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HIGHLIGHTS OF THIS ISSUE

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Rules and Regulations

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—DISCOUNTS AND ADVANCES BY FEDERAL RESERVE BANKS

Obligations Eligible as Collateral for Advances

Paragraph (b) of § 201.108 is amended by adding subparagraphs (18), 19) and (20) at the end of such paragraph to read as follows:

§ 201.108 Obligations eligible as advances.

* * * * *

(b) * * * Under section 14(b) direct obligations of, and obligations fully guaranteed as to principal and interest by, any agency of the United States are also eligible for purchase by Reserve Banks. Following are the principal agency obligations eligible as collateral for advances:

* * * * *

(18) Participation certificates evidencing undivided interests in purchase contracts entered into by the General Services Administration,

(19) Obligations entered into by the Secretary of Health, Education, and Welfare under the Public Health Service Act, as amended by the Medical Facilities Construction and Modernization Amendments of 1970.

(20) Obligations guaranteed by the Overseas Private Investment Corp., pursuant to the provisions of the Foreign Assistance Act of 1961, as amended.

* * * * *

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

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

[FR Doc.72-19516 Filed 11-13-72;8:48 am]

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Computation of Time Periods by Block Positioners

Part 221 of title 12 is amended by adding a new section to read as follows:

§ 221.121 Computation of time periods for acquiring and holding blocks of stock by block positioners.

(a) The Board recently considered two questions in connection with § 221.3 (z) (2) and (3) of Regulation U providing for bank credit to block positioners which is exempt from the normal margin requirements as prescribed from time to time in that regulation.

(b) The first question pertained to the period of time in which a block positioner, in order to qualify for the exemption, must position a block of stock when such positioning results from several transactions at approximately the same time from a single source, as set forth in § 221.3(z) (2) (ii).

(c) The Board is of the view that the aggregate of several transactions from a single source would ordinarily be carried out within a timespan of one-half hour in order for such aggregate to be considered one block of stock eligible for exempt credit. In extraordinary circumstances, however, the block positioner could consult the Reserve Bank in whose district its office is situated as to whether stock positioned over a slightly longer period constitutes a single block in such a case the block positioner should, of course, disclose all relevant circumstances to the Reserve Bank.

(d) The second question related to the computation of the period of 20 business days, specified in § 221.3(z) (3), in which exempt credit may remain outstanding for positioning a block of stock.

(e) The Board is of the view that the computation of such 20-day period shall commence on the business day following the date of trade.

(Interprets and applies 12 CFR 221.3(z))

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

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

[FR Doc.72-19518 Filed 11-13-72;8:48 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Exemption of Certain State Regulated Transactions

1. Effective November 6, 1972, Supplement III to Regulation Z (§ 226.12—Supplement) is amended by adding paragraph (f) as follows:

§ 226.12 Exemption of certain State regulated transactions.

* * * * *

(f) *Wyoming.* Except as provided in § 226.12(c), all classes of credit transactions within the State of Wyoming are hereby granted an exemption from the requirements of Chapter 2 of the Truth in Lending Act effective November 6, 1972, with the following exceptions:

(1) Transactions in which a federally chartered institution is a creditor;

(2) Consumer credit sales of insurance by an insurer in which the insurer is a creditor;

(3) Transactions in which a common carrier is a creditor; and,

(4) Consumer loan transactions in which a licensed pawnbroker is a creditor.

2a. The purpose of this amendment is to exempt certain credit transactions in the State of Wyoming from the requirements of Chapter 2 of the Truth in Lending Act (Title I of the Consumer Credit Protection Act (15 U.S.C. 1601ff)).

b. Pursuant to the provisions of 12 CFR 226.12 (Supplement II to Part 226 (Regulation Z)), the State of Wyoming applied to the Board for an exemption from the Truth in Lending Act; notice of receipt of the application was published in the FEDERAL REGISTER of August 10, 1972 (37 F.R. 16134). The Board granted this exemption after consideration of all relevant material, including communications from interested persons. The effective date of the exemption was deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code. The Board found that the amendment essentially involves no change in a substantive rule and deferral of the date beyond that adopted by the Board would serve no useful purpose.

By order of the Board of Governors, October 31, 1972.

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

[FR Doc.72-19517 Filed 11-13-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 12341; Amdt. 39-1558]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI Marchetti Model S.205 Airplanes

There have been reports of cracks in the weld area of the reinforcement sheet for the longer cross members of the main landing gear on SIAI Marchetti Model S. 205 airplanes that could result in failure of the main landing gear on landing. Since this condition is likely to exist or develop in other airplanes of the same

type design, an airworthiness directive is being issued to require inspections of these cross members for cracking in the weld area of the reinforcement sheets and replacement, as necessary, on SIAI Marchetti Model S.205 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for making this amendment 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 is amended by adding the following new airworthiness directive:

SIAI MARCHETTI. Applies to all models of SIAI Marchetti S.205 airplanes, serial numbers 001 thru 003; 101 thru 399; 4–101 thru 4–282, and 4–285, except serial numbers which incorporate new design main landing gear cross members P/N's 205–9–012–05 and 205–9–013–05 or main landing gear cross members which have been reinforced by SIAI Marchetti in accordance with SIAI Marchetti Service Bulletin No. 205B36, dated June 28, 1972.

Compliance required as indicated.

To detect cracks in the main landing gear cross members, P/N's 205–9–012 and 205–9–013, in the weld area of the longer cross member reinforcement sheet, accomplish the following:

(a) Before further flight, install a placard in clear view of the pilot prohibiting flight after a hard landing until the inspection and repairs required by this AD have been accomplished.

(b) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished within the last 90 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect the weld area of the reinforcement sheet of the longer arm of each of the main landing gear cross members, P/N's 205–9–012 and 205–9–013, for cracks using dye penetrant in accordance with SIAI Marchetti Service Bulletin No. 205B36, dated June 28, 1972, or an FAA-approved equivalent.

(c) If cracks equal to or longer than 0.79 inch are found during an inspection required by paragraph (b) or (e) of this section, before further flight, replace main landing gear cross members, P/N's 205–9–012 and 205–9–013 with either—

(1) New design main landing gear cross members, P/N's 205–9–012–05 and 205–9–013–05; or

(2) Main landing gear cross members, P/N's 205–9–012 and 205–9–013, which have been reinforced by SIAI Marchetti in accordance with SIAI Marchetti Service Bulletin No. 205B36, dated June 28, 1972; or

(3) An equivalent installation that has been approved by the Chief, Engineering and Manufacturing Branch of an FAA Region (or in the case of the Western Region, the Chief, Aircraft Engineering Division).

(d) If cracks less than 0.79 inches are found during an inspection required by paragraph (b) or (e) of this section, replace main landing gear cross members in accordance with paragraph (c) within the next 10 hours' time in service following the inspection.

(e) After each hard landing, before further flight, inspect the weld area of the longer reinforcement sheet of the main landing gear cross members, P/N's 205–9–012 and 205–9–013, for cracks using dye penetrant in accordance with SIAI Marchetti Service Bulletin No. 205B36, dated June 28, 1972, or an FAA-approved equivalent.

(f) The repetitive inspections required by this AD may be discontinued, and the placard required by this AD may be removed when—

(1) New design main landing gear cross members, P/N's 205–9–012–05 and 205–9–013–05 are installed; or

(2) Main landing gear cross members, P/N's 205–9–012 and 205–9–013, which have been reinforced by SIAI Marchetti in accordance with SIAI Marchetti Service Bulletin No. 205B36, dated June 28, 1972, are installed; or

(3) There has been an equivalent installation that has been approved by the Chief, Engineering and Manufacturing Branch of an FAA Region (or in the case of the Western Region, the Chief, Aircraft Engineering Division).

This amendment becomes effective November 20, 1972.

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

Issued in Washington, D.C., on November 7, 1972.

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

[FR Doc.72–19475 Filed 11–13–72;8:45 am]

[Airspace Docket No. 72–EA–44]

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

Designation of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the effective date of the Westhampton Beach, N.Y., control zone.

Due to a delay in the commissioning date of weather-observing equipment, the effective date of the control zone must be delayed.

Since this amendment is relaxatory in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, amend the Westhampton Beach, N.Y., control zone effective upon publication in the FEDERAL REGISTER (11–10–72) by deleting the date October 12, 1972, and inserting in lieu thereof the date December 7, 1972.

Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on October 30, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72–19462 Filed 11–13–72;8:45 am]

[Airspace Docket No. 72–SO–85]

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

Alteration of Transition Area

On September 9, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 18396), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that alter the Laurinburg, N.C., transition area.

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

Subsequent to publication of the notice, the geographic coordinates of the Rocky Ford RBN was refined to "latitude 34°45'28" N., longitude 79°24'40" W., and the procedure turn bearing was refined to the "225°" from Rocky Ford RBN. It is necessary to alter the description to reflect these changes. Since these amendments are 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 0901 G.m.t., February 1, 1973, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Laurinburg, N.C., transition area is amended as follows:

"* * * southeast of the VORTAC * * *" is deleted and "* * * southeast of the VORTAC; within 3 miles each side of the 225° bearing from Rocky Ford RBN (lat. 34°45'28" N., long. 79°24'40" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN * * *" 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 November 2, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72–19476 Filed 11–13–72;8:45 am]

[Airspace Docket No. 72–WA–10]

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

Designation of Terminal Control Area at San Francisco, Calif.

On October 17, 1972, F.R. Doc. 72–17641 was published in the FEDERAL REGISTER (37 F.R. 21928), designating the San Francisco, Calif., Group I Terminal Control Area (TCA) effective December 11, 1972.

In the description of Area A, a portion of the airspace to be excluded was incorrectly identified as "* * * excluding

that airspace within Area K." The correct entry should have been "* * * excluding that airspace west of the Pacific coast shoreline." Action is taken herein to correct the error

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-day notice.

In consideration of the foregoing, F.R. Doc. 72-17641 (37 F.R. 21928) is amended, effective upon publication in the FEDERAL REGISTER (11-10-72) as hereinafter set forth.

In Area A, line 11 delete "excluding that airspace within Area K." and substitute "excluding that airspace west of the Pacific coast shoreline." 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 November 7, 1972.

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

[FR Doc.72-19477 Filed 11-13-72;8:45 am]

[Airspace Docket No. 72-SW-44]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route Segment

On September 9, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 18397) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign a segment of Jet Route No. 92 between Phoenix, Ariz., and Tucson, Ariz., via Casa Grande, 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 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 4, 1973, as hereinafter set forth.

In § 75.100 (37 F.R. 2382) Jet Route No. 92 is altered as follows:

"To Tucson, Ariz." is deleted and "Casa Grande, Ariz.; INT of Casa Grande 145° and Tucson 298° radials to Tucson, Ariz." 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 Washington, D.C., on November 7, 1972.

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

[FR Doc.72-19478 Filed 11-13-72;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-314]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties—Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the months of June, July, and August 1972, of approved fruit products and other approved products containing sugar amount to Australian $11, $20.50, and $36.90, respectively, per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rates stated above. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected.

The table in § 16.24(g) under "Australia—Sugar content of certain articles" is amended: (1) by deleting therefrom the reference to T.D. 71-276, and (2) by adding a reference to this Treasury decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury Decision	Action
		72-61	New rate.
		72-187	New rate.
		72-314	New rate.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

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

Approved: October 31, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-19543 Filed 11-13-72;8:51 am]

Title 31—MONEY AND FINANCE

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 344—REGULATIONS GOVERNING U.S. TREASURY CERTIFICATES OF INDEBTEDNESS—STATE AND LOCAL GOVERNMENT SERIES, AND U.S. TREASURY NOTES—STATE AND LOCAL GOVERNMENT SERIES

Miscellaneous Amendments

Sections 344.1(b) (1) and (2), 344.2 and 344.3 of Department of the Treasury Circular, Public Debt Series No. 3-72, dated May 22, 1972 (31 CFR Part 344), have been amended and revised to read as follows:

§ 344.1 Description of securities.

* * * * *

(b) *Terms and rates of interest*—(1) *Certificates of indebtedness.* The certificates will be issued in multiples of $5,000 with periods of maturity fixed, at the option of the government body, for (i) 3 months, (ii) 6 months, (iii) 9 months, or (iv) 1 year. Each certificate will bear such rate of interest as the government body may designate; *Provided,* That it shall not be more than the current Treasury rate on a comparable maturity, reduced by one-eighth of 1 percent, on the date the subscription is submitted. The applicable Treasury rates will be determined by the Treasury not less often than monthly, and will be available at Federal Reserve Banks and Branches. Interest on the certificates will be computed on an annual basis and will be payable at maturity with the principal amount.

(2) *Notes.* The notes will be issued in multiples of $5,000 with periods of maturity fixed, at the option of the government body, from 1 year 6 months up to and including 7 years, or for any intervening half-yearly period. Each note will bear such rate of interest as the government body may designate: *Provided,* That it shall not be more than the current Treasury rate on a comparable maturity, reduced by one-eighth of 1 percent, on the date the subscription is submitted. The applicable Treasury rates will be determined by the Treasury not less often than monthly, and will be available at Federal Reserve Banks and Branches. Interest on the notes will be payable on a semiannual basis by Treasury check on June 1 and December 1, and at maturity if other than June 1 or December 1. Final interest will be paid with the principal.

§ 344.2 Subscription for purchase.

A government body may purchase a security under this offering by submitting a subscription and making payment

to a Federal Reserve Bank or Branch. The subscription, dated and signed by an official authorized to make the purchase, must state the amount, issue date, maturity, and interest rate of the security desired, and must give the title of the designated official authorized to redeem it. Separate subscriptions must be submitted for certificates and notes, and for securities of each maturity and each interest rate. A commercial bank may act on behalf of a government body in submitting subscriptions.

§ 344.3 Issue date and payment.

The issue date of a security will be the date requested by the subscriber: *Provided*, That date is not more than 3 weeks after the date of the subscription, and provided funds in full payment are available on that date at the Federal Reserve Bank or Branch to which the subscription was submitted.

The foregoing amendments were effected under authority of 26 U.S.C. 103(d), 83 Stat. 656; 31 U.S.C. 753, 754, 754b, and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved.

Dated: November 8, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-19508 Filed 11-13-72;8:47 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter B of Chapter XIV of Title 32 is amended as follows:

PART 1461—RECOVERY OF EXCESSIVE PROFITS AFTER DETERMINATION

§ 1461.3 [Amended]

Section 1461.3 *Recovery of refund pursuant to unilateral order* is amended by deleting the first sentence and inserting in lieu thereof the following:

Pursuant to section 105(b)(2) of the act, interest shall accrue and be payable on the amount of excessive profits determined from the 30th calendar day after the date of the order of the Board.

Section 1461.5 *Administration of determinations by agreement or order is* amended by deleting paragraph (b) in its entirety and inserting in lieu thereof the following:

§ 1461.5 Administration of determinations by agreement or order.

* * * * *

(b) When an agreement is made or an order is issued and entered, determining excessive profits, the Board will direct the Secretary of one of the Departments to eliminate such excessive profits by any of the methods set forth in section 105(b) of the act.

* * * * *

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

§ 1471.2 [Amended]

Section 1471.2 *How assignment is made* is amended as follows:

1. Paragraph (b) is amended by deleting the second and fourth sentences thereof.

2. Paragraph (d) is amended by deleting the second sentence thereof.

PART 1472—CONDUCT OF RENEGOTIATION

Section 1472.3 *Conduct of renegotiation by Regional Board* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1472.3 Conduct of renegotiation by Regional Board.

(a) *Submission of additional information; preliminary meetings.* After a case has been assigned to a Regional Board for renegotiation, the Regional Board personnel assigned to the case will examine the Standard Form of Contractor's Report and other information submitted by the contractor and will determine what additional information is needed. When necessary, a preliminary meeting or meetings will be held with the contractor to discuss the information and data to be submitted by the contractor and the manner in which it is to be submitted. The contractor shall also be entitled in any case to submit, and in cases deemed appropriate will be invited at an appropriate stage in the proceedings to submit, a statement setting forth such further information, data, and representations as it may desire to have taken into consideration under the factors prescribed in section 103(e) of the act, and explained in Parts 1460 and 1490 of this chapter. A reasonable opportunity will be provided for the submission of any information, data or representations that the contractor may be requested or invited to submit.

(b) *Disputed issues.* Before completing the reports described in paragraphs (e), (f), (g), and (i) of this section, the Regional Board personnel assigned to the case will endeavor to resolve with the contractor any issues or disputed matters of fact, law, or accounting. Upon its request, the contractor will be afforded a reasonable opportunity to present to such Regional Board personnel, both orally and in writing, any statements or arguments which the contractor desires to submit in support of its position on any such issues or matters.

(c) *Plant inspection.* In cases deemed appropriate or, in any event, in any case in which there exists a possibility of excessive profits, Regional Board personnel will, whenever practicable, with the consent of the contractor, visit and inspect the appropriate plant or site of the contractor, unless a visit of reasonably recent date was made to such plant or site in connection with the renegotiation of the contractor for an earlier fiscal year. Generally, a plant visit, if undertaken, will be made before the completion of the Renegotiation Report pursuant to paragraph (i) of this section.

(d) *Regional Board member as renegotiator.* A Regional Board member who serves as the assigned renegotiator in a case will not be eligible thereafter to serve as a member of a panel of the Regional Board constituted pursuant to paragraph (l) of this section or to vote as a member of the Regional Board in the final disposition of the case.

(e) *Accounting Report.* Except as provided in paragraph (g) of this section, after all relevant financial, accounting and related information has been obtained, the Regional Board accountant assigned to a case will prepare an Accounting Report which will include pertinent financial schedules and accounting data. A copy of the Accounting Report will be furnished to the contractor by the Director, Division of Accounting, after his approval thereof and after such furnishing is authorized by the Chairman of the Regional Board. The letter transmitting the Accounting Report will request the contractor to state, within a fixed time, its concurrence in or its objections to the Statement of Income (Schedule A) included in such report, and will invite its comments upon any other matters set forth therein. A copy of any modification thereafter made of the Accounting Report will be furnished to the contractor by the Director, Division of Accounting, after his approval thereof and after such furnishing is authorized by the Chairman of the Regional Board. The contractor will be requested to state its concurrence in or its objections to such modification.

(f) *Clearance Recommendation by renegotiator.* Except as provided in paragraph (g) of this section, if the renegotiator assigned to a case, after considering the Accounting Report, all information and data submitted by the contractor, and all relevant procurement, performance and other information that shall have been obtained, concludes that the contractor did not realize excessive profits in the fiscal year under review, he will prepare a Clearance Recommendation which will include an analysis of the case under the statutory factors. A Clearance Recommendation will not be furnished to the contractor.

(g) *Clearance Notice Report.* Notwithstanding the provisions of paragraph (e) or (f) of this section, and in lieu of preparing an Accounting Report and a Clearance Recommendation as provided therein, the renegotiator and accountant assigned to a case will prepare a Clearance Notice Report (i.e., a short form recommendation of clearance) in any case in which they consider such a report appropriate. A Clearance Notice Report will not be furnished to the contractor.

(h) *Clearance finding by Regional Board.* A Clearance Recommendation or a Clearance Notice Report will, upon its approval by the Director, Division of Renegotiating, be submitted by him to the Regional Board for consideration. If the Regional Board approves the Clearance Recommendation or the Clearance Notice Report and finds that the contractor did not realize any excessive profits, it will notify the contractor to that effect by registered mail and at the same time will provide the contractor with a Memorandum of Decision stating the basis for the finding, as provided in § 1477.3 of this chapter. Thereupon, the clearance procedure set forth in Part 1473 of this chapter will be followed. If the Regional Board declines to approve a Clearance Recommendation, an Accounting Report and a Renegotiation Report will be prepared, which will be subject to the provisions of paragraphs (e) and (i) of this section.

(i) *Renegotiation Report.* If the renegotiator assigned to the case, after considering the Accounting Report, all information and data submitted by the contractor, and all relevant procurement, performance and other information that shall have been obtained, concludes that the contractor realized excessive profits in the fiscal year under review, he will prepare a Renegotiation Report which will include an analysis and evaluation of the case under the statutory factors and a recommendation with respect to the amount of such excessive profits. Similarly, if the Regional Board declines to approve a Clearance Recommendation or a Clearance Notice Report submitted pursuant to paragraph (h) of this section, a Renegotiation Report will be prepared. A copy of the Renegotiation Report will be furnished to the contractor by the Director, Division of Renegotiating, after his approval thereof and after such furnishing is authorized by the Chairman of the Regional Board.

(j) *Renegotiation conference.* After the Renegotiation Report has been furnished to the contractor, a renegotiation conference will be held with the contractor by the Regional Board personnel assigned to the case, unless the contractor fails or declines to attend such a conference. At the conference the contractor will be afforded an opportunity to discuss the Renegotiation Report and any accounting adjustments reflected in the Accounting Report, as well as any information and data previously submitted by the contractor or otherwise obtained by the Regional Board, and any other matters considered pertinent to the case; and the possibilities of an agreement to eliminate excessive profits will be explored by the contractor. Whether or not a renegotiation conference is held, the contractor will be requested to state in writing, within a fixed time, whether the contractor is or is not willing to enter into an agreement to eliminate excessive profits.

(k) *Regional Board action without panel meeting.* (1) After such notification from the contractor, and any further negotiations with the contractor, or upon the failure of the contractor to furnish such notification within the time fixed therefor, the Director, Division of Accounting, will submit the Accounting Report and the Director, Division of Renegotiating, will submit the Renegotiation Report to the Regional Board, including any modifications of either thereof made as a result of the renegotiation conference or otherwise. At the same time, the Director, Division of Renegotiating, will notify the contractor in writing of the submission of such reports to the Regional Board, including the recommendation with respect to the existence and amount of excessive profits. Unless the contractor shall have advised that it is willing to enter into an agreement to eliminate excessive profits in the amount of such recommendation, or unless the recommendation is a clearance recommendation, the letter of notification to the contractor will request the contractor to state, within a fixed time, whether it desires to meet with a panel of the Regional Board as provided in paragraph (l) of this section.

(2) If the contractor shall have advised that it is willing to enter into an agreement to eliminate excessive profits in the amount recommended to the Regional Board, and the Regional Board approves such recommendation, the procedure set forth in Part 1474 of this chapter for the making of an agreement will be followed.

(3) If the contractor shall have advised that it is willing to enter into an agreement to eliminate excessive profits in the amount recommended to the Regional Board, but the Regional Board declines to approve such recommendation, the Regional Board will notify the contractor in writing to that effect, and of its reasons for such action, and will request the contractor to state, within a fixed time, whether it desires to meet with a panel of the Regional Board as provided in paragraph (l) of this section.

(4) (i) If within the time fixed therefor the contractor does not request a meeting with a panel, the Regional Board will, when appropriate, explore with the contractor the possibilities of an agreement to eliminate excessive profits, and, if agreement is reached, will follow the procedure set forth in part 1474 of this chapter for the making of an agreement. Otherwise, the Regional Board will make a finding with respect to the amount of excessive profits, if any, of the contractor for the fiscal year under review, and will notify the contractor by registered mail of such finding. At the same time, the Regional Board will provide the contractor with a Memorandum of Decision stating the basis for such finding, as provided in § 1477.3 of this chapter. The finding of the Regional Board may be in an amount greater than, equal to, or less than the amount recommended to the Regional Board.

(ii) If the finding of the Regional Board is that the contractor did not realize any excessive profits, the clearance procedure set forth in part 1473 of this chapter will be followed.

(iii) If the finding of the Regional Board is that the contractor realized excessive profits, it will afford the contractor a reasonable time, to be fixed by the Regional Board, to notify the Regional Board whether it is or is not willing to enter into a refund agreement. If agreement is reached, the procedure set forth in part 1474 of this chapter for the making of an agreement will be followed. If agreement is not reached, or upon the failure of the contractor to furnish the requested notification within the time fixed therefor by the Regional Board, the procedure set forth in part 1475 of this chapter will be followed.

(l) *Panel meeting.* In any case in which the contractor has not indicated its willingness to enter into an agreement to eliminate excessive profits in the amount recommended in the Renegotiation Report, or in which the Regional Board has declined to approve the recommendation made therein and agreed to by the contractor, the contractor shall be entitled at its request, made within the time fixed pursuant to paragraph (k) (1) or (3) of this section, to meet with a panel of the Regional Board. Any written argument or other presentation which the contractor desires to submit to a panel, in addition to the material previously submitted by the contractor, should, whenever possible, be filed with the chairman of the panel reasonably in advance of the meeting. At the meeting the contractor will be afforded an opportunity to be heard on all matters considered pertinent to the case, including any unresolved issues or matters of fact, law or accounting; and again, when appropriate, the possibilities of an agreement to eliminate excessive profits will be explored with the contractor.

(m) *Regional Board action after panel meeting.* (1) After the panel meeting provided in paragraph (1) of this section has been held, the panel will submit to the Regional Board its recommendation for final disposition of the case. If the contractor shall have advised that it is willing to enter into an agreement to eliminate excessive profits in the amount recommended to the Regional Board by the panel, and the Regional Board approves such recommendation, or if agreement is otherwise reached by the Regional Board and the contractor with respect to the amount of excessive profits to be eliminated, the procedure set forth in Part 1474 of this chapter for the making of an agreement will be followed. Otherwise, the Regional Board will make a finding with respect to the amount of excessive profits, if any, for the fiscal year under review, and will notify the contractor by registered mail of such finding; and at the same time, the Regional Board will provide the contractor with a Memorandum of Decision stating the basis for the finding, as provided in § 1477.3 of this chapter. The finding of the Regional Board may be in an amount

greater than, equal to, or less than the amount recommended by the panel.

(2) If the finding of the Regional Board is that the contractor did not realize any excessive profits, the clearance procedure set forth in Part 1473 of this chapter will be followed.

(3) If the finding of the Regional Board is that the contractor realized excessive profits, it will afford the contractor a reasonable time to notify the Regional Board whether it is or is not willing to enter into a refund agreement. If agreement is reached, the procedure set forth in Part 1474 of this chapter for the making of an agreement will be followed. If agreement is not reached, or upon the failure of the contractor to furnish the requested notification within the time fixed therefor by the Regional Board, the procedure set forth in Part 1475 of this chapter will be followed.

Section 1472.4 *Conduct of renegotiation by Board* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1472.4 Conduct of renegotiation by Board.

(a) *Reasons for reassignment from a Regional Board.* A case will be reassigned from a Regional Board to the Board for further proceedings when (1) a Regional Board in a Class A case makes a clearance recommendation or a refund recommendation (see §§ 1472.2(a), 1474.3 (b), and 1475.3 of this chapter); or (2) when a Regional Board makes a finding of excessive profits in a Class B case and the contractor declines to enter into a refund agreement; or (3) the Board considers for any other reason that the further proceedings in the case should be conducted by the Board rather than by the Regional Board to which the case has been previously assigned.

(b) *Proceedings before the Board or a division of the Board.*—(1) *Assignment and processing.* Generally, once a case has been reassigned from a Regional Board, it will be assigned to the Board itself or to a division of the Board. The Board or the division will study the information and data assembled by the Regional Board and will determine what additional information or data, if any, is needed. Such additional information and data will be secured and an independent study of the case will be conducted. The Board or the division, as the case may be, will not be bound or limited in any manner by any evaluation or recommendation of the Regional Board.

(2) *Meeting with the Board or a division of the Board.* In every case reassigned pursuant to § 1475.3 of this chapter or paragraph (a)(3) of this section, the contractor will be afforded an opportunity to meet with the Board or the assigned division of the Board before the final disposition of the case. Prior to such meeting, a Notice of Points for Presentation will or may be sent to the contractor as provided in § 1472.5(a) of this chapter. Any written argument or other presentation which the contractor desires to submit for consideration by the Board or the division, in addition to the material previously submitted by the contractor to the Regional Board, should, whenever possible, be filed with the Director, Office of Review, reasonably in advance of the meeting. Failure of the contractor to file information or arguments prior to the meeting will not preclude presentation thereof at the meeting. At the meeting the contractor will be afforded an opportunity to be heard on all matters considered pertinent to the case, including any unresolved issues or matters of fact, law of accounting. Also, when appropriate, the Board or the division will explore with the contractor the possibilities of an agreement to eliminate excessive profits.

(c) *Board action.* (1) After the meeting with the Board or a division of the Board as provided in paragraph (b)(2) of this section, or after it has been determined that no such meeting is required, the Board will take under consideration the final disposition of the case. In a case that has been assigned to a division, the division will submit a report to the Board, including the recommendation of the division and any proposals made by the contractor. If the contractor shall have advised that it is willing to enter into an agreement to eliminate excessive profits in the amount recommended to the Board by the division, and the Board approves such recommendation, or if agreement is reached by the Board and the contractor with respect to the amount of excessive profits to be eliminated, the procedure set forth in Part 1474 of this chapter for the making of an agreement will be followed. Otherwise, the Board will make a finding with respect to the amount of excessive profits, if any, for the fiscal year under review, and will notify the contractor by registered mail of such finding; and at the same time, the Board will provide the contractor with a Memorandum of Decision stating the basis for the finding, as provided in § 1477.3 of this chapter. The finding of the Board may be in an amount greater than, equal to, or less than the amount recommended by the division.

(2) If the finding of the Board is that the contractor did not realize any excessive profits, the clearance procedure set forth in Part 1473 of this chapter will be followed.

(3) If the finding of the Board is that the contractor realized excessive profits, it will afford the contractor a reasonable time to notify the Board whether it is or is not willing to enter into a refund agreement. If agreement is reached, the procedure set forth in Part 1474 of this chapter for the making of an agreement will be followed. If agreement is not reached, or upon the failure of the contractor to furnish the requested notification within the time fixed therefor by the Board, the procedure set forth in Part 1475 of this chapter for the issuance of an order will be followed. In the event of the issuance of an order, the contractor will be entitled, upon request, to a statement of the determination, of the facts used as a basis therefor, and of the reasons for such determination, as provided in § 1477.2 of this chapter.

§ 1472.5 [Amended]

Section 1472.5 *Notice of Points for Presentation* is amended as follows:

1. Paragraph (a) *When sent* is amended by deleting "§ 1472.4(c)" and inserting in lieu thereof "§ 1472.4(b)".

2. Paragraph (b) *Purpose* is amended by deleting "Board division" and "division" and inserting in lieu of each thereof "Board or division".

3. Paragraph (c) *Contents* is amended by deleting "Board division" in the first sentence and "division" in the third and fifth sentences and inserting in lieu of each thereof "Board or division".

4. Paragraph (d) *Effect* is amended by deleting the last sentence and inserting in lieu thereof a new sentence reading as follows:

(d) The Notice of Points for Presentation is not to be construed as a statement furnished pursuant to § 1477.2 or a Memorandum of Decision furnished pursuant to § 1477.3 of this chapter.

§ 1472.6 [Amended]

Section 1472.6 *Filing of information and requests by contractor* is amended in the following respects:

1. Paragraph (b) is amended by deleting subparagraph (2) *Requests* in its entirety and inserting in lieu thereof the following:

(b) * * *

(2) *Requests.* Requests which may be filed by the contractor include the following: requests for renegotiation on a consolidated basis, as provided in Part 1464 and § 1470.3(h) of this chapter; requests for modification of terms of payment, as provided in §§ 1474.6 and 1475.6 of this chapter, respectively; and requests for statements, as provided in § 1477.2 of this chapter.

2. Paragraph (d) *Place of filing* is amended by deleting subparagraphs (3) and (4) in their entirety and inserting in lieu thereof a new subparagraph (3) to read as follows:

(d) * * *

(3) *Filing of certain requests with Board.* Requests for statements pursuant to § 1477.2 of this chapter shall be filed with the Secretary to the Board at the principal office of the Board.

(3) Paragraph (e) *Time for filing* is amended by deleting the last sentence of subparagraph (4) *Extensions of time.*

PART 1473—CLEARANCE PROCEDURE

This part is deleted in its entirety and the following is inserted in lieu thereof:

Sec.
1473.1 When clearance procedure used.
1473.2 Procedure in Regional Board.
1473.3 Procedure in Board.
1473.4 Form of clearance.

AUTHORITY: Sections 1473.1 and 1473.4 issued under section 109, Public Law 9, 92d Cong. Interpret or apply section 105, Public Law 9, 92d Cong.

§ 1473.1 When clearance procedure used.

The procedure set forth in this part will be used when a Regional Board or the Board finds that the contractor has not realized excessive profits for a fiscal year.

§ 1473.2 Procedure in Regional Board.

(a) *Class A cases.* When a Regional Board finds in a Class A case that the contractor has not realized excessive profits for the fiscal year under review, the Regional Board will make and enter a recommendation of clearance and submit the case to the Board. The Regional Board will notify the contractor of the action taken by the Regional Board. The Board will reassign the case to itself and the procedure set forth in § 1472.4 of this chapter will be followed.

(b) *Class B cases.* When a Regional Board finds in a Class B case that the contractor has not realized excessive profits for the fiscal year under review, the Regional Board will issue a clearance to the contractor.

§ 1473.3 Procedure in Board.

When a case is reassigned to the Board pursuant to § 1472.4 of this chapter and the Board finds that the contractor did not realize excessive profits for the fiscal year under review, the Board will issue a clearance to the contractor.

§ 1473.4 Forms of clearance.

The Regional Board or the Board, as the case may be, will issue a clearance notice to the contractor when it has been found that the contractor has not realized excessive profits, unless such conclusion is conditioned upon the happening of subsequent events. In the latter case, a clearance agreement will be prepared and sent to the contractor. See §§ 1498.2(b), 1498.2(g)(4), and 1498.6 of this chapter.

PART 1474—AGREEMENT PROCEDURE

The Table of Contents for this part is amended by deleting the words "Determination by" each place such words appear and inserting in lieu thereof "Procedure in".

Section 1474.3 *Determination by Regional Board* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1474.3 Procedure in Regional Board.

(a) *Preparation of agreement.* When agreement is reached between a Regional Board and the contractor with respect to the amount of excessive profits to be eliminated for a fiscal year, the Regional Board, in a Class A case, will make and enter a recommendation in such amount, and, in a Class B case, will approve the making of an agreement in such amount, and will prepare an agreement and submit it to the contractor for execution.

(b) *Class A cases.* In a Class A case, after the contractor has returned the agreement properly executed to the Regional Board, the Regional Board will submit the case to the Board, together with its recommendation and the agreement. The Board will reassign the case to itself and, if it is in accord with the recommendation, will execute the agreement on behalf of the Government. Otherwise, the procedure set forth in § 1472.4 of this chapter will be followed.

(c) *Class B cases.* In a Class B case, after the contractor has returned the agreement properly executed to the Regional Board, the Regional Board will execute the agreement on behalf of the Government.

Section 1474.4 *Determination by Board* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1474.4 Procedure in Board.

When, after a case is reassigned to the Board pursuant to § 1472.4 of this chapter, agreement is reached between the Board and the contractor with respect to the amount of excessive profits to be eliminated for the fiscal year under review, the Board will prepare an agreement and submit it to the contractor for execution. Notwithstanding the preceding sentence, if in a Class A case the Board finds that the contractor realized excessive profits in the same amount as that embodied in an agreement executed by the contractor and submitted to the Board by the Regional Board pursuant to § 1474.3(a), the Board will execute such agreement on behalf of the Government.

§ 1474.5 [Amended]

Section 1474.5 *Finality of agreement* is amended by deleting therefrom "the amount determined by a Regional Board or the Board to be".

PART 1475—UNILATERAL ORDER PROCEDURE

The Table of Contents for this part is amended by deleting the words "Determination by" each place such words appear and inserting in lieu thereof "Procedure in".

§ 1475.2 [Amended]

Section 1475.2 *When unilateral order procedure is used* is amended by deleting "determines" and inserting in lieu thereof "finds".

Section 1475.3 *Determination by Regional Board* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1475.3 Procedure in Regional Board.

When a Regional Board finds, in either a Class A or a Class B case, that the contractor has realized excessive profits and the contractor is unwilling to enter into an agreement for the refund of the amount of such excessive profits, the Regional Board will make and enter a recommendation in such amount and submit the case to the Board. The Board will reassign the case to itself and the procedure set forth in § 1472.4 of this chapter will be followed.

Section 1475.4 *Determination by Board* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1475.4 Procedure in Board.

When, after a Class A or Class B case has been reassigned to the Board pursuant to § 1472.4 of this chapter, the Board finds that the contractor realized excessive profits for the fiscal year under review and the contractor is unwilling to enter into a refund agreement, the Board will issue a unilateral order determining the excessive profits and will give notice thereof by registered mail to the contractor.

PART 1477—STATEMENTS TO CONTRACTORS

§ 1477.2 [Amended]

Section 1477.2 *Furnishing of statements pursuant to statutory provision* is amended by deleting the second sentence thereof.

Section 1477.3 *Furnishing of other statements* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1477.3 Furnishing of other statements.

A Memorandum of Decision stating the basis for a finding of the Board or a Regional Board, as the case may be, with respect to the existence and amount of excessive profits realized by a contractor in a fiscal year, will be issued as provided in §§ 1472.3 and 1472.4 of this chapter.

PART 1480—AVAILABILITY AND CONTROL OF RENEGOTIATION RECORDS AND INFORMATION

Section 1480.5 *Public inspection of records; index* is amended by inserting subparagraph (15) immediately before the last sentence of paragraph (a) thereof the following:

§ 1480.5 Public inspection of records; index.

(a) * * *

(15) Memoranda of decision.

* * * * *

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

This part is amended as follows:

1. The Table of Contents for this part is amended by deleting all that follows "1498.6 Clearance notice" and inserting in lieu thereof the following:

Sec.
1498.7 Notice of clearance recommendation by Regional Board (Class A case).
1498.8 Letter not to proceed (Regional Board).
1498.9 [Reserved]
1498.10 [Reserved]
1498.11 [Reserved]

§ 1498.6 [Amended]

2. Section 1498.6 *Clearance notice* is amended in the following respects:

(a) The heading of paragraph (a) *"Class A case"* is changed to *"Class B case"*.

(b) Paragraph 2 of the notice form set forth therein is deleted in its entirety and the following is inserted in lieu thereof:

(2) This determination has been made by this Regional Board pursuant to due delegation of authority.

(c) Paragraph (b) *Class B case* is deleted in its entirety.

(d) Paragraph (c) *Clearance without assignment* is redesignated paragraph (b).

3. Section 1498.7 *Notice of clearance determination by Regional Board (Class A case)* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1498.7 Notice of clearance recommendation by Regional Board (Class A case).

(Date)

Gentlemen: Pursuant to § 1473.2(a) of the Renegotiation Board Regulations issued under the Renegotiation Act of 1951, as amended, you are hereby notified that this regional board has recommended a determination that you did not realize profits for your fiscal year ended ----------

The Renegotiation Board has been notified of this recommendation and will reassign this case to itself. If the Renegotiation Board is in accord with the recommendation, it will issue a clearance to you.

REGIONAL RENEGOTIATION BOARD
By ----------

§§ 1498.9, 1498.10, and 1498.11 [Deleted]

3. Sections 1498.9, 1498.10, and 1498.11 are deleted in their entirety.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: November 9, 1972.

RICHARD T. BURRESS,
Chairman.

[FR Doc.72-19551 Filed 11-13-72;8:53 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-72-217]

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

Correction

In F.R. Doc. 72-18146, appearing at page 22732 in the issue for Saturday, October 21, 1972, the following changes should be made:

1. In the first line § 35.3(e), the word "crackling" should read "cracking".

2. In the second line of § 35.16, the reference to "§ 35.3(f)" should read "§ 35.3(e)".

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

O,O-Diethyl O-[p-(Methylsulfinyl) Phenyl] Phosphorothioate

Correction

In F.R. Doc. 72-18708, appearing at page 23334, of the issue of Thursday, November 2, 1972, the headings should read as set forth above, and in the first line of the paragraph under § 180.234, the second word "parts", should read "part".

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

Coordination Product of Zinc Ion and Maneb; Correction

As the result of a misinterpretation over what the petitioner was requesting, F.R. Doc. 72-12693 appearing on page 16178 of the issue of Friday, August 11, 1972, amended § 180.176 by: (a) Reducing the tolerance for residues of the coordination product of zinc ion and maneb on corn grain from 0.5 part per million to 0.1 part per million; and (b) by deleting the tolerance of 0.5 part per million "corn grain (including popcorn)" and "fresh corn including sweet corn (kernels plus cob with husks removed)."

The petitioner, however, was merely requesting a reduction on corn grain other than popcorn grain and was not requesting the deletion of the 0.5 part per million tolerance on fresh corn including sweet corn (kernels plus cob with husks removed).

Accordingly, the paragraphs "0.5 part per million * * *" and "0.1 part per million in or on corn grain" are corrected as follows:

§ 180.176 Coordination product of zinc ion and maneb; tolerances for residues.

* * * * *

0.5 part per million in or on popcorn grain, fresh corn including sweet corn (kernels plus cob with husk removed), cottonseed, kidney, liver, onions (dry bulb), and peanuts.

* * * * *

0.1 part per million in or on corn grain (except popcorn grain).

Dated: November 6, 1972.

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

[FR Doc.72-19541 Filed 11-13-72;8:51 am]

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

Carbofuran

A petition (PP 2F1219) was filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the insecticide carbofuran and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl N-methylcarbamate in or on the raw agricultural commodity peppers at 1 part per million.

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

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

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

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 F.R. 9038), § 180.254 is amended by revising the paragraph "1 part per million * * *," as follows:

* * * * *

§ 180.254 Carbofuran; tolerances for residues.

One part per million in or on peanut hulls and peppers.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C., 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will

be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (11–14–72).

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

Dated: November 2, 1972.

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

[FR Doc.72–19542 Filed 11–13–72;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

PART 101–33—GOVERNMENT SOURCES AVAILABLE TO GRANTEES AND CONTRACTORS

Use of GSA Supply Sources by Federal Grantees

On June 1, 1972, the General Services Administration (GSA) published in the FEDERAL REGISTER a proposed amendment to the Federal Property Management Regulations which, if adopted, would discontinue the use of GSA sources of supply and services, including excess property, by Federal grantees. Interested parties were invited to comment on this proposal within 30 days. The deadline for comments was extended to July 31, 1972, to accommodate numerous requests for an extension. Comments on the proposed amendment have been evaluated. Based on this evaluation it has been determined, in concert with the Office of Management and Budget, that the interests of the country would best be served by discontinuing this grantee program with respect to the use of GSA sources of supply and services. The policy on acquisition and use of excess property, however, will continue unchanged, and a study will be conducted and a determination made as to the desirability for modification of this policy. (Cost-reimbursement type contractors will continue to be permitted to use GSA supply sources under the provisions of Subparts 1–5.5 and 1–5.9 of the Federal Procurement Regulations.) On the basis of these decisions the following amendments to Subchapter E are set forth.

Section 101–26.000 is revised to read as follows:

§ 101–26.000 Scope of part.

This part sets forth policies and procedures regarding the procurement of personal property and nonpersonal services from or through supply sources which are established by law or other competent authority. It does not include policies and procedures pertaining to the purchasing and contracting for property or services obtained from commercial sources without recourse or use of Federal Supply Schedules or other GSA established contracts. (These are provided in the Federal Procurement Regulations.) The extent to which the sources of supply included in this Part 101–26 are to be used by Government agencies is prescribed in the specific subpart or section covering the subject matter involved. Included as eligible to use GSA supply sources are certain civilian and military commissaries and nonappropriated fund activities, generally buying for their own use but not for resale, except as authorized by the individual Federal agency and concurred in by GSA.

Subpart 101–26.5—GSA Procurement Programs

1. Section 101–26.508 is revised to read as follows:

§ 101–26.508 Electronic data processing tape.

Procurement by Federal agencies of electronic data processing (EDP) tape shall be accomplished in accordance with the provisions of this § 101–26.508.

2. Section 101–26.509 is revised to read as follows:

§ 101–26.509 Tabulating machine cards.

Procurement by Federal agencies of tabulating machine cards shall be made in accordance with the provisions of this § 101–26.509.

Subpart 101–26.6—Procurement Sources Other Than GSA

Section 101–26.604 is revised to read as follows:

§ 101–26.604 Marginally punched continuous forms.

The U.S. Government Printing Office (GPO) has been delegated authority by GSA to procure all marginally punched continuous forms for use by Federal agencies, except those procured by GSA for stock. Therefore, all Federal agencies shall submit their requirements for such forms in accordance with the provisions of this § 101–26.604.

* * * * *

The table of contents for Subchapter E is amended as follows:

Part 101–33 [Reserved]

Part 101–33 is amended as follows:

PART 101–33 [RESERVED]

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

Effective date. This revision is effective November 14, 1972.

Dated: November 10, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72–19681 Filed 11–13–72;10:26 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 87—AVIATION SERVICES

Station Identification; Aircraft Radiotelephony Stations

Order. In the matter of editorial amendment of § 87.115 of the FCC rules and regulations.

1. By this order, it is intended to clarify § 87.115(e)(1)(i) of the rules, namely that it is not necessary for an aircraft station subject to that subparagraph to include the prefix "N" in its identification when it is identifying itself by use of its registration marking.

2. Because the rule presently is ambiguous concerning whether or not inclusion of the prefix letter "N" is required in identifying by registration marking, and because considerable confusion has resulted from that ambiguity, the words "omitting the prefix letter 'N'" will be added to the subparagraph in order to clarify the intent of the requirement.

3. Authority for this amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendment is editorial in nature, intended merely to clarify the requirement and not to substantively alter it, the prior notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

4. In view of the above, *It is ordered*, That the rule amendment set forth below shall be adopted effective November 15, 1972.

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

Adopted: November 6, 1972.

Released: November 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 87.115(e)(1)(i) of the rules is amended to read as follows:

§ 87.115 Station identification.

* * * * *

(e) * * *

(1) * * *

(i) The characters corresponding to the registration marking ("N" number) of the aircraft, omitting the prefix letter "N", preceded by the type of aircraft; or

* * * * *

[FR Doc.72–19533 Filed 11–13–72;8:50 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Records Available at Document Inspection Facilities; Correction

In the notice of December 1, 1971, 36 F.R. 22812, the item, NHTSA Audit Manuals, was include in the list of records available for public inspection. The inclusion was erroneous since NHTSA Audit Manuals do not exist. Therefore paragraph 3(b), Appendix H of Part 7, Title 49, Code of Federal Regulations, is amended by deleting item 2 and renumbering the remaining items, so that it reads as follows:

(b) The following records are available at all NHTSA document inspection facilities:

(1) *NHTSA Orders.* * * *
(2) *NHTSA Notices.* * * *
(3) *Motor Vehicle Safety Standards.* * * *
(4) *Highway Safety Standards.* * * *
(5) *State Highway Programs.* * * *

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657; delegation of authority at 49 CFR 7.1(c))

Issued on November 7, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-19488 Filed 11-13-72;8:46 am]

Title 7—AGRICULTURE

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

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas was published in the FEDERAL REGISTER, November 3, 1972 (37 F.R. 23436). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than November 8, 1972. None was filed.

Findings. After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Lettuce Committee, established pursuant to the said marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

This proposal is in accord with the committee's marketing policy and reflects its appraisal of the 1972-73 lettuce crop and marketing prospects for the season.

Texas harvested 5,000 acres of winter lettuce in 1972, with a production of 850,000 hundredweight, for which they received a seasonal average price of $8.20 per hundredweight. The 1971 comparison was 7,200 acres, 900,000 hundredweight production and a $5.12 price.

There is presently no official estimate of 1973 U.S. winter lettuce production. The committee estimates that planted acreage in the Lower Rio Grande Valley will amount to 7,000 acres compared to 3,969 acres last year.

It is not likely that the favorable combination of marketing factors that existed for South Texas lettuce during the 1972 winter season will be repeated in 1973. Their 1973 season average price is not expected to exceed parity.

The South Texas lettuce industry has found a 6-day shipping week most practical and that "packaging holidays" on Sundays and Christmas contribute to the improvements of growers prices and are beneficial in promoting more orderly marketing.

The pack and container requirements are needed to maintain the accepted commercial practices of the South Texas lettuce industry of packing specified numbers of heads of lettuce in specific sized containers to avoid deceptive packs and limit them to those found acceptable to the trade for safe transportation of the lettuce.

No purpose would be served by regulating the pack or requiring the inspection and assessment of insignificant quantities of lettuce. Therefore quantities up to two cartons of lettuce per day may be handled without regard to such requirements.

Provisions for special purpose shipments, including export, are designed to meet the different requirements for other than domestic commercial channels of trade. Since these shipments have a negligible effect on the domestic market, they should be permitted provided certain safeguard requirements are met.

It is hereby found that good cause exists for not postponing the effective date of this section 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of lettuce grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) information regarding the provisions of this regulation has been made available to producers and handlers in the production area, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

The regulation is as follows:

§ 971.313 Limitation of shipments.

During the period November 15, 1972, through March 31, 1973, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such lettuce is handled in accordance with paragraphs (e) or (f) of this section. Further, no person may package lettuce during the above period on any Sunday or on Christmas Day.

(a) [Reserved]

(b) *Pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85-40 may be packed only 24 or 30 heads per container.

(c) *Containers.* Containers may be only—

(1) Cartons with inside dimensions of 10 inches by 14¼ inches by 21⁵⁄₁₆ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches by 14 inches by 21 inches (designated as carrier container Nos. 7306 and 7313), or

(3) Cartons with inside dimensions of 21½ by 16⅛ inches by 10¾ inches (designated as carrier container No. 85-40—flat pack).

(d) *Inspection.* (1) No handler shall handle lettuce unless such lettuce is inspected by the Texas-Federal Inspection Service and an appropriate inspection certificate has been issued with respect thereto, except when relieved of such requirement pursuant to paragraphs (e) or (f) of this section.

(2) No handler may transport, or cause the transportation of, any shipment of lettuce by motor vehicle, for which inspection is required unless each such shipment is accompanied by a copy of an appropriate inspection certificate or shipment release form (SPI-23) furnished by the inspection service verifying that such shipment meets the current grade, pack, and container requirements of this section. A copy of such inspection certificate or shipment release form shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, such inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(e) *Minimum quantity.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, and pack requirements, but must meet container requirements. This exception may not be applied to any shipment of over two cartons of lettuce.

(f) *Special purpose shipments.* Lettuce not meeting grade, pack, or container requirements of paragraphs (a), (b), or (c), of this section may be handled for any purpose listed, if handled as prescribed in subparagraphs (1) and (2) of this paragraph. Inspection and assessments are not required on such shipments. These special purpose shipments are as follow:

(1) For relief, charity, experimental purposes, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon; and

(2) For export to Mexico, if the handler of such lettuce loads and transports it only in a vehicle bearing Mexican registration (license).

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (Cf AMS 481) and then packed in cartons or other containers.

(2) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

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

Dated: November 10, 1972, to become effective November 15, 1972.

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

[FR Doc.72-19650 Filed 11-13-72;8:52 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region VII

NOVEMBER 3, 1972.

In order to provide better customs service in the Los Angeles, Calif., customs district, it is proposed to establish a customs port of entry at Las Vegas, Nev.

Accordingly, by virtue of the authority vested in the President by section 1 of of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. 11), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 8 (37 F.R. 18572), Las Vegas, Nev., is hereby proposed as a port of entry in the Los Angeles, Calif., district (Region VII).

The proposed geographical limits of Las Vegas shall include all of that area in the State of Nevada as laid out by the U.S. Department of the Interior, Geological Survey map for the State of Nevada and described as follows: Beginning at the northeast corner of section 3, range 60E, township 20S and proceeding in an easterly direction to the northeast corner of section 2, range 62E, township 20S; thence in a southerly direction to the southeast corner of section 14, range 62E, township 22S; thence in a westerly direction to the southwest corner of section 15, range 60E, township 22S; thence in a northerly direction to the point of beginning.

Data, views, or arguments with respect to the foregoing proposal may be adressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Bureau of Customs, Regulations Division, Washington, D.C., during regular business hours.

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

[FR Doc.72-19506 Filed 11-13-72;8:47 am]

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region VIII

NOVEMBER 3, 1972.

In order to provide better Customs service in the San Francisco, Calif., Customs district, it is proposed to establish a Customs port of entry at Reno, Nev.

Accordingly, by virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. 11), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 8 (37 F.R. 18572), Reno, Nev., is hereby proposed as a port of entry in the San Francisco, Calif., district (Region VIII).

The proposed geographical limits of the port of Reno shall include all of that area in the State of Nevada as laid out by the U.S. Department of the Interior, Geological Survey map for the State of Nevada, and described as follows: Beginning at the northeast corner of section 13, Range 20E, Township 21N and proceeding in a southerly direction to the southeast corner of section 1, Range 20E, Township 18N; thence proceeding in a westerly direction to the southwest corner of section 6, Range 19E, Township 18N; thence in a northerly direction to the northwest corner of section 18, Range 19E, Township 21N; and thence in an easterly direction to the point of beginning.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, DC. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3 (b)), at the Bureau of Customs, Regulations Division, Washington, D.C., during regular business hours.

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

[FR Doc.72-19507 Filed 11-13-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Proposed Expenses and Rate of Assessment for Fiscal 1972-73

Consideration is being given to the following proposals submitted by the Indian River Grapefruit Committee, established pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be insurred by the Indian River Grapefruit Committee, during the period August 1, 1972, through July 31, 1973, will amount to $28,300.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 912.41, be fixed at $0.0035 per standard packed box.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 9, 1972.

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

[FR Doc.72-19545 Filed 11-13-72;8:51 am]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 959, both as amended

(7 CFR Part 959). This marketing program regulates the handling of onions grown in designated counties in South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day 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 Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 959.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1973, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $60,000.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one-half cent ($0.005) per 50-pound container of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpected income in excess of expenses for the fiscal period ending July 31, 1973, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

Dated: November 9, 1972.

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

[FR Doc.72–19546 Filed 11–13–72;8:51 am]

Commodity Exchange Authority

[17 CFR Part 1]

CONTRACT MARKETS

Eligibility for Continued Designation

Notice is hereby given, in accordance with the Administrative Procedure Provisions of 5 U.S.C. section 553 that the Secretary of Agriculture, pursuant to the authority of sections 5, 6, 8, and 8a of the Commodity Exchange Act (7 U.S.C. 7, 8, 12, 12a), proposes to issue a regulation setting forth certain conditions and requirements which must be met by contract markets in order for them to remain eligible for continued designation as such. The text of the proposed regulation is set forth below.

§ 1.50 Eligibility for continued designation as contract market.

(a) Without limitation of other conditions and requirements imposed by the Act, each contract market shall, at all times while so designated, have in effect provisions to assure that its future contracts meet the following requirements, and if the contract at any time fails to meet any one of such requirements, no trading shall be started in that contract for any delivery month for which trading has not already commenced. This provision shall in no way limit the authority of the contract market to terminate trading in any or all contracts.

(1) There must be assured an adequate means of delivery on the futures contract, i.e., a sufficient number of warehouses, or other delivery facilities; sufficient capacity of facilities for delivery on the futures contract; sufficient transportation facilities and a sufficient number of futures contract delivery points which fit into the normal marketing outlets of the commodity and allowance for appropriate freight differentials between delivery points.

(2) The futures contract must be protected from price manipulation or corners by adequate deliverable supplies available for futures delivery and not committed for commercial purposes and such supplies must be readily bought and sold at the delivery points. The commodity must be generally available from a substantial number of suppliers.

(3) The cash commodity of the kind specified in the futures contract must be traded in sufficient volume in the cash market and under such conditions as to reflect fairly the general value of that commodity and the resulting cash values must be publicly disseminated and representative.

(4) The differentials for allowable variations of grades from par delivery specifications must be reasonable and not conflict with commercial values.

(5) The commodity, as specified by the futures contract, must be representative of the cash commodity moving to market in terms of characteristics such as quality, grade, form, packaging, and location, and there must be no impediments to delivery resulting from inappropriate contract specifications.

(b) Each contract market shall file with the Commodity Exchange Authority a statement with supporting data showing the provisions it has made to carry out the above listed conditions and requirements. Such statements shall be filed within 5 years but not less than 90 days after the effective date of this regulation in accordance with a schedule established by the Act Administrator and which will be provided by him to each contract market, and every 5 years after the date of the first filing: *Provided*, That a contract market need not file earlier than 5 years after the effective date of its designation, unless so requested upon special call by the Act Administrator.

(c) The information required in paragraph (b) also shall be filed within 90 days after a special call by the Act Administrator.

(d) The statement and data shall be filed with the office of the Commodity Exchange Authority in the city where the contract market is located: *Provided*, That if there is no Commodity Exchange Authority office in such city, the information shall be transmitted in accordance with the instructions of the Commodity Exchange Authority.

If any interested person desires a hearing with reference to this proposed regulation, he should make a request to that effect stating the reasons therefor, addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before January 15, 1973.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to January 15, 1973.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours (7 CFR 1.27(b)).

Issued: November 9, 1972.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.72–19504 Filed 11–13–72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 128b]

LOW-ACID FOODS IN HERMETICALLY SEALED CONTAINERS

Notice of Availability of Tentative Final Order and Opportunity for Further Comment

Pursuant to a petition filed by the National Canners Association, 1133 20th Street NW., Washington, DC 20036, requesting the establishment of requirements and conditions for exemption from the emergency permit control provisions of section 404 of the Federal Food, Drug, and Cosmetic Act, a notice of proposed rule making regarding low-acid foods in hermetically sealed containers was published in the FEDERAL REGISTER of November 12, 1971 (37 F.R. 21688). Interested persons were invited to file written comments within 60 days.

The Commissioner of Food and Drugs has evaluated all comments and has concluded that regulations should immediately be promulgated to specify good manufacturing practices to be followed in the manufacture, processing, or packing of thermally processed low-acid foods

packaged in hermetically sealed containers. It is important that these substantive requirements be promulgated as soon as possible, and that they not be delayed pending development of the provisions to be promulgated under section 404 of the Act, which will establish an adequate enforcement mechanism.

A tentative final order containing minimum good manufacturing practices regulations for thermally processed low-acid foods packaged in hermetically sealed containers has been prepared and discussed in detail with NCA, is being sent to all persons commenting on the proposal, and has been placed on display in the Hearing Clerk's Office, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, for a period of 20 days beginning November 15, 1972, and ending on December 4, 1972. Any person who wishes to submit further comment or to meet with FDA officials to discuss it may do so within the 20 days.

Dated: November 9, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72–19640 Filed 11–13–72;8:53 am]

Office of the Secretary

[41 CFR Part 3–18]

PROCUREMENT OF CONSTRUCTION

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by adding a new Part 3–18, Procurement of Construction. This amendment provides policy and procedures for the procurement of architect-engineer services for designs, plans, drawings, specifications, or other work relating to the planning, construction, repair, or alteration of real property.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director, Office of Procurement and Materiel Management, OASAM, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days following publication of this notice in the FEDERAL REGISTER. All comments submitted pursuant to this proposal will be available for public inspection during regular business hours in the Office of Procurement and Materiel Management.

Dated: November 6, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

As proposed, the new Part 3–18 would read as follows:

PART 3–18—PROCUREMENT OF CONSTRUCTION

Subpart 3–18.50—Contracting for Architect-Engineer Services

Subpart 3–18.50—Contracting for Architect-Engineer Services

§ 3–18.5000 Scope of subpart.

This subpart provides policy and procedures for the procurement of architect-engineer services for designs, plans, drawings, specifications, or for other work relating to the planning, construction, repair, or alteration of real property.

§ 3–18.5001 Authority to enter into contracts.

The delegation of authority within the Department of Health, Education, and Welfare to enter into contracts for professional engineering, architectural, and landscape architectural services is prescribed in Subpart 3–75.1, Procurement Authority, of the HEW Procurement Regulations (Part 3 of this title). The procurement of such services in connection with a "public building," as that term is defined in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612), may be exercised only under the conditions prescribed in § 101–17.402(c) of this title and subject to standards prescribed by the Administrator of General Services pursuant to § 101–17.502 of this title. The procurement of such services in connection with special purpose space such as schools, hospitals, laboratories, and research centers is subject to the requirements and conditions prescribed by section 302(c)(4) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(4)) and § 1–3.204 of this title.

§ 3–18.5002 Definitions.

(a) "Architect-engineer services" means architectural and/or engineering services related to construction.

(b) "Off-site architect-engineer services" means architectural and/or engineering services performed in the contractor's central or branch office.

(c) "Job-site architect-engineer services" means architectural and/or engineering services where performance of the services requires relatively complete staffing for the contract work (including design, engineering, inspection) at an office or location other than the central or branch office of the contractor, and where a minimum of support is required from the contractor's central or branch office staff.

§ 3–18.5003 Selection of architect-engineer firms.

§ 3–18.5003–1 Selection policy.

The selection of architect-engineer firms for the preparation of drawings and specifications or for other technical and professional services, e.g., master planning, architectural or engineering studies, and investigations shall be accomplished in accordance with the procedures set forth in this subpart. Such selection shall not be based on competitive bidding procedures, but rather on the professional qualifications necessary for the satisfactory performance of the service required subject to the following additional considerations:

(a) Specialized experience of the firm in the type of work required;

(b) Capacity of the firm to accomplish the work in the required time;

(c) Past experience, if any, of the firm with respect to performance on HEW contracts;

(d) Volume of work previously awarded to the firm by HEW, with the objective of effecting an equitable distribution of contracts among qualified architect-engineer firms;

(e) Location of the firm in the general geographical area of the project, provided there is an appropriate number of qualified firms in that area.

§ 3–18.5003–2 Selection procedures.

(a) All selection actions, including preselection, shall be performed by selection boards of the Facilities Engineering and Construction Agency (FECA).

(b) Each regional selection board shall consist of five licensed professional architects or engineers (with the Regional Engineer or his representative serving as Chairman), one progam or administrative representative, one nonvoting contracting officer, and one nonvoting recording secretary. A minimum number of three licensed architects or engineers shall be present at all regional selection board meetings.

(c) The makeup of selection boards in the Office of the Director, FECA, is determined by the Director, FECA, so as to meet varying requirements.

(d) Selection boards shall prepare preselection lists of the maximum practicable number of qualified firms, from the data developed under § 3–18.5003 and from other pertinent information which may be available. The lists shall be approved by the Director, Facilities Engineering and Construction Agency, Office of the Secretary, or his designee.

(e) Selection boards shall review the qualifications and performance of each of the firms on the preselection lists in accordance with the policy established in § 3-18.5003-1, and shall recommend, in order of preference, a minimum of three firms to the contracting officer for negotiations in accordance with § 3-18.5005.

(f) All preselection and selection actions shall be fully documented.

§ 3-18.5003-3 Special approval of selections.

The approval of the Director, FECA, OS, or his designee is required when:

(a) The estimated cost of the basic fee of the proposed contract exceeds $60,000;

(b) The award of more than one contract will cause a firm's total fees to exceed $200,000 during a calendar year;

(c) Any modification to an existing contract would increase the total fee by more than 50 percent.

§ 3-18.5003-4 Release of information on architect-engineer selections.

After the required approvals for the selection have been obtained, information may be released by the contracting officer identifying only the architect-engineer firm selected, and describing the work in general terms. If negotiations are terminated without consummating a contract, the contracting officer may release such information and state that negotiations will be undertaken with another (named) architect-engineer. When an award has been made, the contracting officer may release this information, but the estimated construction cost of the facilities involved shall not be divulged.

§ 3-18.5004 Architect-engineer qualifications data.

§ 3-18.5004-1 Filing.

(a) Firms desiring to be considered for HEW architect-engineer contracts in a given area must file Standard Form 251, "U.S. Government Architect-Engineer Questionnaire" with the Facilities Engineering and Construction Agency in HEW Regional Offices or with the Office of Architectural and Engineering Services, FECA, Office of the Secretary, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, depending on their geographical area of interest.

(b) Architect-engineer firms shall normally be selected from the region in which the project is to be accomplished. However, if sufficient qualified firms are not available in a region for consideration for a particular contract, firms from other regions shall be considered.

§ 3-18.5004-2 Utilization of data.

FECA offices shall review all Forms 251 received and classify each firm with respect to:

(a) Location;

(b) Specialized experience;

(c) Professional capabilities; and

(d) Capacity with respect to scope of work that can be undertaken; and shall utilize these data files in the required selection procedures.

§ 3-18.5005 Negotiations.

§ 3-18.5005-1 General.

(a) All requests for proposals shall be in writing over the signature of the cognizant contracting officer, or his authorized representative, who shall have been provided with copies of the preselection and selection reports and with evidence of such approvals as may be required by § 3-18.5003.3.

(b) Negotiations shall be conducted with the first-selected architect-engineer firm to establish a fair and reasonable price which is not to exceed the Government estimate by more than 10 percent. Where negotiations result in a price in excess of this limitation, the contracting officer shall terminate the negotiations and request a proposal from the architect-engineer next in order of preference.

(c) A negotiation report including the details and reasons for all project cost estimate revisions shall be prepared in each case.

§ 3-18.5005-2 Preparation for negotiation.

(a) A Government estimate for architect-engineer contracts shall be prepared in detail in every instance.

(b) The proposal and cost or pricing data submitted by potential contractors shall be evaluated, analyzed, and compared with the Government estimate.

(c) Where the proposal for an architect-engineer contract is less than the Government estimate, the contracting officer shall insure that there is a complete understanding of the scope of the work. Where the proposed price is considered unreasonable, additional data may be requested from the prospective contractor. If he refuses to furnish such data, negotiations with him will be terminated and a proposal will be requested from the architect-engineer selected next in preference.

§ 3-18.5005-3 Types of contracts.

(a) *Fixed price.* In no event shall a firm fixed-price type contract for architect-engineer services for the preparation of designs, plans, drawings, and specifications exceed the statutory basic fee limitation of six (6) percent of the Government-estimated construction costs of the project to which the architect-engineer services apply. If, however, the contract also covers any type services other than the preparation of designs, plans, drawings and specifications, that part of the contract price for such other services shall not be subject to the six (6) percent limitation.

(b) *Cost reimbursement.* This type of contract shall be used in cases of extreme urgency. In negotiating an architect-engineer contract, the contract price, which includes the fee plus the estimated total reimbursable costs to be paid to the architect-engineer, shall not exceed the statutory limitation set forth in paragraph (a) of this section.

§ 3-18.5005-4 Contract forms.

The forms prescribed for use in the procurement of architect-engineer professional services by negotiation are set forth in FPR 1-16.7.

§ 3-18.5006 Additional work under fixed-price architect-engineer contracts.

(a) The principles set forth above in § 3-18.5005-2 (b) and (c), (Preparation for negotiation) with respect to submission of cost or pricing data and insuring that the prospective architect-engineer has a complete understanding of the scope of work is likewise applicable to modifications to the contract.

(b) If the work to be performed under the modification is within the general scope of the contract, the contracting officer shall, under the provisions of the "Changes" clause, by written order, with or without prior negotiation, direct that the changes be made. Where such action causes an increase or decrease in the contractor's cost or time required for performance of the contract, an equitable adjustment shall be made. Where there is a failure to agree as to the equitable adjustment, the provisions of the "Disputes" clause will be followed.

(c) Where the modification involves work not initially included in the contract the statutory limitation is applicable, consistent with the following provisions to the revised total estimated construction costs. Where redesign is required and the contract is modified, the following methods shall be used in determining the amount of the basic fee to be paid the architect:

(1) The estimated construction cost of the redesigned features will be added to the original estimated construction cost;

(2) The contract cost for the original design will be added to the contract for redesign; and

(3) The total contract design cost obtained by subparagraph (a) of this paragraph will be divided by the total construction cost obtained by subparagraph (1) of this paragraph.

(4) If, however, the resulting percentage would exceed the 6-percent limitation and the Government has unilaterally determined a need to increase the architect's basic fee work over and above that contemplated by the original contract, and the additional architect's effort would have an insignificant effect on the original cost of the work, the amount of the architect's basic fee for performing this additional work shall be the subject of further negotiations between the parties. Thereafter, an applicable supplemental agreement shall be entered into between the parties setting forth the additional work to be performed and specifying a separate and distinct architect-engineer fee therefor.

(5) If, on the other hand, the additional basic fee work to be performed by the architect would exceed the 6-percent limitation and would have a significant effect on the original cost of the work, the contract should be terminated for the convenience of the Government pursuant

to Article 4 of Standard Form 253, General Provisions, and a new contract negotiated.

(6) Regardless of whether the additional work is to be performed under (4) or (5) above, the 6-percent limitation with respect thereto may not be exceeded.

§ 3–18.5007 Services not subject to the 6 percent limitation.

The following types of architect-engineer services shall be excluded from the six (6) percent limitation:

(a) Investigative services including but not limited to the following:

(1) Determination of program of requirements;

(2) Determination of feasibility of proposed projects;

(3) Preparation of measured drawings of existing facility;

(4) Subsurface investigation;

(5) Structural, electrical, and mechanical investigations of existing facilities;

(6) Surveys: topographic, boundary utilities.

(b) Special consultant services not normally available in organizations of architects or architects-engineers.

(c) Other:

(1) Reproduction of approved designs through models, color renderings, photographs, or other presentation media;

(2) Travel, per diem;

(3) Supervision of construction.

[FR Doc.72–19534 Filed 11–13–72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 151]

[CGD 72–130PH]

UNMANNED BARGES

Hull Construction; Proposed Clarification of Transverse Stability Requirements

Correction

In F.R. Doc. 72–18510, appearing at page 23193, in the issue of Tuesday, October 31, 1972, in § 151.10–5(b), the formula, "fa" should be calculated as follows:

$$fa=\left[(1.25)\left(\frac{l}{L}\right)\left(\frac{2b}{B}-1\right)(h)\right] \text{ or } h,$$

Whichever is less where:

l=Trunk length (feet).
L=Overall length (feet).
b=Trunk breadth (feet).
h=Trunk height at side (feet).

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 72–EA–110]

AIR CRUISER LIFE JACKETS

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending § 39.13 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Air Cruiser Co. Model AD–8 life jackets installed on civil aircraft.

During a crew-training exercise one of the subject life jackets was inflated only to have one of the two bottles of CO_2 detach from the jacket, thereby causing its deflation. Further investigation established other defective jackets.

Since the foregoing deficiency can exist on other jackets of similar design, it is proposed to issue an airworthiness directive requiring alteration of the subject jackets. However, in view of the effect on safety equipment for aircraft, it is found that only a 15-day period of comment is practical under the circumstances.

Interested persons are invited to participate in the making of the proposed rule by submitting written data or views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 15 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

1. Amend § 39.13 of the Federal Aviation Regulations so as to add a new airworthiness directive described as follows:

AIR CRUISERS Co. Applies to all Model AD–8 life jackets manufactured on or before 15 October 1971.

Compliance required within 90 days after the effective date of this AD, unless already accomplished.

To preclude air chamber deflation from defective inflator manifold stem assemblies, accomplish alteration of the aforementioned life jackets in accordance with either:

a. Air Cruisers Co. Service Bulletin No. 112–72–1, dated 6 March 1972; or

b. Any other method approved as equivalent by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

Upon request submitted through a maintenance inspector, accompanied by substantiating data, the compliance time specified in the AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 6, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72–19479 Filed 11–13–72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72–EA–99]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of part 71 of the Federal Aviation Regulations so as to alter the Wilmington, Del., Control Zone (37 F.R. 2140) and Transition Area (37 F.R. 2306).

A review of the subject terminal airspace will require alterations so as to conform to the criteria of the Terminal Instrument Procedures (TERPs).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wilmington, Delaware, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by deleting the description of the Wilmington, Del., Control Zone and by substituting the following in lieu thereof:

WILMINGTON, DELAWARE

Within a 6-mile radius of the Center 39°-40'42" N, 75°36'27" W, of the Greater Wilmington Airport, Wilmington, Del.; within 3.5 miles each side of the New Castle, Del., VORTAC 281° radial extending from the 6-mile zone to 9.5 miles west of the VORTAC and within 3.5 miles each side of the New Castle VORTAC 114° radial extending from the 6-mile radius zone to 9.5 miles southeast of the VORTAC.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, by deleting the description of the Wilmington, Del., 700-foot floor transition area and by substituting the following in lieu thereof:

WILMINGTON, DELAWARE

That airspace extending upward from 11.5-mile radius of the center 39°40'42" N., 75°-36'27" W. of Greater Wilmington Airport, Wilmington, Del., extending clockwise from a 270° bearing to a 030° bearing from the airport; within a 10-mile radius area of the center of the airport extending clockwise from a 030° bearing to a 270° bearing from the airport; and within 3.5 miles each side of the New Castle, Del. VORTAC 281° radial extending from the VORTAC to 10.5 miles west of the VORTAC; within 3.5 miles each side of the New Castle VORTAC 114° radial extending from the VORTAC to 11 miles southeast of the VORTAC. Within a 5-mile radius of the center 39°31'00" N., 75°43'00" W. of Summit Airpark Airport, Middletown, Del., and within 3 miles each side of a 234° bearing from the Greater Wilmington, Del., ILS OM extending from the 5-mile radius area to 13 miles southwest of the OM.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 31, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-19480 Filed 11-13-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-100]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Atlantic City, N.J., Control Zone (37 F.R. 2061).

A review of the terminal area has established a need to update the control zone requirements for NAFEC Atlantic City Airport, Atlantic City, N.J.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Atlantic City, N.J., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Atlantic City, N.J., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center 39°27'22" N., 74°34'41" W. of NAFEC Atlantic City Airport, Atlantic City, N.J.; within 2 miles each side of the NAFEC Atlantic City Airport ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the Atlantic City VORTAC 303° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 1.5-mile radius of the center 39°28'27" N., 74°44'03" W. of Crescent Airport, Mays Landing, N.J.; within a 3-mile radius of the center 39°-21'35" N., 74°27'28" W. of Atlantic City Municipal-Bader Field, Atlantic City, N.J.; within 2 miles each side of the Atlantic City VORTAC 136° radial, extending from the VORTAC to the 3-mile radius zone and within 1.5 miles each side of a 283° bearing from a point 39°21'43" N., 74°27'46" W., extending from said point to 5.5 miles west.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 30, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-19481 Filed 11-13-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-104]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Buffalo, N.Y., transition area (37 F.R. 2164).

A review has indicated an additional amount of air space in the terminal area for aircraft executing instrument approaches and departures at Akron Airport, Akron, N.Y.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Buffalo, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Buffalo, N.Y., 700-foot floor transition area by inserting after "Buffalo, N.Y., VORTAC 034° radial", the following:

within a 5.5-mile radius of the center 43°01'-15" N., 78°29'08" W. of Akron Airport, Akron, N.Y.; within 2.5 miles each side of the Buffalo, N.Y., VORTAC 052° radial, extending from the 5.5-mile radius area to 17.5 miles northeast of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 30, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-19482 Filed 11-13-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-106]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Red Hook, N.Y., transition area (37 F.R. 2271).

A review of the terminal airspace has established a need to conform the present controlled airspace to the criteria of the Terminal Instrument Procedures (TERP's).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation,

Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Red Hook, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Red Hook, N.Y., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°59'12" N., 73°50'12" W., of Skypark Airport, extending clockwise from a 220° bearing to 025° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 160° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 160° bearing to a 220° bearing from the airport; and within 4.5 miles each side of the Kingston, N.Y., VORTAC 358° radial, extending from 1.5 miles north of the Kingston VORTAC to 22 miles north of the Kingston VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 30, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-19483 Filed 11-13-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-73]

TEMPORARY TRANSITION AREAS

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate temporary 700-foot transition areas at Longhorn, Hico, Camp Bowie, and Lanham, Tex., for the period January 15, 1973, to February 16, 1973.

Interested persons may submit such written data, views, or arguments, as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments, presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following temporary transition areas are added:

LONGHORN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Longhorn temporary nondirectional radio beacon (latitude 31°22'20" N., longitude 97°40'00" W.).

HICO, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hico temporary Army helipad (latitude 31°59'12" N., longitude 97°55'45" W.).

CAMP BOWIE, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Camp Bowie temporary Army helipad (latitude 31°33'37" N., longitude 98°46'15" W.).

LANHAM, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lanham temporary Army helipad (latitude 31°46'10" N., longitude 97°56'12" W.).

The proposed temporary transition areas will provide controlled airspace for helicopters executing approach/departure procedures proposed at associated helipads during an Army exercise to be conducted during the period January 15 through February 16, 1973.

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

Issued in Fort Worth, Tex., on November 3, 1972.

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

[FR Doc.72-19484 Filed 11-13-72;8:46 am]

Highway Safety Program Standards

[23 CFR Part 230]

[Docket No. 72-29]

PROGRAM STANDARDS

Applicability to Federally Administered Areas; Request for Comments; Correction

In F.R. Doc. 72-18172 appearing at page 22876-7 of the issue for Thursday, October 26, 1972, the proposed effective date, appearing on lines 6 and 7 of the last paragraph of the preamble, should read "February 15, 1973."

JAMES L. FOLEY, JR.,
Director, Office of Highway Safety, Federal Highway Administration.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs, National Highway Traffic Safety Administration.

[FR Doc.72-19486 Filed 11-13-72;8:46 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 561]

[No. 72-1265]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

"Scheduled Items"

OCTOBER 31, 1972.

Section 561.15(d)(1) of the rules and regulations for Insurance of Accounts requires that certain loans and sales contracts be included in "scheduled items" during the period that such loans or contracts have unexpired maturity periods exceeding the maturity limitations permitted under otherwise applicable lending regulations, or, in the absence of such limitations, in excess of 30 years. The Board now considers it advisable to propose an exception to this requirement. Also, the Board proposes to add a parenthetical phrase in § 561.15(d)(2)(iii) providing that "all contractually required payments" shall include payments for insurance and taxes, whether or not in escrow. Accordingly, it is hereby proposed to amend said § 561.15 by revising subparagraph (1) and subdivision (iii) of subparagraph (2) of paragraph (d) thereof to read as set forth below.

In substance, the exception proposed to be added in § 561.15(d)(1) would provide that only 20 percent of any such loan or contract will be included in

"scheduled items" so long as the following requirements are met:

1. The real estate securing the loan or contract is residential estate;

2. The loan or contract requires monthly amortization of principal and interest;

3. All required payments on such loan or contract have been made for at least the immediately preceding 5 years without a delay of more than 30 days in the making of any one of the last 12 of such payments;

4. The remaining term of such loan or contract does not exceed 35 years; and

5. The insured institution has certain certifications regarding the trend of the value of the real estate securing such loan or contract.

If 80 percent of such a loan or contract has been excluded from "scheduled items" and thereafter any contractually required payment thereon is not made when due or within 30 days after such due date, all of such loan or contract will again become a "scheduled item" for a minimum period of at least 1 year even if the "missed" payment is subsequently "caught-up". Also new certifications of value would be required.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by December 11, 1972, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 561.15 Scheduled items.

The term "scheduled items" means:

* * * * *

(d) Loans secured by, and contracts for the sale of, real estate described in paragraph (c) of this section and real estate previously owned or held by an insured institution for development or investment purposes (other than insured loans, guaranteed loans, or contracts or loans having the benefit of a guaranty by the Federal Savings and Loan Insurance Corporation) during the period that such loans or contracts—

(1) Have remaining periods to the expiration of their terms in excess of the maximum terms permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitations, in excess of 30 years; except that only 20 percent of the unpaid principal balance of any such loan or contract will be included in "scheduled items" if all of the following requirements are met:

(i) The real estate securing the loan or sold under the contract is residential real estate (as defined in § 563.9–1(d)(2) of this subchapter);

(ii) The loan or contract requires equal, or substantially equal, regular monthly payments which include both principal and interest, sufficient to amortize the entire debt, principal and interest, within the term of the loan or contract;

(iii) All contractually required payments (including payments for insurance and taxes, whether or not in escrow) have been made for a continuous period of 60 months without a delay of more than 30 days in the making of any one of the last 12 of such payments;

(iv) The loan or contract has a remaining term of not more than 35 years; and

(v) An officer of the insured institution owning such loan or contract and an appraiser who meets the requirements of paragraph (a) of § 563.10 of this subchapter have certified (as of the time such loan or contract last became eligible for this exceptional treatment) to the effect that (*a*) the real estate securing the loan or sold under the contract has an economic life commensurate with the remaining term of such loan or contract and has a current value in an amount sufficient to protect such insured institution against loss on such loan or contract if the borrower or purchaser ceases to make payments on such loan or contract and (*b*) the value of the real estate securing the loan or sold under the contract has not decreased during the immediately preceding 3-year period of time and the expected trend is not downward; or

(2) Have unpaid principal balances in excess of the maximum amounts permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitatons, in excess of 90 percent of the value of the real estate securing such loans or sold under such contracts; except that only 20 percent of the unpaid principal balance of any such loan or contract will be included in "scheduled items" if all of the following requirements are met:

* * * * *

(iii) All contractually required payments (including payments for insurance and taxes, whether or not in escrow) have been made for a continuous period of 36 months without a delay of more than 30 days in the making of any one of the last 12 of such payments.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.72-19515 Filed 11-13-72;8:48 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-458]

UNECONOMIC PRODUCTION DUE TO CERTAIN FACTORS

Rate Review Applications

NOVEMBER 8, 1972.

1. Pursuant to 5 U.S.C. 551, et seq. Supp. V, (1967) and sections 4, 5, 7, 8, 15, and 16 of the Natural Gas Act (52 Stat. 822, 823, 824, 825, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717n, 717o), the Commission gives notice that it will consider adopting a policy providing for examination of applications by independent producers for special relief from area rates with respect to sales of natural gas from reservoirs where reduced pressures, the need for reconditioning the producing wells or for deeper drilling in the producing reservoirs make further production uneconomic at existing prices.

2. Abandonment for economic reasons results from a depletion of gas reserves in a reservoir with an attendant diminution in wellhead pressure. The gas must be compressed from the wellhead pressure to the pressure of the purchasing pipeline's transmission line. The producer or the pipeline company must decide whether the price obtainable for the gas will justify the installation of costly compressors. Further, abandonment may result from a need to expend moneys for reconditioning of producing wells or to drill deeper wells to maintain production. Alternatively, the reservoirs may be abandoned or the gas sold locally at wellhead pressure after the producer has obtained abandonment authorization pursuant to section 7(b) of the Natural Gas Act.

3. In these situations a producer may require a price in excess of the area rate to justify the installation of the necessary compression equipment, the reconditioning of the producing wells, or the drilling into deeper horizons. The amount of gas that might be anticipated under a favorable pricing policy with respect to these sales is not readily calculable on the basis of information available to us at the present time, nor is the price level which would warrant further production readily ascertainable, as this price would vary from reservoir to reservoir.

4. We will consider applications for special relief with respect to existing producer sales for contractually authorized rate increases above the applicable area ceiling rate, Permian Basin Area Rate Proceeding, 34 FPC 159 at 225 et seq. Our purpose here is to emphasize that producers who have been selling gas from wells where reduced pressures, the need for reconditioning, or deeper drilling

make further production uneconomic at the applicable area rate, in lieu of seeking abandonment authorization under section 7(b) of the Act, may apply for special relief.

5. We are hereby proposing to amend our general rules of practice and procedure to insert § 2.76 in Part 2, General Policy and Interpretations, Subchapter A, Chapter 1, Title 18 of the Code of Federal Regulations.

6. The new § 2.76 would read as follows:

§ 2.76 Policy with respect to sales where reduced pressures, need for reconditioning or deeper drilling make further production uneconomic at existing prices.

(a) With respect to reservoirs where reduced pressures, need for reconditioning of the wells or deeper drilling make further production uneconomic at existing rates, it will be the general policy of the Commission, in order to promote the optimum recovery of gas reserves, to accept for consideration applications by independent producers seeking special relief in the form of contractually authorized rate increases, or rate increases where the contract term has expired, in excess of the applicable area ceiling rate.

(b) Applicants shall establish the economic justification for their request, including, where appropriate, information on additional costs, and the amount of gas to be recovered and sold to the interstate market for sales that would otherwise be abandoned.

7. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 27, 1972, views, comments, or suggestions in writing, concerning all or part of the procedures proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before action on the matters proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the matters involved herein. The staff, in its discretion, may grant or deny requests for conference.

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

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19493 Filed 11-13-72;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 721]

INCIDENTAL POWERS

Insurance Activities

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766 is considering a revision of § 721.1(j) (12 CFR 721.1(j)) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulation to the Administrator, National Credit Union Administration, Washington, D.C. 20456, to be received not later than December 18, 1972.

Dated: November 7, 1972.

HERMAN NICKERSON, Jr.,
Administrator.

1. Paragraph (j) of § 721.1 (12 CFR 721.1(j)) is revised by adding at the end thereof the following sentence:

§ 721.1 Insurance activities.

* * * * * *

(j) * * * Notwithstanding the foregoing, in those States where a licensed agent is required in order to engage in activities authorized in this section, an employee of the particular credit union concerned may act in such an agency capacity, *Provided,* That neither the employee nor the credit union may receive any remuneration for transactions performed pursuant to such an agency, *And provided further,* That the activities conducted pursuant to such an agency shall be limited to those activities otherwise permitted by this section.

* * * * * *

[FR Doc.72-19526 Filed 11-13-72;8:49 am]

Notices

DEPARTMENT OF AGRICULTURE

Forest Service

IDAHO; HERBICIDE CONTROL OF SAGEBRUSH AND WYETHIA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Herbicide Control of Sagebrush and Wyethia in Idaho, USDA-FS-DES(Adm), 73–29.

The environmental statement applies to National Forest and National Grassland area administered by the Intermountain Region, Forest Service, USDA in Idaho. It covers the practice of applying the herbicide 2,4-dichorophenoxyacetic acid of approximately 15,000 acres each year, of land covered by dense stands of sagebrush and wyethia.

This draft environmental statement was filed with CEQ on October 27, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 14th Street and Independence Avenue SW., Washington, DC 20250.
USDA, Forest Service, 1075 Park Bouvelard, Boise, ID 83706.
USDA, Forest Service, Federal Building, Room 5002, 324 25th Street, Ogden, UT 84401.
USDA, Forest Service, Post Office Box 1026, McCall, ID 83638.
USDA, Forest Service, 1525 Addison Avenue, East, Twin Falls, ID 83301.
USDA, Forest Service, 429 South Main Street, Logan, UT 84321.
USDA, Forest Service, Forest Service Building, Challis, ID 83226.
USDA, Forest Service, 420 North Bridge Street, St. Anthony, ID 83445.
USDA, Forest Service, 427 North Sixth Avenue, Pocatello, ID 83201.
USDA, Forest Service, Forest Service Building, Salmon, ID 83467.

A limited number of copies are available upon request to Vern Hamre, Regional Forester, USDA, Forest Service, Federal Building, 324 25th Street, Ogden, UT 84401.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to name and number of the statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies outlined in the Council of Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and request for additional information should be addressed to Vern Hamre, Regional Forester, Federal Building, 324 25th Street, Ogden, UT 84401. Comments must be received within 30 days in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

NOVEMBER 8, 1972.

[FR Doc.72–19547 Filed 11–13–72;8:51 am]

Rural Electrification Administration

CENTRAL IOWA POWER COOPERATIVE

Availability of Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Central Iowa Power Cooperative of Marion, Iowa. This loan application, together with funds from other sources, includes financing for the installation of one 30 MW gas turbine and waste heat boiler at Creston in Union County, Iowa.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 7th day of November 1972.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.72–19548 Filed 11–13–72;8:51 am]

SOUTHERN ILLINOIS POWER COOPERATIVE

Availability of Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a final environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Southern Illinois Power Cooperative of Marion, Ill. This application requests REA loan funds for the purchase and installation of electrostatic precipitators for each of the three existing 33 MW generation units at the Marion plant.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The final environmental statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 8th day of November 1972.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.72–19505 Filed 11–13–72;8:47 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

CITY HOSPITAL CENTER, ELMHURST, AND UNIVERSITY OF KENTUCKY

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00632-33-46040. Applicant: City Hospital Center at Elmhurst, 79-01 Broadway, Elmhurst, NY 11373. Article: Electron Microscope, Model HS-8 Mark II. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used to study the complicated and chronic changes involved in human renal diseases using a newly developed technique in which lanthium hydroxide is injected on a tracer. In addition, protein-labeled antibodies have been obtained and will be used as an adjunct to these studies. The study of human placental membranes especially in toxemia of pregnancy using a recently developed technique for isolating placental basement membrane will also be carried out. The isolation techniques will also be used to obtain antibodies in experimental animals and to determine the possible role of immunological mechanisms in placental disease. The article will also be used for the instruction of electron microscopy techniques to residents, educational fellows, medical and premedical students. Application received by Commissioner of Customs: June 16, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 20, 1972.

Docket No. 72-00640-33-46040. Applicant: University of Kentucky, Department of Pathology, MS-305. Medical Science Building, Lexington, Ky. 40506. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research and diagnostic work to be conducted in the following areas: (a) Metabolic disorders, (b) renal pathology with particular study of specimens from glomerulonephrities and renal transplantation, (c) neuropathology material, including brain, peripheral nerve, and skeletal muscle, including the study of degenerative disorders and aging related processes, (d) study of premalignant and malignant lesions of the female genital organs. The article will also be used in the teaching and training of technicians, students, residents, postdoctoral fellows, and senior staff in electron microscopy. Application received by Commissioner of Customs: June 26, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 20, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgflo Model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-19509 Filed 11-13-72;8:47 am]

EMORY UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00641-00-46040. Applicant: Emory University, Purchasing Department, Atlanta, Ga. 30322. Article: Electromagnetic Shutter with Exposure Meter. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles are accessories to an existing electron microscope being used in various biomedical research projects including: (1) Ultrastructural evaluation of tumors of nonhuman primates; (2) electron microscopy of muscle and blood specimens of primates to be used in space flight studies; (3) evaluation of liver biopsy specimens from primates receiving alcohol; (4) characterization of the ultrastructural features of the central nervous system tissues of normal primates and following induced lesions; and (5) ultrastructural evaluation of spontaneous virus diseases of primates or diseases suspected of being caused by virus infections.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-19510 Filed 11-13-72;8:48 am]

OAK RIDGE ASSOCIATED UNIVERSITIES

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892, et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, DC.

Docket No. 72-00628-33-46040. Applicant: Oak Ridge Associated Universities, Post Office Box 117, Oak Ridge, TN 37380. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to examine the fine structure and isolated molecular components of normal and malignant human and experimental animal tissues. The experiments to be conducted include studies on the cellular and subcellular localization of the tumor-localizing radionuclide ^{67}Ga using high-resolution autoradiography on tissue sections and on isolated cellular components; similar materials in experimental animals after wholebody acute and chronic x-irradiation to determine the effect of x-irradiation on the ability of cells and and their molecular components to concentrate or localize ^{67}Ga.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 20, 1972, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–19511 Filed 11–13–72;8:48 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, DC.

Docket No. 73–00001–00–46040. Applicant: UCLA, Department of Zoology, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Anticontamination cold finger. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is a compatible accessory to be used with an existing electron microscope in the study of neuronmuscular junctions of biological materials.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–19513 Filed 11–13–72;8:48 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00472–75–14200. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Image analyzing computer, Model 720. Manufacturer: Metals Research Ltd., United Kingdom. Intended use of article: The article will be used to study radioactive ceramic materials containing Pu^{238} being used or being considered for use as fuels in SNAP generators. The particle sizes and size distributions contained in samples of these materials will be studied. Solid samples will be exposed to various mechanical and thermal environments and the fine particles formed during the exposures will be counted and sized.

Comments: Comments dated July 8, 1971, were received from Bausch and Lomb, Inc. (B&L) which allege inter alia, "It is apparent that our Quantitative Metallurgical System, Model QMS, is of scientific equivalence to the requested foreign product [the foreign article]."

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 26, 1970).

Reasons: This application is a resubmission of Docket No. 71–00230–65–14200 which was denied without prejudice to resubmission on March 8, 1971, due to informational deficiencies. As to the captioned application, the National Bureau of Standards (NBS) advises in its memorandum dated April 18, 1972, that the capability of analyzing photographs is pertinent within the meaning of Section 701.2(n) of the regulations to minimizing radiation contamination in the applicant's analysis of radioactive materials. B&L, in its comments relating to the captioned application, as well as those of January 25, 1971, relating to the applicant's prior application, states that its Model QMS can be equipped with a "Macro Facilities" accessory which has the capability of analyzing photographs. Neither of B&L's comments, however, contain documentation indicating when this accessory became available. In fact, the first printed reference which B&L has provided the Department of Commerce wherein the Marco Facility accessory is offered for sale is dated October 1971. In correspondence with B&L officials dated August 11, 1972, it was noted that "Based on the information enclosed with your letter of August 3, we [Commerce] would have to assume the * * * macro facility * * * [was] available in October 1971 * * *. In the absence of such evidence [documentation which verifies the availability of the accessory prior to October 1971] we must rely upon our evaluation of the best information we have at our disposal." B&L failed to respond to this letter with documentation supporting a date of availability prior to October 1971. Furthermore, the applicant alleged in the captioned application and the prior application that B&L was sent a formal invitation to bid, neither of which was responded to. In its comments on both applications, B&L did not refute this allegation. Finally, NBS advises "It is our understanding that Bausch & Lomb did not offer the Macro Facilities accessory as of the foreign article's order date of May 26, 1970." Accordingly, we find that B&L's QMS was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the foreign article was ordered because the Macro Facility accessory was unavailable at the time the foreign article was ordered (May 26, 1970).

The Department of Commerce knows of no other instrument or apparatus of equivalent scientfic value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–19512 Filed 11–13–72;8:48 am]

VETERANS' ADMINISTRATION RESEARCH HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and

the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00639-33-46040. Applicant: Veterans' Administration Research Hospital, 333 East Huron Street, Chicago, IL 60611. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for monitoring purity, cytochemical and ultrastructural studies and autoradiography wherever required in various research projects including:

(1) Subcellular fractions of brain nuclei and nervous tissues,

(2) Kidney and liver lysosomes,

(3) Brain subcellular fractions,

(4) Neurosecretory granule fractions from beef pituitary,

(5) Storage granules of beef adenohypophysins,

(6) Chromaffin and zymogen granule fractions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 20, 1972, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-19514 Filed 11-13-72;8:48 am]

Maritime Administration

CONSTRUCTION OF LIQUEFIED NATURAL GAS (LNG) VESSELS

Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of 125,000 cubic meter liquefied natural gas (LNG) vessels with spherical tank system of the Chicago Bridge and Iron Co. design.

Any person, firm, or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on November 30, 1972, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Dated: November 10, 1972.

By order of the Maritime Subsidy Board, Maritime Administration.

AARON SILVERMAN,
Acting Secretary.

[FR Doc.72-19648 Filed 11-13-72;8:53 am]

[Docket No. S-307]

EAGLE TERMINAL TANKERS, INC. AND SEA TRANSPORT CORP.

Notice of Multiple Applications

Notice is hereby given that the following corporations have filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and the trades in which each proposes to engage are presented also.

Operator's name and address	Type of ship	Name of ship
Eagle Terminal Tankers, Inc., 250 Park Ave., New York, NY 10017.	Tanker	SS Eagle Charger.
	do	SS Eagle Leader.
	do	SS Eagle Courier.
	do	SS Eagle Transporter.
Sea Transport Corp., 250 Park Ave., New York, NY 10017.	do	SS Eagle Traveler.
	do	SS Eagle Voyager.

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on October 21, 1972 (37 F.R. 22747).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before November 20, 1972, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to any application(s), the purpose of such hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the U.S. which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

By order of the Maritime Subsidy Board.

Dated: November 10, 1972.

AARON SILVERMAN,
Acting Secretary.

[FR Doc.72-19644 Filed 11-13-72;8:53 am]

[Docket No. S-304]

EAGLE TERMINAL TANKERS, INC. AND SEA TRANSPORT CORP.

Notice of Multiple Applications

Notice is hereby given that applications have been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed applicants, and/or related persons or firms, employ ships in the domestic, intercoastal, or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicants have requested permission involving the domestic, intercoastal, or coastwide services described below:

Name of applicants:

Sea Transport Corp. (Sea Trans.)
Eagle Terminal Tankers, Inc. (Eagle)

Description of domestic service and vessels: The applicants, Sea Trans. and Eagle, affiliates of one another and of the owning company listed hereafter, have each requested written permission for the continuance of domestic, intercoastal, and coastwise service for the following vessels owned by each of the affiliates:

Ship:	Owner
Eagle Charger	Eagle.
Eagle Leader	Eagle.
Eagle Courier	Eagle.
Eagle Transporter	Eagle.
Eagle Traveler	Sea Trans.
Eagle Voyager	Sea Trans.
Nashbulk	Nashbulk, Inc.

Written permission is now required by the applicants (Sea Trans. and Eagle) notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect these applications in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on November 20, 1972, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., November 22, 1972, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: November 10, 1972.

AARON SILVERMAN,
Acting Secretary.

[FR Doc.72-19647 Filed 11-13-72;8:53 am]

[Docket No. S-305]

FREIGHTERS INC. ET AL.

Notice of Multiple Applications

Notice is hereby given that applications have been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed applicants, and/or related persons or firms, employ ships in the domestic, intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicants have requested permission involving the domestic, intercoastal, or coastwise services described below:

Name of applicant: Freighters, Inc. (Freighters).

Description of domestic service and vessels: The applicant, Freighters, owns and operates the SS *American Wheat*, which vessel has from time to time tramped in the U.S. coastwise trade, particularly in the carriage of bulk sugar from the State of Hawaii to the U.S. Gulf, and has requested written permission to continue domestic coastwise service for that vessel.

Written permission is now required by the applicant. Freighters, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Name of applicant: American Rice Steamship Co. (Rice).

Description of domestic service and vessels: The same as for Freighters inasmuch as Freighters is the parent of Rice.

Written permission is required by this applicant (Rice) as a related company to Freighters.

Name of applicant: Mathiasen's Tanker Industries, Inc. (Mathiasen's).

Description of domestic service and vessels: The applicant, Mathiasen's, owns or charters a total of five vessels which are eligible to participate in domestic, coastwise, and intercoastal trades. These vessels are operated in tramp services. The applicant has requested written permission for the continuance of such domestic, coastwise, and intercoastal service for the following vessels owned or bareboat chartered by Mathiasen's:

Prairie Grove	Owned.
Tampico	Owned.
Joseph D. Potts	Bareboat chartered.
Sohio Intrepid	Bareboat chartered.
Sohio Resolute	Bareboat chartered.

Written permission is now required by the applicant, Mathiasen's, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessels carried domestic commerce of the United States on that voyage.

Interested parties may inspect these applications in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on November 20, 1972, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., November 22, 1972, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the

hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: November 10, 1972.

AARON SILVERMAN,
Acting Secretary.

[FR Doc.72-19646 Filed 11-13-72;8:53 am]

[Docket No. S-306]

TEXAS CITY TANKERS CORP.

Notice of Applications

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S.-foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed applicant, and/or related persons or firms, employ ships in the domestic, intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicant has requested permission involving the domestic, intercoastal or coastwise services described below:

Name of applicant: Texas City Tankers Corp. (Texas City).

Description of domestic service and vessels: The applicant, Texas City, bareboat charters and operates a number of vessels, including those owned by affiliates and listed hereafter, which vessels have operated in U.S. domestic services and have requested written approval to continue to operate Texas City bareboat chartered vessels in domestic coastwise and/or intercoastal (including Alaska, Hawaii, and Puerto Rico) service with free interchange between trades.

SHIP

V. A. Fogg (ex-Four Lakes).
William T. Steele (ex-The Cabins).
William J. Fields (ex-Thalia).

Written permission is now required by the applicant, Texas City, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessels carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on November 20, 1972, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene, which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., November 22, 1972, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235. The purpose of the hearing will be to receive evidence under section 805(e) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation, operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: November 10, 1972.

AARON SILVERMAN,
Acting Secretary.

[FR Doc.72-19645 Filed 11-13-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

BUREAU OF EQUAL EDUCATIONAL OPPORTUNITY

Organization; Delegation of Authority

Statement of Organization, Functions, and Delegations of Authority, Part 2 (Office of Education) section 2-B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is amended as described below.

The statement under the heading Office of the Deputy Commissioner for School Systems is amended by addition of the following:

BUREAU OF EQUAL EDUCATIONAL OPPORTUNITY

The Bureau of Equal Educational Opportunity is responsible for administering programs of financial and technical assistance to assist school districts to meet special needs incident to the elimination of racial segregation and discrimination, and technical assistance in the development, adoption and implementation of plans for the desegregation of public schools. Local education agencies and certain supporting organizations are eligible for such assistance, which is delivered primarily through the 10 U.S. Office of Education regional offices.

Division of Program Development. Responsible for the initiation, coordination, and renewal of program strategies; the identification and reporting of specific program accomplishments; and the development and implementation of administrative guidelines, management models, operational plans, and training manuals.

Division of Program Operations. Responsible for supporting and facilitating the operations of regional Equal Educational Opportunity Offices including problem-solving action as necessary and directly administering certain specified program activities which are national in scope, limited in number, and/or highly specialized.

The Statement under the heading Office of the Deputy Commissioner for School Systems, Bureau of Elementary and Secondary Education, is amended by deletion of the Division of Equal Educational Opportunities.

Dated: November 3, 1972.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.72-19535 Filed 11-13-72;8:50 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the next meeting of the National Advisory Council on Vocational Education will be held on November 16, 1972, from 9 a.m. to 4:30 p.m. local time, in the Federal Room of the Statler-Hilton Hotel, 16th and K Streets NW., Washington, D.C. The National Advisory Council on Vocational Education will hold a joint meeting with the State Advisory Councils on Vocational Education on November 17, 1972, from 9 a.m. to 5 p.m. local time and on November 18, 1972, from 8:30 a.m. to 2 p.m. local time, in the Congressional Room and other meeting rooms of the Statler-Hilton Hotel, 16th and K Streets NW., Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under the act; review

the administration and operation of vocational education programs under the act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

November 16: Report of Executive Director. Discussion: Review of National Council Priorities. Report on Social Security Act, Titles II and IVA. Committee Reports.

November 17: Report on National Council Activities. Talk by William Pierce. Talk by Congressman Albert Quie. Discussion: Impact of Title X of Education Amendments of 1972. Discussion: Infusion of Occupational Education into the Elementary and Secondary School.

November 18: Talk by John Ottina, Acting Commissioner, USOE. Discussion: Guidance and Counseling. Discussion: Vocational Education for the Handicapped and Disadvantaged. Talk by Thomas Glennan, Director, NIE.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 852, 425 13th Street NW., Washington, DC. 20004.

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

CALVIN DELLEFIELD,
Executive Director.

[FR Doc. 72-19496 Filed 11-13-72;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-72-126]

COMPLAINT PROCEDURES

Notice of Public Meeting

Notice is hereby given of a public meeting on Monday, December 4, 1972, from 9:30 a.m. to 12 noon and 1 p.m. to 5 p.m., Conference Room 10233, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC.

The Department of Housing and Urban Development is reviewing its current procedures for handling complaints of citizens with respect to its programs and activities and is considering the adoption of additional procedures. The purposes of the meeting are to inform the public about departmental complaint procedures and to give all interested persons an opportunity to express their views concerning the adequacy of existing complaint procedures and the advisability of adopting additional procedures. The public is advised that individual complaints cannot be considered at the meeting.

The presentation of comments at the meeting will be subject to the following qualifications:

1. Priority will be given to persons who submit a written request for a place on the agenda (addressed to the person stated below), received on or before November 29, 1972.

2. Oral statements will be limited to 5 minutes; written statements of any reasonable length will be accepted for the record.

A transcript of the meeting will be made and will be available for public inspection or purchase within a reasonable time following the meeting.

A summary of existing complaint procedures and other information pertaining to the meeting may be obtained from:

James H. Gross, Department of Housing and Urban Development, Room 10222, Washington, D.C. 20410, 202—755-7158.

In addition, copies of existing complaint procedures will be available for examination in the Program Information Center, Room 1202, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC.

Interested persons who cannot attend the meeting are invited to participate by submitting written data, views, or comments on or before December 15, 1972, to the person named above. All such written statements will be made part of the record of the meeting.

Dated: November 9, 1972.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72-19553 Filed 11-13-72;8:53 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 71-SO-3]

REVIEW AND DETERMINATION OF HAZARD TO AIR NAVIGATION

Notice of Review of Determinations

The Federal Aviation Administration was notified by FAA Form 7460-1, Notice of Proposed Construction or Alteration, dated July 29, 1971, that WSUN, Inc., St. Petersburg, Fla., proposed the construction of a guyed television antenna tower 1,500 feet above ground level (AGL), 1,525 feet above mean sea level (AMSL). The proposed structure would be located near Parrish, Fla., at latitude 27°33'37" north, longitude 82°-21'54" west.

The FAA Southern Region, Atlanta, Ga., conducted an aeronautical study in accordance with Part 77 of the Federal Aviation Regulations. The aeronautical study was concluded on November 9, 1971, with the issuance of a Determination of No Hazard to Air Navigation (71-SO-798-OE).

The Administrator was petitioned for a review of the determination by the Air Line Pilots Association, the city of Lakeland, Fla., and the State of Florida, Department of Transportation. By notice issued January 18, 1972, the review was granted.

Responses to the notice granting a review were filed by the construction sponsor, individual pilots, and representatives for the Air Line Pilots Association, Sarasota-Bradenton Airport, Birdsong Tampa Downs Airport, Vandenberg Airport, Florida Flying Farmers, Inc., Florida Yankee, Inc., and the State of Florida, Department of Transportation.

The record shows that during the aeronautical study, the FAA Southern Regional Office circularized a notice concerning the proposal. Copies of the notice were sent to known interested persons inviting comment with respect to the effect the tower would have on aeronautical operations, procedures, and minimum flight altitudes. Nevertheless, many objections have been raised during the review that were not raised at the regional level.

Examination of the file, developed during the region's aeronautical study, revealed that objections received were aimed largely at the adverse effect the proposed tower would have on operations conducted in accordance with instrument flight rules. The objections pertaining to the effect on visual flight rules operations were general in nature with only one response containing supporting material. With respect to VFR operations, the study disclosed that the tower would be within 2 miles of a direct route between Sarasota and Lakeland. A survey conducted by the Sarasota Flight Service Station found an average of 14 flights daily along the route. It was concluded, however, that the proposed tower would not significantly add to the burden on the pilot since sufficient altitude or lateral clearance would be necessary in order to avoid an existing 1,549-foot AMSL tower located near the route.

The material received in response to the grant of review, contrary to that submitted during the regional study, focused on the effect the tower would have on visual flight rules operations. As a result, a much broader picture of the VFR operations in the Parrish, Fla., area was presented than was available in the aeronautical study. The overall picture of the traffic presented pertaining to the tower site was that it would be on a heavily traveled route between Sarasota and Lakeland but, of equal importance, as being in the primary corridor for local and transient aircraft operating north-south in the western part of the Florida peninsula. Pilots, airport operators, and other aviation interests reported that north-south VFR operations are channeled into this area because of the

swamps on the east and the coastline with its congested areas and numerous large airports on the west.

In further support of the frequent use of the area, it was reported that at a spring meeting of the Florida Suncoast 99's, held at the Hidden River Airport, eight of the nine aircraft arriving passed the site of the proposed tower. Another pilot reported that he flew through the area weekly at an altitude of 1,000 to 1,500 feet. It was also reported that the 14 daily flights between Sarasota and Lakeland, disclosed in the aeronautical study, would actually be substantially larger as most pilots do not file flight plans for such flights. The opposition to the proposed tower location also results from its placing tall towers on both sides of the heavily traveled Sarasota-Lakeland route.

Local operators also reported that to avoid intermixing with the heavy commercial and military traffic, the VFR pilots found it advantageous to fly at the lower altitudes. That the lower altitudes are used in the area was attested to by the President of the Florida Flying Farmers, Inc., who stated that the tower would project into the north-south corridor and that aircraft operate in the corridor at altitudes of 1,000 and 2,000 feet.

It was also maintained that local pilot training is conducted in the corridor for the same reason that transient aircraft prefer to operate there. It is conceded that flight training may be conducted north or south of the proposed tower site, but that the tower would be in the heart of the corridor and would have a substantial adverse effect on that activity.

Finally, the weather and terrain were introduced as important factors to be considered in evaluating the effect of such a structure on VFR operations. It was said that the character of the terrain in the area of concern and on the Florida peninsula favors low altitude flight operations. In conjunction with the flat terrain the cloud formations throughout the year also influence and, to a large extent, require aircraft operating in accordance with VFR to fly at low altitudes where they are most affected by tall guyed towers.

With respect to IFR operations, the review disclosed that the increase from 1,600 to 2,500 feet in the procedure turn altitude for SIAP VOR runway 22, Sarasota-Bradenton Airport, would not increase the minimum descent altitude. Further, the increase from 2,000 feet to 2,500 feet in the minimum en route altitude between South Bay and Gibson Intersections on VOR Federal Airway 97–492 and the increase in the radar vectoring altitude from 1,700 to 2,500 MSL within 3 nautical miles of the structure would not compromise the flexibility of air traffic control. Therefore, it was found that the structure would not have a substantial adverse effect on IFR operations. As for the proposed regional airport, there were no plans on file with the FAA at the time the notice of proposed construction was filed. Accordingly, the airport was not subject to consideration in the review.

In summary, we find that the material received in response to the grant of review provided more adequate evidence concerning the nature of the area around the proposed tower with respect to VFR operations than was available in the regional consideration. The review disclosed that a substantial number of VFR operations are routinely conducted in the area, that these flights operate at altitudes that would be adversely affected by construction of the proposed tower and that there would be no positive means of circumnavigating the tower.

Based on the review, it is the finding of the FAA that the proposed television tower, because of its adverse effect on VFR operations, would have a substantial adverse effect upon the safe and efficient use of the navigable airspace. Therefore, pursuant to the authority delegated to me by the Administrator (30 F.R. 13023), the regional determination of no hazard (71–SO–798–OE) is hereby reversed, and a final Determination of Hazard to Air Navigation is hereby entered in accordance with § 77.37 of the Federal Aviation Regulations, with respect to the proposal by WSUN, Inc., to construct a television tower to a height 1,500 feet AGL (1,525 feet AMSL), at latitude 27°33'37" north, longitude 82°21'54" west.

Issued in Washington, D.C., on November 1, 1972.

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service.

[FR Doc.72–19485 Filed 11–13–72;8:46 am]

National Transportation Safety Board

[Docket No. SS–R–22]

AIRCRAFT ACCIDENT AT CHICAGO, ILL.

Notice of Designation of Chairman of Board of Inquiry and Notice of Investigation Hearing

In the matter of the investigation of the collision of the Illinois Central Gulf Railroad Passenger Trains Nos. 416 and 720, at Chicago, Ill., on October 30, 1972.

Pursuant to the authority conferred by the National Transportation Safety Board, Washington, D.C., Board Chairman John H. Reed is designated as Chairman, Board of Inquiry, to conduct a public hearing on behalf of the National Transportation Safety Board. The public hearing on the above matter will be held commencing at 9 a.m., c.s.t., on Monday, December 4, 1972, in the Illinois Room of the La Salle Hotel, 10 North La Salle Street, Chicago, Ill. The said Chairman of the Board of Inquiry is authorized to exercise such powers in connection with the conduct of such proceedings as authorized by the National Transportation Safety Board.

Dated this 6th day of November 1972.

For the Board.

JOHN H. REED,
Chairman.

[FR Doc.72–19497 Filed 11–13–72;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–390, 50–391]

TENNESSEE VALLEY AUTHORITY

Order Changing Date of Evidentiary Hearing

In the matter of Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2).

Notice is hereby given that the evidentiary hearing on this matter, which was originally scheduled to be held on November 29, 1972, has been changed and is now scheduled to commence at 10 a.m. local time, on November 20, 1972, in the Rhea County Courthouse, Dayton, Tenn. 37321, and will continue until completed.

The first portion of the evidentiary hearing will concern itself with the environmental issue, then to be directly followed by the radiation and safety issue concerned in the subject application. This combination of the two issues into one continuous hearing is consistent with the intention and agreement of the parties as expressed at the prehearing conference held in this matter on November 6, 1972.

All members of the public are entitled to attend the hearing. All parties who have requested the opportunity to present limited appearances will be permitted to do so as early as practicable on the first day of the scheduled hearing session.

It is so ordered.

Issued at Washington, D.C., this 9th day of November 1972.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.72–19577 Filed 11–13–72;8:53 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN GHANA

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 10, 1972.

On September 13, 1972, the U.S. Government requested the Government of Ghana to enter into consultations under Articles 3 and 6(c) of the Long-Term Arrangement Regarding International Trade in Cotten Textiles done at Geneva on February 9, 1962, concerning exports to the United States of cotton textile

products in Category 22 produced or manufactured in Ghana. Public notice of this request was published in the FEDERAL REGISTER on September 23, 1972 (37 F.R. 20050). Since no solution has been mutually agreed upon, the U.S. Government, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Articles 3 and 6(c), which relate to nonparticipants, is establishing a restraint at the requested level of 440,000 square yards for the period beginning September 13, 1972, and extending through September 12, 1973. This restraint does not apply to cotton textile products in Category 22, produced or manufactured in Ghana and exported to the United States prior to September 13, 1972.

There is published below a letter of November 10, 1972, from the chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amount of cotton textile products in Category 22, produced or manufactured in Ghana, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning September 13, 1972, be limited to 440,000 square yards.

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

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

NOVEMBER 10, 1972.

DEAR MR. COMMISSIONER: Under the terms of the long-term arrangement regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning September 13, 1972, and extending through September 12, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 22, produced or manufactured in Ghana, in excess of a level of restraint for the period of 440,000 square yards.[1]

Entries of cotton textile products in Category 22, produced or manufactured in Ghana and which have been exported to the United States from Ghana prior to September 13, 1972, shall not be subject to this directive.

Cotton textile products in Category 22 which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 22 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 F.R. 8802).

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

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

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

[FR Doc.72-19594 Filed 11-13-72;8:53 am]

[1] This level has not been adjusted to reflect any entries made on or after September 13, 1972.

FEDERAL COMMUNICATIONS COMMISSION

ANSWERING DEVICES; ADVISORY SUBCOMMITTEE

Notice of Public Meeting

NOVEMBER 2, 1972.

In accordance with Executive Order No. 11671, dated June 7, 1972, announcement is made of a public meeting of the Answering Devices Subcommittee, to be held Wednesday, November 29, and continuing through Friday, December 1, 1972. The subcommittee will meet at 1229 20th Street NW., Wednesday and Friday in Room A-110 and will meet at 1919 M Street NW., Room 847, on Thursday.

1. *Purposes.* The purpose of this subcommittee is to prepare recommended standards to permit the interconnection of customer-provided and maintained answering equipment to the public switched network.

2. *Membership.* The subcommittee is chaired by Fred Warden and is composed of the following: Lyle D. Abbott, M. E. Hacker, Samuel R. Buxbaum, James B. Eppes, Charles Hernandez, Anthony G. Giacoio, Thomas J. Dunleavy, Peter J. Grant, Jim Owen, F. A. Foresta, Richard W. Horton, Jerry A. Klein, Leslie N. Wilder, K. R. Parker, R. B. Brunson, Clyde W. Sautters, F. G. Splitt, Peter F. Theis, Robert E. Morgan, Lloyd Smith, Shaun Delaney, Boyd King, Ron Matteson, Gustone Perrin, Preston R. Brown, James F. Holmes, Brendan McShane, Allan MacLeod, Denis E. Lowry, Robert W. Shirley, George A. Smith, B. Edelman, Rudy C. Stiefel, John R. Mineo, and Earl C. Mansfield.

3. *Activities.* As at prior meetings, subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of answering devices to the public telephone network. Subcommittee members include representatives of the Federal Government, State regulatory bodies, manufacturers, carriers and users.

4. *Agenda.* The agenda for the November 29 through December 1 meeting will be as follows:

1. Review of equipment test standard.
2. Completion of open items on technical criteria.
3. Discussion on glossary of terms being prepared.
4. Discussion on enforcement procedures.

It is suggested that those desiring more specific information about the meeting call the Domestic Rates Division on 202—632-6457.

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

[FR Doc.72-19531 Filed 11-13-72;8:50 am]

RADIOTELEPHONE STATIONS OPERATING IN THE 1600–3500 kHz MARITIME BAND

Notice to Licensees and Operators of Ship

OCTOBER 31, 1972.

The Commission has exempted public coast station KCC, Corpus Christi, Tex., from the requirement for maintenance of a watch on the frequency 2182 kHz for an initial period of 1 year from October 6, 1972.

This action was taken with the concurrence of the U.S. Coast Guard at the request of the Southwestern Bell Telephone Co., the licensee of station KCC. Application by the Telephone Co., was made pursuant to § 81.191(c)(1) of the Commission's rules, which provides that any coast station may be exempted from this watch requirement if the Commission considers that the frequency 2182 kHz is adequately guarded by other stations. The U.S. Coast Guard radio facilities in the Port Aransas, Tex., and Port Isabel, Tex., areas maintain a continuous watch on 2182 kHz and have been shown, as a result of cooperative measurements and tests conducted by the Coast Guard and the Telephone Co., to have a coverage on 2182 kHz equal to or greater than the existing coverage of station KCC.

The exemption has been limited to a 1-year period, ending October 6, 1973, in order to afford the licensees of affected ship stations an opportunity to evaluate the discontinuance of the watch by station KCC under actual operating conditions.

Any interested person who is of the opinion that the continuance of the above-mentioned exemption beyond October 6, 1973, is not in the public interest, may file with the Secretary, Federal

Communications Commission, Washington, D.C. 20554, on or before July 6, 1973, a written statement setting forth his opinion and the reasons therefor.

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

[FR Doc.72-19532 Filed 11-13-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-60]

ARKANSAS LOUISIANA GAS CO.

Proposed Changes in Rates and Charges

NOVEMBER 9, 1972.

Take notice that on October 26, 1972, Arkansas Louisiana Gas Co. (Ark-La) tendered for filing proposed changes in its FPC gas tariff, Original Volume No. 3, to become effective November 26, 1972. The proposed changes would increase jurisdictional revenues by approximately $200,000 annually to Cities Service Gas Co. (Cities) under Rate Schedule X-26 based on sales made to Cities during the 12-month period ended September 30, 1972.

Ark-La states that the increase in price from 23.45¢ to 24.27¢ per Mcf is based entirely on its increase in the cost of purchased gas and is in accordance with the aforementioned rate schedule which is contractual in form.

Copies of the filing were served upon Cities Service Gas Co., the only customer taking service under Rate Schedule No. X-26.

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 16, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19492 Filed 11-13-72;8:46 am]

[Docket No. E-7723]

POTOMAC EDISON CO.

Postponement of Procedural Dates

NOVEMBER 8, 1972.

On November 1, 1972, The Potomac Edison Co. requested a further extension of the time within which to file updated cost of service statements and related prepared testimony as required by the notice issued September 1, 1972, in the above matter (37 F.R. 18118). A motion was filed on November 2, 1972, confirming the request.

Upon consideration, notice is hereby given that the date for filing updated cost of service statements and related prepared testimony and exhibits constituting the Company's case-in-chief is postponed until December 1, 1972. The other dates are further postponed accordingly.

Mar. 1, 1973-----	Prepared testimony and exhibits of staff.
Mar. 14, 1973, 10 a.m. (e.s.t.).	Prehearing conference.
Apr. 2, 1973-----	Rebuttal evidence, if any, of the Potomac Edison Co.
Apr. 16, 1973, 10 a.m. (e.s.t.).	Cross-examination of evidence.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19494 Filed 11-13-72;8:47 am]

[Docket No. CP73-123, etc.]

UNITED GAS PIPE LINE CO. ET AL.

Petition for Declaratory Order, Order Directing Compliance, and Motion for Consolidation

NOVEMBER 8, 1972.

Take notice that on November 2, 1972, United Gas Pipe Line Co. (Petitioner) filed in Docket No. CP73-123, pursuant to § 1.7(c) of the Commission's rules of practice and procedure and section 554 (e) of the Administrative Procedure Act, a petition for declaratory order and for order directing compliance, requesting the Commission to order Humble Oil & Refining Co. (Humble) and Isaac Arnold, et al. (Arnold) to desist from reducing deliveries to Petitioner under a 1958 contract, as amended in 1963, between Humble and Arnold as sellers, and Petitioner as buyer, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Concurrently, Petitioner filed a motion for consolidation of the instant docket with the previously consolidated proceedings in Texas Gas Exploration Corp., Docket No. CI72-674, Gulf Oil Corp., Docket No. CI62-965, and Southern Natural Gas Co., Docket No. CP73-72.

At issue in the above-mentioned consolidated proceedings are contractual rights to the gas produced from the Garden City Field, St. Mary Parish, La., which gas is the subject of the petition for declaratory order filed by Petitioner herein.

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 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19491 Filed 11-13-72;8:46 am]

FEDERAL RESERVE SYSTEM

BANK OF IDAHO

Order Approving Application for Merger of Banks

Bank of Idaho, Boise, Idaho (Boise Bank, a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Cassia National Bank, Burley, Idaho (Cassia Bank), under the charter and title of Boise Bank. As an incident to the merger, the three present offices of Cassia Bank and an approved but unopened branch would become branches of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Department of Justice commented on the proposed transaction, concluding that it might have an adverse competitive effect. Justice stated that it believed that the merger would not eliminate any significant existing competition. However, Justice declared that Boise Bank would be eliminated as the most likely potential entrant into the Burley area and, further, that acquisition of Cassia Bank by Boise Bank would lead to further concentration at the statewide level. Boise Bank responded to Justice's comments by arguing that the Burley area was unattractive for de novo entry. Moreover, Boise Bank stated that the proposed merger could enhance competition in the Burley area by making Cassia Bank a more positive competitive force. Boise Bank concluded by indicating its belief that consummation of the merger would have little effect on statewide concentration and would not serve as a precedent for future mergers that might lead to undue concentration in Idaho.

The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Boise Bank (deposits of about $205 million) operates 25 banking offices throughout Idaho and controls about 12 percent of the deposits of commercial banks in the State. (Boise Bank is a subsidiary of Western Bancorporation which, as of March 31, 1972, controlled 23

banks in 11 Western States with aggregate resources of $13.1 billion.) Acquisition of Cassia Bank (deposits of about $15 million) would add about 1 percent of Boise Bank's share of statewide deposits and would not result in a significant increase in the concentration of banking resources in Idaho.[1]

Cassia Bank ranks third among four banks in Burley, as measured by area deposits, with approximately 22 percent of such deposits. There is no existing substantial competition between Boise Bank and Cassia Bank, nor does there seem to be a reasonable probability of significant potential competition developing between the two. The closest banking office of Boise Bank to the Burley area is about 39 miles away and there are banks in the intervening area. The closest banking office of Boise Bank to Lava Hot Springs, where Cassia Bank has a branch, is 38 miles north and west of Lava Hot Springs in Pocatello. The area between Pocatello and Lava Hot Springs is sparsely populated and is not an attractive area for an additional bank or branch. Boise Bank has attempted within the last 2 years to establish a de novo branch in Burley, but was turned down by the Board due to the Board's belief that the Burley area could not economically support an additional banking office. Subsequent to the Board's decision, an additional branch by another banking organization was established in Burley so that it seems even more unlikely now that Boise Bank would be permitted to establish a de novo branch in Burley. Because of these several factors the Board concludes that the merger would not have an adverse effect upon competition in any relevant area.

The financial and managerial resources of Boise Bank are generally satisfactory, and the prospects for the resulting bank appear favorable, particularly in light of Boise Bank's commitment to add $4 million in equity capital within the next 4 months. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval since Boise Bank plans to considerably expand real estate loans in the Burley area, a service that Cassia Bank has not provided to a significant degree. Based upon the foregoing it is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[2] The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[3] effective November 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-19519 Filed 11-13-72;8:48 am]

[1] Banking data are as of Dec. 31, 1971, while market data for the Burley area are as of June 30, 1970.

[2] Dissenting Statement of Governor Robertson filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

BANK OF VIRGINIA CO.

Acquisition of Bank

Bank of Virginia Co., Richmond, Va., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Bank of Virginia—Norfolk, Norfolk, Va., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than December 1, 1972.

Board of Governors of the Federal Reserve System, November 7, 1972.

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

[FR Doc.72-19520 Filed 11-13-72;8:49 am]

CHEMICAL NEW YORK CORP.

Acquisition of Bank

Chemical New York Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of State Bank of Hilton, Hilton, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 4, 1972.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, and Sheehan. Present and abstaining: Governor Bucher. Voting against this action: Governor Robertson.

Board of Governors of the Federal Reserve System, November 7, 1972.

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

[FR Doc.72-19521 Filed 11-13-72;8:49 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank

First at Orlando Corp., Orlando, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Community National Bank & Trust Co., Bal Harbour, Fla. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 26 banks with aggregate deposits of $904.6 million, representing 5.6 percent of the deposits held by commercial banks in Florida. (All banking data are as of December 31, 1971, and reflect holding company formations and acquisitions approved by the Board through August 31, 1972.) Applicant has three subsidiary banks (aggregate deposits of $88.6 million) located in the Miami banking market, approximated by Dade County and the southern third of Broward County, and holds 2.2 percent of the total commercial bank deposits therein. Applicant presently ranks as the 12th largest of the 50 banking organizations in the Miami market. Bank ($42.6 million in deposits) also operates in the Miami banking market and holds 1 percent of total market deposits, thereby ranking as the 27th largest of the 90 banks in the market and 22d largest of the 50 banking organizations in the market. Upon consummation of the proposed transaction, Applicant would become the market's eighth largest banking organization and would control 3.3 percent of deposits therein. Applicant's subsidiary bank closest to Bank is located in downtown Miami, 14 miles southwest of Bank. The service areas of the two banks slightly overlap; however, it does not appear that a significant amount of existing competition would be eliminated by consummation of the proposed transaction.

Although the three largest banking organizations in the Miami market control approximately 41 percent of the deposits in that market, there are, in addition to Bank, 28 unaffiliated banks, including five, each with deposits exceeding $35 million, operating in the market. As each

of these is a vehicle for potential entry, removal of Bank as an alternative means of entry is not likely to significantly lessen opportunities for other bank holding companies, not represented in the market to enter the Miami area. Furthermore, consummation of the proposed transaction is unlikely to have an adverse effect on potential competition in the market due to the existence of several banks in the intervening areas between Bank and Applicant's subidiaries, Florida's restrictive branching laws, and the existence of Biscayne Bay physically separating Bank from Applicant's Miami subsidiaries. On the basis of the foregoing and the facts of record, the Board concludes that the competitive considerations with respect to Applicant's proposal are consistent with approval of the application.

The financial conditions of Applicant and its subsidiaries are considered to be generally satisfactory in view of Applicant's commitment to increase the equity capital positions of certain of its subsidiary banks. (See Board's order of September 26, 1972, approving Applicant's applications to acquire shares of The City Bank & Trust Co., of St. Petersburg and the Suncoast City Bank of St. Petersburg.) The managerial resources and future prospects of Applicant and its subsidiaries are considered satisfactory and consistent with approval of the application. The same conclusions apply generally with respect to the financial and managerial resources and future prospects of Bank. The banking needs of the communities are being adequately served at present, and consummation of the proposed transaction would not result in the availability of any new services. However, consummation is expected to enhance Bank's ability to compete with the larger banking organizations operating in the market. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective November 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-19523 Filed 11-13-72;8:49 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

FIRST NATIONAL BANCORPORATION, INC.

Acquisition of Bank

The First National Bancorporation, Inc., Denver, Colo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Routt County National Bank of Steamboat Springs, Steamboat Springs, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 4, 1972.

Board of Governors of the Federal Reserve System, November 7, 1972.

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

[FR Doc.72-19522 Filed 11-13-72;8:49 am]

FLORIDA COMMERCIAL BANKS, INC.

Acquisition of Bank

Florida Commercial Banks, Inc., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Florida Commercial Bank of Vero Beach, Vero Beach, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than November 30, 1972.

Board of Governors of the Federal Reserve System, November 7, 1972.

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

[FR Doc.72-19524 Filed 11-13-72;8:49 am]

NEW JERSEY NATIONAL CORP.

Proposed Acquisition of Underwood Mortgage & Title Co.

New Jersey National Corp., Trenton, N.J., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all of the outstanding voting shares of Underwood Mortgage & Title Co., Irvington, N.J. Notice of the application was published on September 27, 1972, in the Star Ledger, a newspaper circulated in Irvington, N. J.

Applicant states that the proposed subsidiary would engage in the activities of making and acquiring, for its own account or for the account of others, loans and other extensions of credit principally secured by mortgages. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

The applicant further states that the proposed subsidiary would engage in the activity of acting as insurance agent or broker in offices at which the holding company or its subsidiaries are otherwise engaged in business with respect to (1) insurance for the holding company or its subsidiaries; (2) insurance directly related to an extension of credit or the provision of other financial services by the holding company or its subsidiaries; and (3) insurance otherwise sold as a matter of convenience to the purchaser. Under certain circumstances specified in the Board's interpretation (12 CFR 225.128) of § 225.4(a)(9) of Regulation Y, such activities may be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 4, 1972.

Board of Governors of the Federal Reserve System, November 6, 1972.

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

[FR Doc.72-19495 Filed 11-13-72;8:47 am]

POSTAL RATE COMMISSION

DOW JONES & CO.

Notice of Presentation and Visit to Plant

NOVEMBER 8, 1972.

Notice is hereby given that on November 20, 1972, a presentation will be made by Dow Jones & Co. to the Commissioners and employees of the Postal Rate Commission for the purpose of describing its operations relating to use of U.S. mail service. Following such presentation a visit will be made to Dow Jones, Silver Spring, Md., plant.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed. A report of the presentation and visit will be on file in the Commission's docket room.

By direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.72-19525 Filed 11-13-72;8:49 am]

RENEGOTIATION BOARD

REGIONAL BOARDS

Delegation of Authority With Respect to Certain Functions, Powers and Duties; Amendment

The delegation of authority published in the issue of February 13, 1952 (F.R. Doc. 52-1777; 17 F.R. 1401), as heretofore amended, is deleted in its entirety and the following is substituted therefor:

Pursuant to section 107 (d) and (f) of the Renegotiation Act of 1951:

1. For the purpose of this delegation:

(a) The term "Board" means the Renegotiation Board.

(b) The term "regional board" means a regional board created by the Board.

2. The Board hereby delegates to each regional board the following functions, powers and duties:

(a) To conduct renegotiation under the Renegotiation Act of 1951 with the contractor or subcontractor in any case which is assigned by the Board to such regional board.

(b) In cases designated by the Board as Class B cases, to issue letters not to proceed, to issue clearances, or to enter into agreements for the elimination of excessive profits.

3. No function, power or duty herein delegated shall be redelegated.

4. This delegation is subject to revocation or modification in whole or in part at any time.

Dated: November 9, 1972.

RICHARD T. BURRESS,
Chairman.

[FR Doc.72-19550 Filed 11-13-72;8:51 am]

STATEMENT OF ORGANIZATION AND FUNCTIONS

Activities; Amendment

The statement of organization published in the issue of June 6, 1967 (F.R. Doc. 67-6258; 32 F.R. 8104), as heretofore amended, is hereby further amended by deleting in their entirety the third and fourth paragraphs of section 5 *Activities* and inserting in lieu thereof the following:

The Board has delegated to the regional boards final authority to issue letters not to proceed, to issue clearances, or to make refund agreements in cases involving aggregate renegotiable profits of $800,000 or less (Class B cases). If in a Class B refund case the contractor declines to enter into an agreement, the regional board makes a recommendation with respect to the amount of excessive profits realized, and the case is reassigned to the Board for further processing.

In cases involving renegotiable profits of more than $800,000 (Class A cases), the regional boards do not have any final authority. Their function in such cases is limited to the making of recommendations to the Board for the issuance of letters not to proceed; recommendations for the issuance of clearances; recommendations for the making of refund agreements executed by contractors; and, in those cases in which the contractors have declined to enter into refund agreements, recommendations with respect to the amount of excessive profits realized. The cases are thereupon reassigned to the Board for further processing.

Dated: November 9, 1972.

RICHARD T. BURRESS,
Chairman.

[FR Doc.72-19549 Filed 11-13-72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

NOVEMBER 7, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from November 8, 1972, through November 17, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-19529 Filed 11-13-72;8:49 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

NOVEMBER 6, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from November 7, 1972, through November 16, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-19527 Filed 11-13-72;8:49 am]

[File No. 500-1]

LDS DENTAL SUPPLIES, INC.

Order Suspending Trading

NOVEMBER 6, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of LDS Dental Supplies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from

November 7, 1972, through November 16, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19528 Filed 11-13-72;8:49 am]

[File No. 500-1]

ROOSEVELT MARINA, INC.

Order Suspending Trading

NOVEMBER 7, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of Roosevelt Marina, 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 November 8, 1972, through November 17, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19530 Filed 11-13-72;8:50 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-5160]

GULF SOUTH VENTURE CORP.

Issuance of License To Operate as a Minority Enterprise Small Business Investment Company

On August 15, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 16521) stating that Gulf South Venture Corp., 511 Richards Building, 837 Gravier Street, New Orleans, LA 70112, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business August 30, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/06-5160 to Gulf South Venture Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: November 3, 1972.

ANTHONY G. CHASE, *Deputy Administrator.*

[FR Doc.72-19498 Filed 11-13-72;8:45 am]

PERMIAN BASIN CAPITAL CORP.

Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1972)) under the name of Permian Basin Capital Corp., First National Bank Building, 303 West Wall Avenue, Midland, TX 79701, for a license to operate in the States of Texas and New Mexico as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors, and shareholders are as follows:

Cullen J. Kelly, c/o The First National Bank of Midland, Post Office Box 1599, Midland, TX 79701, Chairman of the Board.

William B. Johnston, c/o The First National Bank of Midland, Post Office Box 1599, Midland, TX 79701, President, Director, and General Manager.

L. Harold Wills, c/o The First National Bank of Midland, Post Office Box 1599, Midland, TX 79701, Vice President and Treasurer.

Lonnie C. Early, c/o The First National Bank of Midland, Post Office Box 1599, Midland, TX 79701, Secretary.

Jack Pilon, c/o The First National Bank in Brownwood, Post Office Box 940, Brownwood, TX 76801, Director.

Reed H. Chittim, c/o The First National Bank of Lea County, Post Office Box 70, Hobbs, NM 88240, Director.

William J. Mewhorter, c/o The Western State Bank of Midland, Post Office Box 4157, Midland, TX 79701, Director.

	Class A	Class B
	Percent	*Percent*
The First National Bank of Midland	49	100
The First National Bank of Brownwood	17	-------
The First National Bank of Lea County	17	-------
The Western State Bank of Midland	17	-------

The exclusive voting rights and powers for the election of directors and for all other corporate purposes are vested in the shares of Class A common stock and, except as otherwise provided by law, the shares of the Class B common stock do not possess any voting rights or powers.

The company proposes to commence operation with a capitalization of $500,000. Applicant proposes to conduct its operations principally in the States of Texas and New Mexico and in other areas within the United States of America and its territories and possessions as may from time to time be approved by SBA as its operating territory.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the proposed licensee in a newspaper of general circulation in Midland, Tex., Brownwood, Tex., and Hobbs, N. Mex.

Dated: November 3, 1972.

ANTHONY G. CHASE, *Deputy Administrator.*

[FR Doc.72-17928 Filed 11-13-72;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

CONSTRUCTION SAFETY ADVISORY SUBCOMMITTEE ON SHAFTS AND TUNNELING

Notice of Public Meeting

Notice is hereby given that the Construction Safety Advisory Subcommittee on Shafts and Tunneling, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet at 8:30 a.m., on Monday, November 20, 1972, and on Tuesday, November 21, 1972, in the Main Labor Building, 14th Street and Constitution Avenue NW., Washington, DC. The meeting on Monday will be in Room 216 C and D, and the meeting on Tuesday will be in Room 102 A and B.

The Subcommittee will take up for consideration a new draft standard covering the use of personnel hoists in underground shafts.

The meeting shall be open to the public.

Signed at Washington, D.C. this 13th day of November 1972.

G. C. GUENTHER, *Assistant Secretary of Labor.*

[FR Doc.72-19663 Filed 11-13-72;10:09 am]

INTERSTATE COMMERCE COMMISSION

[Notice 116]

ASSIGNMENT OF HEARINGS

NOVEMBER 9, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation

of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

I&S M 25996, General Increase, July 1972, Middle Atlantic Conference, now assigned December 5, 1972, at Washington, D.C., is cancelled.

MC 136597, West Kentucky Motor Express, Inc., now assigned November 13, 1972, at Nashville, Tenn., hearing will be held in Room 651, U.S. Courthouse, Eighth and Broadway.

MC 115826 Sub 244, W. J. Digby, Inc., now assigned January 22, 1973, at Denver, Colo., is postponed to January 29, 1973 (1 week), at Denver, Colo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-19537 Filed 11-13-72;8:51 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 9, 1972.

Protests to the granting of an application must be prepared in accordance with § 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. 42567—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 69), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, on the one hand, and rail carriers terminals at Baltimore, Md., and Philadelphia, Pa., on the other.

Grounds for relief—Water competition.

Tariffs—Sea-Land Service, Inc., tariffs ICC Nos. 70, 72, 75, and 78. Rates are published to become effective on December 6, 1972.

FSA No. 42568—*Buff-Colored Cement from Dallas and Gifco, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-357), for interested rail carriers. Rates on buff-colored masonry and portland cement, in carloads, as described in the application, from Dallas and Gifco, Texas, to points in Indiana, Michigan and Ohio.

Grounds for relief—Market competition, new commodity description.

Tariff—Supplement 238 to Southwestern Freight Bureau, Agent, tariff ICC 4587. Rates are published to become effective on December 11, 1972.

By the Commission.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-19539 Filed 11-13-72;8:52 am]

[Notice 150]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312 (b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 27193. By order of October 31, 1972, the Motor Carrier Board approved the transfer to Star Forwarders, Inc., Kansas City, Mo., of the operating rights in the Fourth Amended Permit and Order issued September 11, 1963, in No. FF-137, to Yellow Forwarding Co., Kansas City, Mo., authorizing operations as a freight forwarder of commodities generally (1) between points in Montana, North Dakota, South Dakota, Minnesota, Colorado, Kansas, Iowa, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming, on the one hand, and, on the other, points in Connecticut, Indiana, Kentucky, Maine, Marvland, Massachusetts, Michigan, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and the District of Columbia; (2) between points in Illinois and Wisconsin, on the one hand, and, on the other, points specified in (1) above; (3) between points in Illinois, on the one hand, and, on the other, points in Wisconsin; (4) when consigned for export, from points in Michigan to points in the Port of New York, and (5) when consigned for export, from points in Colorado, Indiana, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, South Dakota, Wisconsin, and Wyoming to New Orleans, La.

Kenneth E. Midgley and Richard K. Andrews, 1500 Commerce Bank Building, Kansas City, MO 64106, attorneys for applicants.

No. MC-FC-74069. By order entered November 8, 1972, the Motor Carrier Board approved the transfer to Suddath Movers, Inc., Tampa, Fla., of the operating rights set forth in Certificate No. MC-81839, issued February 10, 1966, to Suddath Moving & Storage Co., Inc. of Atlanta, Atlanta, Ga., authorizing the transportation of household goods, between points in Georgia, on the one hand, and, on the other, points in Louisiana, Alabama, Florida, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New York, Massachusetts, Rhode Island, Mississippi, New Hampshire, New Jersey, Connecticut, Delaware, Tennessee, Vermont, West Virginia, and the District of Columbia.

Ross H. Suddath, 6900 Interbay Boulevard, Tampa, FL 33611, representative for applicants.

No. MC-FC-73803. By order of November 1, 1972, the Motor Carrier Board approved the transfer to North Central Truck Lines, Inc., a Missouri corporation, Sedalia, Mo., of the operating rights in Certificate No. MC-124148 issued November 6, 1968 to North Central Truck Lines, Inc., an Illinois corporation, Sedalia, Mo., authorizing the transportation of stock in trade of drug stores between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-19538 Filed 11-13-72;8:51 am]

[Notice 148]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 7, 1972.

IMPORTANT NOTICE: 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 C.F.R. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

[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.

MOTOR CARRIERS OF PROPERTY

No. MC 14552 (Sub-No. 44 TA), filed October 20, 1972. Applicant: J. V. McNICHOLAS TRANSFER CO., 555 W. Federal Street, Youngstown, OH 44502. Applicant's representative: Paul F. Beery, 88 Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale, retail and chain dairy, grocery and food business houses, and in connection therewith, equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), from Youngstown, Ohio, to the Great Atlantic and Pacific Tea Co., Inc., stores located in Tarentum, Natrona Heights, Burgettstown, McDonald, and Elizabeth, Pa., (2) *return shipments of commodities* specified in (1) above, from the destinations named in (1) above to Youngstown, Ohio; (3) *bakery products* (except commodities in bulk), from the plantsite of the Great Atlantic and Pacific Tea Co., Inc., Columbus, Ohio, to points in Crawford, Mercer, Benango, Lawrence, Butler, Beaver, Allegheny, and Washington Counties, Pa.; and (4) *returned shipments of commodities* specified in (3) above, from the counties named in (3) above to the plantsite of the Great Atlantic and Pacific Tea Co., Inc., Columbus, Ohio, for 180 days. Supporting shipper: The Great Atlantic and Pacific Tea Co., Inc., 950 Stuyvesant Avenue, Union, NJ 07083. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 52460 (Sub-No. 39 TA), filed October 13, 1972. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa OK 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of carpeting, from Toccoa, Ga., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: Phillips Petroleum Co., W. C. Collins, rate manager, Supply and Transportation Department, Bartlesville, Okla. 74004. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 103993 (Sub-No. 736 TA), filed October 19, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Rockingham County, N.C., to points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Broadmore Homes of North Carolina, Inc., Riedsville, N.C. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 106398 (Sub-No. 628 TA), filed October 13, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite of Fleetwood Enterprises, Inc., Reidsville, N.C., to points in North Carolina, South Carolina, Virginia, West Virginia, Kentucky, and Tennessee, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., 3125 Myers Street, Post Office Box 7368, Riverside, CA 92503. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 109307 (Sub-No. 16 TA), filed October 19, 1972. Applicant: THE KANSAS-ARIZONA MOTOR EXPRESS, INC., 2630½ West Beverly Boulevard, Post Office Box 639, Montebello, CA 90640. Applicant's representative: Bruce E. Mitchell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsites of John Morrell & Co., at or near Sioux Falls, S. Dak., to El Paso, Tex., under contract or contracts with John Morrell & Co., for 150 days. Supporting shipper: John Morrell & Co., Sioux Falls, S. Dak. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, CA 90012.

No. MC 119934 (Sub-No. 184 TA), filed October 16, 1972. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: J. F. Crouch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, from Indianapolis, Ind., to Rochester, Ind., all shipments are to be Ex Rail shipments, for 180 days. Supporting shipper: Dow Chemical U.S.A., 1400 East Touhy Avenue, Des Plaines, IL 60018. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 38 South Penn Street, Indianapolis, IN 46204.

No. MC 124649 (Sub-No. 3 TA), filed October 16, 1972. Applicant: JOSEPH BONANNO, INC., 1 Cranford Avenue, Linden, NJ 07036. Applicant's representative: Morton E. Kield, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous scrap metal*, from Union and North Bergen, N.J., to Coatesville, Pa., for 180 days. Supporting shipper: Newark Iron & Metal Co., Route 22, Union, N.J. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 128132 (Sub-No. 2 TA), filed October 5, 1972. Applicant: GEORGE A. TAYLOR, INC., 3240 Philmore Avenue, Post Office Box 188, Caledonia, NY 14423. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from the town of Lima, N.Y., to points in Connecticut, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, and Vermont, and *return shipments* in the reverse direction, for 180 days. Supporting shipper: Lakeland Concrete, Lima, N.Y. Richard S. Clark, Executive Vice President. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce, Commission, Bureau of Operations, Room 104, 301 Erie Boulevard, West, Syracuse, NY 13202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-19540 Filed 11-13-72;8:52 am]

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TUESDAY, NOVEMBER 14, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 220

PART II

ADVISORY COUNCIL ON HISTORIC PRESERVATION

■

NATIONAL REGISTER OF HISTORIC PLACES

Protection of Properties; Procedures for Compliance

ADVISORY COUNCIL ON HISTORIC PRESERVATION

NATIONAL REGISTER OF HISTORIC PLACES

Protection of Properties; Procedures for Compliance

Pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470), the Advisory Council on Historic Preservation has undertaken steps to implement the purposes of that Act through the revision of Procedures for Compliance previously set forth in paragraphs II A through C (37 F.R. 5430) of the FEDERAL REGISTER of March 15, 1972. In addition, the role and functions of the Advisory Council on Historic Preservation have been more clearly defined. Proposed revisions and clarifications were published in the FEDERAL REGISTER of July 15, 1972 (37 F.R. 14007) and 30 days were allowed for comment.

It is the purpose of this notice, through publication of the revised procedures, to apprise the public as well as governmental agencies, associations, and all other organizations and individuals interested in historic preservation, that the following procedures are hereby adopted as set forth below and will take effect 30 days after publication of this notice in the FEDERAL REGISTER. Inquiries regarding the substance of, and compliance with, the procedures should be directed to the Executive Secretary, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, DC 20005.

THOMAS FLYNN,
Executive Director, Advisory Council on Historic Preservation.

PROTECTION OF PROPERTIES IN THE NATIONAL REGISTER OF HISTORIC PLACES

Introduction. The National Historic Preservation Act of 1966 created the Advisory Council on Historic Preservation, an independent agency of the Executive branch of the Federal Government, to advise the President and Congress on matters involving historic preservation. Its members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and 10 citizen members selected on the basis of their outstanding service in the field of historic preservation.

The Council is authorized to review and comment upon undertakings carried out, licensed, or financially assisted by the Federal Government which have an effect upon properties listed on the National Register; to recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and to secure from the appropriate Federal agencies certain information necessary to the performance of these duties.

I. PROCEDURES FOR COMPLIANCE WITH SECTION 106

The Council exercises an important function by reviewing and commenting upon undertakings carried out, licensed, or financially assisted by the Federal Government when the undertaking will affect a property listed on the National Register. This authority derives from section 106 of the National Historic Preservation Act, which provides that:

> The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

The Advisory Council desires to provide maximum assistance to Federal agencies in connection with section 106. Normally the Council anticipates that its comments will be required in only the most complex situations, and it requests that Federal agencies fulfill their obligations under section 106 by the use of the following procedures:

PROCEDURES FOR COMPLIANCE WITH SECTION 106 NATIONAL HISTORIC PRESERVATION ACT OF 1966

The Advisory Council on Historic Preservation hereby establishes the following procedures for agencies of the Federal Government having direct or indirect jurisdiction or authority over a Federal or federally financed or licensed undertaking for compliance with section 106 of the National Historic Preservation Act of 1966.

A. *Definitions.* As used in these procedures:

1. "National Historic Preservation Act" means Public Law 89-665, approved October 15, 1966, an "Act to establish a program for the preservation of additional historic properties throughout the Nation and for other purposes," 80 Stat. 915, 16 U.S.C. 470, hereinafter referred to as "the Act."

2. "Undertaking" means any Federal action, activity, or program, or the approval, sanction, assistance, or support of any other action, activity, or program, such as the issuance of a license or permit, the granting of funds, or the development or funding of master or regional plans.

3. "National Register" means the National Register of Historic Places, which is a register of districts, sites, buildings, structures, and objects, significant in American history, architecture, archeology, and culture, maintained by the Secretary of the Interior under authority of section 2(b) of the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461) and section 101(a)(1) of the National Historic Preservation Act. The National Register is published in its entirety in the FEDERAL REGISTER each year in February. Addenda are published monthly.

4. "National Register Property" means a district, site, building, structure, or object, listed in the National Register.

5. "National Register Criteria" means the following criteria established by the Secretary of the Interior for use in evaluating and determining the eligibility of properties for listing in the National Register:

The quality of significance in American history, architecture, archeology, and culture, is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling and association and:

a. That are associated with events that have made a significant contribution to the broad patterns of our history; or

b. That are associated with the lives of persons significant in our past; or

c. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d. That have yielded, or may be likely to yield, information important in prehistory or history.

Criteria considerations. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(1) A religious property deriving primary significance from architectural or artistic distinction or historical importance.

(2) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.

(3) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age,

from distinctive design features, or from association with historic events.

(5) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived.

(6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.

(7) A property achieving significance within the past 50 years if it is of exceptional importance.

6. "Criteria for Effect" means the following criteria established by the Advisory Council on Historic Preservation for use in determining the effect of an undertaking upon a National Register property:

A federally financed or licensed undertaking shall be considered to have an effect on a National Register listing (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking causes or may cause any change in the quality of the historical, architectural, archeological, or cultural character that qualified the property under the National Register criteria for listing in the National Register.

Generally, adverse effects occur under conditions which include but are not limited to:

a. Destruction or alteration of all or part of a property;

b. Isolation from or alteration of its surrounding environment;

c. Introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting.

7. "Agency Official" means the head of the Federal Agency having responsibility for the undertaking or a subordinate employee of the Federal Agency to whom authority with respect to the evaluation of the effect of the proposed undertaking has been delegated.

8. "Executive Director" means the Executive Director of the Advisory Council on Historic Preservation established by Section 205 of the Act, or his designated representative.

9. "State Liaison Officer" means the official within each State, authorized by the State at the request of the Secretary of the Interior, to act as liaison for purposes of implementing the Act, or his designated representative.

B. *Agency procedures*—1. *Consideration of effect.* At the earliest stage of planning or consideration of a proposed undertaking, including master and regional planning, the Agency Official shall: (a) Consult the National Register to determine if a National Register property is invoved in the undertaking; and (b) upon finding involvement, apply the "Criteria for Effect." Upon applying the criteria and finding no effect, the undertaking may proceed.

2. *Effect established.* Upon finding that the undertaking will have an effect upon a National Register property, the Agency Official shall: (a) Notify the State Liaison Officer and the Executive Director; and (b) in joint consultation with them, determine whether or not the effect will be adverse.

3. *Finding of no adversity.* Upon finding the effect not to be adverse, the Agency Official, the State Liaison Officer and the Executive Director shall execute a joint memorandum acknowledging no adversity and forward the document to the Chairman of the Advisory Council for review pursuant to section C(1).

4. *Finding of adversity.* If any of the consulting parties find the effect to be adverse, the Agency Official shall consult further with the State Liaison Officer and the Executive Director to determine whether there is a feasible and prudent alternative to remove or satisfactorily mitigate the adverse effect.

5. *Removal of adversity.* If the Agency Official, the State Liaison Officer, and the Executive Director select and unanimously agree upon a feasible and prudent alternative to remove the adverse effect of the undertaking, they shall execute a joint memorandum acknowledging no adversity. This document shall be forwarded to the Chairman of the Advisory Council for review pursuant to section C(1).

6. *Mitigation of adversity.* If the consulting parties are unable to unanimously agree upon a feasible and prudent alternative to remove the adversity, the Agency Official shall consult with the State Liaison Officer and the Executive Director to determine whether there is a feasible and prudent alternative to satisfactorily mitigate the adverse effect of the undertaking. Upon finding and unanimously agreeing to such an alternative, they shall execute a joint memorandum acknowledging satisfactory mitigation of effect. This document shall be forwarded to the Chairman of the Advisory Council for review pursuant to section C(1).

7. *Failure to remove or mitigate adversity.* Upon the failure of the consulting parties to find and unanimously agree upon a feasible and prudent alternative to remove or satisfactorily mitigate the adverse effect, the Agency Official shall delay further processing of the undertaking and provide written notice affording the Advisory Council an opportunity to comment upon the proposed undertaking. Such notice shall include a record of the status of the proposal in the planning and funding sequence and an account of actions taken in accordance with the Procedures for Compliance. Upon request, the Agency Official shall submit a report of the undertaking to the Advisory Council.

C. *Council procedures*—1. *Review of joint memorandum.* Upon receipt from the Agency Official of a joint memorandum acknowledging either no adversity or satisfactory mitigation of effect, the Chairman of the Council shall review the content of the document. Unless the Chairman, or in his absence a citizen member of the Council appointed by the membership for this purpose, shall notify the Agency Official that the matter has been placed on the agenda of the Council for final review and comment, the joint memorandum shall become final in 30 days and the undertaking may proceed. The Chairman, or in his absence the Council's appointee, may waive all or part of the 30-day review period by notice to the Agency Official, at which time the joint memorandum shall become final and the undertaking may proceed.

2. *Preliminary action on notice affording opportunity for comment.* Upon receipt of a written notice from an agency affording the Advisory Council an opportunity to comment pursuant to section B(7) of these procedures, the notice shall be acknowledged and a 30-day review period instituted during which:

a. It shall be determined whether the Procedures for Compliance have been observed;

b. The Federal Agency, the State Liaison Officer and the Executive Director shall provide such information as may be requested by the Council; and

c. The Chairman, or in his absence the Council's appointee under section C(1), shall determine whether or not the Council will comment. If the Council decides not to comment, the undertaking may proceed.

3. *Decision to comment.* Upon determination to comment upon an undertaking, the Council shall:

a. Schedule the matter for consideration at a regular meeting no less than 60 days from the date the notice was received, or in exceptional cases, schedule the matter for consideration in an unassembled or special meeting;

b. Notify the Federal Agency of the date on which comments will be considered; and

c. Authorize preparation of a section 106 report.

4. *Content of section 106 report.* For purposes of arriving at comments under section 106 of the Act, the Advisory Council prescribes that certain reports be made available to it and accepts reports and statements from other interested parties. Specific informational requirements are enumerated below. Generally, the requirements represent an explication or elaboration of principles contained in the "Criteria for Effect." The Council notes, however, the Act recognizes that historical and cultural resources should be preserved "as a living part of our community life and development." Consequently, in arriving at final comments, the Council considers those elements in an undertaking that have revelance beyond historical and cultural concerns. To assist it in weighing the public interest, the Council welcomes information not only bearing upon physical, sensory, or esthetic effects but information concerning economic, social, and other benefits or detriments that will result from the undertaking.

5. *Elements of the section 106 report.* The report on which the Council relies for comment shall consist of:

a. A report from the Executive Director to include a verification of the legal and historical status of the National Register property; an assessment of the historical, architectural, archeological, or

cultural significance of the National Register property; a statement indicating the special value of features to be most affected by the undertaking; an evaluation of the total effect of the undertaking upon the National Register property; and a critical review of any known feasible and prudent alternatives.

b. A report from the Federal Agency requesting comment to include a general discussion of the proposed undertaking; when appropriate, an account of the steps taken to comply with section 102(2)(A) of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4332); an evaluation of the effect of the undertaking upon the National Register property, with particular reference to the impact on the historic scene; steps taken or proposed by the agency to take into account or minimize the effect of the undertaking; a discussion of alternatives, and, if applicable and available, a copy of the draft of the preliminary environmental impact statement prepared in compliance with section 102(2)(C) of the National Environmental Policy Act of 1969.

c. A report from any other Federal Agency having under consideration a plan or undertaking that will concurrently or ultimately affect the National Register property, including a general description of the plan or undertaking and a discussion of the effect the undertaking under consideration by the Council will have upon such proposals.

d. A report from the State Liaison Officer to include an assessment of the significance of the National Register property; an identification of features of special value; an evaluation of the effect of the undertaking upon the National Register property and its specific components; a consideration of known alternatives; a discussion of present or proposed participation of State and local agencies or organizations in preserving or assisting in preserving the National Register property; an indication of the support or opposition of units of government and public and private agencies and organizations within the State; and the recommendations of his office.

e. Other pertinent reports, statements, correspondence, transcripts, minutes, and documents, received by the Council from any and all parties, public or private.

6. *Report by recivient or potential recipient.* When the Federal Agency requests comment upon an application for funds, a grant, or license or some other form of Federal approval, sanction, assistance, or support, the Council will welcome the submission and presentation of a report by the applicant or potential recipient. Arrangements for the submission and presentation of reports by applicants or potential recipients should be made through the Federal Agency having jurisdiction in the matter.

7. *Coordination of section 106 reports and statements.*

a. In considerations involving, either directly or indirectly, more than one Federal department, the agency requesting comment shall act as a coordinator in arranging for a full assessment and discussion of all interdepartmental facets of the problem and prepare a record of such coordination to be made available to the Council.

b. The Council may request the State Liaison Officer or other State officials to accept the responsibility for notifying appropriate governmental units and public and private organizations within the State of the pending comments of the Council, and to coordinate the presentation of written statements to the Council.

8. *Council meetings.* The Council will not hold formal hearings on section 106 matters. All meetings will be open except as otherwise ordered by the Chairman. Reports and statements will be presented to the Council in open session in accordance with a prearranged agenda and considered by the Council in executive session for the purpose of preparing comments. Regular meetings of the Council occur on the first Wednesday and Thursday of February, May, August, and November.

9. *Oral statements to the Council.* A schedule shall provide for oral statements from the Executive Director; the referring Federal Agency presently or potentially involved; the recipient or potential recipient; the State Liaison Officer; and representatives of national, State, or local units of government and public and private organizations. The Council requests that parties wishing to make oral remarks submit written statements of position in advance to the Council staff.

10. *Comments by the Council.* The comments of the Council shall take the form of a three-part statement, including an introduction, findings, and a conclusion. The statement shall include notice to the Federal Agency of the report required under section C(11) of these procedures. Comments shall be made to the head of the Federal Agency requesting comment or having responsibility in the matter. Immediately thereafter, the comments of the Council will be forwarded to the President and the Congress as a special report under authority of section 202(b) of the Act and published as soon as possible in the FEDERAL REGISTER.

11. *Report of agency action in response to Council comments.* When a final decision on the undertaking is reached by the Federal Agency, the Agency Official shall submit a written report to the Council containing: (a) A description of actions taken by the Federal Agency subsequent to the Council's comments; (b) a description of actions taken by other parties pursuant to the actions of the Federal Agency; and (c) the ultimate effect of such actions on the National Register property involved. The Council may request supplementary reports if the nature of the undertaking requires them.

12. *Records of the Council.* The records of the Council shall consist of an oral transcript of the proceedings at each meeting, the section 106 report prepared by the Executive Director, and all other reports, statements, transcripts, correspondence, and documents received. Records shall be maintained in the office of the Council.

13. *Continuing review jurisdiction.* When the Council has formally commented pursuant to sections C(2) through C(10) or has approved a joint memorandum pursuant to section C(1) concerning an undertaking, such as a master plan, which by its nature requires subsequent action by the Federal Agency, the Council will consider its comments or approval to extend only to the undertaking as reviewed. The Agency Official shall insure that subsequent action related to the undertaking is submitted to the Council for review in accordance with these procedures when that action is found to have an effect on a National Register property.

II. OTHER POWERS OF THE COUNCIL

A. *Comment or report upon non-Federal undertaking.* The Council will exercise the broader advisory powers, vested by section 202(a)(1) of the Act, to comment or report upon a non-Federal undertaking that will adversely affect a National Register property or any other property determined by the Secretary of the Interior to meet the National Register criteria: (1) Upon request from the President of the United States, the President of the U.S. Senate, or the Speaker of the House of Representatives, or (2) when agreed upon by a unanimous vote of the members of the Council.

B. *Comment or report upon Federal undertaking in special circumstances.* The Council will exercise its broader advisory powers by commenting to Federal agencies in certain special situations even though written notice that an undertaking will have an effect has not been received. For example, the Council may choose to comment in situations where an objection is made to a Federal Agency finding of "no effect."

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PART III

DEPARTMENT OF THE INTERIOR

Bureau of Mines

■

METAL AND NONMETALLIC MINE SAFETY

Notification, Investigation, Reports and Records of Accidents, Injuries and Occupational Illnesses in Metal and Nonmetal Mines

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER N—METAL AND NONMETALLIC MINE SAFETY

PART 58—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES AND OCCUPATIONAL ILLNESSES IN METAL AND NONMETAL MINES

In accordance with the authority vested in the Secretary of the Interior under section 13 of the Federal Metal and Nonmetallic Mine Safety Act (Public Law 89–577, 30 U.S.C. 732) to require operators of mines which are subject to the Act to submit, at least annually and at such other times as the Secretary deems necessary, and in such form as he may prescribe, mandatory reports of accidents, injuries, and occupational diseases or illnesses, and related data, there was published in the FEDERAL REGISTER on Friday, May 5, 1972 (37 F.R. 9125–9128), a notice of proposed rule making which provided for operators of all metal and nonmetallic mines subject to the Act to report directly to the Bureau of Mines an accident, injury, and occupational disease or illness, and related data, so that the Secretary may study and analyze mine health and safety conditions on the basis of accurate and comprehensive data for such purposes as evaluating the progress being made toward improved mine health and safety, framing recommendations for policies to accelerate such progress, or deciding upon which segments of the metal and nonmetallic mining industry or which individual mining operations to concentrate special inspection, enforcement, and training efforts.

Interested persons were afforded a period of 45 days from the date of publication of the notice within which to submit written comments, suggestions, or objections to the Director, Bureau of Mines. In addition, interested persons could examine or obtain copies from the Bureau of Mines of the proposed Forms 6–1555 (Metal-Nonmetal Injury and Illness Report) and 6–1556 (Metal-Nonmetal Quarterly Employment Report) and, respectively, Forms 6–1555–S and 6–1556–S for use in States which have State plan agreements in effect.

A draft of Part 58 was presented to the Metal and Nonmetal Mine Safety Advisory Committee for review and comment in March 1972. After publication in the FEDERAL REGISTER, public information meetings were held between June 5 and 15 in seven selected cities throughout the United States. The purpose of these meetings was to allow the metal and nonmetallic mining industry, including representatives of trade associations and unions, an opportunity to discuss proposed Part 58 with Bureau representatives. As a result of the solicitation of comments in the notice of proposed rule making, from the Metal and Nonmetal Mine Safety Advisory Committee, and by Bureau personnel during the area meetings, written and oral comments, suggestions and objections were received. All of the comments, suggestions, and objections have been given careful consideration.

The Federal Metal and Nonmetallic Mine Safety Act covers underground and surface mines and mills. There are many mining companies throughout the Nation which combine mining and manufacturing and are subject to dual inspection and reporting requirements by the Department of the Interior and the Department of Labor under the Williams-Steiger Occupational Safety and Health Act of 1970 (Public Law 91–596, 29 U.S.C. 651, et seq.) Section 24 of the Occupational Safety and Health Act provides for a broad statistical program which extends to employees to whom enforcement provisions of that Act do not apply. Therefore, the requirement that an employer must comply with the recordkeeping, reporting, and enforcement provisions under the Metal and Nonmetallic Mine Safety Act does not necessarily mean that the mine would not be subject to the reporting requirements under the Occupational Safety and Health Act. The recordkeeping and reporting requirements under the new Part 58 are essential to the Bureau of Mines program of health and safety analysis and special studies of all metal and nonmetallic mining and milling operations. All data obtained under Subpart D is to be processed and entered into a computerized data base. Since the injury information reported to the Department of Labor on the Occupational Safety and Health forms lacks the accident analysis data to be obtained by the Department of the Interior on the Bureau of Mines forms, the Bureau cannot use the Department of Labor reports. However, representatives of the Bureau of Mines have consulted with representatives of the Department of Labor in an effort to develop uniform terms and definitions. In certain instances the Bureau of mines will gather data which the Department of Labor desires and, in so doing, the Department of the Interior will furnish the Department of Labor with information the Department of Labor needs and requires in their statistics. This effort to achieve uniform definitions and form coordination is directed toward eliminating duplicate reporting and the need for the Department of Labor to contact the operators of mines and mills directly in order to secure accident, injury and illness information under the Occupational Safety and Health Act.

In response to the comments, suggestions, and objections received, the following changes in proposed Part 58 have been made:

1. In Subpart A, § 58.2 *Definitions*, the definition of an "accident" in paragraph (b)(1) has been expanded to include "illness" which is defined in paragraph (j). This change was made to clarify the fact that the term "accident" which is used throughout this part includes both injuries and illnesses.

Paragraph (b)(2) of § 58.2 and paragraph (b) of § 58.11 have been modified to correspond with recommendations, comments, and suggestions received, that operators immediately report to the Secretary any outbreak of fire that endangers human life or a fire underground which is not brought under control within 30 minutes.

The proposed definitions of injury and illness in paragraphs (g) through (l) have been modified and rearranged. By redefining "Nonfatal injury," the definitions of "Other injury," "Disabling injury" and "injury" have been eliminated. "Nonfatal injury" has been defined to mean all occupational injuries except fatalities and injuries and illnesses requiring only first aid treatment. The definition of "First aid treatment" has been added and is the same as that defined by OSHA with the addition of examples of illnesses that should be considered as first aid cases.

2. In Subpart B, § 58.11 *Notification by operator*, paragraph (b) concerning outbreak of fire has been changed to "any outbreak of fire that endangers human life or a fire underground which is not brought under control within 30 minutes."

3. In Subpart C, § 58.23 *Maintenance of records*, the term "interested persons" contained in §§ 58.23, 58.30, and 58.31 have been deleted and in lieu thereof the regulations specify those persons who shall have access to the operator's records at the mine or nearest mine office to be the Secretary of the Interior and his duly authorized representatives, authorized representatives of the official mine inspection agency of the State in which the mine is located, representatives of the mine workers, and the worker who is the subject of the report or his legal representative. The operator shall either maintain the written record or a true legible facsimile (microfilm or other) of the record for the required 3-year period.

In accordance with section 13 of the Act, the Metal-Nonmetal Injury and Illness Report and the Metal-Nonmetal Quarterly Employment Report forms filed by each operator may be published and released to any interested person, and shall be made available by the Secretary of the Interior for public inspection.

4. In Subpart D, § 58.31 *Metal-Nonmetal Injury and Illness Report*, the requirement that the operator submit the initial report of injury or illness on the Bureau of Mines Form 6–1555, or 6–1555–S in States in which a State plan agreement is in effect, within 72 hours of occurrence of an injury or diagnosis of an illness has been modified to allow a total of up to 10 calendar days from the date of injury or diagnosis for completion and submittal of the report. This change was made in response to comments to the effect that 72 hours would not allow operators sufficient time to

gather the necessary data to file a meaningful report. A 30-day reporting period was suggested. However, a 30-day delay in the reporting of injuries and illnesses would not permit the Bureau of Mines to gather and maintain a sufficiently current data base. The 10 calendar day reporting requirement allows the operators an opportunity to gather and report the required information to the Bureau and at the same time furnishes the Bureau with current and timely accident, injury, and illness data. The longer reporting period will also reduce the number of follow-up forms required to close out lost-time injury cases and thereby reduce the operators' administrative burden.

In addition, the proposed 5-year record retention requirement for the Metal-Nonmetal Injury and Illness Report, has been reduced to 3 years from the date of occurrence or diagnosis whichever is applicable to coincide with the 3-year retention requirements of the operators' investigation, record, and report of accidents under Subpart C, § 58.23, and the Metal-Nonmetal Quarterly Employment Report, Form 6–1556 or 6–1556–S under Subpart D, § 58.32.

Several comments were received with respect to § 58.32 *Metal-Nonmetal Quarterly Employment Report* and questioning the need for the operator's filing of employment information on a quarterly basis. Annual reporting to the Bureau of Mines of injury and employment data has been accepted for many years. However, the continually increasing need for timely information relating to health and safety in the metal and nonmetallic mineral industries requires collection of the basic data more frequently than once a year. Employment data constitutes an important element in the analysis of the causes of accidents and it is essential that this data be collected frequently enough to provide a current data file. Since monthly reporting would generate a large volume of paper and clerical work and since annual reporting is inadequate to meet the Bureau of Mines needs, it has been determined that quarterly reporting is the most acceptable alternative.

Part 58, Subchapter N, Chapter I, Title 30 of the Code of Federal Regulations is adopted as set forth below.

Effective date. Part 58 shall be effective on and after January 1, 1973.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

NOVEMBER 8, 1972.

Subpart A—Purpose and Definitions

Sec.
58.1 Purpose.
58.2 Definitions.

Subpart B—Notification of Accidents

58.10 Scope.
58.11 Notification by operator.
58.12 Investigation by Bureau of Mines.

Subpart C—Operator's Investigation and Records of Accidents

Sec.
58.20 Scope.
58.21 Investigations required of operators.
58.22 Written record.
58.23 Maintenance of records.

Subpart D—Operator's Reports to the Bureau of Mines

58.30 Scope.
58.31 Metal-Nonmetal Injury and Illness Report.
58.32 Metal-Nonmetal Quarterly Employment Report.
58.33 Place to file reports; initial supply; additional forms.

AUTHORITY: The provisions of this Part 58 are issued under section 13 of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 782, 30 U.S.C. 732).

Subpart A—Purpose and Definitions

§ 58.1 Purpose.

The provisions of the regulations in this Part 58 apply to all metal and nonmetal mines subject to the provisions of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. sections 721–740). Under the provisions of the Act, the Secretary of the Interior is authorized to cause investigations to be made for the purpose of obtaining information relating to the causes of accidents involving the loss of life or bodily injury and health and safety conditions in such mines. The purpose of the regulations in this Part 58 is to provide for immediate notice to the Bureau of Mines, Department of the Interior, of the occurrence of certain types of accidents in order to afford the Bureau an opportunity to conduct a prompt investigation, to obtain the operator's report of the occurrence, and to gather current and timely information pertaining to injuries and illnesses.

§ 58.2 Definitions.

As used in this part:

(a) "Metal and nonmetal mine" means: (1) An area of land from which minerals other than coal or lignite are extracted in nonliquid form or if in liquid form, are extracted with workers underground; (2) private ways and roads appurtenant to such area; and (3) land, excavations, underground passageways, and workings, structures, facilities, equipment, machines, tools, or other property, on the surface or underground used in the work of extracting such minerals other than coal or lignite from their natural deposits in nonliquid form or if in liquid form, with workers underground, or used in the milling of such minerals, except that with respect to the protection against radiation hazards such term shall not include property used in the milling of source material as defined in the Atomic Energy Act of 1954, as amended.

(b) "Accident" means: (1) Any injury to or illness of any person, as defined in paragraphs (g), (h), and (j) of this section; (2) any outbreak of fire that endangers human life or a fire underground which is not brought under control within 30 minutes; (3) any unplanned ignition of dust or strata gas; (4) any unplanned explosion of dust or gas; (5) any unplanned inundation by water or gas that endangers human life; (6) any unplanned initiation of explosives, including blasting agents; (7) any entrapment that endangers human life; (8) any damage to shafts and ventilation facilities that endangers human life; and (9) any damage to hoisting or haulage facilities used for the transportation of men when such damage endangers human life.

(c) "Ignition" means: The burning of a flammable mixture of gas or dust without evidence of violence from expansion of gases.

(d) "Explosion" means: The burning of a flammable mixture of gas or dust with evidence of violence from expansion of gases.

(e) "State Agency" means: A State agency responsible for administering a State plan agreement on behalf of a State and throughout the State.

(f) "State Plan Agreement" means: An agreement entered into between the United States of America, and a State pursuant to section 16 of the Federal Metal and Nonmetallic Mine Safety Act.

(g) "Nonfatal injury" means: Any occupational injury other than a fatal injury suffered by any worker which results from a work accident arising out of and in the course of work. A nonfatal injury does not include an injury requiring only first aid treatment.

(h) "Fatal injury" means: Any occupational injury of a person resulting in death regardless of the time intervening between injury and death.

(i) "First aid treatment" means: Any one-time treatment, and any followup visit for the purpose of observation for minor headaches, head colds, flu, virus, scratches, cuts, burns, splinters, and other minor injury or illness, which do not ordinarily require medical care. Such one-time treatment, and followup visit for the purpose of observation, is considered first aid even through provided by a physician or registered professional personnel.

(j) "Illness" means: Any occupational illness, that is, any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion, or direct contact, and which fall within the listing under the heading "Occupational Illness" on Forms No. 6–1555 and 6–1555–S. An illness does not include an illness requiring only first aid treatment.

(k) "Subdistrict Manager" means: The Metal and Nonmetal Mine Health and Safety Subdistrict Manager of the Subdistrict Office of the Bureau of Mines of the Subdistrict in which the metal and nonmetal mine is located.

(l) "That endangers human life" means: Danger to the life of any person on mine property which is subject to the Act.

Subpart B—Notification of Accidents

§ 58.10 Scope.

The regulations in this Subpart B provide for the immediate notification to the Bureau of Mines, U.S. Department of the Interior, of the occurrence of any accident described in § 58.11 in order to afford the Bureau the opportunity to conduct a prompt investigation, or to require the operator to investigate the accident and submit a written report as provided in Subpart C of this part.

§ 58.11 Notification by operator.

The operator of a metal and nonmetal mine subject to the Act, using the fastest available means of communication, shall immediately notify the Subdistrict Manager of any of the following accidents that occur at a metal and nonmetal mining operation:

(a) Any injury, excluding illness, which results in death or may reasonably be expected to result in death;

(b) Any outbreak of fire that endangers human life or a fire underground which is not brought under control within 30 minutes;

(c) Any unplanned ignition of dust or strata gas;

(d) Any unplanned explosion of dust or gas;

(e) Any unplanned inundation by water or gas that endangers human life;

(f) Any unplanned initiation of explosives, including blasting agents;

(g) Any entrapment that endangers human life;

(h) Any damage to shafts and ventilation facilities that endangers human life; and

(i) Any damage to hoisting or haulage facilities used for the transportation of men when such damage endangers human life.

§ 58.12 Investigation by Bureau of Mines.

Following any notification received in accordance with § 58.11, the Subdistrict Manager shall determine whether an investigation of the accident will be conducted by the Bureau of Mines. If he determines that such an investigation will be conducted (a) in a State with which a State plan agreement is in effect the Subdistrict Manager shall promptly notify the State agency and the operator or, (b) in a State with which a State plan agreement is not in effect, the Subdistrict Manager shall promptly notify the operator directly, of the approximate date and time of such investigation. If an investigation is to be made by the Bureau of Mines, the operator shall, to the extent compatible with rescue and recovery work, take appropriate measures to preserve anything and everything which might assist an investigator in determining the cause or causes of the accident. Neither the operator's immediate report nor an investigation by the Bureau of Mines of an accident specified in § 58.11 shall relieve the operator of the reporting requirements for an injury prescribed in Subpart D of this part.

Subpart C—Operator's Investigation, Record, and Report of Accidents

§ 58.20 Scope.

The Secretary of the Interior or his duly authorized representative may require a detailed investigation and written report of an accident specified in § 58.11. The operator's investigation shall develop sufficient information to determine the cause of the accident and to describe all facts which contributed to or resulted in the accident. The regulations in this Subpart C prescribe the nature and the extent of the information to be included in such records, and the period and manner in which report of accidents shall be recorded and submitted to the Bureau of Mines.

§ 58.21 Investigations required by operators.

Following the occurrence of an accident specified in § 58.11, and if required, an operator shall be notified by the subdistrict manager of the requirement to submit a detailed written report of the accident as soon as practicable to the Bureau of Mines. The operator shall conduct an investigation and, on completion of the investigation, the operator shall submit a written report to the subdistrict manager. If the metal and nonmetal mine is located in a State where a State plan agreement is in effect, the operator shall upon request by the State agency, submit a copy of the written report to the State agency.

§ 58.22 Written record.

(a) The operator's written record of his investigation of an accident shall contain:

(1) The Bureau of Mines mine identification number;

(2) The date and hour on which the accident occurred;

(3) The date and hour the investigation was started;

(4) The name of the person, or persons, who made the investigation;

(5) The name, occupation at the time of the accident, and pertinent occupational experience for each person who received injury, together with the type of each injury incurred;

(6) A narrative description of the accident, including all pertinent events prior to, during, and after the accident; all relevant facts, such as dimension and clearance measurements; manufacturer, model, and type of equipment or machinery involved; in general terms the noise level, visibility, and lighting environment; and identifiable human behavior factors contributing to the accident; and any other factor believed to have related or contributed to the accident;

(7) A diagram of the location of the accident; and

(8) The operator shall attach to his written detailed investigation report, a description of steps taken, or to be taken in the future, along with a reasonable timetable for execution, so that the possibility of recurrence of that type of accident may be eliminated.

(b) A written report submitted by the operator under this Subpart C, which includes an injury, does not relieve the operator from the injury reporting requirements prescribed in Subpart D of this part.

§ 58.23 Maintenance of records.

The operator's written records of investigations of accidents required by this Subpart C, or a true legible facsimile thereof (microfilm or other) shall be maintained at the metal and nonmetal mine or nearest mine office for a period of 3 years from the date of the accident. These records shall be open for inspection by the Secretary of the Interior and his duly authorized representatives, authorized representatives of the official mine inspection agency of the State in which the mine is located, representatives of the mine workers, and the worker who is the subject of the report or his legal representative.

Subpart D—Operator's Reports to the Bureau of Mines

§ 58.30 Scope.

The regulations in this Subpart D prescribe records of injuries and illnesses to be maintained by all operators of metal and nonmetal mines, the time and manner in which required information is to be reported to the Bureau of Mines, and the availability of such records to inspection.

§ 58.31 Metal-nonmetal injury and illness report.

(a) The operator of a metal or nonmetal mine shall maintain at the mine a Metal-Nonmetal Injury and Illness Report (Form 6–1555 or 6–1555–S, whichever is applicable) on which there shall be entered and recorded specified information with respect to each injury by date of occurrence, and each illness by date of diagnosis or occurrence. The Metal-Nonmetal Injury and Illness Report is organized to facilitate the recording and compilation of information for each occurrence. The operator's copy (white) or a true legible facsimile thereof (microfilm or other) shall be maintained at the mine or nearest mine office for a period of 3 years from the date of occurrence or diagnosis, whichever is applicable, and shall be open for inspection by the Secretary of the Interior and his duly authorized representatives, authorized representatives of the official mine inspection agency of the State in which the mine is located, representatives of the mine workers, and the worker who is the subject of the report or his legal representative.

(b) For metal and nonmetal lines located in States in which a State plan agreement is not in effect, the Metal-Nonmetal Injury and Illness Report (Form 6–1555) shall consist of a set of

three forms: An original (white) operator's copy and two carbon copies (one yellow and one blue), which shall be maintained, filled in, and disposed of in accordance with the provisions of this Subpart D.

(c) For metal and nonmetal mines located in States in which a State plan agreement is in effect, the Metal-Nonmetal Injury and Illness Report (Form 6–1555–S) shall consist of a set of five forms, an original (white) operator's copy, and four carbon copies (two yellow and two blue) which shall be maintained, filled in, and disposed of in accordance with the provisions of this Subpart D.

(d) The operator shall maintain at the metal and nonmetal mine, a supply of the Metal-Nonmetal Injury and Illness Report Forms (Form 6–1555 or 6–1555–S). Promptly after an injury occurs, or an illness occurs or is diagnosed, a responsible supervisor or individual of the mine where the injury occurred shall fill out one set of forms for each injury or illness. Where more than one person is injured, or is afflicted simultaneously with the same illness, a separate and additional set of forms shall be used and completed for each person injured or afflicted.

(e) Metal-Nonmetal Injury and Illness Reports shall be retained, completed and information recorded, disposed of and distributed and mailed to the Bureau of Mines as follows:

(1) Promptly after the occurrence of an injury or an illness occurs or is diagnosed, the operator shall record the information required, and upon completion of the recording of the information shall retain the original (white) copy for the operator's records.

(2) The operator shall retain the yellow and blue copies for a period of time not to exceed 10 calendar days after the occurrence of the injury or illness, or diagnosis of an illness. Depending upon whether the person affected does, or does not return to work within the period of 10 calendar days, the operator shall proceed in accordance with subparagraphs (3) and (5) of this paragraph.

(3) If the injured or ill person returns to his regular job at full capacity within 10 calendar days following an injury, or occurrence or diagnosis of an illness, the operator shall enter the "Total number of lost workdays," the "Number lost from regular job," the "Date returned to work," and other relevant data on the white and yellow copies and promptly mail the yellow Federal-copy to the Bureau of Mines and may discard the blue Federal-copy.

(4) Operators in States in which State plan agreements are in effect shall proceed as in subparagraph (3) of this paragraph except that the operator shall mail the yellow State-copy to the State agency and discard the blue State-copy

(5) If the injured or ill person has not returned to his regular job within 10 calendar days following an injury, or occurrence or diagnosis of an illness, the operator shall leave blank the spaces designated "Total number of lost workdays," "Number lost from regular job," "Date returned to work," and also those spaces for other relevant but unknown data or information, and promptly upon the expiration of the period of 10 calendar days the operator shall mail the yellow Federal-copy to the bureau of Mines. Thereafter, when the person returns to his regular job, the operator shall enter the total number of lost workdays, the number of days lost from regular job, the date the person returned to work, and complete and record all other relevant data or information in the spaces provided on the white and blue copies, and mail the blue Federal-copy to the Bureau of Mines.

(6) Operators in States in which State plan agreements are in effect shall proceed as in subparagraph (5) of this paragraph except that at the appropriate times, the operator shall mail the yellow State-copy and the blue State-copy to the State agency, and the yellow Federal-copy and the blue Federal-copy to the Bureau of Mines.

§ 58.32 Metal-Nonmetal Quarterly Employment Report.

(a) On or before the 15th day of the first month following the end of each calendar quarter; that is, April 15, July 15, October 15, and January 15, the operator of a metal and nonmetal mine in which one or more men have worked during any day of a calendar quarter shall file with the Bureau of Mines a Metal-Nonmetal Quarterly Employment Report (Form 6–1556 or 6–1556–S, whichever is applicable). The Metal-Nonmetal Quarterly Employment Report shall be submitted to the Bureau of Mines by all metal and nonmetal mine operators for each quarter, or portion thereof, in which the mine is in operation even though the metal and nonmetal mine may be idle for all or a portion of the quarter. If an operator permanently closes or abandons the mine, the operator shall immediately notify the Bureau of Mines of the last day of operation and no report will be required from a metal and nonmetal mine which has been permanently closed or abandoned, except for the portion of a quarter during which the mine may have been in operation.

(b) For metal and nonmetal mines located in States in which a State plan agreement is not in effect, the operator shall use Form 6–1556 and retain the original and file the copy with the Bureau of Mines.

(c) For metal and nonmetal mines located in States in which State plan agreements are in effect, the operator shall use Form 6–1556–S and retain the original and file the Federal-copy with the Bureau of Mines and the State-copy with the appropriate State Agency.

(d) The operator's original of Form 6–1556 or 6–1556–S or a true legible facsimile thereof (microfilm or other) shall be maintained at the metal and nonmetal mine or nearest mine office for a period of 3 years from the date of filing.

§ 58.33 Place to file reports; initial supply; additional forms.

Unless otherwise provided, all reports required by this Subpart D to be submitted (a) to the State agency in States with State plan agreements in effect, shall be filed with the appropriate State agency, and (b) to the Bureau of Mines shall be filed with the U.S. Bureau of Mines, Health and Safety Analysis Center, Building 20, Denver Federal Center, Denver, Colo. 80225. An initial supply of the Metal-Nonmetal Mine Injury and Illness Report and the Metal-Nonmetal Quarterly Employment Report and preaddressed envelopes for the Bureau of Mines forms will be mailed to each operator. Additional report forms and envelopes may be obtained as needed, upon request, from the Metal and Nonmetal Mine Health and Safety District and Subdistrict Office of the Bureau of Mines of the District or Subdistrict in which the mine is located.

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