas oranges and grapefruit.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (i) the handling of fruit is now in progress and to be of maximum benefit the provisions of this amendment should be effective upon the date hereinafter specified, (ii) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, (iii) this amendment was recommended by members of the Texas Valley Citrus Committee in an open meeting at which all interested persons were afforded opportunity to submit their views, (iv) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and (v) this amendment relieves restrictions on the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas.

Order. It is therefore ordered that the provisions of § 906.340 (7 CFR 906.340; 37 F.R. 2765; 4707; 21800) are amended as follows:

Paragraph (a)(1)(iv) is amended to read:

§ 906.340 Container, pack, and container marking regulations.

(a) * * *

(1) * * *

(iv) Bags having a capacity of 5, 8, or 18 pounds of fruit: *Provided*, That on and after August 1, 1973, bags having a capacity of 18 pounds of fruit shall be of the mesh or woven type.

* * * * *

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

Dated, November 2, 1972, to become effective November 6, 1972.

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

[FR Doc.72-19064 Filed 11-6-72;8:51 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

List of Countries for Export Sales of Reserve Raisins

Notice was published in the October 12, 1972, issue of the FEDERAL REGISTER (37 F.R. 21538), regarding a proposal to change the list of countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers by the deletion of Mexico from such list. This action is pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 37 F.R. 19621, 20022), hereinafter referred to collectively as the "order," regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received within the prescribed time.

The list of countries to which handlers may make sales of reserve tonnage natural Thompson Seedless raisins was established pursuant to § 989.67(c) of the order and is contained in § 989.221 (7 CFR 989.221; 36 F.R. 20742) of the Subpart—Supplementary Orders Regulating Handling. The Committee has reviewed the list as required by § 989.67(c), and has recommended that it be changed by deleting Mexico from such list. After such deletion, sales to Mexico by handlers could be made solely from free tonnage raisins of such varietal type.

Mexico was added to the aforesaid list in November of 1968. After a review of handler shipments of raisins to Mexico and market conditions and prices of natural Thompson Seedless raisins in Mexico over the past 4 years, the Committee concluded that such shipments do not justify continued inclusion of Mexico on the list. The price to handlers for reserve tonnage NTS raisins shipped to Mexico has been less than the price for free tonnage NTS raisins during the 4 years in which sales to Mexico were made from reserve tonnage raisins. Shipments during this period did increase slightly over the shipments made during a comparable period preceding 1968. However, the Committee concluded that such increase was not sufficient to offset the lower financial returns to producers received for reserve tonnage.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, changing the list of countries to which sale of reserve tonnage natural Thompson Seedless raisins may be made by handlers by deleting Mexico from such list is hereby approved.

Therefore, § 989.221 is amended to read as follows:

§ 989.221 Countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers.

The countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers shall be all of those countries, other than Australia, outside of the Western Hemisphere. For purposes of this section, "Western Hemisphere" means the area east of the international dateline and west of 30° W. longitude but excluding all of Greenland. All of the countries covered by this section to which sale in export of such reserve tonnage may be made shall be deemed listed in this section for the purposes of § 989.67(c).

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

Dated: November 2, 1972.

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

[FR Doc.72-19065 Filed 11-6-72;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1972 CROP—BURLEY TOBACCO TYPE 31, ADVANCE SCHEDULE

On September 28, 1972, there was published in the FEDERAL REGISTER (37 F.R. 20256) a notice of proposed rule making setting forth the proposed price support advance rates for 1972 crop burley tobacco, type 31. Interested parties were given the opportunity to submit within 30 days data, views, and recommendations regarding the proposed advance rates.

No unfavorable comments have been received and proposed advance rates are hereby adopted without change and are set forth below. The material previously appearing under § 1464.21 remains applicable to the crop to which it refers.

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on October 31, 1972.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

§ 1464.21 1972 Crop—Burley tobacco, type 31, advance schedule.[1]

DOLLARS PER HUNDRED POUNDS, FARM SALES WEIGH

Grade	Advance rate	Grade	Advance rate
B1F	80.25	T4VF	71.25
B2F	79.25	T5VF	67.25
B3F	78.25	T4VR	63.25
B4F	77.25	T5VR	59.25
B5F	76.25	T4GF	65.25
B1FR	77.25	T5GF	61.25
B2FR	76.25	T4GR	58.25
B3FR	75.25	T5GR	55.25
B4FR	74.25	C1L	82.25
B5FR	72.25	C2L	81.25
B1R	75.25	C3L	80.25
B2R	74.25	C4L	79.25
B3R	73.25	C5L	78.25
B4R	72.25	M3FR	70.25
B5R	70.25	M4FR	66.25
B4D	62.25	M5FR	62.25
B5D	58.25	N1L	74.25
B3K	73.25	N2L	67.25
B4K	71.25	C1F	82.25
B5K	66.25	C2F	81.25
B3M	75.25	C3F	80.25
B4M	73.25	C4F	79.25
B5M	67.25	C5F	78.25
B3VF	77.25	C3K	77.25
B4VF	74.25	C4K	75.25
B5VF	71.25	C5K	70.25
B3VR	69.25	C3M	78.25
B4VR	68.25	C4M	76.25
B5VR	65.25	C5M	72.25
B3GF	70.25	C3V	79.25
B4GF	68.25	C4V	77.25
B5GF	65.25	C5V	73.25
M1F	79.25	C4G	67.25
M2F	78.25	C5G	63.25
M3F	77.25	X1L	82.25
M4F	75.25	X2L	81.25
M5F	72.25	X3L	80.25
B3GR	63.25	X4L	79.25
B4GR	61.25	X5L	78.25
B5GR	58.25	X1F	82.25
T3F	76.25	X2F	81.25
T4F	73.25	X3F	80.25
T5F	70.25	X4F	79.25
T3FR	74.25	X5F	78.25
T4FR	72.25	X4M	76.25
T5FR	69.25	X5M	70.25
T3R	69.25	X4G	71.25
T4R	66.25	X5G	65.25
T5R	62.25	N1F	69.25
T4D	61.25	N1R	57.25
T5D	58.25	N2R	51.25
T4K	60.25	N1G	55.25
T5K	57.25	N2G	51.25

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 15 U.S.C. 714b, 714c)

[FR Doc.72-19018 Filed 11-6-72;8:46 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 456.1]

PART 1864—DEBT SETTLEMENT

Cancellation of Debt Discharged in Bankruptcy

Section 1864.5(c) is revised to provide for the attachment of a copy of the referee in bankruptcy's order of discharge to Form FHA 456-1, "Application for Settlement of Indebtedness," when a debt has been discharged in bankruptcy. The Office of the General Counsel does not have to be consulted unless the county office files contain evidence of a false loan application or a willful and malicious conversion of security property.

As amended, § 1864.5(c) of Part 1864, Title 7, Code of Federal Regulations (36 F.R. 17836) will read as follows:

§ 1864.5 Cancellation of nonjudgment debts, regardless of the amount of deceased, disappeared, and bankrupt debtors without applications.

* * * * *

(c) *Cancellation of debts that have been discharged in bankruptcy.* Debts discharged in bankruptcy may be canceled by the use of Form FHA 456-2. A copy of the referee in bankruptcy's order of discharge must be attached to Form FHA 456-1. The advice of OGC should not be requested unless the county office files contain evidence of a false loan application or a willful and malicious conversion of security property.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Secretary of Agriculture, 37 F.R. 14245; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529; order of Director, OEO, 29 F.R. 14764)

Dated: October 20, 1972.

ARTHUR C. HARMAN, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.72-18925 Filed 11-6-72;8:45 am]

[FHA Instruction 452.1]

PART 1867—RENEWING OPERATING LOANS

Return of Promissory Note

Section 1867.9 is amended to provide for the return of the original renewed promissory note to the borrower, except in Louisiana.

Section 1867.9, Part 1867, Title 7, Code of Federal Regulations (36 F.R. 17843), as amended will read as follows:

§ 1867.9 Disposition of renewed promissory notes.

Promissory notes which have been renewed will be stamped "RENEWED, NOT PAID." The original note will be forwarded by the Finance Office to the county office. The county office will return the note to the borrower. The county office copy will be marked "Renewed, Not Paid" and retained in the county office case file. In Louisiana, the original note will not be returned to the borrower, but will be retained in the county office case file. When the renewed loan has been paid in full or otherwise satisfied, the renewal note will be handled as provided in § 1861.8 or in § 1864.17 of this chapter.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Secretary of Agriculture, 37 F.R. 14245; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Dated: October 20, 1972.

ARTHUR C. HARMAN, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.72-18924 Filed 11-6-72;8:45 am]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 471.1]

PART 1873—TRANSFER OF INSURED ASSOCIATION, SOIL AND WATER INDIVIDUAL, FARM OWNERSHIP, AND HOUSING NOTES

Part 1873, Title 7, Code of Federal Regulations (31 F.R. 14237) currently in effect under §§ 1873.1 to 1873.8 has been revised for clarification.

This Part 1873 delegates authority and prescribes policy and procedure for the sale, assignment, or transfer of the ownership of notes or bonds.

The revised Part 1873 reads as follows:

Sec.
1873.1 Scope.
1873.2 Definitions.
1873.3 Delegations of authority.
1873.4 General policies.
1873.5 Procedure for sale of insured notes by private holders to private buyers.
1873.6 Procedure for assignment of insured notes to FHA.
1873.7 Assignment of notes by FHA from the insurance fund.
1873.8 Assignment of insured notes by FHA as trustee.
1873.9 Procedure to be followed upon the death of a holder of an insured note.

AUTHORITY: The provisions of this Part 1873 issued under section 339, 75 Stat. 318, 7 U.S.C. 1989; section 510, 63 Stat. 437, 42 U.S.C. 1480; section 4, 64 Stat. 100, 40 U.S.C. 442; order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Secretary of Agriculture, 37 F.R. 14245; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

§ 1873.1 Scope.

This part delegates authority and prescribes policy and procedure for the sale, assignment, or other transfer of the ownership of notes or bonds which evidence any of the following types of insured loans: association, soil and water (SW) individual, or farm ownership (FO) loans in cases in which the United States is the mortgagee; or domestic farm labor housing (LH), rural rental housing (RRH), or section 502 rural housing (RH) loans.

§ 1873.2 Definitions.

As used in this part:

(a) "FHA" is the United States acting through the Farmers Home Administration. "FHA" does not include "FHA as Trustee."

(b) "FHA as Trustee" is the United States acting through the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation (SRRC) under a section 2(f) agreement.

(c) "Insurance fund" is the Agricultural Credit Insurance Fund authorized by section 309 of the Consolidated Farmers Home Administration Act of 1961, if the loan is insured in accordance with that section, or the Rural Housing Insurance Fund authorized by section 517 of the Housing Act of 1949, if the loan is insured in accordance with that section.

(d) "Insured note" is any promissory note or bond evidencing an insured loan of a type specified in § 1873.1, regardless of whether it is held by FHA in the insurance fund, by a private holder, or by FHA as Trustee.

(e) "Insurance agreement" is the entire contract evidencing and setting forth the terms and conditions of FHA's insurance of payment of an insured note. The insurance agreement with respect to any particular loan may be evidenced by Form FHA 440–5, "Insurance Endorsement (Insured Loan)," Form FHA 440–30, "Insurance Endorsement (Insured Loans)," Form FHA 471–6, "Reinsurance and Repurchase Agreement (Automatic Renewal)," or any other form or forms prescribed by the national office and executed by an authorized official of FHA. It may include such provisions as, for example, an agreement of FHA to purchase or repurchase the loan, or to make supplementary payments from the insurance fund.

(f) "Insured holder" is the current owner of an insured note other than FHA, according to the records of FHA as insurer of the note.

(g) "Private holder" is an insured holder other than FHA as Trustee.

(h) "Sale," "seller," and "buyer" are, respectively, the transfer of ownership (including possession or the right of possession), the transferor, and the transferee.

(i) "Repurchase agreement" is a provision in the insurance agreement obligating FHA to buy the insured note at the option of the holders.

(j) "Option period" is any period during which the insured holder has the optional right to require the FHA to purchase the insured note, as specified in the insurance agreement.

(k) "Fixed period" is any time interval (preceding an option period) during which the insured holder is not entitled to require FHA to purchase the insured note, as specified in the insurance agreement.

(l) "Par value" is the total amount to which the insured holder is entitled under the terms of the insurance agreement.

(m) "Director, Finance Office" is the Director or the Insured Loan Officer of the Finance Office of FHA.

(n) "State Director" is the State Director of FHA for the State in which is located the real estate improved, purchased, or refinanced with the loan evidenced by the insured note.

(o) "National Office" is the Administrator or other authorized officer of the FHA in Washington, D.C.

(p) "Private buyer" is a buyer of an insured note other than FHA, or FHA as Trustee.

§ 1873.3 Delegations of authority.

Subject to the provisions of this part:

(a) The Director, Finance Office, is authorized in connection with the sale of any insured note to execute required documents on behalf of FHA and to take other appropriate action, including but not limited to:

(1) Endorsing any insured note to the order of a private buyer and executing the applicable insurance agreement.

(2) Acknowledging notice of sale of an insured note.

(3) Requiring an insured holder to sell an insured note to FHA, when requested by the State director, or by the county supervisor with the approval of the State director.

(4) Accepting sale to FHA of an insured note.

(5) Authorizing disbursements from the insurance fund to pay for insured notes being sold to FHA.

(b) The Director, Finance Office, or the State Director is authorized on behalf of FHA as trustee, to sell an insured SW or FO note held by FHA as trustee.

(c) The State Director, or County Supervisor with the approval of the State Director, is authorized to request the Director, Finance Office, to require an insured holder to sell an insured note to FHA in connection with any voluntary conveyance of foreclosure, or transfer related to liquidation of the borrower's account or any other servicing action so related.

(1) Upon recommendation by the State Director that purchase of an insured note is necessary for any servicing action not related to liquidation of the borrower's account, authorization may be given by the national office.

§ 1873.4 General policies.

(a) *Effective date of assignment.* When an insured note is sold by a private holder to a private buyer, notice of such sale executed by the seller must be given to and acknowledged by FHA in order for the sale to be binding upon FHA; and, as to FHA, the effective date of the sale will be the acknowledgment date specified in the acknowledgment of notice executed by FHA.

(b) *Assignment to FHA at request of FHA.* At any time FHA deems it necessary for proper servicing of the loan, FHA may in writing require a private holder to sell an insured note to FHA.

(c) *Assignment to FHA at option of holder.* A private holder at any time during the option period may in writing require FHA to purchase an insured note, if the insurance agreement so provides.

(d) *Price.* Where FHA is buyer of an insured note, the price will be the par value as of the effective date of the sale. In other cases, the price will be determined by agreement between the parties.

§ 1873.5 Procedure for sale of insured notes by private holders to private buyers.

(a) Upon receipt of notice from a private holder of intention to assign an insured note, the Director, Finance Office, will send the holder Form FHA 471–7, "Notice and Acknowledgment of Sale of Insured Loan," a statement of the unpaid principal, and appropriate information on how to complete the assignment. If requested, the Director, Finance Office, will furnish a statement of account instead of or in addition to a statement of the unpaid principal.

(b) If the Director, Finance Office, is informed that an insured note has been assigned and FHA is requested to recognize the assignment, the Director, Finance Office, will send the assignor Form FHA 471–7 with directions for its execution.

(c) Upon receipt of Form FHA 471–7 properly executed by the assignor, the Director, Finance Office, will complete and execute the acknowledgment section of the form. The Director, Finance Office, will retain the original of the form, have three facsimile copies made, and send one to the assignor, one to the assignee, and one to the County Supervisor. For any correction or other change to be made in the record of the name or address of a private holder, or of a designated agent of a private holder, a request will be made to FHA in writing.

(d) As of the date of the acknowledgment executed by the Director, Finance Office, on Form FHA 471–7, the Director, Finance Office, will transfer the insured note from the assignor to the assignee as the insured holder on the records of FHA. The name and address of the assignee will be recorded by FHA exactly as they appear on Form FHA 471–7.

(e) Payments transmitted by FHA on or after the acknowledgment date shown on Form FHA 471–7 will be transmitted to the assignee. The Director, Finance Office, will give notice to the assignor and the assignee of any payments transmitted by FHA to the assignor before the acknowledgment date and after either the date of sale, or the date of the statement of account, whichever is earlier. However, FHA will not be liable for any failure to give such notice.

(f) The Federal National Mortgage Association has statutory authority to purchase, in its secondary market operations, loans insured under title V of the Housing Act of 1949. In case of an assignment of an insured LH, RRH, or RH note by a private holder to the Federal National Mortgage Association:

(1) The Director, Finance Office, will verify that the insured note covered by the notice and acknowledgment evidences an LH, RRH, or RH loan when he executes the acknowledgments and will have the following statement stamped or typed on Form FHA 471–7:

The payment of the note or bond covered by this notice and acknowledgment is insured pursuant to title V of the Housing Act of 1949.

(2) A statement of account as of the acknowledgment date will accompany the copies of Form FHA 471–7 sent to the assignor and assignee respectively.

§ 1873.6 Procedure for assignment of insured notes to FHA.

(a) *Assignment at the request of the holder.* For assignment of an insured

note to FHA during the option period at the request of the holder, the following procedure will apply:

(1) The holder will endorse the insured note as follows: "Pay to the order of the United States of America. Without recourse." The holder will then deliver the endorsed note, together with the insurance agreement, to the Director, Finance Office.

(2) Upon receipt of the endorsed note with the accompanying insurance agreement, the Director, Finance Office will:

(i) Acknowledge receipt of the note; and

(ii) Process payment to the assignor of the par value of the note as of the date of the Treasury check.

(b) *Assignment at the request of FHA.* The procedure for assigning an insured note at the request of FHA will be the same as that prescribed in paragraph (a) of this section, except that the Director, Finance Office, will send a written request to the holder that the insured note be assigned to FHA and delivered to the Director, Finance Office, with the accompanying insurance agreement. The Director, Finance Office, will explain that the assignment is necessary to enable FHA to service the account properly and will give the holder all necessary information as to the manner of making the assignment and the amount to be paid by FHA.

§ 1873.7 Assignment of notes by FHA from the insurance fund.

(a) Upon completion of negotiations for the sale of notes by FHA from the insurance fund to a private buyer, the Director, Finance Office, will ascertain:

(1) The precise name and correct mailing address of the buyer (and the precise name and correct mailing address of the buyer's collection agent, if any).

(2) The manner and time of delivery of the notes.

(3) The agreed arrangements for making payment for the notes.

(4) The agreed or proposed effective date of sale.

(5) The rate of any annual charge or additional payments, and the length of any fixed period, to be stipulated in the insurance agreement.

(6) Any other pertinent information.

(b) The Director, Finance Office, will send the buyer a list of the notes showing each borrower's name and case number and the selling price of each note as of the agreed or proposed effective date of sale.

(c) If payment is to be made in advance of delivery of the notes, the Director, Finance Office, will request the buyer to forward a check or draft before the effective date of sale, drawn to the order of the FHA, in the amount of the aggregate selling price. If the buyer is a reputable institution, its check or draft, or a certified check or cashier's check may be accepted. In all other cases, payment by certified check or cashier's check will be required. Upon receipt of payment, the Director, Finance Office, will:

(1) Endorse each note to the order of the buyer.

(2) Execute for each note an insurance agreement on Form FHA 440–5, Form FHA 440–30, Form FHA 471–6, or other form prescribed or approved by the National Office, whichever is applicable. When a repurchase agreement is not to be included in the insurance agreement, the paragraph providing for a repurchase agreement will be deleted, and the deletion initialed by the Director, Finance Office.

(3) Send the notes, with the executed insurance agreements to the buyer by certified mail, return receipt requested, except that:

(i) If a sight draft is received in payment, the Director, Finance Office, will attach it to the endorsed notes and executed insurance agreements and send them by certified mail, return receipt requested, to the bank designatd by the buyer. The buyer will pay the bank's charges for handling the transaction. The bank's remittance in payments of the draft must be made on or before the agreed effective date of the sale of the notes.

(4) Inform the County Supervisor of the assignment by providing him with a copy of Form FHA 451–12, "Statement of Account," stamped to show the new fund code and the name and address of the buyer.

(d) If the agreed terms and conditions of sale provide for delivery and payment by other means that those described in paragraph (c) of this section, the Director, Finance Office, will make the necessary arrangements.

§ 1873.8 Assignment of insured notes by FHA as trustee.

(a) *Assignment to a private buyer.* (1) Upon completion of negotiations for sale to a private buyer of insured notes held by FHA as Trustee, the State Director will send the notes to the Director, Finance Office, by certified mail, return receipt requested.

(2) Payment for the notes will be drawn to the order of "Farmers Home Administration, Trustee of the (insert name of the SRRC)."

(3) In all other respects, § 1873.7 will apply.

(b) *Assignment to FHA for account of the insurance fund.* When it becomes necessary to assign to FHA for account of the insurance fund an insured note held by FHA as Trustee, the State Director will:

(1) Send the note to the Director, Finance Office.

(2) Request the Director, Finance Office, to take the necessary steps immediately to assign the loan to FHA for account of the insurance fund and make payment therefor.

§ 1873.9 Procedure to be followed upon the death of a holder of an insured note.

The Director, Finance Office, should be notified of the death of a holder of an insured note. The following documents should be forwarded with the notice if available:

(a) A certified copy of the death certificate.

(b) A certified copy of the court order appointing the Administrator or Executor (includes the mailing address of the Administrator or Executor). The Director, Finance Office, will notify the attorney, trust officer, Administrator, or Executor of the estate if any other records or documents are needed, and will provide any additional instructions that are needed. Legal opinions and advice will be obtained by the Finance Office as needed from the Regional Attorney.

Dated: October 20, 1972.

ARTHUR C. HARMAN, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.72–18923 Filed 11–6–72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11377; Amdt. 39–1555]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley de Havilland Model DH–104 "Dove" Airplanes

Amendment 39–1457 (37 F.R. 11155), AD 72–12–3, as amended by Amendment 39–1542 (37 F.R. 21528), requires the replacement of the two main air reservoir assemblies with new assemblies, which contain new air bottles, on Hawker Siddeley de Havilland Model DH–104 "Dove" airplanes. After issuing Amendment 39–1542, the FAA determined that a critical shortage of replacement parts still existed. Therefore, the AD is being further amended to extend the compliance date to February 1, 1973.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1457 (37 F.R. 11155), AD 72–12–3, as amended by Amendment 39–1542 (37 F.R. 21528), is further amended by amending the compliance statement to read as follows:

Compliance is required on or before February 1, 1973.

This amendment becomes effective November 13, 1972.

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

Issued in Washington, D.C., on October 31, 1972.

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

[FR Doc.72–18979 Filed 11–6–72;8:49 am]

[Airspace Docket No. 72-WE-33]

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

Revocation of VOR Federal Airway Segment

On September 9, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 18396) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the south alternate to VOR Federal airway No. 16 between Toltec, Ariz., Intersection and Tucson, Ariz.

Interested persons were afforded an opportunity to participate in the proposed rule making through the 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 § 71.123 (37 F.R. 2009) V-16 is amended as follows:

Delete "Tucson, Ariz.; including a south alternate from INT Phoenix 161° and Casa Grande 105° radials, to Tucson via INT Phoenix 161° and Tucson 298° radials; Cochise, Ariz.," and substitute "Tucson, Ariz.; Cochise, Ariz.," therefor.

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

Issued in Washington, D.C., on October 31, 1972.

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

[FR Doc.72-18980 Filed 11-6-72;8:49 am]

[Airspace Docket No. 72-SO-109]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Miami, Fla. (Opa Locka Airport), control zone.

The Miami (Opa Locka Airport) control zone is described in § 71.171 (37 F.R. 2056). In the description, an extension is predicated on Miami VORTAC 108° radial. The final approach radial for the VOR Runway 9L Instrument Approach Procedure has been refined to the Miami VORTAC 110° radial. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Miami, Fla. (Opa Locka Airport), control zone is amended as follows: "* * * 108° * * *" is deleted and "* * * 110° * * *" is substituted therefor.

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

Issued in East Point, Ga., on October 26, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-18981 Filed 11-6-72;8:49 am]

[Airspace Docket No. 72-SO-65]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Area High Routes

Correction

In F.R. Doc. 72-18292 appearing on page 22974 of the issue of Friday, October 27, 1972, the first line of paragraph c reading, "c. In J934B "Bremen, Ga. 33°39'N./", should read, "c. In J934R "Bremen, Ga. 33°39'32" N./".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8818-o]

PART 13—PROHIBITED TRADE PRACTICES

Firestone Tire & Rubber Co.

Correction

In F.R. Doc. 72-18346 appearing at page 22977 of the issue for Friday, October 27, 1972, the following words should be inserted in the first ordering paragraph, just before the words, "of the Commission * * *": "be, and it hereby is, adopted as the decision".

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5316, 34-9804, 35-17717, IC-7405]

REGISTRATION OF CERTAIN TRANSACTIONS INVOLVING MERGERS, CONSOLIDATIONS AND ACQUISITIONS OF ASSETS

The Securities and Exchange Commission today announced the adoption of Rule 145 (17 CFR 230.145) under the Securities Act of 1933 (Act) and several related proposals and the prospective rescission of Rule 133 (17 CFR 230.133) under that Act. The effect of this action will be to subject transactions involving business combinations of types described in the new rule to the registration requirements of the Act. Rule 145 is designed to implement the purpose and policies underlying the Act and is based on the Commission's experience in administering Rule 133, the interpretations of and problems under that rule, the recommendations of the Disclosure Policy Study's 1969 report, and comments received on previously proposed revisions of the rule and related proposals as published on October 9, 1969, in Securities Act Release No. 5012 (34 F.R. 17180) and on May 2, 1972, in Securities Act Release No. 5246 (37 F.R. 10585).

This notice contains a general discussion of the background, purpose, and general effect of the proposals to assist in a better understanding of them. However, attention is directed to the full text of the proposals included as a part of this release for a more complete understanding of their provisions. Further, the rescission of the Rule 133 and the adoption of Rule 145 should be considered in the context of and in conjunction with several other proposals which the Commission is herewith adopting or has previously adopted, including:

1. Adoption of Rule 153A (17 CFR 230.153a) under the Act;
2. Revision of Form S-14 (17 CFR 239.23) under the Act;
3. Amendment of Rule 14a-2 (17 CFR 240.14a-2) under the Securities Exchange Act of 1934 (Exchange Act);
4. Amendment of Rule 14a-6 (17 CFR 240.14a-6) under the Exchange Act;
5. Amendment of Rule 14c-5 (17 CFR 240.14c-5) under the Exchange Act; and
6. Rule 144 (17 CFR 230.144) under the Act (Release 33-5223) (37 F.R. 599, 4329).

BACKGROUND AND PURPOSE

Congress, in enacting the Federal securities statutes, created a continuous disclosure system designed to protect investors and to assure the maintenance of fair and honest securities markets. The Commission in administering and implementing the objectives of these statutes has sought to coordinate and integrate this disclosure system, and the rescission of Rule 133 and adoption of Rule 145 and related matters are further steps in this direction.

The rescission of Rule 133 and adoption of Rule 145 are designed to implement the fundamental purposes of the Act as expressed in its preamble:

> To provide full and fair disclosure of the character of the securities sold in interstate commerce and through the mails, and to prevent fraud in the sale thereof * * *.

Rule 145 is also intended to inhibit the creation of public markets in securities of issuers about which adequate current information is not available to the public. This approach is consistent with the philosophy underlying the Act, that a disclosure law provides the best protection for investors. If a security holder who is offered a new security in a Rule 145 business combination transaction has available to him the material facts about the transaction, he will be in a position to make an informed investment judgment. In order to provide such informa-

tion in connection with public offerings of these securities, Rule 145 will require the filing of a registration statement with the Commission and the delivery to security holders of a prospectus containing accurate and current information concerning the proposed business combination transaction.

EXPLANATION AND ANALYSIS

I. RESCISSION OF RULE 133. DEFINITION FOR PURPOSES OF SECTION 5 OF "SALE," "OFFER TO SELL," AND "OFFER FOR SALE"

Rule 133 provides that for purposes only of section 5 of the Act, the submission to a vote of stockholders of a corporation of a proposal for certain mergers, consolidations, reclassifications of securities or transfers of assets is not deemed to involve a "sale," "offer," "offer to sell," or "offer for sale" of the securities of the new or surviving corporation to the security holders of the disappearing corporation. That rule further provides that persons who are affiliates of the constituent corporation are deemed to be underwriters within the meaning of the section 2(11) of the Act, and except for certain limited amounts cannot sell their securities in the surviving corporation without registration.

The "no-sale" theory embodied in Rule 133 is based on the rationale that the types of transactions specified in the rule are essentially corporate acts, and the volitional act on the part of the individual stockholder required for a "sale" was absent. The basis of this theory was that the exchange or alteration of the stockholder's security occurred not because he consented thereto, but because the corporate action, authorized by a specified majority of the interests affected, converted his security into a different security.

Based on the Commission's experience in administering the provisions of the Act and Rule 133 thereunder, and having given consideration to the Disclosure Policy Study Report, to the comments received on the Commission's published proposed revision of Rule 133 (Release 33-5012) and to the comments received on the proposed adoption of Rule 145 (Release 33-5246), the Commission is of the view that the "no-sale" approach embodied in Rule 133 overlooks the substance of the transactions specified therein and ignores the fundamental nature of the relationship between the stockholders and the corporation. The fact that such relationships are in part controlled by statutory provisions of the state of incorporation does not preclude, as a matter of law, the application of the broad concepts of "sale," "offer," "offer to sell," and "offer for sale" in section 2(3) of the Act which are broader than the commercial or common law meanings of such terms.

Transactions of the type described in Rule 133 do not, in the Commission's opinion, occur solely by operation of law without the element of individual stockholder volition. A stockholder faced with a Rule 133 proposal must decide on his own volition whether or not the proposal is one in his own best interest. The basis on which the "no-sale" theory is predicated, namely, that the exchange or alteration of the stockholder's security occurs not because he consents thereto but because the corporation by authorized corporate action converts his securities, in the Commission's opinion, is at best only correct in a formalistic sense and overlooks the reality of the transaction. The corporate action, on which such great emphasis is placed, is derived from the individual consent given by each stockholder in voting on a proposal to merge or consolidate a business or reclassify a security. In voting, each consenting stockholder is expressing his voluntary and individual acceptance of the new security, and generally the disapproving stockholder is deferring his decision as to whether to accept the new security or, if he exercises his dissenter's rights, a cash payment. The corporate action in these circumstances, therefore, is not some type of independent fiat, but is only the aggregate effect of the voluntary decisions made by the individual stockholders to accept or reject the exchange. Formalism should no longer deprive investors of the disclosure to which they are entitled.

The Commission also is aware that Rule 133 has caused anomolous applications of the provisions of the securities laws. For example, transactions which are deemed not to involve "sales" for purposes of section 5 of the Act, nevertheless are deemed to be "purchases" for purposes of section 16 of the Exchange Act. Moreover, transactions which are not deemed to be "sales" for purposes of section 5 of the Act, nevertheless are deemed to be "sales" for purposes of the antifraud provisions of the Act and Exchange Act and "sales" for purposes of the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, and the Investment Company Act of 1940.

In addition, the Commission has difficulty in reconciling Rule 133 with certain exemptive provisions of the Act. For example, section 3(a)(9) of the Act exempts from the registration provisions of the Act the issuance of securities in a reclassification only where no commission or other remuneration is paid or given directly or indirectly for solicitation. Notwithstanding, Rule 133 in effect provides an exemption from registration for the issuance of securities in a reclassification even though a commission or other remuneration is paid for solicitation. Further, section 3(a)(10) exempts from the registration provisions of the Act securities issued only in court or administratively supervised reorganizations. Yet Rule 133 in effect provides that securities issued in reorganizations of the type described therein are not subject to the registration provisions of the Act even though there is not judicial or administrative supervision.[1]

Furthermore, the Commission is aware of situations in which companies have utilized the rule to avoid or evade the registration provisions of the Act. This has resulted in large quantities of unregistered securities being distributed to the public and has not been in the public interest or for the protection of investors.

The Commission recognizes that the "no-sale" concept has been in existence in one form or another for a long period of time. Certain persons who commented on the October 9, 1969, and May 2, 1972, proposals have cited this as a reason for retaining the present Rule 133 and others have asserted that the Commission lacks the power to revise the rule. The Commission does not agree with these comments. Administrative agencies as well as courts from time to time change their interpretation of statutory provisions in the light of reexamination, new considerations, or changing conditions which indicate that earlier interpretations are no longer in keeping with the statutory objectives. The Commission believes, after a thorough reexamination of the studies and proposals cited above, that the interpretation embodied in Rule 133 is no longer consistent with the statutory objectives of the Act. The Commission's judgment is based upon a number of factors, including the observation that Rule 133 has enabled large amounts of securities to be distributed to the public without the protections afforded by the Act's registration provisions.

In view of the above, the Commission is of the opinion that transactions covered by Rule 133 involve a "sale," "offer," "offer to sell," or "offer for sale" as those terms are defined in section 2(3) of the Act. The Commission no longer sees any persuasive reason why, as a matter of statutory construction or policy, in light of the broad remedial purposes of the Act and of public policy which strongly supports registration, this should not be the interpretative meaning.

II. ADOPTION OF RULE 145. RECLASSIFICATIONS OF SECURITIES, MERGERS, CONSOLIDATIONS AND ACQUISITIONS OF ASSETS

A. *Preliminary note.* A preliminary note has been added to the rule in order to provide a convenient reference to assist in understanding and interpreting its provisions.

B. Rule 145(a)—*Transactions within the rule.* Paragraph (a) of Rule 145 provides that the submission to a vote of security holders of a proposal for certain reclassifications of securities, mergers, consolidations, or transfers of assets, is deemed to involve an "offer," "offer to sell," "offer for sale," or "sale" of the securities to be issued in the transaction. The effect of the rule is to require registration of the securities to be issued in connection with such transactions, unless an exemption from registration is available. In this regard, the purpose

[1] The legislative history of the Act contains the following statement with respect to this matter:

"Reorganizations carried out without such judicial supervision possess all the dangers implicit in the issuance of new securities and are, therefore, not exempt from the Act. For the same reason the provision (section 3(a)(10)) is not broad enough to include mergers or consolidations of corporations entered into without judicial supervision." H.R. Rep. No. 85, 73d Cong., 1st sess. (May 4, 1933) at p. 16.

and effect of the rule is the same set forth in the releases of October 9, 1969, and May 2, 1972, to rescind Rule 133 and promulgate a rule requiring registration under the Act of the securities to be offered.

In response to comments received from the public, several textual changes have been made in Rule 145(a) as proposed. As noticed for comment, the rule by its literal language only applied to business combinations involving "corporations." Rule 133 was intended to apply to business combinations involving corporations as well as other entities, such as partnerships and real estate investment trusts. Accordingly, the rule has been revised to read "corporation or other person" in order to make clear that it applies to all issuers, without distinction as to the form of business organization. Also, the phrase "certificate of incorporation" has been revised to read "certificate of incorporation or similar controlling instruments."

A number of comments focused upon the question of whether foreign issuers should be included within the scope of Rule 145. The Commission notes that certain provisions under the Exchange Act, and the rules promulgated thereunder, provide exemptions for foreign issuers from certain provisions of the Exchange Act (see Rules 12g3–2 and 3a12–3) (17 CFR 240.12g3–2 and 17 CFR 240.3a12–3). Similar exemptions for foreign issuers, however, do not appear in the Securities Act, and, in the Commission's opinion, there is no statutory basis for affording such exemptions by rule. The U.S. securities statutes were intended to protect U.S. investors who buy securities of foreign issuers, and the need for the protection afforded by registration is not diminished because the issuer has a foreign domicile.[1] Accordingly, Rule 145 will apply to foreign issuers making offers or sales of securities to U.S. investors, unless an exemption is available under the Securities Act. While it is noted that difficulties in meeting required accounting standards may arise for foreign issuers, the Commission has authority under Regulation S–X (17 CFR 210.01 et seq.) to waive or modify accounting requirements, and, to the extent applicable, Item 15(c) (17 CFR 240.14a–101 Item 15(c)) under the proxy rules allows the Commission to authorize the omission or substitution of financial statements. Various other forms contain similar provisions. The staff of the Commission will be available for consultation on such matters. To clarify the applicability of Rule 145 to foreign issuers, the phrase "state of incorporation" has been changed to read "jurisdiction".

Also in response to public comments, Rule 145 has been revised to make clear that it covers transactions involving action taken upon security holder approval. The words "or consent" have been added to the word "vote" wherever it appears.

[1] Foreign issuers frequently register rights offerings under the Securities Act when they have security holders who are residents of the United States.

1. *Rule 145(a)(1). Reclassifications.* Rule 145(a), as proposed, covered any reclassification "other than a stock split or reverse stock split which involves the substitution of a security for another security." The rule has been revised to also exclude any reclassification which involves only a change in par value.

2. *Rule 145(a)(2). Mergers or consolidations.* Rule 145(a)(2) has been revised in three respects. The first revision adds the phrase "or similar plan of acquisition" after the words "merger or consolidation" because a number of similar transactions do not fit precisely within the terms "merger or consolidation". The second revision adds the phrase "held by such security holders" to describe those securities which will become or be exchanged for other securities. This revision is designed to clarify that in a transaction of the character described in Rule 145(a), an offer occurs under the rule only as to security holders who are entitled to vote or consent to the matter, and who hold securities which become or will be exchanged for new securities. The third revision adds an exception to indicate that registration is not required where a merger or consolidation is effected solely to change an issuer's domicile.

Several commentators suggested that the applicability of Rule 145 to short form mergers should be clarified. In certain instances, State law allows a merger of a parent and its 85 to 90 percent owned subsidiary to be consummated without shareholder approval. Because Rule 145(a) is couched in terms of offers arising in connection with a submission for the vote or consent of security holders, short form mergers not requiring such vote or consent are not within the scope of the rule. However, if a security is to be issued in such short form mergers, the Commission is of the opinion that the transaction involves an "offer," "offer to sell," "offer for sale," or "sale," within the meaning of section 2(3) of the Act, and accordingly such transactions are subject to the registration provisions of the Act unless an exemption is available.

3. *Rule 145(a)(3). Transfers of assets.* Rule 145(a)(3) has been revised to clarify those conditions under which Rule 145 is applicable to a stock for assets transaction. As revised, the rule applies only if: (1) The matter voted upon provides for dissolution of the corporation receiving the securities; (2) the matter voted upon provides for a pro rata distribution by the corporation receiving the securities; (3) the directors of the corporation receiving the securities adopt resolutions relative to (1) to (2) within 1 year after the vote; or (4) a subsequent dissolution or distribution is part of a preexisting plan for distribution. However, if the securities acquired in the transaction are distributed after 1 year, notwithstanding the absence of a plan, such securities must be registered unless a statutory exemption from registration is then available.

With regard to the third condition above, if the vote of the stockholders of the selling corporation is taken to authorize the sale, and the selling corporation thereafter decides to dissolve or distribute the securities within 1 year after the transaction, the sale of assets and the dissolution or distribution by the selling corporation are deemed to be portions of the same transaction and to involve a sale for value of the purchasing corporation's stock to the shareholders of the selling corporation. Accordingly, the transaction should be registered on Form S–14[2] at the time the plan or agreement for the sale of assets is submitted to shareholders for their vote or consent if it is contemplated that the corporation receiving the securities will adopt resolutions within 1 year for dissolution or distribution of the securities received. If the transaction is not registered at the time of submission of the plan or agreement for the vote or consent of security holders, but a resolution for dissolution or distribution of the securities received is adopted within 1 year, the issuer should file a registration statement covering the dissolution or distribution of securities on the appropriate form other than Form S–14, unless an exemption is available.

C. Rule 145(b). Communications not deemed to be a "Prospectus" or "Offer to Sell." Notice of a proposed action or of a meeting of security holders for voting on transactions of the character specified in Rule 145 is generally sent or furnished to security holders. Because the rule will make the registration provisions of the Act applicable to these transactions, questions have been raised as to whether such notices will constitute statutory prospectuses or involve an offer for sale of a security. Paragraph (b) of Rule 145 is designed to resolve these questions by providing that any written communication which contains no more than the information specified in paragraph (b) of the rule shall not be deemed a prospectus for purposes of section 2(10) of the Act and shall not be deemed an "offer for sale" of the security involved for the purposes of section 5 of the Act.

Rule 145(b) has been revised to expand the permissible information that may be included in the announcement. The revised rule permits the identification of all parties to the transaction; a brief description of their business; a description of the basis upon which the transaction will be made; and any legend or similar statement required by Federal law or State or administrative authority Also, paragraph (b) of the rule has been revised to indicate that the notice may take the form of a written communication "or other published statement."

D. *Rule 145(c). Persons and parties deemed to be underwriters.* Rule 145(c), as proposed, contained specific criteria designed to clarify the underwriter status of persons who acquire substantial amounts of securities in a business combination registered on Form S–14, and who desire to resell such securities. The public comments on the proposal noted legal and policy arguments against any

[2] Filed as part of the original document.

interpretation that imposes statutory underwriter status on persons solely by virtue of their receiving more than a certain amount of securities in a business combination. In addition, technical problems were cited in the application of the percentage tests in proposed Rule 145(c), and it was suggested that underwriter's liability should not be imposed on persons who may not be in a position to perform any necessary due diligence investigation. Others described the practical and regulatory problems that would arise if banks, investment companies, arbitrageurs and others enter into a Rule 145 transaction with marketable securities, but receive securities subject to trading restrictions. Because the question of the underwriter status of persons taking substantial portions of registered offerings arises in connection with all registered offerings, the Commission believes that the matter should be dealt with in a more comprehensive manner after further study, and not just in the limited context of business combinations.

Accordingly, Rule 145(c) has been revised by deleting the quantitative standards contained in the proposal and in lieu thereof criteria patterned after those now contained in Rule 133 have been substituted. Revised paragraph (c) of the rule provides that any party to any transaction specified in Rule 145(a), other than the issuer, or any person who is an affiliate of such party at the time any such transaction is submitted for vote or consent, who offers or sells securities acquired in such transaction, shall be deemed to be engaged in a distribution and therefore an underwriter, except with respect to the limited resales permitted pursuant to paragraph (d) of Rule 145. Moreover, from a practical standpoint, because such persons usually are in a position to verify the accuracy of information set forth in the registration statement, and usually are in a position to influence the transaction, the Commission believes that this provision is not unreasonably burdensome.

Rule 145(c) includes a definition of the term "party" with respect to the phrase "any party to any transaction specified in paragraph (a) * * *" The term is defined to mean the corporations, business entities, or other persons, other than the issuer, whose assets or capital structure are affected by the transaction specified in paragraph (a).

The securities received in a Rule 145 transaction by persons who are neither affiliates of the acquired company nor of the acquiring company are registered securities without restriction on resale.

E. *Rule 145(d).* Resale provisions for persons and parties deemed underwriters. Rule 145(d) provides that a person or party specified in paragraph (c) shall not be deemed to be engaged in a distribution if he sells in accordance with certain provisions of Rule 144: Paragraph (c) (current public information); (e) (limitation on amount of securities sold); (f) (manner of sale); and (g) (brokers' transactions). This provision is designed to permit public sale by such persons or parties in ordinary trading transactions of limited quantities of securities. Such resales are permissible within successive 6-month periods, but no accumulation is permitted, i.e., the person cannot skip 6 months and then sell an accumulated amount in the following 6 months.

The volume limitations of Rule 144(e) for resales of securities listed on a national securities exchange may be determined by reference to the average weekly trading volume for the 4 weeks preceding receipt of the order by the broker to execute the transaction. It should be noted that the holding period requirement of Rule 144(d), and the requirement to file a Form 144 (17 CFR 239.144) pursuant to Rule 144(h) are not applicable. In addition to resales permitted by Rule 145(d), the amended Form S–14 may be used for the registration under the Act of distributions by persons or parties who are deemed underwriters.

F. *Rule 145(e). Definition of "Person."* Paragraph (e) of Rule 145 provides that the term "person" in paragraphs (c) and (d) of the rule when used with reference to a person for whose account securities are to be sold, shall have the same meaning as the definition of that term in paragraph (a)(2) of Rule 144 under the Act.

III. 153A. DEFINITION OF "PRECEDED BY A PROSPECTUS" AS USED IN SECTION 5(B)(2) OF THE ACT, IN RELATION TO CERTAIN TRANSACTIONS REQUIRING APPROVAL OF SECURITY HOLDERS

Rule 153A defines the phrase "preceded by a prospectus" in connection with transactions of the type subject to Rule 145. The rule has been revised in two respects. First, the word "delivery" has been substituted for the word "sending" to conform the rule to the general instructions in Form S–14. Second, the rule has been revised to apply the delivery requirement when action is taken by consent.

The persons entitled to vote on or consent to a Rule 145 transaction will usually be determined either: (1) By the fixing of a record date for shareholders so entitled or, (2) by the closing of the stock transfer records of the acquired company. The group of persons thus determined may, because of interim transfers, vary somewhat from the group of persons ultimately entitled to receive the securities issued in the transaction. Thus, Rule 153A provides that the delivery of the final prospectus to security holders entitled to vote on or consent to the transaction shall be deemed to satisfy the prospectus delivery requirements of section 5(b)(2) of the Act.

IV. AMENDMENTS TO RULES 14a–2(d), 14a–6 AND 14c–5 UNDER THE EXCHANGE ACT.

A. *Rule 14a–2. Solicitations to which rules apply.* Rule 14a–2(d) under the Exchange Act provides that the proxy rules do not apply to any solicitation involved in the offer or sale of securities registered under the Securities Act. This provision has been amended to provide that the exemption from the proxy rules does not apply to solicitations involved in the offer or sale of registered securities to be issued in a transaction of the character specified in new Rule 145(a) under the Securities Act.

B. *Rule 14a–6. Material required to be filed.* Rule 14a–6 under the Exchange Act has been amended to provide that material required to be filed under that rule shall be deemed to be so filed when it is filed on a Form S–14 under the Securities Act. Thus, material filed with the registration statement will be deemed to have been filed under the proxy rules also, without the necessity of filing copies under those rules or payment of a proxy filing fee.

C. *Rule 14c–5. Filing of information statement.* To provide similar treatment for proxy material and information statements, an amendment to Rule 14c–5 under the Exchange, analogous to that to Rule 14a–6, has been adopted. That amendment provides that material filed in a Form S–14 registration statement under the Securities Act shall be deemed to satisfy the filing requirements of Regulation 14C (17 CFR 240.14c–1 et seq.) under the Exchange Act. In such instances, there will be no information statement filing fee required.

The amendment to Rule 14c–5 is a technical change which removes restrictions and reduces the filing burdens on registrants without sacrificing protection to investors. The Commission finds that the amendment is minor and not of material substance and, therefore, need not be published for comment pursuant to the Administrative Procedure Act.

V. AMENDMENTS TO FORM S–14

The Commission believes that registration of securities issued in transactions of the character specified in Rule 145 is practical and not unduly burdensome. However, the Commission is aware that registration of such securities imposes some additional burdens on issuers, and, in order to minimize these burdens to the extent feasible, particularly for small businesses, Form S–14 provides that the prospectus to be used shall consist of a proxy or information statement that meets the requirements of the Commission's proxy or information rules under section 14 of the Exchange Act. In the case of companies subject to those rules, the filing of the registration statement on Form S–14 satisfies the requirement for filing a proxy statement and form of proxy or information statement pursuant to those rules. Thus, registration will involve little additional work on the part of the companies subject to those rules who are required to solicit votes from their security holders, because the informational requirements will be the same for both. Where a company is not subject to the proxy rules, or is subject thereto but is not required to solicit votes from its security holders, the prospectus would contain the same information that would be required by the proxy rules. In this regard, the information requirements under section 14 of the Exchange Act are not as burdensome to small companies as are those under the Securities

Act. (See the discussion of financial statements below.)

A. *Instructions to Form S–14.* The proposed amendment to Form S–14 provided that the form would be available, generally, if the prospectus were delivered 20 days prior to the meeting date, unless such period were "in conflict" with State law. That amendment has been revised to provide that, if applicable law of the jurisdiction permits the furnishing of a notice of the meeting or other action within less than the 20-day period, then compliance with such law shall be deemed to satisfy the requirement.

General Instruction A to Form S–14 has been revised to make clear that the form may be utilized for reoffers of securities issued in Rule 145(a) type transactions to persons who may be deemed underwriters and who want to distribute such securities.

General Instruction D(a) to Form S–14 has been revised to make that if one party to a Rule 145 transaction is subject to Regulation 14A (17 CFR 240.14a–1 et seq.) or 14C as to a particular submission, and the other party is not, then the latter will not, by filing the Form S–14, be deemed to have filed materials subject to such regulations.

B. *Financial statements required in Form S–14.* Regulation 14A and 14C (Item 15–(b) of Schedule 14A), and thus Form S–14, require financial statements for each specified party to the transaction "such as would currently be required in an original registration statement for registration of securities of such persons pursuant to section 12 of the (Exchange) Act." Form 10, a form for a registration under the Exchange Act, requires a certified balance sheet as of the close of the registrant's last fiscal year and certified profit and loss and source and applications of funds statements for each of the 3 fiscal years preceding the date of the balance sheet. Item 15(c) of Schedule 14A to the proxy rules, which also applies to information statements and to Form S–14, provides that the Commission may permit the omission or substitution of certain financial statements

The financial statements of an acquired company not subject to the reporting provisions of the Exchange Act required to be furnished in Form S–14 will be the financial statements specified in Form 10 (17 CFR 249.210), certified to the extent practicable. In this regard, the standard of practicability is provided by Item 15(b) of Schedule 14A to the proxy rules. If such company cannot comply with the requirements of Form 10 on an uncertified basis, then the Commission, generally, for the purposes of the requirements of Form S–14, will require the financial statements specified in Item 11, Schedule I, Form I–A (17 CFR 239.90) under Regulation A of the Securities Act. (17 CFR 230.251 to 230.263.)

C. *Items 2 and 6; use of Form S–14 by persons and parties deemed underwriters.* A question has been raised as to whether securities to be offered for resale may initially be registered on Form S–14 when the consummation of the transaction described in Rule 145(a) has not yet occurred. Such registration will be permitted if the reoffering is made upon the consummation of the transaction. An instruction has been added in view of the language of section 6(a) of the Act that "(a) registration statement shall be deemed effective only as to the securities specified therein as proposed to be offered."

Item 6(a) of Form S–14 has been revised to make clear that a post-effective amendment need not be filed in connection with a reoffering, if all requisite information is already included therein. Item 6(a) has been further revised to make clear that the undertaking relates only to reofferings to be made through the use of Form S–14.

D. *Exhibits required in Form S–14.* In addition to exhibits relating to the Rule 145 transaction, all exhibits of Form 10 under the Exchange Act must be filed in a registration statement on Form S–14. However, in lieu of the Form 10 exhibits, an issuer may file certain exhibits required by Form S–7 (17 CFR 239.26) under the Securities Act, if the issuer otherwise meets the requirements for use of Form S–7.

Operation of the Rules

I. Prospective rescission of Rule 133

Rule 133 is rescinded prospectively on and after January 1, 1973, with the following exceptions. First, the rule will continue to be available for completion or consummation of any transaction submitted before that date for vote or consent of security holders. Second, the rule will continue to be available for completion and consummation of any transaction which, before January 1, 1973, has been formally submitted for approval to any governmental regulatory agency, if such approval is required by law. Finally, Rule 133 will continue to be available for resales of securities received by persons in any transaction for which the rule is available.

II. Relationship between Rules 133 and 144

Rule 144 is not available for resale of securities received in a Rule 133 transaction except for securities received by persons who are or become affiliates of the issuer. Such affiliates may also resell such securities in a registered offering, a private placement, or pursuant to some other statutory exemption.

III. Relationship between Rule 144 and section 4(2) business combinations

When the private placement exemption from registration is available under section 4(2) of the Act for a business combination, Rule 144 may be available for securities received in such transaction. However, with respect to the holding period for such securities, the present provisions of Rule 144(d) do not allow tacking of holding periods in business combination transactions. The Commission is reconsidering this matter and may take further action in this reguard by rule amendment or interpretative release in the near future.

IV. Adoption of Rule 145

Rule 145 is adopted effective on and after January 1, 1973. The rule applies to any transaction of the type described therein submitted for security holder vote or consent on or after that date, except that it shall not apply to any such transaction which has been formally submitted before such date to any governmental regulatory agency for approval, if such approval is required by law.

V. Registration for transactions of the type specified in Rule 145

Form S–14 is not the exclusive form available for the registration under the Act of securities to be issued in a transaction of the type specified in Rule 145. Form S–1 (17 CFR 239.11) is available for registration of such transactions, but Forms S–7 and S–16 (17 CFR 239.27) are not available at this time. If Form S–1 is used, the information set forth therein should generally follow the format utilized for exchange offers, including a complete description of the parties, together with pro forma information on the resulting business entity.

When a registration statement is filed on Form S–14, the staff will accord it an appropriate type of review, as described in Securities Act Release No. 5231 (February 3, 1972) (37 F.R. 4327), and will attempt to review it with the same expediency afforded merger proxy materials.

Commission action. Pursuant to authority in sections 2(3), 2(10), 2(11), 4(1), 4(3), 4(4), 5, and 19(a) of the Securities Act of 1933, as amended, in sections 14(a), 14(c), and 23(a) of the Securities Exchange Act of 1934, as amended, in sections 12(e), and 20(a) of the Public Utility Holding Company Act of 1935, and in sections 20(a) and 38(a) of the Investment Company Act of 1940, the Securities and Exchange Commission hereby amends Parts 230, 239, and 240 of Chapter II of Title 17 of the Code of Federal Regulations by: (1) Adding a note at the end of § 230.133 to indicate that it is rescinded prospectively effective on and after January 1, 1973, except that it shall remain in effect under certain circumstances as indicated; (2) by adding new §§ 230.145 and 230.153a, effective on and after January 1, 1973, except that § 230.145 shall not apply to transactions submitted before that date for vote or consent of security holders, nor to transactions formally submitted for approval before that date to any governmental regulatory agency if such approval is required by law; (3) amending § 239.23 effective on and after January 1, 1973; and (4) amending §§ 240.14a–2, 240.14a–6, and 240.14c–5, effective on and after January 1, 1973; all as set forth below:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§ 230.133 Definition for purposes of section 5 of the act, of "sale," "offer," "offer to sell," and "offer for sale".

* * * * *

NOTE: This section is rescinded effective on and after January 1, 1973, except that it shall remain in effect: (1) For transactions submitted before that date for vote or consent of security holders; (2) for transactions formally submitted before such date for approval to any governmental regulatory agency, if such approval is required by law; and (3) for resales of securities received by persons in such transactions.

§ 230.145 Reclassification of securities, mergers, consolidations and acquisitions of assets.

PRELIMINARY NOTE

Section 230.145 is designed to make available the protection provided by registration under the Securities Act of 1933, as amended (Act), to persons who are offered securities in a business combination of the type described in paragraphs (a) (1), (2), and (3) of the rule. The thrust of the rule is that an "offer," "offer to sell," "offer for sale," or "sale" occurs when there is submitted to security holders a plan or agreement pursuant to which such holders are required to elect, on the basis of what is in substance a new investment decision, whether to accept a new or different security in exchange for their existing security. Rule 145 embodies the Commission's determination that such transactions are subject to the registration requirements of the Act, and that the previously existing "no-sale" theory of Rule 133 is no longer consistent with the statutory purposes of the Act. Rule 145 is effective for matters formally submitted for security holder vote or consent on or after January 1, 1973, except for those matters formally presented prior to that date to a governmental agency for approval, where such approval is required by law.

While Rule 133 (§ 230.133) is rescinded effective January 1, 1973, it will remain available for any transaction which, before that date, had been submitted to security holders for vote or consent, or which had been submitted formally to a governmental agency for approval where such approval was required by law. Rule 133 shall also remain available for resales of securities received by persons in any transaction for which Rule 133 was available.

In order to minimize the burdens of registration to the extent feasible, particularly for small businesses, the Commission has amended Form S–14 so that registration under the Securities Act may be effectuated through the use of the informational requirements under Regulation 14A or 14C of the Exchange Act, which are generally less burdensome than those of the Securities Act.

Transactions for which statutory exemptions under the Act, including those contained in sections 3(a) (9), (10), (11), and 4(2), are otherwise available are not affected by Rule 145.

NOTE 1: Reference is made to § 230.153a describing the prospectus delivery required in a transaction of the type referred to in § 230.145.

NOTE 2: A reclassification of securities covered by § 230.145 would be exempt from registration pursuant to section 3(a) (9) or (11) of the Act if the conditions of either of these sections are satisfied.

(a) *Transactions within this section.* An "offer," "offer to sell," "offer for sale," or "sale" shall be deemed to be involved, within the meaning of section 2(3) of the Act, so far as the security holders of a corporation or other person are concerned where, pursuant to statutory provisions of the jurisdiction under which such corporation or other person is organized, or pursuant to provisions contained in its certificate of incorporation or similar controlling instruments, or otherwise, there is submitted for the vote or consent of such security holders a plan or agreement for—

(1) *Reclassifications.* A reclassification of securities of such corporation or other person, other than a stock split, reverse stock split, or change in par value, which involves the substitution of a security for another security;

(2) *Mergers or consolidations.* A statutory merger or consolidation or similar plan or acquisition in which securities of such corporation or other person held by such security holders will become or be exchanged for securities of any other person, except where the sole purpose of the transaction is to change an issuer's domicile; or

(3) *Transfers of assets.* A transfer of assets of such corporation or other person, to another person in consideration of the issuance of securities of such other person or any of its affiliates, if:

(i) Such plan or agreement provides for dissolution of the corporation or other person whose security holders are voting or consenting; or

(ii) Such plan or agreement provides for a pro rata or similar distribution of such securities to the security holders voting or consenting; or

(iii) The board of directors or similar representatives of such corporation or other person, adopts resolutions relative to subdivision (i) or (ii) of this subparagraph within 1 year after the taking of such vote or consent; or

(iv) The transfer of assets is a part of a preexisting plan for distribution of such securities, notwithstanding subdivision (i), (ii), or (iii) of this subparagraph.

(b) *Communications not deemed to be a "Prospectus" or "Offer to Sell".* For the purpose of this section, the term "prospectus" as defined in section 2(10) of the Act and the term "offer to sell" in section 5 of the Act shall not be deemed to include the following:

(1) Any written communication or other published statement which contains no more than the following information: The name of the issuer of the securities to be offered, or the person whose assets are to be sold in exchange for the securities to be offered, and the names of other parties to any transaction specified in paragraph (a) of this section; a brief description of the business of parties to such transaction; the date, time, and place of the meeting of security holders to vote on or consent to any such transaction specified in paragraph (a) of this section; a brief description of the transaction to be acted upon and the basis upon which such transaction will be made; and any legend or similar statement required by State or Federal law or administrative authority.

(2) Any written communication subject to and meeting the requirements of paragraph (a) of § 240.14a–12 of this chapter and filed in accordance with paragraph (b) of that section.

(c) *Persons and parties deemed to be underwriters.* For purposes of this section, any party to any transaction specified in paragraph (a) of this section, other than the issuer, or any person who is an affiliate of such party at the time any such transaction is submitted for vote or consent, who publicly offers or sells securities of the issuer acquired in connection with any such transaction, shall be deemed to be engaged in a distribution and therefore to be an underwriter thereof within the meaning of section 2(11) of the Act. The term "party" as used in this paragraph (c) shall mean the corporations, business entities, or other persons, other than the issuer, whose assets or capital structure are affected by the transactions specified in paragraph (a) of this section.

(d) *Resale provisions for persons and parties deemed underwriters.* Notwithstanding the provisions of paragraph (c) of this section, a person or party specified therein shall not be deemed to be engaged in a distribution and therefore not to be an underwriter of registered securities acquired in a transaction specified in paragraph (a) of this section if such securities are sold by such person or party in accordance with the provisions of paragraphs (c), (e), (f), and (g) of § 230.144.

(e) *Definition of "person."* The term "person" as used in paragraphs (c) and (d) of this section, when used with reference to a person for whose account securities are to be sold, shall have the same meaning as the definition of that term in paragraph (a)(2) of § 230.144.

§ 230.153a Definition of "preceded by a prospectus" as used in section 5(b)(2) of the Act, in relation to certain transactions requiring approval of security holders.

The term "preceded by a prospectus," as used in section 5(b)(2) of the Act with respect to any requirement for the delivery of a prospectus to security holders of a corporation or other person, in connection with transactions of the character specified in paragraph (a) of § 230.145, shall mean the delivery of a prospectus:

(a) Prior to the vote of security holders on such transactions; or,

(b) With respect to actions taken by consent, prior to the earliest date on which the corporate action may be taken;

to all security holders of record of such corporation or other person, entitled to vote on or consent to the proposed transaction, at their address of record on the transfer records of the corporation or other person:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.23 Form S–14, for simplified registration procedure for securities in certain transactions under Rules 133 and 145 (17 CFR 230.133, 230.145).

This form and Form S–1 (17 CFR 239.11) may be used for registration under the Securities Act of 1933 of securities to be issued in a transaction specified in paragraph (a) of § 230.145: *Provided, however,* That Form S–14 shall not be so used unless the prospectus is delivered to security holders whose vote or consent is solicited at least 20 days prior to the date on which the meeting of such security holders is held: *Provided further,* That if applicable law of the jurisdiction permits the furnishing of a notice of the meeting or other actions within less than the 20-day period specified herein, then compliance with such provisions of such law shall be deemed to satisfy this requirement. Form S–14 may also be used by persons and parties who may be deemed underwriters, for the registration of a public reoffering of securities issued in a transaction specified in paragraph (a) of § 230.145 of this chapter or in a transaction specified in paragraph (a) of § 230.133 of this chapter exempted by the latter section prior to its rescission effective on and after January 1, 1973.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.14a–2 Solicitations to which §§ 240.14a–1 to 240.14a–11 apply.

Sections 240.14a–1 to 240.14a–11 apply to every solicitation of a proxy with respect to securities registered pursuant to section 12 of the Act, whether or not trading in such securities has been suspended, except the following:

* * * * *

(d) Any solicitation involved in the offer and sale of securities registered under the Securities Act of 1933: *Provided,* That this paragraph shall not apply to securities to be issued in any transaction of the character specified in paragraph (a) of § 230.145 of this chapter.

* * * * *

§ 240.14a–6 Material required to be filed.

* * * * *

(j) Notwithstanding the foregoing provisions of this section, any proxy statement, form of proxy or other soliciting material included in a registration statement filed under the Securities Act of 1933 on Form S–14 (§ 239.23 of this chapter) shall be deemed filed both for the purposes of that Act and for the purposes of this section, but separate copies of such material need not be furnished pursuant to this section nor shall any fee be required under paragraph (i) of this section. However, any additional soliciting material used after the effective date of the registration statement on Form S–14 shall be filed in accordance with this section but separate copies of such material need not be filed as an amendment of such registration statement.

§ 240.14c–5 Filing of information statement.

* * * * *

(e) Notwithstanding the foregoing provisions of this section, any information statement or other material included in a registration statement, filed under the Securities Act of 1933 on Form S–14 (§ 239.23 of this chapter) shall be deemed filed both for the purposes of that Act and for the purposes of this section, but separate copies of such material need not be furnished pursuant to this section nor shall any fee be required under paragraph (a) of this section. However, any additional material used after the effective date of the registration statement on Form S–14 shall be filed in accordance with this section but separate copies of such material need not be filed as an amendment of such registration statement.

(Secs. 2(3), 2(10), 2(11), 4(1), 4(3), 4(4), 5, 19(a), 48 Stat. 74, 77, 85, secs. 201, 203, 204, 209, 48 Stat. 905, 906, 908, secs. 1–4, 6, 7, 68 Stat. 683, 684, sec. 12, 78 Stat. 580, 15 U.S.C. 77b(3), 77(b)(10), 77(b)(11), 77d(1), 77d(3), 77d(4), 77e, 77s(a); secs. 14(a), 14(c), 23(a), 48 Stat. 895, 901, sec. 5, 78 Stat. 569, 570, secs. 203(a), 8, 49 Stat. 704, 1379, 15 U.S.C. 781m(a), 78m(c), 78w(a); secs. 12(e), 29(a), 49 Stat. 823, 833, 15 U.S.C. 79*l*(e), 79t(a); secs. 20(a), 38(a), 54 Stat. 822, 841, 15 U.S.C. 80a–20(a), 80a–37(a))

The Commission finds that the amendment to Rule 14c–5 under the Securities Exchange Act of 1934 is technical and removes restrictions and reduces filing burdens on registrants and accordingly further notice and other rule making procedures pursuant to the Administrative Procedure Act are not necessary.

Copies of amended Form S–14 have been filed with the Office of the Federal Register, and additional copies are available on request from the Securities and Exchange Commission, Washington, D.C. 20549.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

OCTOBER 6, 1972.

[FR Doc.72–18988; Filed 11–6–72;8:47 am]

Title 29—LABOR

Chapter II—Office of the Assistant Secretary for Labor-Management Relations, Department of Labor

LABOR RELATIONS IN FEDERAL SERVICE

Miscellaneous Amendments

Notice is hereby given that F.R. Doc. 72–15390, published as a notice in Part II of the issue dated Friday, September 15, 1972, 37 F.R. 18780, is a final document of rules and regulations.

Further, F.R. Doc. 72–15390 which is a revision of Chapter II of Title 29, including Parts 201, 202, 203, 204, 205, and 206 is corrected and changed as follows:

1. At page 18787, § 203.6(b)(8): Insert the word "as" in between "be" and "provided"; change § 204.14 to § 203.14.

2. At page 18788, § 203.15(g): In the sixth line delete "Regional" following the word "designated."

3. At page 18795, § 204.70: In the first sentence of the text, delete the comma after the word "admission."

4. The titles of chief hearing examiner and hearing examiner as defined in Part 201, Subpart B, and as used in Parts 202–206, are hereby changed to Chief Administrative Law Judge and Administrative Law Judge, respectively.

Effective on publication in the FEDERAL REGISTER (11–7–72).

Signed at Washington, D.C., this 1st day of November 1972.

W. J. USERY, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.72–19061 Filed 11–6–72;8:51 am]

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 782—EXEMPTION FROM MAXIMUM HOURS PROVISIONS FOR CERTAIN EMPLOYEES OF MOTOR CARRIERS

Change of Position Regarding Employees Engaged in Transportation of Mail Under Contract With U.S. Postal Service

Section 13(b)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213(b)(1)), provides that section 7 of the Act relating to premium compensation for overtime work shall not apply with respect to any employee as to whom the Secretary of Transportation (prior to October 15, 1966, the Interstate Commerce Commission) has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935, 49 Stat. 546, 49 U.S.C. 304, being Part II of the Interstate Commerce Act, added in 1935.

The Interstate Commerce Commission disclaimed jurisdiction under the Motor Carrier Act of employees engaged in the transportation of mail under contract with the Postal Service in vehicles used exclusively for that purpose (see 3 M.C.C. 694, 697); accordingly, the Department of Labor took the position that such employees of mail contractors were not within the overtime exemption provided by section 13(b)(1) of the Fair Labor Standards Act.

On June 14, 1972, the Department of Transportation published a notice in the FEDERAL REGISTER (37 F.R. 11781) asserting its power to establish qualifications and maximum hours of service of employees of contract mail haulers, thereby reversing the longstanding position of the Interstate Commerce Commission.

In deference to the foregoing assertion of jurisdiction by the Department of

Transportation, paragraph (b) of § 782.8 of Regulations Part 782, Exemption from Maximum Hours Provisions for Certain Employees of Motor Carriers, is hereby revised. Pending authoritative decisions by the courts that the Secretary of Transportation does not have power to establish qualifications and maximum hours of service of employees of contract mail haulers, the Department of Labor will no longer assert that such employees are not within the overtime exemption provided by section 13(b)(1) of the Fair Labor Standards Act for overtime work performed after June 14, 1972.

This position is adopted without prejudice to the rights of individual employees under section 16(b) of the Fair Labor Standards Act.

This amendment is the legal consequence of the action of the Secretary of Transportation in assuming jurisdiction of these employees pursuant to section 204 of the Motor Carrier Act of 1935, and is procedural in nature. Accordingly, under the administrative procedures of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impractical, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (11–7–72). As revised, § 782.8(b) reads as follows:

§ 782.8 Special classes of carriers.

* * * * *

(b) Prior to June 14, 1972, when the Department of Transportation published a notice in the FEDERAL REGISTER (37 F.R. 11781) asserting its power to establish qualifications and maximum hours of service of employees of contract mail haulers, thereby reversing the long-standing position of the Interstate Commerce Commission, the Administrator of the Wage and Hour Division had taken the position that employees engaged in the transportation of mail under contract with the Postal Service were not within the exemption provided by section 13(b)(1) of the Fair Labor Standards Act. As the result of the notice of June 14, 1972, the Administrator will no longer assert that employees of contract mail carriers are not within the 13(b)(1) exemption for overtime work performed after June 14, 1972, pending authoritative court decisions to the contrary. This position is adopted without prejudice to the rights of individual employees under section 16(b) of the Fair Labor Standards Act.

* * * * *

(52 Stat. 1060 as amended; 29 U.S.C. 201 et seq.)

Signed at Washington, D.C., this 2d day of November 1972.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72-19059 Filed 11-6-72;8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Broward	Fort Lauderdale	I 12 011 1050 05 through I12 011 1050 08	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Department of Engineering, City of Fort Lauderdale, 100 North Andrews Ave., Fort Lauderdale, FL 33302.	Nov. 20, 1970. Emergency. Nov. 3, 1972. Regular.
Do	do	Hollywood	I 12 011 1420 01 through I 12 011 1420 03	do	Engineering Office, Hollywood City Hall, Hollywood, Fla. 33022.	June 9, 1971. Emergency. Nov. 3, 1972. Regular.
Do	do	Lighthouse Point	I 12 011 1826 01	do	City Hall, City of Lighthouse Point, Post Office Box 5100, 2200 Northeast 38th St., Lighthouse Point, FL 33064.	Feb. 26, 1972. Emergency. Nov 3, 1972. Regular.
Illinois	Cook	Elk Grove Village.				Nov. 3, 1972. Emergency.
Massachusetts	Suffolk	Winthrop				Do.
New Jersey	Essex	Newark				Do.
Pennsylvania	Allegheny	McKees Rocks Borough.				Do.
Do	Dauphin	Lower Paxton Township.				Do.
Do	do	Lower Swatara Township.				Do.
Do	Delaware	Chester Heights Borough.				Do.
Do	Luzerne	Forty Fort Borough.				Do.
Do	do	Wyoming Borough.				Do.
Do	Union	Lewisburg Borough.				Do.
Texas	Harris	Water Control and Improvement District No. 93.				Do.
Do	Bexar	Live Oak				Do.
Wisconsin	Ozaukee	Mequon	I 55 089 3002 01 through I 55 089 3002 04	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Department of Public Works, City of Mequon, 11333 North Cedarburg Rd. 60 W., Mequon, WI 53092.	July 2, 1971. Emergency. Nov. 3, 1972. Regular.

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

Issued: October 30, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–18913 Filed 11–6–72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of communities with special hazard areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Broward	Fort Lauderdale	H 12 011 1050 05 through H 12 011 1050 08	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Department of Engineering, City of Fort Lauderdale, 100 North Andrews Ave., Fort Lauderdale, FL 33302.	Nov. 20, 1970.
Do	do	Hollywood	H 12 011 1420 01 through H 12 011 1420 03	do	Engineering Office, Hollywood City Hall, Hollywood, Fla. 33022.	June 9, 1971.
Do	do	Lighthouse Point	H 12 011 1826 01	do	City Hall, City of Lighthouse Point, Post Office Box 5100, 2200 North East 38th St., Lighthouse Point, FL 33064.	Feb. 26, 1972.
Illinois	Cook	Elk Grove Village				Nov. 3, 1972.
Massachusetts	Suffolk	Winthrop				Do.
New Jersey	Essex	Newark				Do.
Pennsylvania	Allegheny	McKees Rocks Borough				Do.
Do	Dauphin	Lower Paxton Township.				Do.
Do	do	Lower Swatara Township.				Do.
Do	Delaware	Chester Heights Borough.				Do.
Do	Luzerne	Forty Fort Borough.				Do.
Do	do	Wyoming Borough.				Do.
Do	Union	Lewisburg Borough.				Do.
Texas	Harris	Water Control and Improvement District No. 93.				Do.
Do	Bexar	Live Oak				Do.
Wisconsin	Ozaukee	Mequon	H 55 089 3002 01 through H 55 089 3002 04	Department of Natural Resources, Post Office Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Department of Public Works, City of Mequon, 11333 North Cedarburg Rd. 60 W., Mequon, Wis. 53092.	July 2, 1971.

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

Issued: October 30, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–18914 Filed 11–6–72;8:45 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—OCCUPATIONAL SAFETY AND HEALTH RESEARCH AND RELATED ACTIVITIES

PART 85—REQUESTS FOR HEALTH HAZARD EVALUATIONS

On March 17, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5634) which prescribed the conditions and procedures for conducting health hazard evaluations pursuant to section 20(a)(6) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(6)). That section directs the Secretary of Health, Education, and Welfare to determine, following a written request by any employer or authorized representative of employees, whether any substance normally found in a place of employment has potentially toxic effects in such concentrations as used or found and further provides that such determinations shall be submitted to the appropriate employer and affected employees.

Interested persons were invited to submit, within 30 days, written comments, suggestions, or objections regarding the proposed regulations.

In addition, on June 20, 1972, the proposed regulations and the issues raised by the public comments concerning them were discussed with the National Advisory Committee on Occupational Safety and Health established by section 7 of the Occupational Safety and Health Act. All public comments, as well as the views expressed by the members of the Committee, have been taken into consideration with the result that a number

of changes, as discussed below, have been made in the regulations which were proposed. All comments in response to the rules as proposed and the transcript of the Committee proceedings on June 20 are available for public inspection at the National Institute for Occupational Safety and Health, Room 10–05, 5600 Fishers Lane, Rockville, MD.

1. *Applicability.* A statement has been added to the applicability section to indicate that Part 85 is not intended to preclude the use of other channels of communication with the National Institute for Occupational Safety and Health (NIOSH) to obtain information and assistance concerning toxic substances.

2. *Definitions.* Definitions of the terms "investigation" and "health hazard evaluation" have been added and these terms have been used throughout Part 85 in an effort to distinguish the physical inspection of a place of employment by NIOSH in conducting a health hazard evaluation, from the compliance inspection conducted by the Department of Labor. The definition of "toxic effects" has been revised to exclude those which produce acute discomfort.

3. *Procedures for requesting evaluations.* The main thrust of the comments on the procedures for requesting evaluations went to the question of who should be considered an "authorized representative of employees". The comments ranged from a suggestion that any individual employee should be allowed to make the request, to the contention that the authorized representatives should be limited to those who represent the employees for purposes of collective bargaining. The final regulations provide that an authorized representative may be either: (1) A representative for purposes of collective bargaining; (2) an employee of the employer who has written authorization from two or more employees employed in the work place where the substance is normally found, to represent them for purposes of the Act; or (3) where three or less employees are employed in the work place where the substance is normally found, any one of such employees. Objections to the Institute's withholding the identity of requesters have been considered and rejected. Such protection is, in our judgment, necessary to assure utilization of this procedure by employees. The option to withhold the requester's identity has been extended to those who have authorized the requester to represent them. Copies of these written authorizations must accompany the request.

4. *Authority for investigation.* The section has been amended to make clear that the duty to conduct a health hazard evaluation and the authority to investigate and inspect for purposes of conducting that evaluation extend only to the place of employment with respect to which the request has been made, which under the definition of "place of employment" can be the entire factory or a single work place.

5. *Advance notice of visits.* NIOSH experience over the last several months has revealed that failure to give advance notice can interfere with a thorough and effective plant visit and thus impede the health hazard evaluation. The very process to which the request is directed may not be in operation on the day of the visit and the problem becomes even more serious when the place of employment is not readily accessible. Furthermore, the employer and, in the case of employee requests, the employees may wish to have a particular representative accompany the NIOSH officer. The surprise visit would conflict with this desire. The Institute, after considering all comments on this matter, has concluded that the evil which this surprise visit is intended to avoid—the misrepresentation of actual production conditions—can be avoided by exercise of the authority under section 8 to conduct private interviews with appropriate employees. Thus, the Institute's decision to give employers advance notice must be read in the light of the authority of NIOSH to question employees privately.

Accordingly, the section on advance notice (§ 85.6) has been completely revised to provide that advance notices of visits to the place of employment may be given to expedite a thorough and effective investigation. Advance notice will not be given when, in the judgment of the NIOSH officer, giving such notice would adversely affect the validity and effectiveness of an investigation. In the case of employee requests, advance notice will be given by the Institute to the requester, the representative of the employees for purposes of collective bargaining if such representative is other than the requester, and to the employer. Where the request is from the employer, advance notice will be given to such employer and, upon the request of the employer, to an authorized representative of employees.

6. *Conduct of investigations.* The major change in section 85.7 concerns trade secret information. This provision has been expanded to set forth the procedure where the Institute questions the designation by an employer of certain information as trade secret information. Where the Institute questions the identification, the employer will be given written notice of the Institute's intention to remove the trade secret designation from such information. The employer may within that period request reconsideration and provide additional information in support of the trade secret designation. If, after reconsideration, the decision of NIOSH is to remove the designation, the employer shall then be notified. Since the decision does not become effective until 15 days after the date of the written notice, the employer has the opportunity to take appropriate steps to retain the trade secret designation.

7. *Representatives of employers and employees; employee requests.* This section of the regulations has been revised to provide that in the case of employee requests, a representative authorized by the employees shall be given an opportunity to accompany the NIOSH officer during the initial physical inspection of the workplace. Since NIOSH experience in the conduct of this program indicates that visits subsequent to the initial inspection are principally for the purpose of environmental sampling and medical examinations, the presence of the representative of employees will not be routinely requested during these aspects of the investigation.

8. *Imminent dangers.* In response to a number of comments, the term "serious hazard" has been deleted and the statutory phrase "imminent danger" has been substituted therefor.

9. *Notification of determination to employers, affected employees and Department of Labor.* The method of notifying affected employees of the determination was the subject of a substantial number of comments. Section 85.11 requires that the employer post a copy of the determination at or near the work places of the affected employees. However, no posting is required if the employer requests NIOSH to mail copies to the affected employees and furnishes the Institute with a list of the names and mailing addresses of the employees determined by NIOSH to be exposed to the substance which is the subject of the health hazard evaluation.

Effective date. These regulations shall be effective 30 days after their publication in the FEDERAL REGISTER.

Dated: October 16, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: October 30, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Sec.

AUTHORITY: The provisions of this Part 85 issued under the authority of section 8(g), 84 Stat. 1600; 29 U.S.C. 657(g).

§ 85.1 Applicability.

The provisions of this Part 85 are applicable to requests submitted by any employer or authorized representative of employees pursuant to section 20(a)(6) of the Occupational Safety and Health Act of 1970 for a determination of potentially toxic effects of any substance normally used or found in any place of employment to which the Act is applicable. This Part 85 is not intended

to preclude the use of other channels of communication with the National Institute for Occupational Safety and Health to obtain information and technical assistance related to toxic substances.

§ 85.2 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 and not defined below shall have the meaning given it in the Act. As used in this part:

(a) "Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.).

(b) "Authorized representative of employees" means any person or organization meeting the conditions specified in § 85.3(b)(4) (i), (ii), or (iii).

(c) "Investigation" includes a physical inspection of the place of employment pursuant to section 8 of the Act and means such inspection, sampling, observations, and other measurements reasonably necessary to determine whether any substance found in the place of employment for which the request is made has potentially toxic effects in such concentrations as used or found.

(d) "Health hazard evaluation" means the investigation and the determination of potentially toxic effects of any substance normally used or found in any place of employment to which the Act is applicable.

(e) "Place of employment" means any factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by any employee of an employer.

(f) "NIOSH" means the National Institute for Occupational Safety and Health.

(g) "NIOSH officer" means a person authorized by NIOSH to conduct investigations.

(h) "Substance means any chemical or biological agent which has the potential to produce toxic effects.

(i) "Toxic effects" are those which result in short- or long-term disease, bodily injury, affect health adversely, or endanger the life of man.

§ 85.3 Procedures for requesting health hazard evaluations.

(a) A request for a health hazard evaluation should be addressed to the National Institute for Occupational Safety and Health, Hazard Evaluation Services Branch, U.S. Department of Health, Education, and Welfare, Cincinnati, Ohio 45202.

(b) A request for such an evaluation shall:

(1) Be in writing and signed by (i) the employer in whose place of employment the substance is normally found, or (ii) by an authorized representative of employees who are employed by such employer;

(2) State the requester's name, address, and telephone number, if any; the address of the place of employment where the substance is normally found; the specific workplace or workplaces involved, and the specific process or type of work which is the source of the substance or in which such substance is used;

(3) Specify with reasonable particularity the nature of the conditions, circumstances, or other grounds on which the request is made;

(4) State, where the requester is other than the employer:

(i) That he is an authorized representative, or an officer, of the organization representing the employees for purposes of collective bargaining; or

(ii) That he is an employee of the employer and is authorized by two or more employees employed in the workplace where the substance is normally found to represent them for purposes of the Act. Each such authorization shall be in writing and included in the request; or

(iii) That he is one of three or less employees employed in the workplace where the substance is normally found.

(5) Indicate whether the requester or those persons who have authorized the requester to represent them desire that NIOSH not reveal their names to the employer.

(c) The request shall, if the information is known to the requester:

(1) Identify the potentially toxic substance or substances involved;

(2) State the trade name, chemical name, and the manufacturer of each such substance;

(3) State whether the substance or the container of such substance has a warning label; and

(4) Specify the physical form of the substance, number of people exposed, length of exposure (hours/day), and occupations of exposed employees.

NOTE: The National Institute for Occupational Safety and Health has developed a form, entitled "Request for Health Hazard Evaluation," to assist persons in requesting evaluations under this part. Forms are available upon request from NIOSH, Hazard Evaluation Services Branch, Cincinnati, Ohio 45202, or from the NIOSH representative in any Regional Office of the Department of Health, Education, and Welfare.

§ 85.4 Acting on requests.

(a) When a request meeting the requirements of this part has been submitted in accordance therewith and designated employees of NIOSH have concluded that there is reasonable cause to believe that an investigation is warranted, a NIOSH officer will inspect the place of employment, collect samples where appropriate and perform such tests as necessary, including medical examinations of employees, to the conduct of a health hazard evaluation.

(b) If there is no reasonable cause to conclude that an investigation is warranted, the requester shall be notified in writing of such decision.

(c) Investigations shall be conducted in accordance with the requirements of this part.

§ 85.5 Authority for investigations.

(a) Employees of the National Institute for Occupational Safety and Health who have been issued the NIOSH official credentials (consisting of HSM Form 599–2 entitled "Identification Record") are authorized by the Director, NIOSH, for the purposes of section 20(a)(6) of the Act and pursuant to section 8, to enter without delay and at reasonable times any place of employment for which a request has been submitted, to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein as may be directly related to the determination whether any substance normally found in the place of employment for which a request has been submitted has potentially toxic effects in such concentrations as used or found. In connection with any such investigation, such NIOSH employees may question privately any employer, owner, operator, agent, or employee and review records required by the Act and regulations, and other related records.

(b) Areas containing information which is classified by any agency of the U.S. Government in the interest of national security will be inspected only by NIOSH employees who have obtained the appropriate security clearance.

§ 85.6 Advance notice of visits.

(a) Advance notice of visits to the place of employment may be given to expedite a thorough and effective investigation. Advance notice will not be given when, in the judgment of the NIOSH officer, giving such notice would adversely affect the validity and effectiveness of the investigation.

(b) Where a request in accordance with this part has been made by an authorized representative of employees, advance notice in accordance with paragraph (a) of this section will be given by NIOSH to the requester, the representative of the employees for purposes of collective bargaining if such representative is other than the requester, and to the employer.

(c) Where a request in accordance with this part has been made by any employer, advance notice will be given by NIOSH to the employer. Upon the request of the employer, NIOSH will inform the authorized representative of employees of the visit: *Provided*, The employer furnishes NIOSH in writing with the identity of such representative and with such information as is necessary to enable NIOSH promptly to inform such representative of the visit.

§ 85.7 Conduct of investigations.

(a) Prior to beginning an investigation, NIOSH officers shall present their credentials to the owner, operator, or agent in charge at the place of employment, explain the nature, purpose, and scope of the investigation and the records specified in § 85.5 which they wish to review. Where the investigation is the result of a request submitted by an authorized representative of employees, a copy of the request shall be provided to the employer, except where the requester or any person authorizing the requester pursuant to § 85.3(b)(4)(ii) has indicated

that NIOSH not reveal his name to the employer, in which case, a summary of the basis for the request shall be provided to the employer.

(b) At the commencement of an investigation, the employer should precisely identify information which can be obtained in the workplace or workplaces to be inspected as trade secrets. If the NIOSH officer has no clear reason to question such identification, such information shall not be disclosed except in accordance with the provisions of section 20(a)(6) and section 15 of the Act. However, if NIOSH at any time questions such identification by an employer, not less than 15 days' notice to an employer shall be given of the intention to remove the trade secret designation from such information. The employer may within that period submit a request to the Director, NIOSH, to reconsider this intention and may provide additional information in support of the trade secret designation. The Director, NIOSH, shall notify the employer in writing of the decision which will become effective no sooner than 15 days after the date of such notice.

(c) NIOSH officers are authorized to collect environmental samples and samples of substances, to take or obtain photographs related to the purpose of the investigation, employ other reasonable investigative techniques, including medical examinations of employees with the consent of such employees, and to question privately any employer, owner, operator, agent, or employee. The employer shall have the opportunity to review photographs taken or obtained for the purpose of identifying those which contain or might reveal a trade secret.

(d) NIOSH officers shall comply with all safety and health rules and practices at the place of employment being investigated, and they shall provide and use appropriate protective clothing and equipment. In situations requiring specialized or unique types of protective equipment, such equipment shall be furnished by the employer.

(e) The conduct of investigations shall be such as to preclude unreasonable disruption of the operations of the employer's establishment.

§ 85.8 Provision of suitable space for employee interviews and examinations; identification of employees.

An employer shall, on request of the NIOSH officer, provide suitable space, if such space is reasonably available, to NIOSH to conduct private interviews with, and examinations of, employees. NIOSH officers shall consult with the employer as to the time and place of the medical examination and shall schedule such examinations so as to avoid undue disruption of the operations of the employer's establishment. NIOSH shall conduct, and assume the medical costs of, examinations conducted under this part.

§ 85.9 Representatives of employers and employees; employee requests.

(a) NIOSH officers shall be in charge of investigations. Where the request for a health hazard evaluation has been made by an authorized representative of employees, a representative of the employer and a representative authorized by his employees who is an employee of the employer shall be given an opportunity to accompany the NIOSH officer during the initial physical inspection of any workplace for the purpose of aiding the investigation by identifying the suspected hazard. The NIOSH officer may permit additional employer representatives and such additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the investigation. However, if in the judgment of the NIOSH officer, good cause has been shown why accompaniment by a third party who is not an employee of the employer is reasonably necessary to the conduct of an effective and thorough investigation of the workplace, such third party may accompany the NIOSH officer during the inspection: *Provided, however,* That access by such persons to areas described in paragraph (d) of this section shall be in accordance with the requirements of such provision, and access to areas described in paragraph (e) of this section shall be with the consent of the employer. A different employer and employee representative may accompany the officer during each different phase of an inspection if this will not interfere with the conduct of the investigation.

(b) NIOSH officers are authorized to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this section. If there is no authorized representative of employees, or if the NIOSH officer is unable to determine with reasonable certainty who is such representative, he shall consult with a reasonable number of employees concerning matters directly related to the health hazard evaluation.

(c) NIOSH officers are authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly physical inspection.

(d) With regard to information classified by an agency of the U.S. Government in the interest of national security, only persons authorized to have access to such information may accompany an officer in areas containing such information.

(e) Upon request of an employer, any representative authorized under this § 85.9 by employees in any area containing trade secrets shall be an employee in that area or an employee authorized by the employer to enter that area.

§ 85.10 Imminent dangers.

Whenever, during the course of, or as a result of, an investigation under this part, the NIOSH officer believes that there is a reasonable basis for an allegation of an imminent danger, NIOSH will immediately advise the employer and those employees who appear to be in immediate danger of such allegation and will inform appropriate representatives of the Department of Labor or the State agency designated under section 18(b) of the Act.

§ 85.11 Notification of determination to employers, affected employees and Department of Labor.

(a) A determination made pursuant to section 20(a)(6) of the Act will, as a minimum: (1) Identify and set forth, where appropriate, the concentrations of the substance(s) found in the place of employment and the conditions of use, and (2) state whether such substance(s) has potentially toxic effects in such concentrations, as well as the basis for such judgments.

(b) Copies of the determination will be mailed to the employer and to the authorized representatives of employees.

(c) Except as hereinafter provided, the employer shall post a copy of the determination for a period of 30 calendar days at or near the workplace(s) of affected employees. The employer shall take steps to insure that the posted determinations are not altered, defaced, or covered by other material during such period. The employer will not be required to post the determination if the employer requests that copies of the determination be mailed to affected employees and furnishes NIOSH with a list of the names and mailing addresses of the employees employed in the workplace(s) designated by the NIOSH Officer. In the latter event, NIOSH will mail such copies to affected employees at the mailing addresses provided by the employer.

(d) For purposes of this section, the term "affected employees" means those employees determined by NIOSH to be exposed to the substance(s) which is the subject of the health hazard evaluation.

(e) Copies of all determinations will be forwarded to the Department of Labor and the appropriate State agency designated under section 18(b) of the Act. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6 of the Act, the Secretary of Health, Education, and Welfare will immediately submit such determination to the Secretary of Labor together with all pertinent criteria.

§ 85.12 Subsequent requests for health hazard evaluations.

Where a request is received for a health hazard evaluation in a place of employment in which an evaluation under this part previously has been made, the Secretary may make a subsequent investigation if, as a result of the passage of time or additional information, he deems such a subsequent investigation consistent with the purpose of the Act.

[FR Doc.72-19042 Filed 11-6-72;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5295]

[Riverside 07376]

CALIFORNIA

Withdrawal for National Forest Administrative Sites and Recreation Areas

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

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

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN

Big Bear Ranger Station Administrative Site

T. 2 N., R. 1 E.,
Sec. 8, E½ of lot 13 and lot 14.

Pine Knot Public Campground

T. 2 N., R. 1 E.,
Sec. 28, W½NE¼NE¼, NW¼NE¼, and NE¼NW¼.

Onyx Summit Station Administrative Site and Onyx Peak Fire Lookout

T. 1 N., R. 2 E.,
Sec. 12, NE¼NE¼.
T. 1 N., R. 3 E.,
Sec. 6, E½SW¼ of lot 14 and SE¼ of lot 14.

Greenspot Picnic Ground

T. 2 N., R. 2 E.,
Sec. 30, SW¼NE¼SE¼ and SE¼NW¼SE¼.

Pipes Canyon Public Campground

T. 1 N., R. 3 E.,
Sec. 10, N½N½SE¼SW¼.

Round Valley Public Campground

T. 2 N., R. 3 E.,
Sec. 19, W½SW¼SW¼SE¼ and E½SE¼SE¼SW¼.

Hannah Flat Public Campground

T. 2 N., R. 1 W.,
Sec. 3, SW¼NW¼, SW¼SE¼NW¼, N½NE¼SW¼, and NE¼NW¼SW¼.

Coldbrook Public Campground and Cozy Dell Picnic Area

T. 2 N., R. 1 W.,
Sec. 25, NE¼NE¼ and E½NW¼NE¼.

Siberia Creek Public Campground

T. 2 N., R. 1 W.,
Sec. 32, SW¼NE¼SW¼SW¼, SE¼NW¼SW¼SW¼, NE¼SW¼SW¼SW¼, and NW¼SE¼SW¼SW¼.

Worlds Champion Lodgepole Pine

T. 2 N., R. 1 W.,
Sec. 34, S½NE¼NW¼ and N½SE¼NW¼.

Big Pine Flat Station Administrative Site and Public Campground

T. 3 N., R. 1 W.,
Sec. 29, SW¼NW¼;
Sec. 30, E½E½NE¼ and E½W½E½NE¼.

Horse Springs Public Campground

T. 3 N., R. 2 W.,
Sec. 15, NE¼NE¼NE¼.

Warm Springs Public Campground

T. 3 N., R. 3 W.,
Sec. 14, NE¼SW¼SW¼.

The areas described aggregate 563.25 acres, more or less, in San Bernardino County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 1, 1972.

[FR Doc.72-18992 Filed 11-6-72;8:47 am]

[Public Land Order 5296]

[Riverside 05191]

CALIFORNIA

Partial Revocation of Reclamation Withdrawal

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

1. The departmental order of October 16, 1931, withdrawing lands for the Colorado River storage project, is hereby revoked so far as it affects the following described lands:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 23 E.,
Sec. 30, SW¼SE¼SE¼SW¼, SE¼SW¼SE¼SW¼;
Sec. 31, NW¼NE¼NE¼NW¼, NE¼NW¼NE¼NW¼.

The areas described aggregate 10 acres in San Bernardino County.

2. The land has been determined to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. section 471 (1970), and it has been disposed of under the provisions of said Act.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 1, 1972.

[FR Doc.72-18993 Filed 11-6-72;8:47 am]

[Public Land Order 5297]

[Arizona 04543]

ARIZONA

Partial Revocation of Public Land Order No. 1161

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

1. Public Land Order No. 1161 of June 6, 1955, withdrawing national forest lands for administrative sites, recreation areas, and for other public purposes, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

TONTO NATIONAL FOREST

Upper Camp Creek Recreation Area

T. 7 N., R. 5 E., unsurveyed.
Sec. 26, E½NE¼SW¼, NW¼NE¼SW¼, N½SW¼NE¼SW¼, W½SW¼SW¼, E½SE¼SW¼.

The areas described aggregate approximately 75 acres in Maricopa County.

2. At 10 a.m., on December 7, 1972, the lands shall be open to such forms of disposal as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 1, 1972.

[FR Doc.72-18994 Filed 11-6-72;8:47 am]

[Public Land Order 5298]

[Arizona 6592]

ARIZONA

Withdrawal for Protection and Expansion of Primitive Area

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

1. Subject to valid existing rights, the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, for the expansion and protection of the Aravaipa Canyon Primitive Area:

GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 18 E.,
Sec. 15, S½S½;
Sec. 24, S½SE¼;
Sec. 25, W½E½, W½.
T. 6 S., R. 19 E.,
Sec. 19, lot 4;
Sec. 30, lots 2 to 6, inclusive, SW¼NE¼, W½SE¼.

The areas described aggregate 1,062.70 acres in Pinal and Graham Counties.

2. The Bureau of Land Management will administer the use of these lands in such a manner as will complement and supplement administration of the adjacent Aravaipa Canyon Primitive Area designated by the order of the Secretary of the Interior of January 10, 1969.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 1, 1972.

[FR Doc.72-18995 Filed 11-6-72;8:47 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENT OF GENERAL POLICY OR INTERPRETATION

Hexachlorophene as a Component in Drug and Cosmetic Products for Human Use; Correction

In F.R. Doc. 72-18855 appearing at page 23537 in the FEDERAL REGISTER of Saturday, November 4, 1972, § 3.91(c)(5) is corrected to read as follows:

§ 3.91 Hexachlorophene, as a component of drug and cosmetic products.

* * * * *

(c) *Prescription drugs.* * * *

(5) Prescription drug products may contain hexachlorophene as part of an effective preservative system only under the conditions and limitations provided for under paragraph (d) of this section.

* * * * *

Dated: November 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-19210 Filed 11-6-72;9:52 am]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Georgia

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing", one additional place for filing in Georgia:

GEORGIA

County; Place for filing; beginning date.

* * * * *

Peach; Fort Valley—U.S. Post Office Building; 300 West Church Street; November 7, 1972.

(Secs. 7 and 9 of the Voting Rights Act of 1965; Public Law 89-110)

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

[FR Doc.72-19171 Filed 11-6-72;8:52 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 71]

COAL MINE HEALTH AND SAFETY

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101(e) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811(e)) to propose mandatory health standards which have been developed by the Secretary of Health, Education, and Welfare and transmitted to the Secretary of the Interior in accordance with the procedures provided in section 101(d) of the Act (83 Stat. 745; 30 U.S.C. 811(d)), it is proposed that Subparts B, C, and D of Part 71, Subchapter O of Chapter I, Title 30, Code of Federal Regulations be amended as set forth below.

The dust standards (Subpart B) would be amended to require frequent dust sampling of the working environments of miners who show evidence of the development of pneumoconiosis and who have exercised their options to transfer to jobs in less dusty areas which are located on the surface. The standards for airborne contaminants (Subpart C) would be amended to reflect the latest findings of the American Conference of Governmental Industrial Hygienists. In addition, a new standard would be prescribed for asbestos to conform to the recommendations developed recently by the National Institute for Occupational Safety and Health. Amendments to the noise standard (Subpart D) are intended to clarify the reporting requirements and the action required of the operator in case the standard is violated.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 45 days following publication of this notice in the FEDERAL REGISTER.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

NOVEMBER 2, 1972.

Part 71 would be amended as set forth below:

1. The following new section would be inserted in Subpart B:

§ 71.110–1 Periodic sampling; transferred miners.

At least once every 90 days, one sample of respirable dust shall be taken from the atmosphere to which each miner who has exercised his option to transfer under section 203(b) of the Act is exposed.

2. In Subpart C, § 71.200(a) would be amended and a new § 71.202 would be inserted as set forth below:

§ 71.200 Inhalation hazards; threshold limit values for gases, dust, fumes, mists, and vapors.

(a) No operator of an underground coal mine and no operator of a surface coal mine may permit any person working at a surface installation or surface worksite to be exposed to airborne contaminants (other than respirable coal mine dust, respirable dust containing quartz, and asbestos dust) in excess of, on the basis of a time-weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists in "Threshold Limit Values of Airborne Contaminants" (1972) which is hereby incorporated by reference and made a part hereof. Excursions above the listed threshold limit values shall not be of greater magnitude than is characterized as permissible by the conference. This paragraph does not apply to airborne contaminants given a "C" designation by the conference in the document. This document is available for examination at the Bureau of Mines, 18th and C Streets NW., Washington, D.C.; at every Coal Mine Health and Safety District and Subdistrict Office; at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD; and at the Public Health Service Information Centers listed in 45 CFR 5.31. Copies of the document may be purchased from the Secretary-Treasurer, American Conference of Governmental Industrial Hygienists, Post Office Box 1937, Cincinnati, OH 45202.

* * * * *

§ 71.202 Asbestos dust standard; measurement.

(a) The 8-hour average airborne concentration of asbestos dust to which miners are exposed shall not exceed two fibers per cubic centimeter of air. Exposure to a concentration greater than two fibers per cubic centimeter of air, but not to exceed 10 fibers per cubic centimeter of air, may be permitted for a total of 1 hour each 8-hour day.

(b) The determination of fiber concentration shall be made by counting all fibers longer than 5 micrometers in length and with a length-to-width ratio of at least 3 to 1 in at least 20 randomly selected fields using phase contrast microscopy at 400–450 magnification.

3. Subpart D would be amended by inserting the following new sections:

§ 71.302 Initial noise level survey.

On or before December 31, 1972, each operator shall:

(a) Conduct, in accordance with this subpart, a survey of the noise levels to which each miner in each surface installation and at each surface worksite is exposed during his normal work shift; and,

(b) Report and certify to the Bureau of Mines and the Department of Health, Education, and Welfare, the results of such survey using the Coal Mine Noise Data Report. (See Figure 1, Part 70 of this subchapter.) Reports shall be sent to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

§ 71.303 Periodic noise level survey.

(a) At intervals of at least every 6 months after December 31, 1972, but in no case shall the interval be less than 3 months, each operator shall conduct periodic surveys of the noise levels to which each miner in each surface installation and at each surface worksite is exposed and shall report and certify the results of such surveys to the Bureau of Mines, and the Department of Health, Education, and Welfare, using the Coal Mine Noise Data Report Form. Reports shall be sent to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(b) Where no A-scale reading recorded for any miner during an initial or periodic noise level survey exceeds 90 dBa, the operator shall not be required to survey such miner during any subsequent periodic noise level survey required by this section: *Provided, however,* That the name and job position of each such miner shall be reported in every periodic survey and the operator shall certify that such miner's job duties and noise exposure levels have not changed substantially during the proceding 6-month period.

§ 71.304 Supplemental noise level survey; reports and certification.

(a) Where the certified results of an initial noise level survey conducted in accordance with § 71.302 or a periodic noise level survey conducted in accordance with § 71.303 show that any miner is exposed to a noise level in excess of the permissible noise level, the operator shall conduct a supplemental noise level survey with respect to each miner whose noise exposure exceeds this standard. This survey shall be conducted within 15 days following notification to the operator by the Bureau of Mines to conduct such survey.

(b) Supplemental noise level surveys shall be conducted by taking noise level measurements in accordance with § 70.506 of this Subchapter O; however, noise level measurements shall be taken during the entire period of each individual operation to which the miner under consideration is actually exposed during his normal work shift.

(c) Each operator shall report and certify the results of each supplemental noise level survey conducted in accordance with this section to the Bureau of Mines and the Department of Health, Education, and Welfare using the Coal Mine Noise Data Report Form to record noise level readings taken with respect to all operations during which such measurements were taken.

(d) Supplemental noise level surveys shall, upon completion, be mailed to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

§ 71.305 Violation of noise standard; notice of violation; action required by operator.

(a) Where the results of a supplemental noise level survey conducted in accordance with § 71.304 show that any miner is exposed to noise levels which exceed the permissible noise levels, the Secretary shall issue a notice to the operator that he is in violation of this subpart.

(b) Upon receipt of a notice of violation issued pursuant to paragraph (a) of this section, the operator shall:

(1) Institute, promptly, administrative and/or engineering controls necessary to assure compliance with the standard. Such controls may include protective devices other than those devices or systems which the Secretary or his authorized representative finds to be hazardous in such mine.

(2) Within 60 days following the issuance of any notice of violation of this subpart, submit for approval to a joint Bureau of Mines/Health, Education, and Welfare committee, a plan for the administration of a continuing, effective hearing conservation program to assure compliance with this subpart, including provision for:

(i) Reducing environmental noise levels;

(ii) Personal ear protective devices to be made available to the miners;

(iii) Preemployment and periodic audiograms.

(3) Plans required under subparagraph (2) of this paragraph shall be submitted to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

[FR Doc.72-19020 Filed 11-6-72;8:46 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

SAFETY AND HEALTH STANDARDS
Hazardous Materials

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 F.R. 8754), and 29 CFR Part 1911 (36 F.R. 17506), it is hereby proposed to amend 29 CFR 1910.103, 104, 106, 107, and 110 as set forth below.

The changes proposed herein are summarized as follows:

1. *Unattended service stations.* Since the promulgation of Part 1910—Occupational Safety and Health Standards—in May 1972, a number of inquiries have been made as to the application of § 1910.106(g)(3)(vii), to unattended service stations, where a customer inserts coins or bills into an automatic dispenser and fills the tank of his vehicle himself. While such stations are not regularly attended, it is nonetheless necessary for some person, often an employee, to enter the station to collect the money, refill the storage tanks, and service the equipment. Accordingly, a proposal is made herein to establish requirements tailored to the protection of employees required to enter a generally unattended service station, which may be exposed to careless action of customers or vandalism either of which could create potentially hazardous conditions for employees.

2. *Inspections.* Hydrogen and oxygen systems, supplied by gas or liquid brought to the user's site by carriers, have generally been inspected and maintained by the same entity supplying the hydrogen and oxygen as many users may not have the technical skills within their own organizations to perform necessary inspections or maintenance. This general arrangement is embodied in the requirements of § 1910.103 (b)(5)(i) and (c)(5)(i), and § 1910.104(b)(10)(i), which were developed by The National Fire Protection Association recognizing both the potential hazards and the industry practices developed to deal with them. This is on its face too restrictive. Some users do possess the necessary skills. It is not necessary that such employers contract for service they can perform themselves. Consequently, the requirement for supplier or contract inspection and maintenance is proposed to be deleted. It is also proposed that such inspection be performed at least monthly, with maintenance at such times as disclosed to be necessary by the inspection.

3. *Protection by public fire department.* Protection for exposure, which is now defined in § 1910.106(a)(27) to include fire protection "acceptable to the authority having jurisdiction" would be made more specific by stating that such protection would mean that the establishment is "located within the jurisdiction of a public fire department having a Class 5 or better rating by application of the American Insurance Association Grading Schedule."

4. *Miscellaneous changes.* In § 1910.106(c)(2)(i) and (ii), "malleable iron" would be recognized as being an acceptable material along with steel and nodular iron. This recognizes a long history of satisfactory use in many industries.

In § 1910.106(d)(7)(i)(b)(*1*), the reference to the word "approved" would be changed to apply the requirements of § 1910.159. In addition (*1*), (2), and (*3*) appearing under (*b*) would be correctly renumbered (ii), (iii), and (iv) respectively, and provided titles, to establish them at the same organization level as the same provisions in NFPA 30-1969, the source standard.

In § 1910.106(g)(1)(i), (*d*) would be revoked since this material actually describes a variance properly handled in accordance with 29 CFR Part 1905.

In § 1910.106(g)(1)(i)(*e*), (*3*) would be revoked since safety of employees does not depend on the ownership of vehicles being serviced.

In § 1910.106(g)(3)(iv)(*b*), a new requirement would be established requiring evidence of listing on fuel dispensing nozzles to be affixed so as to show whether such nozzles had been dismantled, and to prohibit the use of nozzles which do not have intact evidence.

In § 1910.107(b)(1), the specification of 18 gage steel would be deleted, since the performance requirement is adequate to insure safety without reference to a specific gage of steel.

In § 1910.107(d)(2), the words "or property" would be deleted, since the Act is not addressed to property protection.

In § 1910.110(f)(5)(iii), the words "single strength glass or other similar" would be deleted. The deletion does not prohibit the use of such glass, but removes any implication that it is the only recommended or best method of explosion-relieving construction.

Written data, views, and arguments concerning the proposals may be mailed to the Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210, within 30 days after the publication of this notice in the FEDERAL REGISTER. The data, views, and arguments will be available for public inspection and copying at the Office of Standards located at the above address. Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before the 30th day after the date of publication of this notice of proposed rule making;

(3) The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

1. As amended 29 CFR 1910.103 (b)(5)(i) and (c)(5)(i) would read as follows:

§ 1910.103 Hydrogen.

* * * * *

(b) *Gaseous hydrogen systems.* * * *

(5) *Maintenance*—(i) *Inspection.* The equipment and functioning of each charged gaseous hydrogen system shall be inspected not less than monthly for

leaks and other malfunctions and prompt repair made of deficiencies. No empty system shall be charged until a complete inspection of all equipment and functions is completed, and such inspection assures that the equipment and functions are safe. A written record of each inspection, including the items inspected, type of inspection, and results, shall be made, and shall be maintained at the establishment for a period of not less than 3 years.

* * * * *

(c) *Liquefied hydrogen systems.* * * *

(5) *Maintenance*—(i) *Inspection.* The equipment and functioning of each charged liquefied hydrogen system shall be inspected not less than monthly for leaks and other malfunctions, and prompt repair made of deficiencies. No empty system shall be charged until a complete inspection of all equipment and functions is completed, and such inspection assures that the equipment and functions are safe. A written report of each inspection, including the items inspected, type of inspection, and results, shall be made, and shall be maintained at the establishment for a period of not less than 3 years.

* * * * *

2. As amended 29 CFR 1910.104(b)(10)(i) would read as follows:

§ 1910.104 Oxygen.

(b) *Bulk oxygen systems.* * * *

(10) *Maintenance* — (i) *Inspection.* The equipment and functioning of each charged bulk oxygen system shall be inspected not less than monthly for leaks and other malfunctions, and prompt repair made of deficiencies. No empty system shall be charged until a complete inspection of all equipment and functions is completed, and such inspection assures that the equipment and functions are safe. A written record of each inspection, including the items inspected, type of inspection, and results, shall be made, and shall be maintained at the establishment for a period of not less than 3 years.

* * * * *

3. As amended, 29 CFR 1910.106 (a)(27), (c)(2)(i), (c)(2)(ii), (d)(7)(ii) (now incorrectly numbered (d)(7)(i)(b)(*1*)), (d)(7)(iii) (now incorrectly numbered (d)(7)(i)(*b*)(2)), (d)(7)(iv) (now incorrectly numbered (d)(7)(i)(b)(3)), (g)(1)(i)(*d*), (g)(1)(i)(*e*)(*3*), (g)(3)(iv)(*b*), and (g)(3)(vii) would read as follows:

§ 1910.106 Flammable and combustible liquids.

(a) *Definitions.* * * *

(27) Protection for exposure shall mean fire protection for structures on property adjacent to tanks. Such structures located within the jurisdiction of a public fire department having a Class 5 or better rating by application of the American Insurance Association Grading Schedule shall be considered as having such protection.

* * * * *

(c) *Piping, valves, and fittings.* * * *

(2) *Materials for piping, valves, and fittings*—(i) *Required materials.* Materials for piping, valves, or fittings shall be steel, nodular iron, or malleable iron except as provided in subdivisions (ii), (iii), and (iv) of this subparagraph.

(ii) *Exceptions.* Materials other than steel, nodular iron, or malleable iron may be used underground or if required by the properties of the flammable or combustible liquid handled. Materials other than steel, nodular iron, or malleable iron shall be designed to specifications embodying principles recognized as good engineering practices for the material used.

* * * * *

(d) *Container and portable tank storage.* * * *

(7) *Fire control.* * * *

(ii) *Sprinklers.* When sprinklers are provided, they shall be installed in accordance with § 1910.159.

(iii) *Open flames and smoking.* Open flames and smoking shall not be permitted in flammable or combustible liquids storage areas.

(iv) *Water reactive materials.* Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

* * * * *

(g) *Service stations*—(1) *Storage and handling*—(i) *General provisions.* * * *

(*d*) [Revoked.]

(*e*) * * *

(3) [Revoked.]

* * * * *

(3) *Dispensing systems.* * * *

(iv) *Dispensing units.* * * *

(*b*) Dispensing devices for Class I liquids shall be listed. All nozzles installed on or after January 1, 1973, shall have evidence of listing affixed in such manner that any attempt at dismantling the nozzle will destroy such evidence. After January 1, 1977, all nozzles shall have evidence of listing so affixed. No nozzle produced with such evidence shall be used if the evidence is broken or missing.

* * * * *

(vii) *Unattended public dispensing stations.* (*a*) As used in this subdivision an unattended public dispensing station shall mean any installation open to the public where flammable or combustible liquids are dispensed without the presence of a trained and designated attendant whose primary duties include controlling the dispensing of liquids.

(*b*) An unattended public dispensing station shall have a listed master electrical disconnect at least 50 feet, but not more than 100 feet, from the pump installation. Such disconnect shall be located so that an employee does not have to approach within 50 feet to the pump installation to reach it. Operation of the disconnect shall interrupt all powerlines in the station, including the neutral.

(c) Before employees commence equipment repair or transfer of fuel or similar work at the station:

(*1*) Power shall be removed from the pumps and other equipment at the pump installation, except that lights may be left on;

(2) The station shall be barricaded and posted to prevent entry of unauthorized vehicles and persons during the period of work; and

(3) The station shall be freed of spilled fuel and other hazards presenting serious injury potential.

(*d*) Electrical power may be restored during repair and maintenance operations for test purposes, with appropriate safeguards to ignition sources.

* * * * *

4. As amended § 1910.107 (b)(1) and (d)(2) would read as follows:

§ 1910.107 Spray finishing using flammable and combustible materials.

* * * * *

(b) *Spray booths*—(1) *Construction.* Spray booths shall be substantially constructed of steel, securely and rigidly supported, or of concrete or masonry, except that aluminum or other substantial noncombustible materials may be used for intermittent or low volume spraying. Spray booths shall be designed to sweep air currents toward the exhaust outlet.

* * * * *

(d) *Ventilation.* * * *

(2) *General.* All spraying areas shall be provided with mechanical ventilation adequate to remove flammable vapors, mists, or powders to a safe location and to confine and control combustible residues so that life is not endangered. Mechanical ventilation shall be kept in operation at all times while spraying operations are being conducted and for a sufficient time thereafter to allow vapors from drying coated articles and drying finishing material residue to be exhausted.

* * * * *

5. As amended § 1910.110(f)(5)(iii) would read as follows:

§ 1910.110 Storage and handling of liquefied petroleum gases.

* * * * *

(f) *Storage of containers awaiting use.* * * *

(5) *Storage within special buildings or rooms.* * * *

(iii) A portion of the exterior walls or roof having an area not less than 10 percent of that of the combined area of the enclosing walls shall be of explosion relieving material.

* * * * *

(Sec. 6, 84 Stat. 1593; 29 U.S.C. 655)

Signed at Washington, D.C., this 1st day of November 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-19062 Filed 11-6-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-166]

ADDITIONAL CONTROL AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would designate additional control areas along the east coast of the United States.

Consistent with this proposal, nonrule making action will be required to alter Warning Areas W-132, W-157, W-158A, and W-160 as described herein. Procedures for joint use of these areas by the using agency and the FAA must also be established.

The proposed designation of controlled airspace will permit vectoring of traffic from overland routes or Control 1150 through the above mentioned warning areas when said areas are not being used by the using agency.

Interested persons may participate in the proposed rule making 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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. 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 amendments. The proposals 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.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO international standards and recommended practices.

Applicability of international standards and recommended practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The international standards and recommended practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, where air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the international standards and recommended practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace actions proposed in this docket would designate additional control areas as follows:

1. That airspace extending upward from 2,000 feet MSL bounded on the north by Control 1152; on the east by Control 1150; on the south by Control 1153, and on the west by a line 3 nautical miles from and parallel to the shoreline.

2. That airspace extending upward from 2,000 feet MSL bounded on the north by Control 1153; on the east by Control 1150; on the south by a line extending from Lat. 29°21'30" N., Long. 79°08'05" W. westerly to Lat. 28°49'00" N., Long. 80°41'00" W.; and on the west by a line 3 nautical miles from and parallel to the shoreline.

The nonrule making action associated with the proposed amendments would alter certain warning areas.

1. W-132 would be redefined as follows:

Boundaries: Beginning at Lat. 32°33'00"N., Long. 79°22'00" W.; to Lat. 32°15'00" N., Long. 78°32'00" W.; to Lat. 32°00'00" N., Long. 78°36'00" W.; to Lat. 32°00'00" N., Long. 79°22'00" W.; to point of beginning.

Altitude: Surface to and including FL-800.

Time of use: Daily, 0700 to 2300 local time.

Using agency: Commander, Naval Base, Charleston, S.C.

Controlling agency: Federal Aviation Administration, ARTC Center, Jacksonville, Fla.

2. W-133 would be established as a new area as follows:

Boundaries: Beginning at Lat. 32°42'10" N., Long. 79°45'30" W.; to Lat. 32°33'00" N., Long. 79°22'00" W.; to Lat. 32°00'00" N., Long. 79°22'00" W.; to Lat. 32°00'00" N., Long. 80°29'00" W.; to Lat. 32°29'30" N., Long. 80°10'55" W.; thence along a line 3 nautical miles from and parallel to the shoreline to point of beginning.

Altitude: Surface to and including 4,500 feet MSL.

Time of use: Daily, 0700 to 2300 local time.

Using agency: Commander, Naval Base, Charleston, S.C.

Controlling agency: Federal Aviation Administration, ARTC Center, Jacksonville, Fla.

3. W-134 would be established as a new area as follows:

Boundaries: Beginning at Lat. 32°42'10" N., Long. 79°45'30" W.; to Lat. 32°33'00" N., Long. 79°22'00" W.; to Lat. 32°00'00" N., Long. 79°22'00" W.; to Lat. 32°00'00" N., Long. 80°29'00" W.; to Lat. 32°29'30" N., Long. 80°10'55" W.; thence along a line 3 nautical miles from and parallel to the shoreline to point of beginning.

Altitude: From 4,500 feet MSL to and including FL-800.

Time of use: Daily, 0700 to 2300 local time.

Using agency: Commanding Officer, Marine Corps Air Station, Beaufort, S.C.

Controlling agency: Federal Aviation Administration ARTC Center, Jacksonville, Fla.

4. W-157 would be modified as follows:

a. Change the time of use from "Continuous" to "0600 to 0300 local time the following day (21 hours), 7 days per week."

b. Add "Controlling Agency: Federal Aviation Administration, ARTC Center, Jacksonville, Fla."

5. W-158A would be modified as follows:

a. Change the time of use from "Continuous" to "0600 to 0300 local time the following day (21 hours), 7 days per week."

b. Add "Controlling Agency: Federal Aviation Administration, ARTC Center, Jacksonville, Fla."

6. W-160 would be modified as follows:

a. Change the altitude from "Surface to Unlimited" to "Surface to FL-550."

b. Change the time of use from "Sunrise to Sunset" to "0600 to 0300 local time the following day (21 hours), 7 days per week."

c. Add "Controlling Agency: Federal Aviation Administration, ARTC Center, Jacksonville, Fla."

These amendments are proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 31, 1972.

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

[FR Doc.72-18983 Filed 11-6-72;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WA-11]

MIAMI, FLA.

Proposed Terminal Control Area

The Federal Aviation Administration (FAA) is considering the adoption of a Group I terminal control area for Miami, Fla. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, § 91.70 and 91.90 of the Federal Aviation Regulations. Further informa-

tion concerning flight within TCAs is contained in FAA Advisory Circular AC No. 91-30 dated 6/11/70, subject: Terminal Control Areas (TCA).

Interested persons may participate in the proposed rule making 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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 60 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.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO international standards and recommended practices.

Applicability of international standards and recommended practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The international standards and recommended practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the international standards and recommended practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft. Also, the proposed rule places no requirements on foreign aircraft operating in international airspace.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

On January 21, 1970, the Federal Aviation Administration held a public hearing in Miami to discuss the original TCA concept designed for the Miami terminal area. On May 19, 1970, a meeting was held with the users and user representatives in the local Miami area to consider the problems associated with the TCA airspace configuration. Although many persons objected to the proposed TCA, most opposition was directed to the concept rather than specific aspects of the Miami proposal.

Further action on the Miami TCA was suspended until early in 1972, when the airspace requirements were reviewed in light of operational knowledge derived from currently established TCA's and a revised plan was presented at user meetings on April 6 and June 7, 1972. Again, there were many objections and again most opposition was directed to the TCA concept rather than specific aspects of the Miami proposal. The proposal presented at the June 7, 1972, meeting contained a north/south VFR corridor over the Miami Airport as suggested by some of the users at the April 6, 1972, meeting. However, in response to numerous objections to the corridor, it has been deleted from this notice. In further response to user comments stating operational requirements for seaplane operations along Biscayne Bay, that airspace below 1,000 feet m.s.l. over Biscayne Bay has been excluded from the proposed TCA.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(a) Group I terminal control areas.

MIAMI, FLA., TERMINAL CONTROL AREA

PRIMARY AIRPORT

Miami International Airport (lat. 25°47'-34" N., long. 80°17'10" W.).

Boundaries

Area "A"

The airspace extending upward from the surface to 7,000 feet m.s.l. within an 8-mile radius of Miami International Airport (lat. 25°47'34" N., long. 80°17'10" W.) extending clockwise from the 000° bearing to the 180° bearing from the Miami International Airport; and within a 9-mile radius of the Miami International Airport extending clockwise from the 180° bearing to the 360° bearing from the Miami International Airport; excluding that airspace within and underlying Areas B, C, and E.

Area "B"

The airspace over Biscayne Bay extending upward from 1,000 feet m.s.l. to 7,000 feet m.s.l. bounded on the east by the arc of an 8-mile circle centered on the Miami International Airport, on the south by the Biscayne VORTAC 269° radial, and on the west by the west shoreline of Biscayne Bay.

Area "C"

The airspace north of Miami extending upward from 5,000 to 7,000 feet m.s.l., beginning at the intersection of the arc of a 15-mile radius circle centered on Miami International Airport and Miami VOR 089° radial, thence west along this radial, to and southwest along the 038° bearing from the center of Miami International Airport, to and west along lat. 25°52'34" N., to and northwest along Miami VOR 130° radial, to Miami VOR, thence west along Miami VOR 269° radial, to and clockwise along the arc of a 15-mile radius circle centered on Miami International Airport, to point of beginning.

Area "D"

The airspace east of Miami extending upward from 2,000 to 7,000 feet m.s.l., bounded on the north by Miami VOR 089° radial, on the east by the arc of a 20-mile radius circle centered on Miami International Airport, on the south by Biscayne VOR 089° and 269° radials, on the west by the arc of an 8-mile radius circle centered on the Miami International Airport and on the northwest by the 038° bearing from the center of Miami International Airport.

Area "E"

The airspace south of Miami extending upward from 5,000 to 7,000 feet m.s.l., bounded on the north by Biscayne VOR 089° and 269° radials, and on the southeast, south, and southwest by the arc of a 15-mile radius circle centered on Miami International Airport.

Area "F"

The airspace west of Miami extending upward from 2,000 to 7,000 feet m.s.l. bounded on the north by Miami VOR 269° radial, on the northeast by Miami VOR 130° radial, on the east by Area "A," on the south by Biscayne VOR 269° radial, and on the west by the arc of a 20-mile radius circle centered on Miami International Airport.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510) Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 31, 1972.

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

[FR Doc.72-18982 Filed 11-6-72;8:49 am]

National Highway Traffic Safety Administration

[49 CFR Part 573]

[Docket No. 69-31; Notice 4]

DEFECT INFORMATION REPORT

Submission of Vehicle Identification Numbers

This notice proposes an amendment to the Defect Reports regulation that would require manufacturers of motor vehicles to include in defect information reports the vehicle identification numbers (VIN's) of all vehicles possibly involved in the notification campaign. The Defect Reports regulation was published February 17, 1971 (36 F.R. 3064), and August 11, 1971 (36 F.R. 14742).

The regulation presently requires defect information reports (§ 573.4), in describing the vehicles which are sub-

ject to the campaign which the report concerns, to contain, "identifying classifications of the vehicles potentially affected by the defect, including make, model, model year if appropriate, any other data necessary to describe the affected vehicles, and the inclusive dates (month and year) of manufacture." Manufacturers are not required to include vehicle identification numbers as part of this information, although they are free to do so.

The NHTSA has become aware that the notification of owners and the repair of defective vehicles might be improved by requiring manufacturers to make available as a matter of course the vehicle identification numbers of vehicles involved in notification campaigns. The State Farm Insurance Co., for example, has indicated in correspondence with the Administration that if supplied with VIN's of defective vehicles, it could through its data facilities notify the present owner of any involved vehicle that it insures. This notification would reach many owners of older vehicles, who may be second or third owners whose names and addresses are not available to manufacturers.

The Center for Auto Safety has petitioned directly that VIN's be provided in defect information reports. Their petition maintains that the availability of VIN's would facilitate the ability of consumers to determine whether their vehicles have been the subject of a campaign. They further argue that VIN's could also be used by State inspection facilities in determining whether vehicles subject to recall campaigns have been repaired.

The NHTSA believes these arguments to be of substantial merit, and accordingly proposes by this notice to require manufacturers to include vehicle identification numbers in defect information reports. These reports are presently made available to the public as a matter of course, and vehicle identification numbers would be similarly available.

The proposal also would substitute "line" for "model" in the list of required information regarding affected vehicles. It appears that "model" can refer to a number of different descriptive categories and is consequently ambiguous. "Line," which is based on SAE Recommended Practice J-218, "Passenger Car Identification Terminology," is specific, denoting a family of vehicles within a make.

In light of the above, it is proposed that § 573.4(c)(2) of 49 CFR Part 573, "Defects Reports," be amended to read as follows:

§ 573.4 Defect information report.

* * * * *

(c) * * *

(2) Identifying classifications of the vehicles potentially affected by the defect, including make, line, vehicle identification number, model year if appropriate, any other data necessary to describe the affected vehicles, and the inclusive dates (month and year) of manufacture.

* * * * *

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

All comments received before the close of business on February 2, 1973, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and, too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Proposed effective date: July 1, 1973.

This notice is issued pursuant to sections 103, 112, 113, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1402, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on October 31, 1972.

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

[FR Doc.72-19009 Filed 11-6-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO-267-A7]

LIMES GROWN IN FLORIDA

Withdrawal of Hearing Notice and Termination of Proceeding with Respect to Proposed Further Amendment of the Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a notice setting forth a proposal, a location, date, and time for a public hearing was published in the FEDERAL REGISTER (37 F.R. 20951), with respect to proposed amendment of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 F.R. 10497), regulating the handling of limes grown in Florida. This proposal was submitted by the Florida Lime Administrative Committee, the administrative agency established pursuant to the marketing agreement and order.

On August 9, 1972, when the committee at its regular monthly meeting, with all members or alternates present, unanimously recommended to the Secretary that a hearing be held to consider its proposal for further amendment of the marketing agreement and order, there was no industry opposition to the proposed amendment.

Since the time the committee submitted its proposal, several large volume handlers of Florida limes withdrew their support of the proposed amendment, and at its meeting on October 31, 1972, a majority of grower and handler members and alternates serving on the committee recommended withdrawal of the proposed amendment, that the hearing not be held on November 9, 1972, as stated in said notice of hearing and that the hearing be postponed indefinitely.

In view of the changed situation with respect to grower and handler support since the proposal was submitted, it is concluded that no useful purpose would be served by indefinite postponement of the hearing. Therefore, the notice of hearing (37 F.R. 20951) is hereby withdrawn and the proceeding terminated.

Dated: November 3, 1972.

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

[FR Doc.72-19239 Filed 11-6-72;11:41 am]

[7 CFR Part 1099]

MILK IN THE PADUCAH, KY., MARKETING AREA

Termination of Proceeding To Suspend a Certain Provision of the Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rulemaking was issued by the Deputy Administrator, Regulatory Programs, on October 3, 1972, with respect to a proposed suspension of a certain provision of the order regulating the handling of milk in the Paducah, Ky., marketing area. Interested persons were invited to submit views, data, or arguments to the Hearing Clerk not later than October 17, 1972, in connection with the proposed suspension.

The provision in § 1099.15 proposed to be suspended reads, "cream, sweet and sour;". Suspension of this language from the order would result in fluid cream being classified and priced as a Class II product rather than as a Class I product. The proposed suspension was requested by Dairymen, Inc., a cooperative association representing a substantial majority of the producers on the market, and by Ryan Milk Co., Inc., a fully regulated handler under the order. Proponents contend that the proposed suspension would enable Ryan Milk Co. to better compete with handlers regulated under other Federal milk orders, unregulated

handlers, and distributors of cream substitutes.

Several handlers and another cooperative association submitted written views opposing the proposed suspension. All such handlers compete with proponent Paducah handler in one or more Federal order markets in which the latter distributes cream. The cooperative association, which processes cream and cream products, also represents producers supplying milk to a number of these same markets.

Most of the parties opposed to the proposed suspension objected to the reclassification of any milk product, including cream, on an order by order basis. Opponents argued, in general, that the granting of this suspension in the Paducah order would create inequities in other marketing areas where the Paducah regulated handler competes for sales of fluid cream.

While the proposed suspension would reduce the cost of milk for cream use to the Ryan Milk Co., it would not do so for regulated handlers with whom it competes for cream sales. Ryan Milk Co. competes for cream sales with handlers regulated under 17 different Federal milk orders. Sixteen of these orders continue to classify fluid cream as a Class I product. Although the matter of reclassifying cream for all such markets (and others) is under consideration in another proceeding, it would not be appropriate, particularly in view of vigorous objection, to provide a time advantage for a single market through suspension procedure.

On the basis of available information, it is concluded that the aforesaid provision should not be suspended.

It is hereby found and determined that the proposed suspension should not be effectuated and that the proceeding begun in this matter on October 3, 1972, should be and is hereby terminated.

Signed at Washington, D.C., on November 2, 1972.

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

[FR Doc.72-19066 Filed 11-6-72;8:51 am]

Animal and Plant Health Inspection Service

[9 CFR Part 75]

EQUINE INFECTIOUS ANEMIA (SWAMP FEVER)

Interstate Movement of Certain Animals

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), the Department is considering amending Part 75, Title 9, Code of Federal Regulations, in the following respects:

1. The center heading "Equine Infectious Anemia (Swamp Fever)" would be inserted just after § 75.4.

2. The following section would be added to Part 75:

§ 75.5 Notice relating to existence of equine infectious anemia (swamp fever), and conditions of interstate movement of certain animals.

(a) Notice is hereby given that equine infectious anemia (swamp fever), a communicable disase of horses, asses, mules, ponies, and zebras exists in all States.

(b) *Definitions.* For the purposes of this section, the following terms shall have the meanings set forth in this paragraph. See also definitions in § 71.1 of this chapter.

(1) *Official test.* The Agar gel immuno/diffusion test for equine infectious anemia conducted in a laboratory approved by the Secretary for the purpose of conducting this test. Laboratories will be approved by the Secretary following the determination by him that the laboratory: (i) Has adequately trained technical personnel assigned to conduct the test, (ii) uses USDA licensed antigen, (iii) follows standard test protocol, (iv) meets check test proficiency requirements, and (v) reports all test results to State and Federal animal health officials.[1]

(2) *Reactor.* Any horse, ass, mule, pony, or zebra which discloses a positive reaction to the official test.

(3) *Officially identified.* The permanent identification by a Veterinary Services inspector, State inspector, or an accredited veterinarian of a reactor, using a hot iron brand, freezemarking, or a chemical brand, to apply the letter "A" and the National Uniform Tag code number assigned by the Department to the State in which the reactor was tested. Such markings shall not be less than 3 inches high on the left thigh of such reactor.[2]

(4) *Certificate.* An official document issued by a State or Federal inspector or by an accredited veterinarian at the point of origin of the shipment on which are listed: (i) The description, age, breed, color, sex, distinctive markings when present (such as brands, tattoos, scars, or blemishes) on each reactor to be moved; (ii) the number of animals covered by the document; (iii) the purpose for which the animals are to be moved; (iv) the points of origin and destination; (v) the consignor; and (vi) the consignee; and which states that the animal or animals identified on the certificate meet the requirements of § 75.5(c).

(5) *Veterinary services inspector.* A veterinarian or livestock inspector employed by Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, in animal health activities, who is authorized to perform the function involved.

(6) *State inspector.* A veterinarian or livestock inspector regularly employed in animal health activities by a State or a political subdivision thereof, authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the U.S. Department of Agriculture.

(7) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(c) Any reactor to an official test shall be classified as affected with equine infectious anemia, and no reactor shall be moved interstate unless:

(1) It is officially identified, and accompanied by a certificate as defined in § 75.5(b)(4); and

(2) It is moved interstate to a federally inspected slaughtering establishment operated under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State-inspected slaughtering establishment which has inspection by a State inspector at the the time of slaughter, for immediate slaughter; or to a diagnostic or research facility designated by the Deputy Administrator, as provided in § 71.3(e),[3] or

(3) The reactor is disclosed on an official test conducted in a State other than the State where the home farm of the reactor is located, such reactor is moved interstate to its home farm under a certificate issued by a Veterinary Services inspector upon his determination, after consultation with the State officials concerned, that the reactor so moved will be maintained segregated from other equidae and quarantined under State authority on the premises of its home farm until natural death, slaughter, or disposition by euthanasia.

The purposes of the foregoing proposed amendments would be to provide for an official test for equine infectious anemia and to more efficiently prevent the interstate spread of the disease by requiring reactors to an official test for equine infectious anemia to be permanently identified and to meet other specified conditions as a prerequisite for movement interstate.

Any person who wishes to submit written data, views, or arguments concerning this proposal may do so by filing them with the Deputy Administrator,

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[1] Information as to the names of laboratories approved by the Secretary for running the official test and criteria for approval of such laboratories can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

[2] Information as to the National Uniform Tag code number system can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Services, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

[3] Research facilities will be designated by the Deputy Administrator upon request and after a determination by the Deputy Administrator that the facility is secure and will prevent exposure to other equidae. Information as to the names and locations of designated research facilities can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building Hyattsville, Md. 20782.

Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, within 30 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 2d day of November 1972.

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

[FR Doc.72-19070 Filed 11-6-72;8:51 am]

[9 CFR Part 327]

IMPORTATION OF MEAT AND MEAT PRODUCTS

Proposed Addition of British Honduras to List of Countries

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the authority contained in the Federal Meat Inspection Act (34 Stat. 2160, as amended, 21 U.S.C. 601 et seq.), the Animal and Plant Health Inspection Service is considering amending § 327.2(b) of the Federal meat inspection regulations (9 CFR 327.2(b)) by adding British Honduras to the list of countries specified therein.

Statement of considerations. The Federal Meat Inspection Act prohibits the importation into the United States of carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, or equines, capable of use as human food, unless they comply with all the provisions of the Act and regulations issued thereunder applicable to such articles in commerce within the United States. Such articles from approved plants in the countries listed in § 327.2(b) are eligible for importation into the United States as provided in the regulations. The laws and regulations of British Honduras concerning these matters have been reviewed and appear to be acceptable. Furthermore, onsite reviews of the export meat inspection program of British Houduras indicate that it is equal to our program in the United States. Certificates issued by British Honduras officials for export of carcasses, parts thereof, meat and meat food products to the United States are reliable.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to the Director, Field Operations, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views within the 30-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on November 2, 1972.

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

[FR Doc. 72-19069 Filed 11-6-72;8:51 am]

Commodity Credit Corporation

[7 CFR Part 1438]

CRUDE PINE GUM

1973 Gum Naval Stores Support Program

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 301 and 401 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1447 and 1421), hereinafter called "the Act," and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c), is considering undertaking, through Commodity Credit Corporation, a support program for crude pine gum produced in the United States during the calendar year 1973. Such consideration includes determinations to be made regarding such matters as (a) the level of support for the crude pine gum; and (b) the manner of making such support available to producers.

In making the determinations specified above, the following factors are relevant:

(a) *The level of support for crude pine gum.* The Act authorizes the Secretary to make support available to producers of crude pine gum at a level not to exceed 90 percent of the crude pine gum parity price. The Act requires that, in determining the level of such support, consideration to be given to the supply of the commodity in relation to the demand therefor, the levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through such an operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

(b) *The manner of making support available to producers.* The Act authorizes the Secretary to make support available to producers through loans, purchases or other operations. Gum naval stores are marketed primarily in the form of gum rosin and gum turpentine. Gum rosin is the more storable of the two commodities and currently accounts for about 85 percent of the value of crude pine gum. Therefore, consideration is being given to continuing the practice of supporting crude pine gum through loans on gum rosin. The rosin loan rates would be derived from the level of support for crude pine gum. An allowance would be made for the prospective market value of the turpentine content of crude pine gum during the 1973 calendar year.

Before making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 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 office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 31, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-19071 Filed 11-6-72;8:51 am]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 207, 220, 221]

[Regs. G, T, and U]

CREDIT TO PROVIDE CAPITAL TO BROKERS AND DEALERS

Withdrawal of Proposed Rules, and Proposed Termination of Related Provision

On April 16, 1971, the Board of Governors of the Federal Reserve System issued, and on July 9, 1971, it revised, proposed amendments to its Regulation G, "Securities Credit by Persons Other Than Banks, Brokers, or Dealers"; T, "Credit by Brokers and Dealers"; and U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks" set-

ting forth conditions under which credit may be obtained without regard to initial margin requirements for the purpose of providing capital to broker/dealer firms. The initial proposals were published in the FEDERAL REGISTER on April 24, 1971 (36 F.R. 7754) and the revised proposals were published in the FEDERAL REGISTER on July 16, 1971 (36 F.R. 13218–13221). The original and revised proposals were intended to replace a conditional interim provision regarding such credit which was added to Regulation U, on April 16, 1971, when the proposals were initially put forth for comment.

The revised proposals were to become effective October 1, 1971, but the Board has since postponed the effective date to December 1, 1972.

After consideration of the comments and suggestions received, and in view of subsequent changes in the capital rules prescribed by the self-regulatory bodies and the Securities and Exchange Commission, the Board (1) has decided to withdraw its proposals to amend § 207.1 (f) of Regulation G, § 220.4(f)(2) of Regulation T, §221.2(m) and §221.3 (b)(4) and (q) of Regulation U, and (2) proposes to amend Regulation U by terminating the related provision in paragraph (m) of § 221.2 which was adopted as an interim measure.

The effect of the Board's actions in withdrawing the above-cited rules and terminating § 221.2(m) would be to restore the rules on this subject to those which prevailed before April 16, 1971.

Most importantly, credit extended by banks, after the effective date of the proposed termination, for the purpose of providing capital to broker/dealer firms would be subject to margin requirements if secured directly or indirectly by any stock. This would be the case regardless of whether the credit was extended directly to the firm or to a third party to enable them to contribute capital to the firm. If not so secured, such credit would not be subject to Regulation U.

Credit extended or maintained by banks pursuant to the provision in § 221.2 (m) of Regulation U, prior to the effective date of its amendment including renewals or extensions of such credit after that date, would not become subject to the margin requirements of Regulation U, so long as it continued to meet the conditions specified therein.

Bank credit would continue to be available to contribute capital to broker/dealer firms under paragraph (l) of § 221.2 without regard to margin requirements in individual situations where the Board has determined, upon certification by the Securities Investor Protection Corporation, that such action is appropriate under the circumstances.

Section 221.2(m) would be amended to read as follows:

§ 221.2 Exceptions to general rule.

* * * * *

(m) Any credit extended to a customer, prior to the effective date of the proposed termination, and maintained continuously thereafter, for the purpose of making a loan or contribution of capital to a broker or dealer subject to Part 220 of this chapter (Regulation T), or to purchase stock in such a broker which is a corporation: *Provided*, That

(1) Such loan or contribution is in conformity which the requirements regarding satisfactory subordination agreements or equities in the accounts of partners of a rule of the Securities and Exchange Commission (Rule 15c3–1 (c)(2)(A), (c)(4), and (c)(7) (17 CFR 240.15c3–1 (c)(2)(A), (c)(4), and (c)(7)) or the capital rules of an exchange of which the broker or dealer is a member if the members thereof are exempt therefrom by Rule 15c3–1(b)(2) of the Commission (17 CFR 240.15c3–1(b)(2)) or such stock is purchased directly from the issuer and not as part of a public distribution, and

(2) All of the proceeds of such extension of credit are so loaned or contributed to the capital of such broker or dealer, or used to purchase such stock, and

(3) All of the net proceeds of any withdrawal of such loan or contribution of capital from such broker or dealer or redemption of such stock shall be paid to the bank and used to reduce or retire such extension of credit.

The Board is affording interested persons an opportunity to submit relevant data, views, or arguments concerning the proposed amendment. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 20, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

By order of the Board of Governors, November 2, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72–19166 Filed 11–6–72;8:52 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

COMMISSIONER OF THE PUBLIC DEBT

Order of Succession

Order of succession of officials to act as Commissioner of the Public Debt, and provisions for the continuous performance of functions of the Bureau of the Public Debt in the event of an enemy attack on the continental United States.

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Deputy Commissioner.
2. Assistant Commissioner.
3. Assistant Deputy Commissioner.
4. Technical Assistant to the Commissioner.
5. Chief Counsel.
6. Director, Chicago Office.
7. Director, Parkersburg Office.
8. Director, Division of Securities Operations.
9. Director, Division of Public Debt Accounts.
10. Deputy Director, Division of Securities Operations.
11. Deputy Director, Division of Public Debt Accounts.

2. In the event of an enemy attack on the continental United States and without regard to the matter of succession, the Assistant Commissioner, the Assistant Deputy Commissioner, and the Directors of the Chicago and Parkersburg offices are hereby authorized to perform any function of the Secretary of the Treasury or Commissioner of the Public Debt (whether or not otherwise delegated), (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

3. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of The Department of the Treasury Order No. 129, Revision No. 2, dated April 22, 1955. This order of succession supersedes the order of this Bureau dated August 4, 1972.

[SEAL] H. J. HINTGEN,
Commissioner of the Public Debt.

NOVEMBER 1, 1972.

[FR Doc.72-19012 Filed 11-6-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6949]

ARIZONA

Order Providing for Opening of Lands

Pursuant to the vacating order of the Federal Power Commission (37 F.R. 9586, May 12, 1972) and in accordance with Bureau of Land Management Order 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered as follows:

1. The following described lands, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under applicable public land law, as provided herein, from the withdrawals for Federal Power Projects No. 1201 dated March 21, 1932, and No. 1444 dated October 26, 1937, as interpreted July 11, 1941, subject to valid existing rights and the provisions of existing withdrawals:

GILA AND SALT RIVER MERIDIAN, ARIZ.

POWER PROJECT NO. 1201

All portions of the following tracts lying within 25 feet of the centerline of the transmission line location shown on a map designated "Exhibit K" and entitled "Showing Right of Way of the Arizona Power Co. Clear Creek Transmission Line through Prescott and Coconino National Forests and Private Lands, Prescott, Yavapai County, Ariz.," and filed in the office of the Federal Power Commission on March 11, 1932:

T. 13 N., R. 5 E.,
Sec. 7, lots 8, 9, and 10;
Sec. 11, lots 2 and 5 (inside former Camp Verde Garden Reservation);
Sec. 11, lot 2 (outside former Camp Verde Reservation);
Sec. 12, lots 11 and 12;
Sec. 13, SE¼NE¼ and NE¼SE¼;
Sec. 14, lot 1 (inside former Camp Verde Reservation);
Sec. 15, lot 2 (inside former Camp Verde Reservation);
Sec. 15, lot 2 (outside former Camp Verde Reservation).

POWER PROJECT NO. 1444

All portions of the following tracts lying within 25 feet of the centerline of the transmission line as shown on a map designated "Exhibit K" and entitled "Showing Right-of-Way, the Arizona Power Corp., for the Beaver Creek Transmission Line Thru Private, State, and Coconino National Forest Lands," and filed in the office of the Federal Power Commission on May 19, 1937:

T. 14 N., R. 5 E.,
Sec. 4, SW¼NE¼ and SE¼NW¼;
Sec. 5, lots 9, 14, and 15;
Sec. 8, lot 1, W½NE¼, SE¼NW¼, W½SW¼, and N½NE¼SW¼;
Sec. 17, lots 2, 3, and 4;
Sec. 18, lots 5, 6, and 9, and SE¼SE¼;
Sec. 19, E½NE¼ and NE¼SE¼.
T. 15 N., R. 6 E.,
Sec. 31, lot 2 and SE¼NW¼;
Sec. 32, S½N½;
Sec. 33, SW¼NE¼, S½NW¼, and N½NE¼NW¼SE¼.

The areas described, including both public and nonpublic lands, aggregate approximately 51 acres in Yavapai County.

The public lands are withdrawn as parts of the Prescott and Coconino National Forests, and are under the jurisdiction of the Department of Agriculture. In addition to the withdrawals for national forest purposes, some of the lands are withdrawn for administrative site, national monument, or other Federal power purposes, and some are patented. The status of any tract may be ascertained by inquiry of the agencies hereinafter named.

2. Upon publication of this notice in the FEDERAL REGISTER, those lands subject to application shall be open to operation of the act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485), subject to valid existing rights. They have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, AZ 85025, or the Regional Forester, Forest Service, U.S. Department of Agriculture, 517 Gold Avenue SW, Albuquerque, NM 87101.

Dated: October 30, 1972.

JOE T. FALLINI,
State Director.

[FR Doc.72-18991 Filed 11-6-72;8:47 am]

Bureau of Mines

RESPIRABLE COAL MINE DUST

Certification of Engineers To Conduct Dust Surveys of Working Places in Underground Coal Mines

In the FEDERAL REGISTER for July 20, 1972 (37 F.R. 14526), the interim compliance panel, established by section 5 of the Federal Coal Mine Health and Safety Act of 1969, as amended (30 USC 804; 83 Stat. 744) promulgated Part 502 of Subchapter A, Chapter V, Title 30, Code of Federal Regulations entitled "Permits for Noncompliance with 2.0 mg./m.³ Respirable Dust Standard."

Section 502.5 of Part 502 provides:

A certified engineer shall conduct a survey of the respirable dust conditions of each working place of the mine with respect to which an application (for a permit for non-

compliance) is filed. The application (for a permit for noncompliance) shall contain a report of the results of such survey * * *.

Section 502.2(k) of Part 502 provides:

"Certified engineer" means a person certified or registered by the United States (Bureau of Mines) for the purpose of conducting a survey of the respirable dust conditions of a mine.

Notice is hereby given that engineers who are presently certified by the Bureau of Mines as capable of taking accurate samples of the amount of respirable dust in the atmosphere of a coal mine in accordance with the methods, and at the locations and intervals prescribed by the Secretary of the Interior and the Secretary of Health, Education, and Welfare in Part 70, Title 30, Code of Federal Regulations, "Mandatory Health Standards—Underground Coal Mines," will also be considered to be certified for purposes of conducting a survey of respirable dust conditions, as required by 30 CFR 502.5.

Those engineers who are presently qualified (but not certified) by the Bureau as capable of taking accurate samples of the amount of respirable dust in the atmosphere of a coal mine, as described above, may apply for certification as a person meeting the requirements of 30 CFR 502.5 by submitting an application to:

Office of Certification and Qualification, Division of Education and Training, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Such application shall include the following information:

(a) The name and address of the applicant;

(b) Information showing the applicant has satisfactorily completed a respirable coal mine dust sampling and evaluation training program conducted or approved by the Bureau of Mines.

(c) Information showing that the applicant is an engineer who has practical experience in an underground coal mine, and a working knowledge of underground coal mining equipment, ventilation systems, and the operation and maintenance of approved coal mine dust personal sampler units.

The Bureau of Mines will continue to conduct its respirable coal mine dust sampling and evaluation training program on a demand basis in each Coal Mine Health and Safety District.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

NOVEMBER 1, 1972.

[FR Doc.72-19021 Filed 11-6-72;8:46 am]

National Park Service

CARL SANDBURG HOME NATIONAL HISTORIC SITE, N.C.

Establishment

The Act of October 17, 1968 (82 Stat. 1154) authorized the Secretary of the Interior to acquire all or any part of the property and improvements at Flat Rock, N.C., where Carl Sandburg lived and worked during the last 20 years of his life, comprising approximately 242 acres and about 6 acres of adjacent or related property, as the Secretary might deem necessary for establishment of the Carl Sandburg Home National Historic Site.

Notice is given that the Carl Sandburg Home property has been acquired, as has approximately 6 acres of adjacent property. Accordingly, since the property deemed necessary for purposes of the aforesaid act is now in Federal ownership, establishment of the Carl Sandburg Home National Historic Site is hereby declared.

Dated: October 27, 1972.

GEORGE B. HARTZOG, JR.,
Director,
National Park Service.

[FR Doc.72-18997 Filed 11-6-72;8:48]

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of March 15, 1972, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 7 (pp. 4923–24), April 4 (pp. 6770–72), May 2 (pp. 8890–95), June 6 (pp. 11274–76), July 4 (pp. 13193–96), August 1 (pp. 15390–91), September 6 (pp. 18043–44), and October 3 (pp. 20732–34). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following are corrections for properties already listed in the National Register:

CONNECTICUT

Middlesex County

East Haddam, *Day, Amasa, House,* Plains Road (October 3, 1972 FEDERAL REGISTER).

FLORIDA

Polk County

Lake Wales vicinity, *Bok Mountain Lake Sanctuary and Singing Tower,* 2 miles north of Lake Wales (September 6, 1972 FEDERAL REGISTER).

GEORGIA

Richmond County

Augusta, *The Augusta Canal,* beginning at the Augusta City Lock and Dam and flowing southeasterly parallel to the Savannah River; continuing through downtown Augusta to a point just east of the intersection of Walton Way and 13th Street; thence flowing north to a point south of Telfair and 12th Streets; then turning northwest to the point where the canal rejoins the Savannah River at Hawk's Gully (March 15, 1972 FEDERAL REGISTER).

The following properties have been demolished and have been removed from the National Register:

IDAHO

Ada County

Boise, *Moore-De Lamar House,* 807 Grove Street.

MASSACHUSETTS

Bristol County

New Bedford, *Rotch Counting House,* 123 Front Street.

NEW JERSEY

Atlantic County

Atlantic City, *Traymore Hotel,* Illinois Avenue and the Boardwalk.

The following properties have been added to the National Register since October 3:

ALABAMA

Cherokee County

Cedar Bluff vicinity, *Cornwall Furnace,* 2 miles north of Cedar Bluff.

Dallas County

Selma, *Morgan, John Tyler, House,* 719 Tremont.

Mobile County

Mobile, *Bragg-Mitchell House,* 1906 Springhill Avenue.

Montgomery County

Montgomery, *Semple House,* 725 Monroe Street.

Talladega County

Talladega, *Talladega Court House Square Historic District.*

ARKANSAS

Clark County

Arkadelphia, *Magnolia Manor,* on Arkansas 51.

Independence County

Batesville, *Morrow Hall,* Seventh and Boswell Streets.

CALIFORNIA

Napa County

St. Helena, *Pope Street Bridge,* Pope Street, over the Napa River.

Santa Cruz County

Santa Cruz, *McHugh and Bianchi Building,* Pacific Avenue and Mission Street.

COLORADO

El Paso County

Colorado Springs, *El Paso County Courthouse,* 215 South Tejon Street.

CONNECTICUT

Hartford County

Bloomfield, *Old Farm School House,* Park Avenue and School Street.

New London County

Colchester, *Champion, Henry, House,* Westchester Road.

Colchester, *Hayward House,* 9 Haywood Avenue.

DELAWARE

Kent County

Frederica vicinity, *Barratt's Chapel,* north of Frederica on U.S. 113.

FLORIDA

Dade County

Coral Gables, *Miami-Biltmore Hotel* (VA Hospital), 1210 Anastasia Avenue.

Duval County

Jacksonville, *Red Banks Plantation*, 1230 Greenridge Road.

GEORGIA

Bibb County

Macon, *Dasher-Stevens House*, 904 Orange Terrace.

Clarke County

Athens, *Garden Club of Georgia Museum-Headquarters House*, Lumpkin Street, University of Georgia campus.

McIntosh County

Cox vicinity, *Fort Barrington*, 5 miles northwest of Cox on Old Barrington Road.

Spalding County

Griffin, *Mill House*, 406 North Hill Street.

IDAHO

Ada County

Boise vicinity, *Oregon Trail*, about 8 miles southeast of Boise.

ILLINOIS

Cook County

Chicago, *U.S.S. Silversides (S.S. 236)*, Naval Armory at the foot of Lake Street.

McLean County

Bloomington, *Clover Lawn (David Davis Mansion)*, 1000 East Monroe.

Macoupin County

Mount Olive, *Union Miners Cemetery*, 0.5 mile north of city park.

INDIANA

Vanderburgh County

Evansville, *Willard Library*, 21 First Avenue.

IOWA

Lee County

Keokuk, *Brown, Dr. Frank, House*, 318 North Fifth Street.

KENTUCKY

Jefferson County

Louisville, *Farmington*, 3033 Bardstown Road.

Louisville, *Kentucky Air National Guard Archeological Site, Standiford Field*, at the north end of Grade Lane.

Scott County

Georgetown, *Scott County Courthouse*, East Main and Broadway.

Shelby County

Simpsonville, *Young, Whitney M. Jr., Birthplace*, southwest of Simpsonville, off U.S. 60.

Woodford County

Versailles vicinity, *Crittenden, John Jordan, Birthplace Cabin*, 2 miles east of Versailles off U.S. 60.

LOUISIANA

Iberia Parish

New Iberia, *The Shadows-on-the-Teche*, East Main Street.

MAINE

Oxford County

Bethel, *Durrell, Ada, House*, Broad Street.

MARYLAND

Baltimore (independent city)

Lombard Street Bridge, Lombard Street over Jones Falls Stream.

Frederick County

Frederick, *The Historical Society of Frederick County Building*, 24 East Church Street.

Howard County

Savage, *Bollman Railroad Truss*, Gorman and Savage Roads.

Queen Annes County

Queenstown, *Bloomingdale*, Bloomingdale Road and U.S. 50.

MASSACHUSETTS

Middlesex County

Weston, *Golden Ball Tavern*, 662 Boston Post Road.

Norfolk County

Quincy, *Thomas Crane Public Library*, 40 Washington Street.

MICHIGAN

Berrien County

Benton Harbor, *Shiloh House*, Britain Road.

Livingston County

Brighton, *Bingham House*, 10950 McCabe Road.

Monroe County

Monroe, *Nims, Rudolph, House*, 206 West Noble Avenue.

Muskegon County

Muskegon, *Muskegon Historic District*.

Saginaw County

Saginaw, *Passolt House*, 1105 South Jefferson Avenue.

St. Clair County

Port Huron, *Davidson, W. F., House*, 1707 Military Street.

Wayne County

Detroit, *Kahn, Albert, House*, 208 Mack Avenue.

MINNESOTA

Itasca County

Grand Rapids vicinity, *White Oak Point Site*, west of Grand Rapids on the Mississippi River.

MISSISSIPPI

Copiah County

Wesson, *Wesson Hotel*, Railroad Avenue and Spring Street.

Hinds County

Jackson, *Manship House*, 412 East Fortification Street.

Monroe County

Amory vicinity, *Cotton Gin Port Site*, 3 miles west of Amory.

MISSOURI

Jackson County

Independence, *Jackson County Courthouse*, bounded by Lexington and Maple Avenues and Liberty and Main Streets.

Kansas City, *Harris, Colonel John, House*, 4000 Baltimore Avenue.

Lincoln County

Moscow Mills, *Old Rock House*, Second and Mill Streets.

St. Louis (independent city)

Compton Hill Water Tower, in Reservoir Park, at Grand and Russell Boulevards and Lafayette Avenue.

NEBRASKA

Douglas County

Omaha, *Omaha National Bank Building (New York Life Insurance Building)*, 17th and Farnam streets.

NEW JERSEY

Essex County

Newark, *North Reformed Church*, 510 Broad Street.

Newark, *St. Barnabas' Episcopal Church*, West Market Street, Sussex Avenue, and Roseville Avenue.

Newark, *St. James' A.M.E. Church*, High and Court Streets.

Newark, *St. Stephan's Church*, Ferry Street and Wilson Avenue.

Gloucester County

Sewell, *Chew, Jesse, House*, 611 Mantua Boulevard.

Woodbury, *Hunter-Lawrence House*, 58 North Broad Street.

Mercer County

Pennington, *Hart, John D., House*, Curlis Avenue.

Monmouth County

Matawan, *Burrowes, Major John, Mansion*, 94 Main Street.

NEW YORK

Albany County

Coeymans, *Coeymans, Ariaanje, House*, Stone House Road.

Chautauqua County

Jamestown, *Fenton, Governor, Mansion (Walnut Grove)*, 68 South Main Stree.

Dutchess County

Hyde Park, *Bergh-Stoutenburgh House*, U.S. 9.

Hyde Park, *Stoutenburgh, William, House*, East Park, U.S. 9G.

New York County

New York, *First National City Bank*, 55 Wall Street.

New York, *Municipal Building*, Centre Street.

New York, *South Street Seaport*.

Orange County

Newburgh, *Crawford, David, House*, 189 Montgomery Street.

Westchester County

Dobbs Ferry, *Hyatt-Livingston House*, 152 Broadway.

NORTH CAROLINA

Carteret County

Cape Lookout, *Cape Lookout Light Station*, on Core Banks, across Barden Inlet from Shackleford Banks.

Craven County

New Bern, *Jerkins, Thomas, House*, 305 Johnson Street.

New Bern, *Rhem-Waldrop House*, 701 Broad Street.

Cumberland County

Fayetteville, *Cool Spring Place*, 119 North Cool Spring Street.

Lincoln County

Machpelah vicinity, *Tucker's Grove Camp Meeting Ground*, north of Machpelah off N.C. 1360.

Rockingham County

Monroeton vicinity, *Troublesome Creek Iron-Works*, about 1.5 miles north of Monroeton on N.C. 2422.

OHIO

Fairfield County

Lancaster vicinity, *Concord Hall*, 1445 Cincinnati-Zanesville Road SW.

Stark County

Alliance, *Glamorgan*, 1025 South Union Avenue.
Alliance, *Mount Union College District*.

OKLAHOMA

Delaware County

Siloam Springs vicinity, *Hildebrand Mill*, about 10 miles west of Siloam Springs.

PENNSYLVANIA

Bucks County

Doylestown, *James-Lorah House*, 132 North Main Street.

Chester County

Hamorton vicinity, *Longwood Gardens District*, on U.S. 1.

York County

York, *Cookes House*, 438–440 Codorus Street.

PUERTO RICO

San Juan, *San Juan Historic District*, northwestern triangle of the islet of San Juan.

SOUTH CAROLINA

Richland County

Columbia, *Supreme Court of South Carolina Building*, northwest corner of Gervais and Sumter Streets.

SOUTH DAKOTA

Clay County

Vermillion, *Austin-Whittemore Museum*, 15 Austin Avenue.

TENNESSEE

Davidson County

Nashville, *Nashville City Cemetery*, 1001 South Fourth Avenue.

Knox County

Knoxville, *Park, James, House*, 422 West Cumberland Avenue.

Williamson County

Franklin, *Franklin Historic District*, bounded by North Margin Street on the north; Big Harpeth River and North and South First Avenue on the east; both sides of South Margin Street on the south; and both sides of North and South Fifth Avenue on the west.

TEXAS

Goliad County

Goliad, *Old Market House Museum*, southwest corner of South Market and Franklin Streets.

VIRGINIA

Fauquier County

Upperville, *Upperville Historic District*.

WEST VIRGINIA

Tyler County

Sistersville, *Sistersville City Hall*, Main and Diamond Streets.
Sistersville, *The Wells Inn*, 316 Charles Street.

WISCONSIN

Columbia County

Columbus, *Farmers and Merchants Union Bank*, 159 West James Street.

Dane County

Madison, *Pierce, Carrie, House*, 424 North Pinckney Street.

Milwaukee County

Milwaukee, *Bogk, Frederick C., House*, 2420 North Terrace Avenue.

Outagamie County

Kaukauna, *Grignon, Charles A., House*, Augustine Street.

ROBERT M. UTLEY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.72–18996 Filed 11–6–72;8:47 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

PEANUTS

1972 Crop; Outgoing Quality Regulation and Indemnification

Pursuant to the provisions of sections 32, 34, and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found that the amendments hereinafter set forth to the Outgoing Quality Regulation and Terms and Conditions of Indemnification Applicable to 1972 Crop Peanuts (37 F.R. 11493) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of paragraph (c) of the Outgoing Quality Regulation is necessary to bring the requirements for pretesting samples of shelled peanuts into conformity with determinations of the committee that the samples would be required to be sent to an AMS laboratory, a designated laboratory, or a laboratory listed on the most recent committee list of approved laboratories that can provide analysis results on such samples in 36 hours. Likewise, amendment of paragraphs 4, 7, and 10 of the Terms and Conditions of Indemnification is necessary to bring the provisions for paying indemnification transportation expenses into conformity with determinations of the committee that transportation expenses be included in the indemnification payment on a lot of rejected peanuts only if such lot is found to be unwholesome as to aflatoxin after the lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to the Outgoing Quality Regulations.

Therefore, the seventh sentence of paragraph (c) of the Outgoing Quality Regulation (37 F.R. 11493) is deleted and replaced by the following:

The subsamples designated "1–A" and "1–B" shall be sent as requested by the handler or buyer, for aflatoxin assay to an AMS laboratory, a designated laboratory, or a laboratory listed on the most recent committee list of approved laboratories that can provide analyses results on such samples in 36 hours.

In the fourth paragraph of the Terms and Conditions of Indemnification (37 F.R. 11493), the second sentence is deleted and replaced by the following:

The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary storage. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the continental United States where the rejection occurred and from such point to a delivery point specified by the committee shall be included in the indemnification payment if the lot is found by the committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the "Outgoing Quality Regulation—1972 Crop Peanuts".

Likewise, in the seventh paragraph, the first and second sentences are deleted and replaced by the following:

The indemnification payment on peanuts declared for remilling, and which contain not more than 1 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus temporary storage, except as hereinafter restricted, plus an allowance for remilling of 1 cent per pound on the original weight, less 1½ percent of the foregoing contract or market prices multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn, and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1972 Crop Peanuts," were determined to be not indemnifiable as to aflatoxin. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the continental United States where the rejection occurred and from such point to a delivery point specified by the committee shall be included in the indemnification payment if the lot is found by the committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the "Outgoing Quality Regulation—1972 Crop Peanuts".

In the 10th paragraph of the same Terms and Conditions of Indemnification. the third sentence is deleted.

The Peanut Administrative Committee has recommended that these amendments be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with the Outgoing Quality Regulation and Terms and Conditions of Indemnification. Marketing of the 1972 peanut crop is underway and such regulations and terms and conditions for actual operations under the agreement should therefore be modified and made effective as soon as possible, i.e., on the effective date specified herein. Handlers of pea-

nuts who will be affected by such amendments have signed the marketing agreements authorizing the issuance of such regulations and terms and conditions, they are represented on the committee which recommended such amendments and time does not permit prior notice of the proposed amendments to such handler.

The foregoing amendments of the Outgoing Quality Regulation and the Terms and Conditions of Indemnification are hereby approved.

Dated: November 1, 1972; to become effective November 7, 1972.

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

[FR Doc.72-19015 Filed 11-6-72;8:48 am]

Agricultural Stabilization and Conservation Service

[Docket No. SH-311]

SUGARCANE PRICES IN PUERTO RICO

Notice of Hearing and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Santurce, P.R., in the Conference Room, Seventh Floor, Segarra Building, Stop 20, on November 16, 1972, beginning at 10 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices to be paid for the 1972-73 crop of Puerto Rican sugarcane by producers who process sugarcane grown by other producers and who apply for payment under the act on their own sugarcane production.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and to present appropriate data with respect to the subject matter involved.

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)).

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Leo L. Sommerville, Robert R. Stansberry, Jr., James E. Agnew, Jr., and Carlos Troche are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on November 3, 1972.

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

[FR Doc.72-19211 Filed 11-6-72;9:47 am]

Office of the Secretary

IOWA

Designation of Areas for Emergency and Rural Housing Disaster Loans

It has been determined that property loss or damage or injury in certain counties in Iowa has resulted from natural disasters caused by heavy rains and flooding during August and September 1972, and hailstorms, windstorms, and tornadoes during the period of August through September 1972. The following counties of Iowa are affected by such natural disasters:

Chickasaw.	Hamilton.
Delaware.	Jones.
Dubuque.	Linn.
Fayette.	Wayne.
Floyd.	Wright.

It has further been determined that in the above counties of Iowa a general need for credit exists. Therefore, these counties are declared eligible for low interest rate disaster loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, the Disaster Relief Act of 1970, title V of the Housing Act of 1949, and Public Law 92-385. Applications for such loans must be received by this Department prior to July 1, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

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

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

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.72-19019 Filed 11-6-72;8:46 am]

DEPARTMENT OF COMMERCE

Maritime Administration

NATIONAL BANK OF TULSA

Notice of Approval of Applicant as Trustee

Notice is hereby given that National Bank of Tulsa, with offices at 320 South Boston Avenue, Tulsa, Okla., has been approved as trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: October 31, 1972.

BURT KYLE,
Chief, Office of Domestic Shipping.

[FR Doc.72-19034 Filed 11-6-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS, NICHD

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Board of Scientific Counselors, NICHD, November 13 and 14, 1972, at 9 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m. to 10:30 a.m., November 13, at which time Dr. Gerald D. LaVeck, Director, NICHD, will report on recent legislative activities affecting the Institute and Dr. Charles Lowe, Scientific Director, NICHD, will present an overview of Institute intramural research activities as an orientation for new Board members. The meeting will be closed to the public 10:30 a.m. to 5 p.m., November 13 and 9 a.m. to 5 p.m., November 14 to review specific intramural research programs under consideration or in progress and to consider and formulate advice on the intramural research programs. This portion of the meeting is closed in accordance with the Secretary's Determination of September 27, 1972.

Ms. Patricia Gabbett, Information Officer, NICHD, Building 31, Room 2A-51, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Charles Lowe, Scientific Director, NICHD, Building 31, Room 3A-51, National Institutes of Health, 496-5035.

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

OCTOBER 26, 1972.

[FR Doc.72-19030 Filed 11-6-72;8:46 am]

MYOCARDIAL INFARCTION COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671 notice is hereby given of the following meeting and the Executive Secretary from whom a summary of the meeting may be obtained.

Committee, date, time, and location of meeting

Myocardial Infarction Committee; November 15, 1972; 9 a.m.-5 p.m.; Ramada Inn-Convention Center, Executive II, 1011 South Akard at Interstate 20, Dallas, Tex.
Dr. Peter L. Frommer, Room 1B59, NIH Building 31, Bethesda, Md.

This meeting shall be closed to the public in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination, in order to review,

discuss and evaluate and/or rank contract proposals.

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

OCTOBER 30, 1972.

[FR Doc.72-19027 Filed 11-6-72;8:46 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, November 27 and 28, 1972, at 9 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m. to 5 p.m., November 27, with reports from the Director, NICHD, and staff members on the current status of the Institute, a scientific presentation by one of the Council members, followed by presentations and discussion on specific programs of the Institute. The meeting will be closed to the public 9 a.m. to 5 p.m., November 28, to review, discuss and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Ms. Patricia Gabbett, Information Officer, NICHD, Building 31, Room 2A-51, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mrs. Marjorie Neff, Council Secretary, NICHD, Landow Building Room C-633, National Institute of Health 496-1756.

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

OCTOBER 30, 1972.

[FR Doc.72-19026 Filed 11-6-72;8:45 am]

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the National Advisory Council on Nurse Training, November 27 to 29, 1972, at 10:30 a.m. on November 27, National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 10:30 a.m. to noon, November 27, 1972, to discuss general information of interest to the Council regarding the Division of Nursing. Miss Jessie M. Scott, Director of the Division of Nursing, will cover announcements, introduction of new personnel, procedure for conduct of the meeting, discuss future meeting dates and the current status of program activity. The meeting will be closed to the public from 1 p.m., November 27, 1972, through 5 p.m., November 29, 1972, in order to review, discuss, and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

1. The Information Officer who will furnish summaries of the open meeting and rosters of committee members:

Mrs. Norma Golumbic, Information Officer, Division of Nursing, Room 2C19, Building 31, National Institutes of Health, Bethesda, Md. 20014, telephone 496-1143.

2. The Executive Secretary for the National Advisory Council on Nurse Training, from whom substantive information may be obtained:

Mary S. Hill, Ph. D., Room 2B58, Building 31, National Institutes of Health, Bethesda, Md. 20014, telephone 496-6985.

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

OCTOBER 30, 1972.

[FR Doc.72-19025 Filed 11-6-72;8:45 am]

NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council on November 30 and December 1, 1972, at 9 a.m., National Institutes of Health, Building 31A, Conference Room 4.

The following is the agenda:

November 30, 1972—9 to 10:30 a.m.—Open to the public. "Opening remarks, introductions, announcements, etc." 10:30 a.m. to 5 p.m.—Closed to the public. "Consideration of Applications".

December 1, 1972—9 to 12 noon—Open to the public. "Discussion of Budget Process as it Affects NIGMS." Speaker will be Mr. Robert M. Moyer, Staff Assistant, Labor-HEW Subcommittee, Committee on Appropriations, House of Representatives.

The closed portion of this meeting will be reserved for review, discussion, and/or ranking grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of the National Advisory General Medical Sciences Council and/or summary of the meeting may be obtained:

Mrs. Helen W. Garrett, Building 31, Room 4A47, NIH, Bethesda, Md. 20014, telephone 496-4586.

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

OCTOBER 30, 1972.

[FR Doc.72-19028 Filed 11-6-72;8:46 am]

NATIONAL ADVISORY NEUROLOGICAL DISEASES AND STROKE COUNCIL

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the National Advisory Neurological Diseases and Stroke Council, November 16, 1972, at 9 a.m., National Institutes of Health, Building 31-C, Conference Room 6. This meeting will be open to the public from 9 a.m. to 1 p.m. on November 16, 1972, and from 8:30 a.m. to 9:30 a.m. and after 3:30 p.m. on November 17, 1972, until the conclusion of the meeting to discuss program planning and program accomplishments, and closed to the public on November 16, 1972, from 1 p.m. to 6 p.m. and on November 17, 1972, from 9:30 a.m. to 3:30 p.m., to review, discuss and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

The name of the person from whom rosters of Council members and/or summary of the meeting may be obtained: Dr. Murray Goldstein, Director, Extramural Programs, Associate Director, National Institute of Neurological Diseases and Stroke, Room 757, Westwood Building, NIH, Bethesda, Md. 20014, phone No.: 496-7705.

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

OCTOBER 30, 1972.

[FR Doc.72-19024 Filed 11-6-72;8:45 am]

PERIODONTAL DISEASES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, December 6 and 7, 1972, National Institutes of Health, Building 31-C, Conference Room 8. This meeting will be open to the public from 9:30 a.m. to 5 p.m., December 6, and from 9 a.m. to 1 p.m., December 7. The committee will advise the National Institute of Dental Research on the policies it should develop on periodontal disease research and research manpower.

The Executive Secretary from whom substantive information may be obtained is:

Dr. Anthony A. Rizzo, Chief, Periodontal Diseases Program, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 506, Bethesda, Md. 20014.

Dated: October 26, 1972.

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

[FR Doc.72-19029 Filed 11-6-72;8:46 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON AUTOMATED PERSONAL DATA SYSTEMS

Notice of Meeting

A public meeting of the Secretary's Advisory Committee on Automated Personal Data Systems will be held from 9 a.m. to 5:30 p.m. on Thursday, November 9, in Room 5051, HEW North Building, 330 Independence Avenue SW.,

Washington, DC. The Committee will also meet in executive session, closed to the public, on November 10 and 11.

(1) *Purposes.* The Committee was appointed to advise and assist the Department of Health, Education, and Welfare in the preparation of analyses and recommendations which the Secretary determines will help the Department to take initiative in seeking to assure that the use of automated personal data systems will be managed to maximize their benefits and minimize their potential for harmful consequences.

(2) *Membership.* The Committee is chaired by Frances Grommers, M.D., and is composed of the following other members: Layman Allen, Juan Anglero, Stanley Aronoff, William Bagley, Philip Burgess, Gertrude Cox, Patricia Cross, Gerald Davey, Taylor DeWeese, Guy Dobbs, Robert Gallati, Florence Gaynor, John Gentile, Jane Hardaway, James Impara, Patricia Lanphere, Arthur Miller, Don Muchmore, Jane Noreen, Roy Siemiller, Ruth Silver, Sheila Smythe, Willis Ware, and Joseph Weizenbaum.

(3) *Activities.* This will be the seventh meeting of the Committee. At these meetings, presentations are made to the Committee of information on various aspects of specific data systems and discussions of issues relating to the use of such systems and their impact on privacy, confidentiality, and due process.

(4) *Agenda.* The November 9 meeting will include presentations by individuals who are the subjects of records stored in automated personal data systems and by representatives of such individuals. Among those who will appear are the eastern and western regional representatives of the National Welfare Rights Organization, representatives of the American Civil Liberties Union, representatives of veterans' organizations and Federal employees.

The November 10 and 11 executive sessions of the Committee's meeting will be devoted to the purpose of considering and formulating advice to be included in the Committee's report to the Secretary.

It is suggested that those desiring more specific information on the meeting call the Office of the Executive Director at 963-3003.

DAVID B. H. MARTIN,
Executive Director.

OCTOBER 30, 1972.

[FR Doc.72-19126 Filed 11-6-72;8:52 am]

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

ADVISORY COMMITTEES AND PANELS

Notice of Meetings

Notice is hereby given, pursuant to Executive Order 11671, that the following American Revolution Bicentennial Commission Advisory Committee and panel meetings will be held the month of November 1972:

CREATIVE AND VISUAL ARTS ADVISORY PANEL

The Creative and Visual Arts Advisory Panel will hold an open meeting (with the exception of the agenda item asterisked below) from 1 p.m., November 20, 1972, to 4 p.m., November 21, 1972. The meeting will be held at the ARBC Conference Room, 736 Jackson Place NW., Washington, DC. The panel is composed of private citizens well known in the fields of art, environmental quality, museum management, drama, sculpture, film making, writing, teaching, architecture, journalism, and American crafts.

The agenda will include:

Review and development of program guidelines and policy.

Identification of programs.

Consideration of project proposals.*

INVITATION TO THE WORLD ADVISORY PANEL

The Invitation to the World Advisory Panel will hold an open meeting (with the exception of the agenda item asterisked below) from 1 p.m., November 20, 1972 to 4 p.m., November 21, 1972. The meeting will be held at the ARBC Conference Room, 736 Jackson Place NW., Washington, DC. The panel membership consists of representatives from the travel industry, COSERV, hotel management, international visitors' programs, camping associations, DATO, etc. The agenda for the meeting will include discussion of:

Hotel/motel rates.

Home hospitality and information.

Low cost accommodations.

Services to visitors.

Student needs.

Camping facilities.

Common carrier rates.

Consideration of project proposals.*

PERFORMING ARTS ADVISORY PANEL

The Performing Arts Advisory Panel will hold an open meeting (with the exception of the agenda item asterisked below) from 1 p.m., November 20, 1972, to 4 p.m., November 21, 1972. The meeting will be held at the ARBC Conference Room, 736 Jackson Place NW., Washington, D.C. The panel membership consists of leaders in the fields of journalism, choreography, drama, modern dance, art, ballet, music, opera, and labor. The agenda items to be discussed are:

Review and development of program guidelines and policy.

Identification of programs.

Consideration of project proposals.*

HISTORIC CONSERVATION PANEL

The Historic Conservation Panel will be meeting on Wednesday, November 29, 1972, at 10 a.m., in the Board Room of the National Trust for Historic Preservation, 748 Jackson Place NW., Washington, D.C. The morning session is open to the public. The afternoon is an executive session. The panel is composed of leaders in the fields of museum history, architecture, interior design, landscape architecture, civil engineering, archaeology, and history. The panel will be meeting to review programs and projects, specifically: Additional information provided by the State Bicentennial Commissions on the Heritage 1976 Meeting House Proposal, and the "Above Ground Archaeology Proposal."

COMMEMORATION AND CONVOCATIONS PANEL

The Commemoration and Convocations Panel will be meeting on Wednesday, November 29, 1972, at 10 a.m. in the Board Room of the National Trust for Historic Preservation, 748 Jackson Place NW., Washington, DC. The morning session is open to the public. The panel will be meeting in executive session in the afternoon. Membership on the panel is represented by persons from:

American Academy of Arts and Sciences.

American Antiquarian Society.

American Association for State and Local History.

American Historical Association.

American Philosophical Society.

American Political Science Association.

Daughters of the American Revolution.

Phi Beta Kappa.

Sons of the American Revolution.

U.S. Capitol Historical Society.

The agenda will include discussion of a proposal submitted by the Metropolitan Museum of Art and the review of and policy guidelines for the Heritage 1976 Program Committee in the area of commemorations.

PUBLICATIONS AND RESEARCH PANEL

The Publications and Research Panel will be meeting on Wednesday, November 29, 1972, at 10 a.m., in the Board Room of the National Trust for Historic Preservation, 748 Jackson Place NW., Washington, DC. The morning session is open to the public. The afternoon is an executive session. Membership on the panel is represented by persons from:

American Association for State and Local History.

American Historical Association.

American Political Science Association.

Association for the Study of Negro Life and History.

Institute of Early American History and Culture.

National Historical Publications Commission.

Organization of American Historians.

Society of American Archivists.

American Council of Learned Societies.

The Association of American University Presses, Inc.

American Library Assocation.

The panel will be meeting to discuss a microfilm project suggested by Dr. Herbert Johnson, and to review material provided by State Bicentennial Commissions on Historic Blibliographies.

Dated: November 1, 1972.

HUGH A. HALL,
Acting Director, American Revolution, Bicentennial Commission.

[FR Doc.72-19022 Filed 11-6-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Notice of Availability of Applicant's Environmental Report, Supplemental Environmental Report, and AEC Draft Environmental Statement for Cooper Nuclear Station

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations set forth in Appendix D to 10 CFR Part 50, notice is hereby given that documents entitled "Applicant's Environmental Report and Supplement No. 1 through Supplement No. 5 to Environmental Report" (collectively known as the "reports"), submitted by the Nebraska Public Power District have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and

in Auburn Public Library, 1118 15th Street, Auburn, NE 68305. The reports are also available at the State Office of Planning and Programing, State Capitol, Post Office Box 94601, Lincoln, NE 68509, and the Southeastern Nebraska Joint Planning Commission, Humboldt, Nebr. 68376.

Notice of availability of the applicant's environmental report was published in the FEDERAL REGISTER on December 7, 1971 (36 F.R. 23264).

The reports have been analyzed by the Commission's Directorate of Licensing, and a draft environmental statement, dated November 1972, related to the proposed continuation of Construction Permit No. 42 and the proposed issuance of operating licensing for the Copper Nuclear Station located near the village of Brownsville, Nemaha County, Nebr., has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's draft environmental statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to Appendix D to CFR Part 50, interested persons may, within forty-five (45) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the report and supplements, on the draft environmental statement, and on the proposed action. Federal and State agencies are being provided with copies of the draft environmental statement (local agencies may obtain this document on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above designated locations. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 2d day of November 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director, for Environmental Projects, Directorate of Licensing.

[FR Doc.72-19041 Filed 11-6-72;8:51 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 23664 etc.; Order 72-10-94]

PURDUE AIRLINES, INC., ET AL.

Order of Investigation and Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of October 1972.

Purdue Airlines, Inc., certificates of public convenience and necessity for supplemental air transportation; petition of Modern Air Transport, Inc., for revocation of certificates of Purdue Airlines, Inc., Docket 23664; application of Prairie Avenue Gospel Center doing business as Fiesta Air, Carl Pike, Stephens, Inc., and Purdue Airlines, Inc., for approval under sections 401, 408, and 409 of the Federal Aviation Act of 1958, as amended, Docket 24715.

Purdue Airlines, Inc. (Purdue), holds certificates of public convenience and necessity for supplemental air transportation.[1] Section 401(n) of the Federal Aviation Act of 1958, as amended, invests the Board with the power to modify, suspend or revoke the certificates of a supplemental air carrier for failure to comply with certain requirements contained therein. Section 401(n)(3) of the Act provides that the Board may, after notice and hearing, direct that the certificate of public convenience and necessity of any supplemental air carrier shall cease to be effective if any such carrier fails to perform service authorized by its certificate to the minimum extent prescribed by the Board. Section 208.25 of the Board's economic regulations requires each supplemental air carrier to perform services authorized by its certificate for at least 500 hours of revenue flight in any two consecutive calendar quarters. Failure to perform such minimum service is deemed to constitute a prima facie cause for suspension of the carrier's operating authority. Section 401(n)(4) of the Act imposes on each supplemental air carrier a continuing requirement that it be fit, willing, and able to properly perform the transportation authorized by, and furnished pursuant to, its certificate of public convenience and necessity, and to conform to the provisions of the Act and the rules and regulations thereunder. This same section also authorizes the Board to modify, suspend, or revoke the certificate of any supplemental air carrier which fails to comply with these continuing requirements.[2] Additionally, section 401(n)(5) gives the Board power to immediately suspend a carrier's certificate in any case in which the Board determines that the failure of the carrier to comply with the requirements of section 401(n) (3) or (4) results in a situation in which a suspension is required in the interest of the rights, welfare, or safety of the public, and to immediately enter upon a hearing to determine whether the certificate should be modified, suspended, or revoked.

According to reports filed with the Board, Purdue has operated the following number of hours of revenue flight during the last four quarters:

Quarter ending	*Number of revenue hours*
June 30, 1971	301
September 30, 1971	81
December 31, 1971	51
March 31, 1972	70
June 30, 1972	52

Purdue's present state of operation raises substantial questions with regard to its performance of supplemental air transportation under the statutory provisions governing supplemental air carriers. Based upon its reports, it appears that Purdue has failed to meet the minimum service requirements set forth in § 208.25. In addition, its failure to perform service under its certificates raises a substantial question as to whether it continues to be fit, willing and able to perform its certificated service.

In view of Purdue's present situation and the statutory requirements discussed above, the Board has decided to institute an investigation pursuant to section 401 (n) (3) and (4) of the Act to determine if Purdue has failed to comply with the continuing requirements imposed by these provisions, and whether the carrier's certificates should be modified, suspended, revoked, or whether these certificates should cease to be effective. We note that there is pending an application to acquire the stock of Purdue and that many of the issues presented therein are related to the matters in the instant investigation. We will, therefore, consolidate the investigation instituted herein with the application in Docket 24715 of Prairie Avenue Gospel Center doing business as Fiesta Air to acquire and control the stock of Purdue.

In view of Purdue's current circumstances, the Board tentatively finds and concludes that Purdue's certificates should be suspended during the pendency of the consolidated hearing. Interested persons will be given twenty (20) days following the date of service of this order to show cause why the tentative findings and conclusions should not be made final.

While the Board might consider entry of an order under section 401(n)(5) immediately suspending Purdue's certificates, a show cause order will afford the carrier, as well as any other interested person, with an opportunity to demonstrate why Purdue's certificates should not be suspended without the necessity of using the Board's emergency powers under section 401(n)(5) of the Act. Prompt resolution of this question will make it possible to proceed expeditiously with the consolidated hearing established herein.[3]

Accordingly, it is ordered:

1. That an investigation is instituted to determine (1) whether Purdue Airlines, Inc., has failed to meet the minimum service requirement set forth in section 401(n)(3) of the Act and in sec-

[1] Purdue holds certificates authorizing it to engage in supplemental air transportation between points within the United States and between points in the United States and points in Canada.

[2] On July 27, 1971, Modern Air Transport, Inc., filed a petition in Docket 23664 requesting that the Board revoke Purdue's certificate for failure to comply with the continuing requirements of section 401(n). In view of our action herein, Modern's petition is rendered moot and we will dismiss it.

[3] Similarly, prompt resolution should make a section 401(n)(5) proceeding unnecessary, and should therefore avoid delays to the consolidated hearing which might result from the institution of such proceeding.

tion 208 of the Board's economic regulations; (2) whether Purdue continues to be fit, willing, and able to perform supplemental air transportation in accordance with its certificates; and (3) whether Purdue's certificates should be modified, suspended, revoked, or otherwise declared to be ineffective pursuant to section 401(n) of the Act;

2. That the application of Prairie Avenue Gospel Center doing business as Fiesta Air, et al., in Docket 24715 be consolidated into the investigation instituted herein;

3. That all interested persons are directed to show cause why the Board should not with such approval of the President as may be necessary, issue an order making final the tentative findings and conclusions stated herein, suspending the certificates of public convenience and necessity for supplemental air transportation held by Purdue Airlines, Inc., pending final action by the board in the consolidated proceeding instituted herein;

4. That any interested person having objection to the issuance of an order making final the proposed certificate suspensions set forth herein shall, within 20 days after service of this order, file with the Board and serve upon all persons listed in paragraph 7 infra, a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

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

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

7. That a copy of this order shall be served upon Purdue Airlines, Inc., which is hereby made a party to this proceeding, Prairie Avenue Gospel Center, doing business as Fiesta Air, Carl Pike, Capitol International Airways, Inc., Interstate Airmotive, Inc., Johnson Flying Service, Inc., McCulloch International Airlines, Inc., Modern Air Transport, Inc., Overseas National Airways, Inc., Standard Airways, Inc., Trans International, Inc., Universal Airlines, Inc., and World Airways, Inc.; and

8. That the petition of Modern Air Transport, Inc., in Docket 23664 be and it hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72-19058 Filed 11-6-72;8:50 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council from October 24 through October 27, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388-7803.

FOREST SERVICE

Draft, October 10

Gila National Forest, N. Mex., Counties: Catron and Grant. The statement refers to the proposed designation of 514,678 acres of the national forest as wilderness within the National Wilderness Preservation System. Impacts of the action which are discussed in the statement include ecological, social, and economic considerations. (23 pages) (ELR Order No. 05432) (NTIS Order No. EIS 72-5432-D)

Draft, October 24

Radiobiology of Northern Forests, Wisconsin, County: Oneida. The statement refers to a research project which is being conducted in a 1,440 acre forest, a 6.5 acre gamma radiation field, and in the laboratory of the institute of Forest Genetics, near Rhinelander, Wis. The purpose of the research is to study the effects of gamma radiation (including that resulting from nuclear disasters), upon individual species and the forest community. Direct effects of radiation will be significant on approximately 10 of the 1,440 acres. (41 pages) (ELR Order No. 05525) (NTIS Order No. EIS 72-5525-D)

SOIL CONSERVATION SERVICE

Final, October 24

Tallulah Creek Watershed, N.C., County: Graham. The statement refers to the proposed construction of one multipurpose structure (for flood prevention and water supply), and the use of land treatment measures. Approximately 36 acres of agricultural and forest land will be removed from production and upland game habitat; 4,000 feet of trout stream will be inundated. (42 pages) Comments made by: COE, EPA, HEW, TVA, ARC, and State agencies. (ELR Order No. 05512) (NTIS Order No. EIS 72 5512-F)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973-5391.

For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202—973-7373.

Draft, October 27

Arkansas Nuclear One, Unit 1, Ark., County: Pope. The statement refers to the issuance of an operating license to the Arkansas Power Light Co. for Unit 1, which will employ a 2568 MWt pressurized water reactor to produce 850 MWe. The statement considers the effects both of Unit 1, and of Units 1 and (under construction) 2 operating simultaneously. Cooling water for Unit 1 will be drawn from Lake Dardanelle for a once-through system and discharged to an embayment of the lake at 15° F. above ambient. Aquatic organisms may be adversely affected by impingement upon intake screens, entrapment in the cooling system, or temperature variations. (310 pages) (ELR Order No. 05530) (NTIS Order No. EIS 72 5530-D)

Draft, October 24

Rancho Seco Nuclear Station, Calif., County: Sacramento. The statement refers to the proposed continuation of a construction permit and the issuance of an operating license to the Sacramento Municipal Utility District for the start-up and operation of Unit 1. The unit will employ a pressurized water reactor to produce 2788 MWt and 901 MWe (net); cooling water will be drawn from the Folsom South Canal, and circulated through two natural draft towers. Total body-dose to the population within a 50-mile radius will be 3 man-rem/year. (134 pages) (ELR Order No. 05520) (NTIS Order No. EIS 72 5520-D)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DALN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693-7168.

Draft, October 19

Jacksonville Port Authority, County: Duval. The statement refers to the proposed granting of a dredge and fill permit, pursuant to section 10 of the River and Harbor Act of 1899, to the Jacksonville Port Authority. The project contemplated under authority of the permit involves the construction of a bulkhead in the Back River at Blount Island, behind which dredged spoil from both the Back and St. John's River would be deposited in the construction of an Offshore Power Systems (OPS) facility for the production of Floating Nuclear Plants (FNP). Approximately 240 acres of the Back River, along with the river's present and future biological contribution to the St. John's ecosystem, will be committed to the project. (Approximately 210 pages) (ELR Order No. 05494) (NTIS Order No. EIS 72 5494-D)

San Francisco Bay Drift Removal, California. The statement refers to the removal of navigational hazards (debris) from the bay, and its use in land fill at Fort Barry. Some adverse effects will result to wildlife habitat. (20 pages) (ELR Order No. 05496) (NTIS Order No. EIS 72 5496-D)

Humboldt Harbor and Bay, Calif., County: Humboldt. The statement refers to a project which involves the maintenance dredging of navigation channels in the bay and the rehabilitation of jetties

at its entrance. Marine life will be adversely affected by dredging operations. (20 pages) (ELR Order No. 05497) (NTIS Order No. EIS 72 5497–D)

Redwood City Harbor, Calif., County: San Mateo. The statement refers to the proposed maintenance dredging of the harbor. Dredging activities will adversely affect marine biota. (28 pages) ELR Order No. 05498) (NTIS Order No. EIS 72 5498–D)

Draft, October 20

Perry Creek, Iowa, Counties: Plymouth and Woodbury. The statement refers to a proposed project which would provide flood protection for the western portion of the Sioux City metropolition area. Physical features of the project would be four dams and lakes and 6 miles of channel works. Approximately 5,980 acres (1,140 of which would be inundated), of agricultural land would be required for the project; 30 families would be displaced. (89 pages) (ELR Order No. 05503) (NTIS Order No. EIS 72 5503–D)

Draft, October 18

Gavins Point Dam, Nebraska and South Dakota. The statement refers to the operation and maintenance of the dam and Lewis and Clark Lake, which are on the Missouri River. The project is operated for the purposes of irrigation, recreation, flood control, navigation, and power generation. (38 pages) (ELR Order No. 05483) (NTIS Order No. EIS 72 5483–D)

Bay Ridge and Red Hook Channels, N.Y. The proposed project is the maintenance dredging of the existing navigation channel, with spoil being dumped in the New York Bight. Temporary turbidity will adversely affect marine life. (9 pages) (ELR Order No. 05487) (NTIS Order No. EIS 72 5487–D)

Draft, October 24

Bowline Point Generating Station, N.Y. The statement refers to the proposed granting of a discharge permit, pursuant to section 13 of the River and Harbor Act of 1899, to Orange and Rockland Utilities, Inc., for construction of the station. The project will include two 600 mw. (fuel oil) electric generating units, a marine fuel oil receiving terminal (which will extend 500 feet into the Hudson River), the dredging of an inlet channel, and the construction of recreation facilities. Ten acres of wetlands have been committed to the project; there is potential for damage to marine life and increases in air pollution. (106 pages) (ELR Order No. 05522) (NTIS Order No. EIS 72 5522–D)

Draft, October 18

Lower Monumental Lake, Wash., County: Columbia. The proposed action is the sale of 89 acres of waterfront land (on Lower Monumental Lake of the Snake River) to the Port of Columbia County, for the development of industrial and port facilities. The change of ownership itself would create no impact; the subsequent development however could. (Resultant impact may occur to wildlife resources, and air and water quality). (35 pages) (ELR Order No. 05488) (NTIS Order No. EIS 72 5488–D)

Final, October 24

King Cove, Alaska. The statement refers to the proposed construction of a 1,250-foot-long earthfill dike and a 210-foot rock groin, and the dredging of a 400-foot-long channel and an 11-acre anchorage basin. The project would provide protected mooring for resident and transient fishing vessels. Approximately 23.8 acres of marine and waterfowl habitat would be committed to the project (80 pages) Comme ts made by: USDA, DOI, DOT, DOC, EPA, and State agencies and concerned citizens. (ELR Order No. 05513) (NTIS Order No. EIS 72 5513–F)

Copan Lake, Okla., County: Washington. The statement refers to the proposed construction of a multipurpose (flood control, water supply, water quality control, recreation, and fish and wildlife) dam and reservoir on the Little Caney River. The reservoir will permanently inundate 4,850 acres of land, with an additional 8,530 acres being contained in the flood pool, which is expected to fill once every 16 years. Approximately 77 families will be displaced; 2 railroads, highways, and other facilities will be relocated; wildlife habitat will be lost. (Approximately 135 pages) Comments made by: EPA, HEW, DOI, and State agencies of Kansas, Arkansas, and Oklahoma, and concerned citizens. (ELR Order No. 05514) (NTIS Order No. EIS 72 5514–F)

Walker Dam Impoundment, Virginia, County: New Kent. The action is the treatment of the waters of the impoundment with a 50–50 mixture of diquat dibromide and potassium endothall. The purpose of the action is the control of the Brazilian waterweed (Egeria densa). Adverse effects will include minor fish kills; a reduction in the oxygen content of the water; the rendering of reservoir water not potable for a period of 2 weeks; and potential damage to an adjacent farm. (38 pages) Comments made by: USDA, DOC, EPA, DOI, and State agencies and concerned citizens. (ELR Order No. 05511) (NTIS Order No. EIS 72 5511–F)

DEPARTMENT OF INTERIOR

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

BUREAU OF OUTDOOR RECREATION

Draft, October 24

Cuyahoga Valley, Ohio, Counties: Cuyahoga and Summit. The statement refers to the proposed acquisition by the Ohio Department of Natural Resources, of 14,500 acres of land. This would be maintained as open space and will provide public outdoor recreation opportunities. Adverse effects of the action will be the loss of tax base, the relocation of 29 residences, the restriction of land uses, and an expected influx of visitors. (33 pages) (ELR Order No. 05516) (NTIS Order No. EIS 72 5516–D)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft, October 24

Columbian White-Tailed Deer Refuge, Oreg. and Wash. The statement refers to the proposed acquisition of 5,230 acres of land in Clatsop County, Oreg., and Wahkiakum County, Wash., for designation as a Columbian White-Tailed Deer National Wildlife Refuge. Other wildlife which are common to the area include whistling swans and Canada geese, mink and beaver, bald eagles, and red-tailed hawks. (36 pages) (ELR Order No. 05517) (NTIS Order No. EIS 72 5517–D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426–4355.

FEDERAL AVIATION AGENCY

Final, October 12

Fosston Municipal Airport, Minnesota, County, Polk. The statement refers to the proposed acquisition of 325.1 acres of land for the construction of a new asphalt N/S runway (3,500′ x 75′), connecting taxiway (840′ x 40′), parking ramp (300′ x 150′), runway edge lights and beacon installations. The airport will be capable of accommodating all propeller aircraft under 12,500 pounds and some small corporate jets. The noise level near the airport will increase. (41 pages) Comments made by: State and local agencies. (ELR Order No. 05459) (NTIS Order No. EIS 72 5459–F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, October 20

Tutuila Island, American Samoa, County, Lealataua. The statement refers to the proposed construction of a two-lane road from the village of Fagmalo to Aoloaufou; no road presently exists. The road will introduce vehicular traffic where it does not presently exist; the tranquility of villages will be altered. Some local customs will be affected (such as that of stopping all traffic during Sunday services, the statement contends that as a public road the new facility must be open to traffic at all times). An unspecified amount of agricultural land will be taken as right-of-way; economic development will be affected. (32 pages) (ELR Order No. 05505) (NTIS Order No. EIS 72 5505–D)

Tutuila Island, American Samoa, County, Lealatava. The statement refers to the proposed construction of a two-lane road from the village of Poloa to Fagamalo; no road presently exists. The road will introduce vehicular traffic to Fagamalo and Fagalii; the tranquility of the villages will be altered. Some local customs will be affected (such as that of stopping all traffic during Sunday church services; the statement contends that as a public road the new facility must be open to traffic as all times). An unspecified amount of agricultural land will be taken as right-of-way; economic development will be affected. (31 pages) (ELR Order No. 05506) (NTIS Order No. EIS 72 5506–D)

Tutuila Island, American Samoa, County, Vaifanua. The statement refers to the proposed construction of a two-lane road from the village of Onenoa to Tula; no road presently exists. The road will introduce vehicular traffic to Onenoa; the tranquility of the village will be altered. Some local customs will be affected (such as that of stopping all traffic during Sunday church services; the statement contends that as a public road the new facility must be open to traffic at all times). One or two fales (dwelling units) will be displaced; an unspecified amount of agricultural land will be taken as right-of-way; economic development will be affected. (34 pages) (ELR Order No. 05507) (NTIS Order No. EIS 72 5507–D)

Tutuila Island, American Samoa, County, Vaifanua. The statement refers to the proposed construction of a 2-lane road from the village of Aoa to Onenoa; no road presently exists. The road will introduce vehicular traffic to Onenoa; the tranquility of the village will be altered. Some local customs will be affected (such as that of stopping all traffic during Sunday church services; the statement contends that as a public road the new facility must be open to traffic at all times).

Several fales (dwelling units), will be displaced; an unspecified amount of agricultural land will be taken as right-of-way; economic development will be affected. (31 pages) (ELR Order No. 05508) (NTIS Order No. EIS 72 5508–D)

Draft, October 24

Kentucky–18, Kentucky, County, Boone. The proposed project is the widening of existing KY–18 from a two-lane to a four-lane road. Project length is 1.35 miles. Displacements will include 29 families and four businesses. (17 pages) (ELR Order No. 05526) (NTIS Order No. EIS 72 5526–D)

King Street-St. Phillip Street Connector, South Carolina. The proposed project is the construction of a two-lane, one-way facility in Charleston. Project length is 760 feet. Sixty people would be displaced. (13 pages) (ELR Order No. 05502) (NTIS Order No. EIS 72 5502–D)

Final, October 24

U.S. 78, Alabama, County, Walker. The proposed project is the widening of a segment of U.S. 78. Project length is 7.7 miles. Seventy-seven acres of land will be acquired; 53 families, 18 businesses and one church will be displaced. A 4(f) statement has been filed to acquire land from Lynn's Park on Mulberry Fork of the Warrior River. There will be an increase of water pollution. (67 pages) Comments made by: USDA, COE, AEC, DOC, DOI, DOT, EPA (ELR Order No. 05515) (NTIS Order No. EIS 72 5513–F)

Interstate 435, Kansas, Counties, Johnson, Wyandotte, and Leavenworth. The proposed project is the addition of 20.5 miles to Interstate 435. The amount of land acquisition and the number of displacements are unknown; one church will be displaced. Adverse effects will include erosion and siltation, loss of water bodies and aquatic habitat, loss of agricultural and wooded area causing loss of wildlife habitat and increases of air, water, and noise pollution within the corridor area. (130 pages) Comments made by: USDA, COE, EPA, OEO, DOI and State and local agencies (ELR Order No. 05509) (NTIS Order No. EIS 72 5509–F)

Kansas-7, Kansas, County, Johnson. The proposed project is the relocation and widening of K–7 to a four-lane highway. Project length is 7.5 miles. The amount of land acquisition, and number of family and business displacements will depend upon the route chosen. Any route chosen will traverse streams and other water bodies causing increases in water pollution, and the loss of aquatic habitat. (121 pages) Comments made by: USDA, COE, EPA, DOI, and State and local agencies and concerned citizens. (ELR Order No. 05519) (NTIS Order No. EIS 72 5519–F)

Interstate 88, New York, County, Otsego and Schonarie. The proposed project is the relocation and widening of a section of I–88. Project length is 45 miles. The relocation of 71 dwellings, 48 businesses, and 47 farm units would be necessary. Increases in noise and air pollution will occur. A 4(f) statement has been filed for land from the Richmondville Recreagional agencies. (ELR Order No. 05510) by: COE, DOI, DOT, local, State and regional agencies. (ELR Order No. 05510) (NTIS Order No. EIS 72 5510–F)

Final, October 17

Friendly Road (SR 2147), North Carolina, County, Guilford. The proposed action is the widening of State Route 2147 to five lanes with curb and gutter. The project will require additional right-of-way through urban and suburban land, including the Guilford College Campus; a section 4(f) consideration will be prepared. The displacement of approximately 24 business tenants will result. (80 pages) Comments made by: USDA, COE, DOC, GSA, HEW, HUD, DOI, OEO, STAT, State and local agencies. (ELR Order No. 05472) (NTIS Order No. EIS 72 5472–F)

Final, October 24

South Dakota 34, South Dakota, County, Lake. The proposed project is the relocation and widening of South Dakota 34 from a two-lane to a four-lane road. Project length is 7.5 miles. The acquisition of land (including wetlands) is necessary for right-of-way; there will be resulting impact upon local wildlife populations. (28 pages)
Comments made by: USDA, COE, DOC, DOI, EPA, HEW, HUD, State and regional agencies (ELR Order No. 05521) (NTIS Order No. EIS 72 5521–F)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72–19013 Filed 11–6–72;8:49 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Order Designating Additional Member

NOVEMBER 1, 1972.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Conservation of Energy.

2. *Membership.* An additional member of the Technical Advisory Committee on Conservation of Energy, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Howard P. Allen, Member, Senior Vice President, Southern California Edison Co.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 72–19006 Filed 11–6–72;8:49 am]

[Docket No. CI73–289]

APACHE EXPLORATION CORP. ET AL.

Notice of Application

NOVEMBER 2, 1972.

Take notice that on October 24, 1972, Apache Exploration Corp. (Operator), et al. (Applicant), Post Office Box 2299, Tulsa, OK 74101 filed Docket No. CI73–289 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. (Transco) from acreage in the Cameron Field, Cameron Parish, La., all as more fully set forth in the application which is on the file with the Commission and open to public inspection.

Applicant proposes to sell Transco approximately 420,000 Mcf of natural gas per month at 45 cents per Mcf at 15.025 p.s.i.a. for 1 year within contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to deliver such gas to Transco at the tailgate of Mobil Oil Corp.'s Cameron plant. Applicant states that it is required to build approximately 3.51 miles of line to a central delivery point on Mobil's gathering system to facilitate delivery in connection with this proposed sale.

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 13, 1972, file with the Federal Power Commission, Washington, DC 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.72–18967 Filed 11–6–72;8:48 am]

[Docket No. E–7793]

COMMONWEALTH EDISON CO. AND CENTRAL ILLINOIS PUBLIC SERVICE CO.

Notice of Application

OCTOBER 30, 1972.

Take notice that on October 10, 1972, Commonwealth Edison Co. (Edison) of Chicago, Ill. and Central Illinois Public Service Co. (CIPSCO) of Springfield, Ill., filed a joint application seeking an order disclaiming jurisdiction under the Federal Power Act over the sale by Edison and the purchase by CIPSCO of Edison's electric facilities in Albion, Ill., for

$1,700,000 plus the amount of capital additions made to the properties from June 30, 1971, to the closing date less depreciation accrued on such additions, all in accordance with a purchase and sale agreement dated as of March 20, 1972, which is attached to the application, or, in the alternative, an order pursuant to section 203 authorizing the sale by Edison and purchase by CIPSCO.

Edison and Central Illinois Light Co. (CILCO) filed a joint application with this Commission under section 203 on November 18, 1971, Docket No. E–7681, seeking approval of the sale by Edison and purchase by CILCO of the electric properties in Lincoln, Homer, Bement, and Albion, Ill., pursuant to a purchase and sale agreement dated October 20, 1971. Subsequently, Edison and CILCO agreed to amend the purchase and sale agreement dated October 20, 1971, by removing from it the sale of the Albion Electric properties and by reducing the total purchase price.

Edison filed an amended final report in Docket No. E–7225 dated June 9, 1972, stating that it had entered into a purchase and sale agreement to sell the Albion electric properties to CIPSCO. On June 19, 1972, notification to this Commission of that amendment was also filed as well as amended pages and exhibits in Docket No. E–7681. The disposition by Edison of the Albion electric properties is in accordance with the order in Docket No. E–7275 issued on December 2, 1966, 36 FPC 927 directing that Edison shall show why it should continue to own and operate the Albion electric properties.

Any person desiring to be heard or to make any protest with reference to such application should on or before November 14, 1972, file with the Commission, Washington, DC 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 proceeding or to participate as a party in any hearing herein 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.72–18999 Filed 11–6–72;8:48 am]

[Docket No. CS73–237, etc.]

CUTTYCHAMP OIL AND GAS CORP. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

NOVEMBER 2, 1972.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS73–237...	9–27–72	Cuttychamp Oil & Gas Corp., 1329 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS73–255...	9–27–72	Jack Pryor, Monroe, La. 71201.
CS73–256...	9–27–72	T. D. Reppond, Monroe, La. 71201.
CS73–257...	9–27–72	Willjack Corp., Monroe, La. 71201.
CS73–258...	9–27–72	W. G. Little, trustee for Gwendolyn Pryor, Monroe, La. 71201.
CS73–259...	9–27–72	Mrs. Irvin M. Shlenker, Monroe, La. 71201.
CS73–260...	9–27–72	Irvin M. Shlenker, by Mrs. Bertha Alyce Shlenker, Ind. Exe., Monroe, La. 71201.
CS73–261...	9–25–72	Gisela Susskind, Post Office Box 332, Locust Valley, N Y 11560.
CS73–262...	9–25–72	Joshua Cohn and Leah Cohn Arendt, 715 First National, Fort Smith, Ark. 72901.
CS73–263...	9–28–72	Wm. B. Wilson, 316 Bldg. of the Southwest, Midland, Tex. 79701.
CS73–264...	9–28–72	O. B. Kiel, 205 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS73–265...	9–29–72	T. O. Clark, 626 Robinson, Corpus Christi, TX 78404.
CS73–266...	9–29–72	Harrington & Bibler, Inc., Post Office Box 1195, Kalispell, MT 59901.
CS73–267...	9–29–72	West Ridge Resources Ltd., 1850 Cornwall, Regina, SK Canada.
CS73–268...	9–29–72	Ensign Oils, Inc., 930 Three Calgary Pl., 335 Fourth Ave., SW., Calgary, AB Canada.
CS73–269...	9–29–72	COG, Inc., Post Office Box 4183, Vancouver 9, BC.
CS73–270...	10– 2–72	Central Producers, Inc., Box 648, Alice, TX 78332.
CS73–271...	10– 2–72	John R. Royall, Trustee u/w/o, N. R. Royall, Jr., John R. Royall, Trustee u/w/o, Fannie May Royall, Tucker K. Royall, Trustee u/w/o, Fannie May Royall, 2715 One Main Pl., Dallas, TX 75250.

[FR Doc.72–19057 Filed 11–6–72;8:50 am]

[Docket No. RP72–116]

EL PASO NATURAL GAS CO.

Notice of Further Extension of Time

NOVEMBER 1, 1972.

On October 30, 1972, El Paso Natural Gas Co. filed a motion for further extension of time of the procedural dates established by the notice issued September 12, 1972. The motion states that no party to these proceedings nor any person filing a notice of intervention or a petition to intervene objects to the motion.

Upon consideration, notice is hereby given that the procedural dates are further extended as follows:

El Paso and staff to serve testimony and exhibits.	Dec. 20, 1972.
Interveners to serve testimony and exhibits.	Jan. 8, 1973.
El Paso to serve rebuttal evidence.	Jan. 22, 1973.
Hearing for cross-examination.	Jan. 30, 1973, 10 a.m. e.s.t

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–19003 Filed 11–6–72;8:48 am]

[Docket No. CP72–175]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

OCTOBER 31, 1972.

Take notice that on October 13, 1972, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72–175 a petition to amend the order of the Commission issuing a certificate in said docket on July 20, 1972 (48 FPC ____) by authorizing the construction and operation of a 12,000 horsepower compressor unit at its Bridgman Compressor Station in lieu of the 4,500 horsepower unit authorized, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Petitioner states that when it solicited competitive bids for the installation of the authorized 4,500 h.p. compressor unit at its Bridgman Compressor Station, one engine manufacturer submitted a proposal for the installation of a 12,000 h.p. unit at an estimated cost of $3,241,636 with a deferred payment provision, which provides for the payment of $2,365,046 in 1972, $100,000 in 1973, $361,146 in 1974, and $415,444 in 1976. Petitioner indicates that the first year's expenditure for the 12,000 horsepower unit will be substantially less than the cost associated with the acceptance of any other bid. Petitioner further states that the installation of a 12,000 rather than a 4,500 horsepower unit at the Bridgman Compressor Station, which is utilized to compress gas for delivery both to storage during the storage injection cycle and to market during the storage withdrawal cycle, will provide greater assurance of continuity of service until the full capacity of the larger unit is required.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 20, 1972, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19000 Filed 11-6-72;8:48 am]

[Docket No. E-7734]

MID-CONTINENT AREA POWER POOL AGREEMENT

Notice of Extension of Time

OCTOBER 31, 1972.

On October 19, 1972, counsel for the Alexandria Board of Public Works, Minnesota, et al. filed a motion for change of the procedural dates as set forth in the Commission order issued September 26, 1972. The motion states that staff counsel, counsel for applicants, and the city of St. Paul, Minn., have no objection to the change in dates.

Upon consideration, notice is given that the procedural dates are modified as follows:

Prepared testimony and exhibits of interveners.	Jan. 30, 1973.
Prepared testimony and exhibits by applicants.	Mar. 1, 1973.
Testimony by staff	Mar. 22, 1973.
Service of rebuttal evidence	Apr. 16, 1973.
Prehearing conference	May 1, 1973, 10 a.m, (e.d.t.)
Commencement of cross examination of all evidence.	May 8, 1973, 10 a.m. (e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19004 Filed 11-6-72;8:48 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Notice of Extension of Time

OCTOBER 27, 1972.

On October 13, 1972, Northeast Public Power Association filed a motion for extension of time for filing testimony as required by the Commission's order issued on September 21, 1972. The motion states that the Commission staff has no objection and the Rhode Island Consumers Council and HG&E concur. The applicants accede to the request, provided that they are granted an equal extension to file their testimony.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Prepared testimony and exhibits by intervenors	Dec. 29, 1972
Prepared testimony and exhibits by applicants	Jan. 30, 1973
Testimony by staff	Feb. 20, 1973
Rebuttal testimony	Mar. 15, 1973
Prehearing conference	Mar. 29, 1973, 10 a.m., e.s.t.
Cross-examination on all evidence	Apr. 9, 1973, 10 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19005 Filed 11-6-72;8:48 am]

[Docket No. E-7758]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Completed Filing of Proposed Settlement Agreement

NOVEMBER 2, 1972.

Take notice that on October 6, 1972, Northern Indiana Public Service Co. (NIPSCO) filed supplemental cost-of-service data to its offer of settlement filed August 18, 1972, in this proceeding. The proposed settlement agreement would increase NIPSCO's revenues from jurisdictional sales and service by $1,109,418 based on the test year ended December 31, 1971, with an overall rate of return of 7.12 percent, to become effective upon issuance of a Commission order approving the proposed settlement.

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 13, 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.72-19056 Filed 11-6-72;8:50 am]

[Docket No. CP73-107]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 1, 1972.

Take notice that on October 19, 1972, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP73-107 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Diamond Shamrock Corp. (Diamond Shamrock) in Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a gas transportation agreement dated July 25, 1972, to transport up to a maximum of 7,500 Mcf per day of Diamond Shamrock's portion of raw gas produced from the Wright "A" No. 1 well in Hemphill County, Tex., to treat such gas, and to redeliver it to Diamond Shamrock at Applicant's Hemphill County No. 1 gathering compressor station by reducing its takes from Diamond Shamrock by an amount equal to the volume of residue gas attributable to the raw gas volumes delivered to Applicant at the wellhead. Said agreement provides for the payment of 5 cents per Mcf to Applicant for the transportation and treating service. Applicant states that this service will avoid the need for duplicate facilities in the Mathers Ranch Field.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 27, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19001 Filed 11-6-72;8:48 am]

[Docket No. RP72-91, etc.]

SOUTHERN NATURAL GAS CO.

Order Accepting Substitute, Redesigned Rates for Filing, Subject to Hearing and Refund; Correction

OCTOBER 31, 1972.

In the Order Accepting Substitute, Redesigned Rates for Filing, Subject to Hearing and Refund, issued September 29, 1972, and published in the FEDERAL REGISTER October 5, 1972 (37 F.R. 21008):

Change footnote 1 to read as follows:

[1] Sixth Revised Volume No. 1: Ninth Revised Sheets Nos. 8E, 15E, 26E; 11th Revised Sheet No. 11F; 14th Revised Sheet No. 11J; 15th Revised Sheets Nos. 8A, 8D, 11H, 15A, 15D, 26A, 26D, 30; 19th Revised Sheets Nos. 9, 16, 27;

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19007 Filed 11-6-72;8:49 am]

[Docket No. CP73-108]

TRANSWESTERN PIPELINE CO.

Notice of Application

NOVEMBER 1, 1972.

Take notice that on October 20, 1972, Transwestern Pipeline Co. (Applicant), Post Office Box 2521, Houston, TX 77001, filed in Docket No. CP73-108 a budget-type application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1973, and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $7 million with no single project in excess of $1 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19002 Filed 11-6-72;8:48 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-36]

POSTMASTER GENERAL

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to the Postmaster General which are no longer necessary due to the enactment of the Postal Reorganization Act, Public Law 91-375, August 12, 1970, 84 Stat. 720.

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 necessary. Accordingly, the following FPMR temporary regulations are hereby revoked:

Number, date, and subject

D-7; August 23, 1967; delegation of authority to the Postmaster General—operation, maintenance, and protection.

D-17; May 8, 1969; delegation of authority to the Postmaster General—inspection and maintenance contracts.

Dated: October 30, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72-19097 Filed 11-6-72;8:52 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANELS

Notice of Meetings

Pursuant to Executive Order 11671, notice is hereby given of meetings of the following committees, including the individuals to contact for further information respecting each committee. The purpose of each of these advisory bodies is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

ADVISORY PANEL FOR SOCIAL PSYCHOLOGY

Date and time of meeting: 9 a.m. on November 9 and 10, 1972.

Location of meeting: Room 517; 1800 G Street NW.; Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For further committee information, contact: Dr. Roland Radloff, Program Director, Social Psychology Program; Room 205; 1800 G Street NW.; Washington, DC 20550.

ADVISORY PANEL FOR POLITICAL SCIENCE

Date and time of meeting: 9 a.m. on November 15, 1972.

Location of meeting: Room 203; 1800 G Street NW.; Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For further committee information, contact: Mrs. Bertha Rubenstein, Assistant Program Director, Political Science Program; Room 203; 1800 G Street NW.; Washington, DC 20550.

ADVISORY PANEL FOR ECONOMICS

Date and time of meeting: 9 a.m. on November 16 and 17, 1972.

Location of meeting: Room 621; 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For further committee information, contact: Dr. James H. Blackman, Program Director, Economics Program; Room 205; 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR HISTORY AND PHILOSOPHY OF SCIENCE

Date and time of meeting: 9 a.m. on November 18, 1972.

Location of meeting: Room 338; 1800 G Street NW., Washington, DC 20550.

Agenda: The agenda will be devoted to the review and evaluation of research proposals.

For further committee information, contact: Dr. Vivian Shelanski, Assistant Program Director, History and Philosophy of Science Program; Room 205; 1800 G Street NW., Washington, DC 20550.

These meetings will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated August 23, 1972, pursuant to the provisions of executive Order 11671, section 13(d).

T. E. JENKINS,
Assistant Director for Administration.

OCTOBER 31, 1972.

[FR Doc.72-19040 Filed 11-6-72;8:51 am]

OFFICE OF MANAGEMENT AND BUDGET

AMERICAN STATISTICAL ASSOCIATION ADVISORY COMMITTEE ON STATISTICAL POLICY

Notice of Public Meeting

Pursuant to section 13(a)(2) of Executive Order No. 11671 of June 5, 1972, notice is hereby given of a meeting of the American Statistical Association Advisory Committee on Statistical Policy to be held in Room 10104, New Executive Office Building, 276 Jackson Place (entrance on 17th Street between Pennsylvania Avenue and H Street NW.), Washington, DC on Thursday, November 9, 1972, at 9:30 a.m.

The American Statistical Association Advisory Committee on Statistical Policy assists the Statistical Policy Division of the Office of Management and Budget in formulating policies, standards, and procedures for the development and improvement of the Federal statistical services.

The names and affiliations of members of the Committee are as follows:

Leonall C. Andersen, Federal Reserve Bank of St. Louis.
T. A. Bancroft, Iowa State University.
Daniel H. Brill, Commercial Credit Co.
Ewan Clague, Leo Kramer, Inc.
Walter E. Duffett, retired, formerly with Statistics Canada.
A. Ross Eckler, retired, formerly Director of Bureau of the Census.
Douglas Greenwald, McGraw-Hill, Inc.
Morris H. Hansen, Westat Research, Inc.
Phillip M. Hauser, University of Chicago.
Forrest E. Linder, University of North Carolina.
Isador Lubin, Twentieth Century Fund.
Richard Ruggles, Yale University.
Eleanor Sheldon, Russel Sage Foundation.
Willard Thorp, retired, formerly with Amherst College.
Ralph J. Watkins, Surveys & Research Corp.

The purpose of the meeting is to hear remarks from the Chief of the Statistical Policy Division of the Office of Management and Budget on recent developments in the Federal statistical system; to hear a report on the new Federal Advisory Committee Act; and to discuss alternatives to the middecade census, confidentiality and privacy in collecting agency agreements, in establishment surveys and in an industrial directory, and statistical audit programs. The meeting will be open to public observation and participation.

HARRY H. FLICKINGER,
Acting Assistant to the Director for Administration.

[FR Doc.72-19096 Filed 11-6-72;8:52 am]

PRICE COMMISSION

[Notice 38]

STATE AND FEDERAL REGULATORY AGENCIES

Certificates of Compliance

Section 300.304(c) of the regulations of the Price Commission provides for the issuance by the Price Commission of Certificates of Compliance to State and Federal regulatory agencies whose rules for implementing the Economic Stabilization Program with respect to public utilities, have been approved by the Price Commission. In accordance with the Commission's policy, this notice is issued on a biweekly basis, to inform all interested persons of those regulatory agencies to which certificates have been issued by the Commission.

As of November 1, 1972, Certificates of Compliance have been issued to the following agencies:

FEDERAL

Civil Aeronautics Board.
Interstate Commerce Commission.

STATE

Alabama Public Service Commission.
Arkansas Public Service Commission.
California Public Utilities Commission.
Colorado Public Utilities Commission.
Delaware Public Service Commission.
District of Columbia Public Service Commission.
Florida Public Service Commission.
Georgia Public Service Commission.
Indiana Public Service Commission.
Kansas State Corporation Commission.
Kentucky Public Service Commission.
Maryland Public Service Commission.
Michigan Public Service Commission.
Mississippi Public Service Commission.
Missouri Public Service Commission.
Montana Public Service Commission.
New Hampshire Public Utilities Commission.
New York Public Service Commission.
North Carolina Utilities Commission.
Oklahoma Corporation Commission.
Oregon (Public Utilities Commissioner of).
Pennsylvania Public Utility Commission.
South Carolina Public Service Commission.
Texas Aeronautics Commission.
Virginia State Corporation Commission.
Washington Utilities and Transportation Commission.
Wisconsin Public Service Commission.

By direction of the Commission.

Issued in Washington, D.C., on November 2, 1972.

JAMES B. MINOR,
General Counsel, Price Commission.

[FR Doc.72-19037 Filed 11-6-72;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3275]

CHEMICAL FUND, INC. AND THE EBERSTADT FUND, INC.

Notice of Filing of Application

OCTOBER 30, 1972.

Notice is hereby given that Chemical Fund, Inc. (Chemical) and The Eberstadt Fund, Inc. (Eberstadt) (hereinafter also referred to as "Applicants"), 61 Broadway, New York, NY 10006, both diversified, open-end management investment companies registered under the Investment Company Act of 1940 (Act), have filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Dr. Roger F. Murray shall not be deemed to be an interested person of Applicants as that term is defined under section 2(a)(19) of the Act solely by reason of his status as a director of Lincoln National Life Insurance Co of New York (Lincoln New York), and American Union Insurance Co. of New York (American Union). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Dr. Roger F. Murray has been a nonaffiliated member of the Board of Directors of Chemical since March 3, 1959, and of Eberstadt since June 28, 1966. Dr. Murray is also a director of Lincoln New York, which is a wholly-owned subsidiary of Lincoln National Life Insurance Co. of Fort Wayne, Ind. (Lincoln Indiana), and a director of American Union, which is a wholly-owned subsidiary of American States Insurance Co., Indianapolis, Ind. (American States). Lincoln Indiana is a wholly-owned subsidiary of Lincoln National Corp., and American States is 99.9 percent owned by Lincoln National Corp., of which LNC Equity Sales Corp. (Sales Corp.) is also a wholly-owned subsidiary. Sales Corp. is registered as a broker-dealer under the Securities Exchange Act of 1934.

Sales Corp. is in the business of selling mutual funds, and independent insurance agents of Lincoln Indiana are registered representatives of Sales Corp. in connection with its business of selling mutual funds. Registered representatives of Sales Corp. offer for sale, in addition to approximately four different mutual funds, combined programs for the acquisition of mutual fund shares and life insurance issued by Lincoln Indiana through equity funding programs. Sales Corp. is not a member of any securities exchange, does not make markets in securities, and does not execute or clear securities transactions, except transactions in mutual funds which it sells. Sales Corp. is not otherwise engaged in the securities business, and it does not have a

dealer sales agreement with, nor does it sell shares of, either of the Applicants. Since the activities of Sales Corp. are limited as described above, it is not in a position to, nor would it have reason to, in any way, act for or with, or to the detriment of, Applicants in connection with any securities transactions.

Section 2(a)(19) of the Act, as here pertinent, defines an interested person of an investment company as any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer.

Section 2(a)(3) of the Act includes in the definition of an "affiliated person" of another person, any director of such other person.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person from any provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that Dr. Roger F. Murray should not be deemed an "interested person" of Applicants because his affiliation with Lincoln New York and American Union does not and will not impair his independence in acting on behalf of Applicants and its shareholders, and that the requested exemption is therefore consistent with the provisions of section 6(c) of the Act.

Notice is further given that any interested person may, not later than November 24, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-18986 Filed 11-6-72;8:47 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

OCTOBER 30, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 31, 1972, through November 9, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-18985 Filed 11-6-72;8:47 am]

[File No. 500-1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

OCTOBER 30, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from October 31, 1972, through November 9, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-18984 Filed 11-6-72;8:47 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

ADVISORY COMMITTEE ON TESTING AND SELECTION

Notice of Public Meetings

Notice is hereby given that the Department of Labor Advisory Committee on Testing and Selection will conduct 2 days of meetings on November 27 and 28, 1972, to discuss Department of Labor policy regarding the application of its Order for Employee Testing and Other Selection Procedures (41 CFR Part 60-3, 36 F.R. 19307, October 2, 1971) to various employment situations subject to the equal employment opportunity requirements of Executive Order 11246, as amended. The November 27 meeting will commence at 9 a.m. in Rooms 107 A, B, and C, Main Labor Department Building, 14th Street and Constitution Avenue NW., Washington, D.C. The November 28 meeting will commence at 9 a.m. in Room 3428, Main Labor Department Building, 14th Street and Constitution Avenue NW., Washington, D.C.

These meetings will be open to the public. In order to insure that problem areas of significant public concern will receive appropriate consideration by the Advisory Committee, interested persons are encouraged to submit written comments, views, or suggestions regarding test validation and related matters to Mr. Philip J. Davis, Acting Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, by November 20, 1972.

Signed at Washington, D.C., this 31st day of October 1972.

PHILIP J. DAVIS,
Acting Director, Office of Federal Contract Compliance.

[FR Doc.72-19063 Filed 11-6-72;8:51 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 F.R. 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at

wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Arizona Drumstick, Inc., restaurant; 2240 North Scottsdale Road, Tempe, AZ; 8–31–73.

The Baby Shop, Inc., apparel stores, 9–2–73: 404 Main, Evansville, IN; 1120 Washington Square Mall, Evansville, IN.

Barkmeiers, variety-department store; Exeter, Nebr.; 9–9–73.

Buehler Market, food store; 2315 North Street, Omaha, NE; 9–6–72 to 9–2–73.

Buy Rite, Inc., food store; 308 South Silver, Paola, KS; 9–2–73.

Byck Brothers & Co., apparel store; 532 South Fourth Street, Louisville, KY; 8–31–73.

C-Mart, variety-department store; 90 East Marion Street, Mount Gilead, OH; 8–31–73.

Capin's El Paso Store, variety-department store; 125–129 Morley Avenue, Nogales, AZ; 8–31–73.

Carrollton Foods, Inc., food store; 905 South Main, Carrollton, MO; 9–2–73.

Central Store, Inc., variety-department store; Central Avenue and Verity Parkway, Middletown, Ohio; 9–5–73.

Charlie's Market, food store; George, Iowa; 9–9–73.

Conley's variety-department stores, 9–15–73: 101 Grant Street, Chardon, OH; 212 North Wooster Avenue, Dover, OH; 985 Ashland Road, Mansfield, OH; 3839 Pearl Road, Medina, OH; Route 250, Midvale, Ohio; Route 170, North Kingsville, Ohio; 250 North Main Street, Rittman, OH.

Convenient Food Mart, Inc., food store; No. 320, Parma, Ohio; 9–17–73.

Cooke's Food Store, Inc., food store; 17 Broad Street Southwest, Cleveland, TN; 8–31–73.

Falls Super Market, Inc., food store; 405 South Mill Street, Redwood Falls, MN; 9–2–73.

Food Fair, Inc., food store; Mount Vernon, Ky; 9–2–73.

Fruit & Vegetable Fair, Inc., food store; 29220 North Campbell Road, Madison Heights, MI; 8–26–73.

Golden Good Shepherd Home, nursing home; Golden, Ill.; 8–25–73.

Good Samaritan Center, nursing home; Scribner, Nebr.; 9–9–73.

W. T. Grant Co., variety-department stores, 9–2–73, except as otherwise indicated: No. 3086, Gary, Ind.; No. 69, St. Paul, Minn.; No. 173, Paterson, N.J.; No. 74, Canton, Ohio; No. 482, Delphos, Ohio (8–21–73); No. 313, Newark, Ohio; No. 729, Kingsport, Tenn. (8–31–73).

Greenfield Search Food Stores, Inc., food store; South Side, Greenfield, Ill.; 8–24–73.

Haan's Super Market, Inc., food store; 919 36th Street, Wyoming, MI; 9–1–73.

Hardee's, restaurants, 9–14–73: 3737 State Avenue, Kansas City, KS; 115 North Belt Hiway, St. Joseph, MO.

J. I. Ippel Co., variety-department store; 423 Court Street, Saginaw, MI; 8–26–73.

K. C. Super Markets, food store; Eighth Street and Ohio Avenue, Etowah, Tenn.; 8–31–73.

Keltsch Association, Inc., drug store, 8–31–73: 103 South Main Street, Auburn, IN; 3209 North Anthony Boulevard, Fort Wayne, IN; 5439 South Anthony Boulevard, Fort Wayne, IN; 6320 East State Boulevard, Fort Wayne, IN; 1203 West State Street, Fort Wayne, IN; 1402 Wells Street, Fort Wayne, IN.

S. S. Kresge Co., variety-department stores, 9–2–73, except as otherwise indicated: No. 254, Aurora, Ill.; Nos. 34 and 4031, Bloomington, Ill.; No. 94, Bridgeview, Ill.; Nos. 174, 690, and 4019, Champaign, Ill.; Nos. 8, 236, 416, 480, 594, 599, 627, 4562, 4613, and 4624, Chicago, Ill.; No. 261, Danville, Ill.; Nos. 201 and 641, Decatur, Ill.; No. 50, Deerfield, Ill.; No. 429, Des Plains, Ill.; No. 220, Evanston, Ill. (9–19–73); No. 4612,, Freeport, Ill.; No. 179, Galesburg, Ill.; No. 130, Joliet, Ill.; No. 417, Kankakee, Ill.; No. 918, La Grange, Ill.; No. 4464, Loves Park, Ill. (9–14–73); No. 25, Markham, Ill.; No. 497, Mattoon, Ill.; No. 4546, Moline, Ill.; No. 503, Oak Brook, Ill.; No. 4623, Oak Lawn, Ill.; No. 630, Park Forest, Ill.; No. 4375, Pekin, Ill. (8–31–73); No. 4630, Pekin, Ill.; Nos. 242 and 4005, Peoria, Ill.; No. 321, Quincy, Ill.; No. 318, Rockford, Ill.; No. 136, St. Charles, Ill.; No. 4592, Streator, Ill.; No. 4412, Wood River, Ill. (9–14–73); No. 483, Bedford, Ind. (9–12–73); No. 237, Elkhart, Ind.; No. 647, Evansville, Ind.; No. 568, Fort Wayne, Ind.; No. 4079, Fort Wayne, Ind. (8–25–73); Nos. 462 and 618, Gary, Ind.; Nos. 7, 583, and 672, Indianapolis, Ind.; No. 4438, Indianapolis, Ind. (8–31–73); Nos. 589 and 4014, Kokomo, Ind.; Nos. 204 and 4008, Lafayette, Ind.; No. 466, Mishawaka, Ind.; No. 251, New Castle, Ind.; No. 4571, Peru, Ind.; No. 597, Richmond, Ind.; No. 2217, Vincennes, Ind.; No. 4628, Burlington, Iowa (9–6–72 to 9–2–73); No. 170, Cedar Rapids, Iowa; No. 4584, Clinton, Iowa (8–31–73); No. 270, Davenport, Iowa; No. 71, Des Moines, Iowa; No. 542, Des Moines, Iowa (9–7–72 to 9–2–73); No. 100, Dubuque, Iowa (9–6–72 to 9–2–73); No. 559, Iowa City, Iowa (9–6–72 to 9–2–73); No. 692, Mason City, Iowa (9–6–72 to 9–2–73); No. 163, Sioux City, Iowa (9–6–72 to 9–2–73); No. 4156, Urbandale, Iowa (8–20–73); No. 127, Leavenworth, Kans. (9–7–72 to 9–2–73); No. 197, Salina, Kans.;

No. 56, Louisville, Ky; No. 624, Louisville, Ky. (8–31–73); No. 363, Owensboro, Ky. (9–15–73); No. 112, Paducah, Ky. (8–31–73); No. 485, Adrian, Mich.; No. 605, Allen Park, Mich.; No. 504, Alpena, Mich. (9–6–73); Nos. 74, 131, 160, and 468, Ann Arbor, Mich.; No. 21, Battle Creek, Mich.; No. 4086, Benton Harbor Mich.; No. 296, Berkley, Mich.; No. 227, Birmingham, Mich.; Nos. 16, 350, and 580, Dearborn, Mich.; Nos. 1, 208, 289, 290, 340, 369, 395, 456, 521, 527, 533, 620, 4516, and 4538, Detroit, Mich.; No. 166, Detroit, Mich. (9–7–73); No. 550, Detroit, Mich. (9–15–73); No. 507, Escanaba, Mich.; No. 185, Ferndale, Mich.; Nos. 12 and 272, Flint, Mich. (9–14–73); No. 214, Flint, Mich. (9–15–73); No. 642, Flint, Mich.; No. 4083, Flint, Mich. (8–23–73); No. 571, Fraser, Mich.; No. 4405, Fraser, Mich. (9–8–73); No. 59, Grand Rapids, Mich.; No. 465, Grosse Pointe, Mich.; No. 276, Hazel Park, Mich.; Nos. 211 and 365, Highland Park, Mich.; No. 403, Iron Mountain, Mich. (9–7–73); No. 103, Jackson, Mich.; No. 679, Kalamazoo, Mich.; No. 549, Lansing, Mich. (9–13–73); No. 4631, Lansing, Mich.; Nos. 245 and 685, Lincoln Park, Mich.; No. 27, Livonia, Mich.; No. 353, Madison Heights, Mich.; No. 529, Monroe, Mich.; No. 353, Mount Clemens, Mich. (9–6–73); No. 626, Muskegon, Mich.; No. 623, Plymouth, Mich.; Nos. 13, 516, and 684, Pontiac, Mich.; No. 2, Port Huron, Mich. (9–16–73); No. 577, River Rouge, Mich.; No. 677, Rochester, Mich.; Nos. 415 and 667, Roseville, Mich.; No. 530, Royal Oak, Mich.; No. 428, Saginaw, Mich.; No. 433, Saginaw, Mich. (9–13–73); No. 315, Sault Ste. Marie, Mich. (9–14–73); Nos. 123 and 4074, Southfield, Mich.; No. 687, Southgate, Mich.; No. 4021, Southgate, Mich. (9–13–73); No. 499, Traverse City, Mich. (9–12–73); Nos. 364 and 4002, Warren, Mich.; No. 566, Wayne, Mich.; No. 678, Westland, Mich. (8–22–73); No. 4578, Faribault, Minn.; No. 176, Minneapolis, Minn.; No. 323, Rochester, Minn.; No. 683, St. Paul, Minn.; No. 52, Winona, Minn.; No. 4193, Bridgeton, Mo. (9–19–73);

No. 89, Hannibal, Mo.; No. 249, Joplin, Mo. (9–15–72 to 6–26–73); No. 49, Kansas City, Mo. (9–6–72 to 9–2–73); No. 82, Kansas City, Mo. (9–7–72 to 9–2–73); No. 4220, Kansas City, Mo. (8–25–73); No. 58, St. Joseph, Mo. (9–6–72 to 9–2–73); No. 24, St. Louis, Mo. (9–19–72 to 9–3–73); No. 601, St. Louis, Mo. (9–6–72 to 9–2–73); Nos. 4585 and 4643, St. Louis, Mo.; No. 11, Webster Groves, Mo. (9–7–72 to 9–2–73); No. 326, Omaha, Nebr. (9–6–72 to 9–2–73); No. 4501, Alliance, Ohio; No. 4518, Ashtabula, Ohio; No. 658, Barberton, Ohio (9–15–73); No. 4266, Brooklyn, Ohio (9–11–73); No. 120, Canton, Ohio; No. 4194, Cincinnati, Ohio (8–13–73); Nos. 28, 118, 298, 434, 411, 459, and 531, Cleveland, Ohio; Nos. 5, 29, and 328, Columbus, Ohio; No. 663, Columbus, Ohio (9–6–73); No. 538, Cuyahoga Falls, Ohio; Nos. 9, 287, 628, and 649, Dayton, Ohio; No. 4179, Dayton, Ohio (8–31–73); No. 171, Lancaster, Ohio; No. 51, Lima, Ohio; No. 4528, Lorain, Ohio; Nos. 144 and 4597, Maple Heights, Ohio; No. 362, Marion, Ohio (9–18–73); No. 512, Mount Vernon, Ohio; No. 410, Painesville, Ohio; Nos. 314 and 676, Parma, Ohio; No. 4638, Piqua, Ohio; No. 316, Springfield, Ohio; No. 458, Steubenville, Ohio; No. 686, Tiffin, Ohio (8–22–73); No. 646, Toledo, Ohio (9–16–73); Nos. 299 and 674, Warren, Ohio; No. 228, Willowick, Ohio; No. 248, Xenia, Ohio; No. 595, Youngtown, Ohio; Nos. 377 and 4556, Zanesville, Ohio; No. 758, Alcoa, Tenn. (9–9–73); No. 4050, Johnson City, Tenn. (8–31–73); No. 4004, Knoxville, Tenn. (8–20–73); Nos. 607 and 4051, Eau Claire, Wis.; No. 611, Fond Du Lac, Wis.; No. 222, Green Bay, Wis.; No. 4089, La Crosse, Wis.; No. 162, Madison, Wis.; No. 4321, Madison, Wis. (9–1–73); No. 4325, Madison, Wis. (9–19–73); No. 420, Manitowoc, Wis.; No. 442, Neenah, Wis.; No. 86, Racine, Wis.; No. 78, Superior, Wis.; No. 119, Watertown, Wis.; No. 4376, Waukesha, Wis. (9–14–73); No. 493, Wausau, Wis.

The La Crescent Nursing Center, nursing home; 701 Main Street, La Crescent, Minn.; 8–31–73.

Latonia 5/1.00 Store, variety-department store; 3925 Winston Avenue, Covington, Ky.; 9–17–73.

La Ville de Paris, variety-department store; 101–103 Morley Avenue, Nogales, Ariz.; 8–31–73.

Lebensraum, Inc., nursing home; 114–118 South Ingalls, Grand Island, Nebr.; 9–8–73.

Levs Department Store, variety-department stores, 8–31–73: 435 East Mill Street, Plymouth, Wis.; 258 North Main Street, West Bend, Wis.

Magic Mart, Inc., variety-department store; Highway 84 and Locust Street, Caruthersville, Mo.; 8–22–73.

H. B. Magruder Memorial Hospital, hospital; Fulton Street, Port Clinton, Ohio; 8–6–73.

McCrory-McLellan-Green Stores, variety-department stores, 9–2–73, except as otherwise indicated: Nos. 375 and 379, Phoenix, Ariz. (8–31–73); No. 709, Sierra Vista, Ariz. (8–31–73); No. 580, Tucson, Ariz. (8–31–73); No. 360, East Alton, Ill.; No. 676, Pekin, Ill.; No. 44, Anderson, Ind.; No. 569, Fort Dodge, Iowa (9–7–72 to 9–2–73); No. 1081, Keokuk, Iowa (9–19–72 to 9–8–73); No. 560, Mason City, Iowa (9–19–72 to 9–2–73); No. 470, Topeka, Kans. (9–15–72 to 9–2–73); No. 305, Lexington, Ky. (8–31–73); No. 1318, Louisville, Ky. (9–16–73); No. 556, Alpena, Mich.; No. 668, Grand Haven, Mich. (9–12–73); No. 447, Lapeer, Mich.; No. 541, Petoskey, Mich.; No. 1056, St. Paul, Minn.; No. 1032, Asbury Park, N.J. (7–29–73); No. 168, Camden, N.J. (7–29–73); No. 308, Clifton, N.J.; No. 1025, Elizabeth, N.J. (7–31–73); No. 1152, Irvington, N.J. (7–28–73); No. 272, Jersey City, N.J. (7–29–73); No. 1034, Manasquan, N.J. (7–29–73); No. 251, Newark, N.J. (7–29–73); No. 1085, Newark, N.J. (7–31–73); No. 131, Passaic, N.J. (7–31–73); No. 218, Perth Amboy, N.J. (7–31–73); No. 1072, Succasunna, N.J. (9–14–73); No. 189, Canton, Ohio (9–4–73); No. 1207, Cleveland, Ohio; No. 1035, Columbus, Ohio (9–15–73); No. 180, Dayton, Ohio (9–4–73); No. 1065, Dayton, Ohio; No. 684, Delaware, Ohio; No. 26, East Liverpool, Ohio; No. 362, Fairborn, Ohio (9–4–73); No. 1059, Portsmouth, Ohio (9–5–73); No. 24,

Springfield, Ohio; No. 27, Steubenville, Ohio (9–14–73); No. 372, Troy, Ohio (9–7–73); No. 1124, Uhrichsville, Ohio; No. 185, Youngstown, Ohio (9–4–73); No. 139, Bristol, Tenn. (9–17–73); No. 429, Chattanooga, Tenn. (9–4–73); No. 497, Columbia, Tenn. (9–4–73); No. 307, Memphis, Tenn. (9–4–73); No. 337, Murfreesboro, Tenn. (9–13–73); No. 417, Murfreesboro, Tenn. (9–4–73); No. 507, Nashville, Tenn. (9–4–73); No. 292, Oak Ridge, Tenn. (8–31–73); No. 451, La Crosse, Wis.; No. 578, Marinette, Wis.; No. 454, Marshfield, Wis. (9–7–73); No. 579, Monroe, Wis.; No. 694, Oconomowoc, Wis.

Meyer Brothers, variety-department store; 181 Main Street, Paterson, N.J.; 8–31–73.

Michelich Food Market, food store; Keewatin, Mich.; 9–9–73.

Mr. Steak, restaurant; No. 305, Roseville, Mich.; 7–31–73.

Moreland Drug, Inc., drug store; 110 Shelby Street, Falmouth, Ky.; 8–24–73.

G. C. Murphy Co., variety-department stores, 9–2–73, except as otherwise indicated: No. 330, Mattoon, Ill. (9–14–73); No. 119, Greencastle, Ind.; No. 430, Madison, Ind.; No. 17, Ashland, Ky.; No. 239, Louisville, Ky.; No. 111, Maysville, Ky.; No. 466, Logan, Ohio; No. 429, Wapakoneta, Ohio (7–31–73).

Neisner Bros., Inc., variety-department stores, 9–2–73: Nos. 30, 31, 52, 54, 65, 74, and 97, Chicago, Ill.; No. 202, Crystal Lake, Ill.; No. 37, Waukegan, Ill.; No. 204, Burlington, Iowa; Nos. 32 and 43, Detroit, Mich.; No. 13, Hamtramck, Mich.; No. 101, Lincoln Park, Mich.; No. 73, Wyandotte, Mich.; No. 129, Rochester, Minn.; No. 59, St. Louis, Mo.; No. 100, Cincinnati, Ohio; No. 39, Norwood, Ohio.

J. J. Newberry Co., variety-department stores, 9–2–73, except as otherwise indicated: 108–110 South Main Street, Harland, Ky. (8–31–73); No. 715, Norfolk, Nebr.; No. 549, Bricktown, N.J.; No. 187, Vineland, N.J.

Okolona Department Store, variety-department store; 7821 Preston Highway, Louisville, Ky.; 8–23–73.

Olson Supermarket, food store; 1406 West Main Street, Chanute, Kans.; 9–7–72 to 9–2–73.

Parisian Merchantile Corp., variety-department store; 205 Morley Avenue, Nogales, Ariz.; 8–31–73.

Parkview Home, nursing home; Belview, Minn.; 8–31–73.

Park View Manor, nursing home; Sac City, Iowa; 9–2–73.

Pasek Pharmacy, Inc., drug store; 117 West First Street, Duluth, Minn.; 8–9–73.

Rogers Department Store, Inc., variety-department store; 959 28th Street Southwest, Wyoming, Mich.; 9–1–73.

Roodhouse Search Food Stores, Inc., food store; West Clay Street, Roodhouse, Ill.; 8–24–73.

Roth's, Inc., apparel stores: 4500 North First Avenue, Evansville, Ind., 8–31–73; 100 East Third Street, Mount Vernon, Ind., 8–27–73.

Rusty's Food Centers, Inc., food stores, 9–2–73: Ninth and Iowa, Lawrence, Kans.; 620 North Second, Lawrence, Kans.

Schnaible Drug Co., drug store; No. 2, Lafayette, Ind.; 8–31–73.

Seithner Brothers, Inc., variety-department store; 302 Federal Street, Saginaw, Mich.; 9–12–73.

Spurgeon's, variety-department store; 103 South Main, Shawano, Wis.; 8–30–73.

Stuckey's Pecan Shoppe, food store; No. 292, Brewster, Kans.; 8–31–73.

T. G. & Y. Stores Co., variety-department stores, 8–31–73, except as otherwise indicated: No. 187, Phoenix, Ariz.; No. 1502, Tempe, Ariz.; No. 568, Hawthorne, Calif.; No. 593, San Bernardino, Calif.; No. 648, Simi Valley, Calif.; No. 155, Kansas City, Kans. (9–2–73); No. 1405, Kansas City, Kans.; No. 143, Mission, Kans. (9–2–73); No. 1404, Shawnee, Kans.; No. 1403, Wichita, Kans.; No. 159, Columbia, Mo. (9–2–73); No. 151, Gladstone, Mo. (8–23–73); No. 454, Hannibal, Mo. (9–2–73); No. 158, Independence, Mo. (9–2–73); No. 163, Jefferson City, Mo. (9–2–73); No. 152, Parkville, Mo. (9–11–73).

Thomas Grocery, food store; Robbins Road and Ferry Street, Grand Haven, Mich.; 8–26–73.

Thomas Kilpatrick & Co., variety-department store; 42d and Center Street, Omaha, Nebr.; 9–2–73.

Weeks, Inc., food store; 505 South Santa Fe, Salina, Kans.; 9–6–72 to 9–2–73.

Whitehall Search Food Stores, Inc., food-store; South Main Street, Whitehall, Ill.; 8–24–73.

Wm. A. Lewis Clothing, apparel stores, 9–2–73: 2301 West 95th Street, Chicago, IL; Hillside Shopping Center, Hillside, Ill.; Randhurst Center, Mount Prospect, Ill.; Harlem-Irving Store Plaza, Norridge, Ill.

Younker Brothers, Inc., variety-department stores 9–2–73, except as otherwise indicated: Middle and Kimberley Roads, Bettendorf, Iowa; 4444 First Avenue Northeast, Cedar Rapids, IA; 1550 East Douglas, Des Moines, IA (9–7–72 to 9–2–73); 503 Merle Hay Plaza, Des Moines, IA; Seventh and Walnut Street, Des Moines, Iowa; 217–239 South 25th Street, Fort Dodge, IA; 111 East Washington, Iowa City, IA; 101 South Federal, Mason City, IA; 1501 First Avenue East, Newton, IA; 119 High Street West, Oskaloosa, IA; 129 East Main Street, Ottumwa, IA; Fourth and Pierce, Sioux City, Iowa; 1950 Grand Avenue North, Spencer, IA.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

C. Clement Supermarket, foodstore; Laplace, La.; bagger, packer, stock clerk; 40 percent; 9–14–73.

Consumers Super Market, Inc., foodstore; 537 Arapahoe, Thermopolis, WY; carryout; 9 to 39 percent; 9–14–73.

Gee Bee Food Market, foodstore; Walnut Street, Johnstown, Pa.; salesclerk, stock clerk, cashier, wrapper; 0.2 to 3 percent; 9–14–73.

S. S. Kresge Co., variety-department store; No. 3013, Cleveland, Ohio; salesclerk, stock clerk, office clerk, food preparation, maintenance; 10 percent; 9–14–73.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 7 to 21 percent, 9–14–73, except as otherwise indicated: No. 62, Bremen, Ga. (10 to 31 percent); No. 117, Frederick, Md. (salesclerk, stock clerk, 5 to 18 percent); No. 64, Joplin, Mo.; No. 101, Richmond, Va. (salesclerk, stock clerk).

Ossie's, Inc., restaurant; 5506 Old Shell Road, Mobile, AL.; general restaurant worker; 9 to 21 percent; 9–14–73.

Red Rooster Southern Fried Chicken, Inc., restaurant; 2110 Winthrop Road, Lincoln, NE; general restaurant worker; 9 to 50 percent; 9–14–73.

Sandy's Drive-In, Inc., restaurant; 2209 South Sixth Avenue, Tucson, AZ; general restaurant worker; 35 to 63 percent; 9–14–73.

T. G. & Y. Stores Co., variety-department store; No. 2201, North Gulfport, Miss.; salesclerk, stock clerk, office clerk; 13 to 30 percent; 9–14–73.

Winegar's Wholesale Grocery, foodstore; 3371 South Orchard Drive, Bountiful, UT; bagger, salesclerk; 47 to 49 percent; 9–14–73.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 30th day of October 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72–19060 Filed 11–6–72;8:52 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 2, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42562—*Phosphatic feed supplements to St. Paul, Minn.* Filed by M. B. Hart, Jr., agent (No. A6326), for interested rail carriers. Rates on phosphatic feed supplements, in carloads, as described in the application, from Bonnie and Coronet, Fla., to St. Paul Minn.

Grounds for relief—Rail-barge competition.

Tariff—Supplement 95 to Southern Freight Association, agent, tariff ICC S–784. Rates are published to become effective on November 28, 1972.

FSA No. 42563—*Clay and water mixed to points in southwestern territory.* Filed by M. B. Hart, Jr., agent (No. A6325), for interested rail carriers. Rates on clay and water mixed, in tank car loads, as described in the application, from Toomsboro, Ga., and Group Points, as defined in schedule listed below, to points in southwestern territory, as named in schedule listed below.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 21 to Southern Freight Association, agent, tariff ICC S–973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–19049 Filed 11–6–72;8:49 am]

[Notice 155]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73617. By order of October 27, 1972, Division 3, acting as an Appellate Division, approved the transfer to Southern Ohio Truck Lines, Inc., Hamilton, Ohio, of a portion of Certificate No. MC–123429 issued February 10, 1971, to McDowell Truck Line, Inc., Chicago, Ill., authorizing the transportation of papermill products and materials and supplies used therein, between Hamilton, Ohio, and Jeffersonville, Ind., over specified regular routes, serving all intermediate points, subject to certain restrictions. Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215, attorney for applicant.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–19051 Filed 11–6–72;8:50 am]

[Notice 156]

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 proceding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73766. By order of October 25, 1972, the Motor Carrier Board, on reconsideration, approved the transfer to Bobby Joe Cooper, doing business as Bob Coopers Transfer Service, Nicholasville, Ky., of the operating rights in Certificate No. MC–126299 issued December 18, 1964, to Willard Richardson, Irvine, Ky., authorizing the transportation of feed, in bags, from Reading, Ohio, to points in Estill, Lee, and Owsley Counties, Ky. Mart V. Mainous, Post Office Box 35, Irvine, KY 40336, attorney for applicants.

No. MC–FC–73922. By order of October 26, 1972, the Motor Carrier, Board approved the transfer to M.A.P. Transportation, Inc., Carson, Calif., of the operating rights in Certificate No. MC–5187 (Sub-No. 3) issued April 4, 1967, to Hain Trucking Co., Inc., Carson, Calif., authorizing the transportation of plate glass, window glass, and rolled glass, from San Francisco, Oakland, Sacramento, and Stockton, Calif., to points in Marin, Sonoma, Napa, Solano, Sutter, Yolo, Yuba, Sacramento, San Joaquin, Stanislaus, Merced, Fresno, Madera, San Benito, Monterey, Santa Clara, Santa Cruz, San Mateo, Contra Costa, Alameda, and San Francisco Counties, Calif. restricted to the transportation of traffic having a prior movement by water; and from points in San Joaquin County, Calif., to San Francisco, Oakland, Sacramento, and Stockton, Calif. restricted to the transportation of traffic having a subsequent movement by water. Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Glendale Federal Building, Beverly Hills, CA 90212, attorney for applicants.

No. MC–FC–73978. By order of October 27, 1972, the Motor Carrier Board approved the transfer to Best Moving & Storage Co., Inc., Akron, Ohio, of Certificate No. MC–18222 issued March 14, 1955, to Stanley L. Best and R. W. Best, a partnership, doing business as Best Moving & Storage Co., Akron, Ohio, authorizing the transportation of household goods, between points in Summit County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Reginald W. Best, Best Moving & Storage Co., 543 Grant Street, Akron, OH 44311, representative for applicants.

No. MC–FC–73997. By order of October 25, 1972, the Motor Carrier Board approved the transfer to Williams Refrigerated Express, Inc., Federalsburg, Md., of the operating rights in Certificate No. MC–134082 (Sub-No. 1) issued July 18, 1972, to K. H. Transport, Inc., Ellicott City, Md., authorizing the transportation of foodstuffs and ingredients, materials, supplies, and equipment used in the processing and manufacture of foodstuffs, except commodities in bulk, between Milford, Bridgeville, Clayton, Georgetown, Wilmington, Milton, and Houston, Del., Whiteford, Snow Hill, Hurlock, Cambridge, Salisbury, Pocomoke City, Chestertown, Ridgely, Baltimore, Goldsboro, and Trappe, Md., Parksley, Va., Centre Hall, Bloomsburg, York, Hanover, Lancaster, and Downingtown, Pa., Bridgeton, Swedesboro, Woodstown, Camden, Moorestown, and Glassboro, N.J., Sumter, S.C., and the District of Columbia, restricted to the transportation of traffic originating at and destined to facilities used by Campbell Soup Co., its affiliates, and its subsidiaries. Chester A. Zyblut, 1522 "K" Street NW., Washington, DC 20005, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–19052 Filed 11–6–72;8:50 am]

[Notice 145]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 1, 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 30887 (Sub-No. 182 TA), filed October 11, 1972. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Box 55, Reisterstown, MD 21136. Authority

[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.

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Baltimore, Md., to Fulton, Ky., for 180 days. Supporting shipper: Reginald Slavin, Stein, Hall & Co., Inc., 605 Third Avenue, New York, NY 10016. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 107882 (Sub-No. 27 TA), filed October 16, 1972. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, from New York, N.Y., to Washington, D.C., for 180 days. Supporting shipper: Office of Motor Equipment, Transportation and Public Utilities, General Services Administration, Washington, D.C. 20406. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 113908 (Sub-No. 240 TA), filed October 10, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180 Glenstone Station, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soap, cleaning commodities, and ingredients*, in bulk, in tank- and hopper-type vehicles, from Denver, Colo., to points in Louisiana and Texas (except liquid soap from Denver, Colo., to Metairie-New Orleans, La.), and from points in Louisiana and Texas to Denver, Colo., for 180 days. Supporting shipper: Foresight, Inc., 1645 Court Place, Denver, CO 80202. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Building, 911 Walnut Street, Kansas City, MO.

No. MC 110420 (Sub-No. 665 TA), filed October 11, 1972. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI, Off: I–94, County Highway C, Bristol, Kenosha County, Wis. 53104. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid, spent, liquid, in bulk, in tank vehicles*, from Burns Harbor, Ind., to Grafton, Wis., for 180 days. Supporting shipper: The C. Reiss Coal Co., Sheboygan, Wis. 53081 (R. H. Viever, Assistant to the Vice President—Operations and Development). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 110563 (Sub-No. 90 TA), filed October 11, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, Post Office Box 747, Ohio Building, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products 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 MCC 209 and 766, from Hastings, Nebr., to points in Texas, Iowa, Minnesota, Wisconsin, Missouri, Illinois, Indiana, Ohio, Michigan, and Pennsylvania, for 180 days. Supporting shipper: Western Nebraska Packing Co., Inc., Post Office Box 314, Hastings, NE 68901. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 115669 (Sub-No. 133 TA), filed October 17, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as, DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Howard N. Dahlsten (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay and foundry moulding sand treating compounds*, in bulk, from the plantsite of American Colloid Co. at or near Belle Fourche, S. Dak., to Waterloo, Iowa, and Omaha, Nebr., for 180 days. Supporting shipper: Robert N. Garrity-ATM American Colloid Co., 5100 Suffield Court, Skokie, IL 60076. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building, and Court House, Lincoln, Nebr. 68508.

No. MC 126159 (Sub-No. 5 TA), filed October 12, 1972. Applicant: ROC-SALT TRANSPORT, INC., 1151 South Carferry Drive, Milwaukee, WI 53207. Applicant's representative: Robert K. O'Connell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from La Salle, Peru, and Chicago, Ill., to points in Wisconsin, for 180 days. Supporting shipper: Domtar Chemicals, Inc., Sifto Salt Division, 9950 West Lawrence Avenue, Schiller Park, IL 60176 (A. McDougall, operations manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 135903 (Sub-No. 4 TA), filed October 18, 1972. Applicant: MID NEBRASKA TRUCKING, INC., Cornlea, Nebr. 68630. Applicant's representative: Patrick E. Quinn, 605 South 24th Street, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ear corn cribs* from Columbus, Nebr., to points in Iowa, Illinois, Minnesota, Indiana, Michigan, Wisconsin, and Ohio and (2) *Iron and steel*, from Chicago, Ill., commercial zone and Kokomo, Ind., to plantsite and storage facilities of Irregation Pump Co., at Columbus, Nebr., on return, for 180 days. Supporting shipper: Don Sokol, President, Irregation Pump Co., Post Office Box 666, Columbus, NE 68601. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building, and Court House, Lincoln, NE 68503.

No. MC 136423 (Sub-No. 1 TA), filed October 18, 1972. Applicant: EMPIRE DIRECT SHIPPERS, INC., 400 Sip Street, Jersey City, NJ. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ribbons, bows and rosettes*, from Carlstadt, N.J., to Columbus, Ohio, Dallas, Tex., Fort Smith, Ark., and Houston, Tex., for 150 days. Supporting shipper: Artistic Manufacturing Co., 631 Central Avenue, Carlstadt, NJ 07072. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–19050 Filed 11–6–72;8:50 am]

[Corrected Exemption 11, Amdt. 1; Ex Parte No. 241]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

Upon further consideration of Corrected Exemption No. 11 issued July 25, 1972.

It is ordered, That, under authority vested in me by Car Service Rule 19, Corrected Exemption No. 11 to the mandatory car service rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire November 30, 1972.

This amendment shall become effective October 31, 1972.

Issued at Washington, D.C., October 25, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.72–19053 Filed 11–6–72;8:50 am]

[Ex Parte No. MC–19 (Sub-No. 19)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Consumer Protection

Upon consideration of the record in the above-entitled proceeding, and of the motions of Grace Polk Stern filed October 18, 1972, for: (1) Waiver of (a) Rule 15 of the Commission's rules of practice (49 CFR 1100.15) in its entirety as to individual members of the public for purposes of this proceeding, and (b) Rule 16 of the said rules of practice (49 CFR 1100.16) for purposes of this proceeding

to the extent that individual members of the public may satisfy the procedural requirements of that rule by filing only the original of their representations, pleadings, or other submissions with the Commission (instead of the usual requirement of an original plus 15 copies to the Commission and copies to the original petitioner's representatives); and (2) expedited handling of the waiver requests in (1) above, and good cause appearing therefor.

It is ordered, That the motion in (1) above be, and it is hereby, overruled, for the reasons: (1) That there has been no persuasive showing at this time that movant or any other potential party to this proceeding is unwilling or unable adequately to represent the public interest in the manner which was contemplated and fully published in the notice of proposed rule making and order (37 F.R. 15466); (2) That this Commission's extremely limited staff and budgetary resources may not be sufficient to meet the additional burdens that would be placed upon them by a contrary determination as to this issue; and (3) That the Commission's rules of practice, as liberally construed pursuant to Rule 2 thereof to secure the just, speedy, and inexpensive determination of the issues presented (49 CFR 1100.2), should be complied with to the fullest extent practicable, and that individual requests for waivers of any of the requirements of Rules 15 and 16 will be considered when the document to which the request pertains is submitted with the request. This determination renders formal action on movant's request for expedited handling unnecessary.

Dated at Washington, D.C., this 31st day of October 1972.

By the Commission, Commissioner Murphy.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-19054 Filed 11-6-72;8:50 am]

[No. MC-12653 (Sub-No. 23)]

TURNER EXPEDITING SERVICE

Extension of Chicago Commercial Zone

Order. At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 27th day of October 1972.

Kent I. Turner, Kenneth E. Turner, and Ervin L. Turner, a partnership doing business as Turner Expediting Service, extention—Chicago commercial zone (Louisville, Ky.).

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Joint petition of All-American Transport, Inc., C. W. Transport, Inc., Courier-Newsom Express, Inc., and Dohrn Transfer Co., protestants, filed May 22, 1972, for reconsideration or, alternatively, oral hearing or receipt of additional evidence;

(2) Petition of Clairmont Transfer Co., protestant, filed May 25, 1972, for reconsideration or, alternatively, reopening for oral hearing or to receive additional evidence;

(3) Joint petition of McLean Trucking Co. and Smith's Transfer Corp., protestants, filed May 26, 1972, for reconsideration or, alternatively, rehearing;

(4) Reply by applicant, filed June 14, 1972; and

It further appearing, that by recommended order served February 24, 1972, the examiner recommended that applicant be granted authority to transport general commodities (with exception) between O'Hare Field, Chicago, Ill., on the one hand, and, on the other, points in the Chicago, Ill., commercial zone, restricted to the handling of traffic originating at or destined to the plantsite of American Greetings Corp., near Danville, Ky.;

It further appearing, that by stay decision and order, entered March 14, 1972, the Commission, Review Board Number 2, modified the examiner's findings by deleting the above-mentioned restriction, finding it to be difficult of enforcement and administratively undesirable, citing "Fox-Smythe Transp. Co. Ext.—Oklahoma," 106 M.C.C. 1, 56;

It further appearing, that the evidence of record, when considered in light of the pleadings, discloses that the grant made by the review board herein would authorize the institution of a new competitive service to an extent not warranted by the record; that the service description should be altered as indicated below to conform to the evidence of record; and that the findings of the board should be modified accordingly; and good cause appearing therefor:

It is ordered, That said stay decision and order of March 14, 1972, be, and it is hereby, modified, in the section entitled "Service Authorized" of the appendix thereto, by substituting for the phrase, "O'Hare Field, Chicago, Ill., on the one hand, and on the other, points in the Chicago, Ill., commercial zone," the phrase "the plantsite of American Greeting Corp. near Danville, Ky., on the one hand, and, on the other, Chicago, Ill., restricted to the transportation of traffic originating at or destined to the said plantsite."

It is further ordered, That, unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority in the decision and order of March 14, 1972, as modified herein, shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

It is further ordered, That notice of the grant of authority made herein be published in the FEDERAL REGISTER.

By the Commission, Division 1, acting as an Appellate Division.

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

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-19055 Filed 11-6-72;8:50 am]

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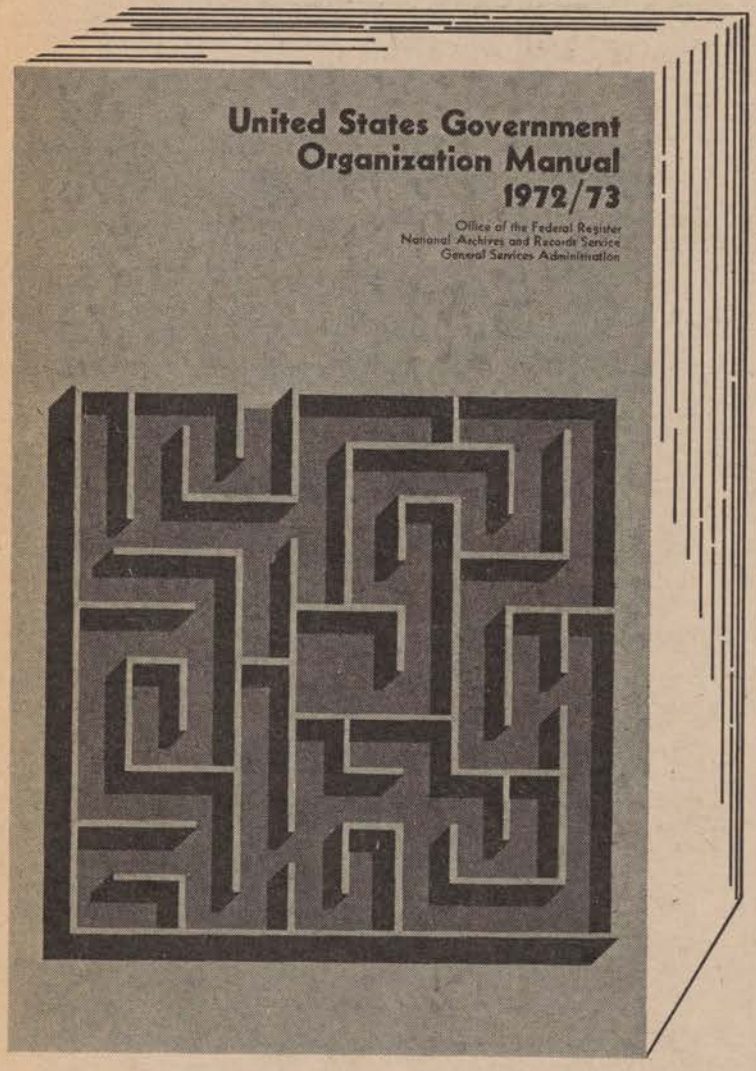

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