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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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FEDERAL REGISTER

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Title 3—The President

PROCLAMATION 4170

Thanksgiving Day, 1972

By the President of the United States of America

A Proclamation

When the first settlers gathered to offer their thanks to the God who had protected them on the edge of a wilderness, they established anew on American shores a thanksgiving tradition as old as Western man himself.

From Moses at the Red Sea to Jesus preparing to feed the multitudes, the Scriptures summon us to words and deeds of gratitude, even before divine blessings are fully perceived. From Washington kneeling at Valley Forge to the prayer of an astronaut circling the moon, our own history repeats that summons and proves its practicality.

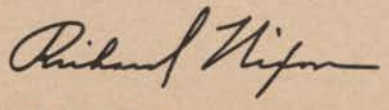
Today, in an age of too much fashionable despair, the world more than ever needs to hear America's perennial harvest message: "Take heart! Give thanks! To see clearly about us is to rejoice; and to rejoice is to worship the Father; and to worship Him is to receive more blessings still."

At this Thanksgiving time our country can look back with special gratitude across the events of a year which has brought more progress toward lasting peace than any other year for a generation past; and we can look forward with trust in Divine Providence toward the opportunities which peace will bring.

Truly our cup runs over with the bounty of God—our lives, our liberties, and our loved ones; our worldly goods and our spiritual heritage; the beauty of our land, the breadth of our horizons, and the promise of peace that crowns it all. For all of this, let us now humbly give thanks.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in consonance with Section 6103 of Title 5 of the United States Code designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 23, 1972, as a day of national thanksgiving. I call upon all Americans to assemble in homes and places of worship on this day, to join in offering gratitude for the countless blessings our people enjoy, and to embrace the elderly and less fortunate as special celebrants in the day's events, loving them as we have been loved.

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



[FR Doc.72-20101 Filed 11-17-72;12:27 pm]

PROCLAMATION 4171

National Farm-City Week, 1972

By the President of the United States of America

A Proclamation

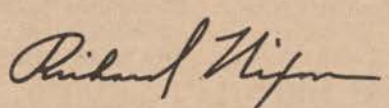
The breadwinners of our national family—those whose hard work helps to provide the rest of us with food to eat and clothes to wear—are America's nearly 3 million farmers.

American agriculture leads our own economy and the world in productivity. The bounty of our farms is an indispensable element in the steadily rising standard of living for our cities—indeed for every American community large or small. This is the strong bond of interdependence and mutual benefit which links farm people to city people throughout this country, and to peoples in other countries all over the globe, wherever the agricultural exports of our heartland alleviate hunger and so promote the cause of peace.

National Farm-City Week is an occasion for wider recognition of this interdependence and for new efforts to increase cooperation between farm and city people. It is a time for renewal of our commitment to balanced national growth and to assuring the farmer of a fair share in the national prosperity to which he contributes so much.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week of November 17 through November 23, 1972, as National Farm-City Week. I encourage all citizens, especially leaders of agricultural organizations, business groups, labor unions, youth and women's clubs, schools, and other interested groups, to participate in this observance. I urge the Department of Agriculture, land-grant educational institutions, and all appropriate organizations and Government officials to mark the significance of National Farm-City Week with special events and activities.

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



[FR Doc.72-20102 Filed 11-17-72;12:27 pm]

MEMORANDUM OF NOVEMBER 1, 1972

[Presidential Determination No. 73-5]

Presidential Determination— The Republic of Korea, Turkey, and Jordan

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, November 1, 1972.

In accordance with the recommendation in your memorandum of August 7, 1972, I hereby:

(a) Determine, pursuant to Section 504(a) of the Foreign Assistance Act of 1961, as amended, that the furnishing of sophisticated weapons systems in FY 1973 to the Republic of Korea, Turkey, and Jordan is important to the national security of the United States.

(b) Determine, pursuant to Section 4 of the Foreign Military Sales Act, as amended, that the financing of the sale of sophisticated weapons systems to Jordan is important to the security of the United States.

You are requested on my behalf to report this determination to the Senate and the House of Representatives as required by law.

This determination shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.72-20001 Filed 11-16-72; 1:38 pm]

Rules and Regulations

Title 7—AGRICULTURE

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

[Lemon Reg. 560]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.860 Lemon Regulation 560.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 14, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 19 through November 25, 1972, is hereby fixed at 175,000 cartons.

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

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

Dated: November 15, 1972.

AUTHUR E. BROWNE,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–19980 Filed 11–17–72;8:53 am]

Chapter XIV—Commodity Credit Corporation

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision II)

CCC DRAFTS

On page 20038 of the FEDERAL REGISTER of September 23, 1972, there was published a notice of proposed rule making to amend § 1488.5 of GSM–4, Revision II, Regulations Covering Export Financing of Sales of Agricultural Commodities under the CCC Export Credit Sales Program.

The effect of this amendment is to change procedures under letters of credit by providing for the use of one draft in effecting repayments under the CCC Export Credit Sales Program.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections related to the proposed amendment. No comments have been received. Therefore, the proposed amendment, with clarifying language, is adopted without substantive change as set forth below.

Effective date. Shall be effective upon publication in the FEDERAL REGISTER (11–18–72).

Dated: November 10, 1972.

LAUREL C. MEADE,
Vice President, Commodity Credit Corporation, General Sales Manager, Export Marketing Service.

Amendment of § 1488.5 provides for the use of one draft in effecting repayments under the CCC export credit sales program. As amended, § 1488.5 will read as follows:

§ 1488.5 CCC drafts.

Under bank obligations, CCC will draw one draft for the amount due. If any portion of a CCC draft is dishonored, the U.S. bank or branch bank shall return the dishonored draft together with its statement of the reason for nonpayment. If a draft which is drawn under a partially confirmed bank obligation is dishonored, at the request of the confirming bank CCC will replace the draft with separate drafts for the confirmed and unconfirmed portions. Such replacement shall not alter the confirming bank's obligation for timely payment to CCC of the confirmed portion of the credit. For confirmed amounts, except as provided in § 1488.4 (c) and (d), a U.S. or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. On approval by CCC of such request, the refund shall be promptly made together with interest at the Federal Reserve Bank of New York discount rate from the date payment was originally made to CCC to but not including the date of refund by CCC. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or branch bank shall not thereafter have recourse to CCC.

[FR Doc.72–19903 Filed 11–17–72;8:49 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–2298]

PART 13—PROHIBITED TRADE PRACTICES

American Home Products Corp. and Cunningham and Walsh, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or*

misleadingly; § 13.20 *Comparative data or merits:* 13.20–20 Competitors' products; § 13.175 *Quality of product or service;* § 13.265 *Tests and investigations.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1710 *Qualities or properties;* § 13.1762 *Tests, purported.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising;* 13.2275–70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, American Home Products Corp. et al., New York, N.Y., Docket No. C-2298, October 6, 1972]

In the Matter of American Home Products Corp., a Corporation, and Cunningham & Walsh, Inc., a Corporation

Consent order requiring a New York City seller and distributor of household products and its New York City advertising agency, among other things to cease advertising any consumer commodity by the use of or referral to a demonstration, test, or experiment that appears or purports to prove superiority of such products over competitive products when such demonstration, test, or experiment does not constitute proof thereof.

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

I. *It is ordered,* That respondent American Home Products Corp., a corporation, its successors and assigns and respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of: (i) Any ironing aid or fabric conditioner including Easy-On Speed Starch or any other household consumer commodity consumed or expended in the laundering, ironing, or treatment of garments or other fabrics usually found in the house; (ii) any insecticide including Black Flag Ant & Roach Killer used in whole or in part within the house or any other household consumer commodity consumed or expended to control insects, pests or weeds or to fertilize earth in and around the house; (iii) any household consumer commodity consumed or expended to freshen or deodorize the air within the house or to light fires in and around the house; (iv) any product used to cool foods or beverages; (v) any household window cleaner including Easy-Off Liquid Window Cleaner or any household floor polish, including Aerowax Floor Wax; or (vi) any other household consumer commodity consumed or expended in cleaning, maintaining, repairing, or polishing the house and its usual furnishings, fixtures, or objects; or (vii) any aerosol shaving cream products; or (viii) any shoe care product; in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Advertising any such consumer commodity by presenting or referring to a demonstration, test, or experiment that appears or purports to be proof of any fact or product feature that is material to inducing the sale of the commodity, such as but not limited to comparative superiority of one commodity over another, when, in fact, such demonstration, test, or experiment does not constitute actual proof thereof.

II. *It is further ordered,* That respondent Cunningham & Walsh, Inc., a corporation, its successors and assigns and respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of: (i) Any ironing aid or fabric conditioner including Easy-On Speed Starch or any American Home Products Corp. household consumer commodity consumed or expended in the laundering, ironing, or treatment of garments or other fabrics usually found in the house; (ii) any insecticide including Black Flag Ant & Roach Killer used in whole or in part within the house or any American Home Products Corp. household consumer commodity consumed or expended to control insects, pests, or weeds or to fertilize earth in and around the house; (iii) any American Home Products Corp. household consumer commodity consumed or expended to freshen or deodorize the air within the house or to light fires in and around the house; (iv) any American Home Products Corp. product used to cool foods or beverages; (v) any household window cleaner including Easy-Off Liquid Window Cleaner; or (vi) any American Home Products Corp. household consumer commodity consumed or expended in cleaning, maintaining, repairing, or polishing the house and its usual furnishings, fixtures, or objects; or (vii) any American Home Products Corp. aerosol shaving cream product; or (viii) any American Home Products Corp. shoe care product; in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Advertising any such consumer commodity by presenting or referring to a demonstration, test, or experiment that appears or purports to be proof of any fact or product feature that is material to inducing the sale of the commodity, such as but not limited to comparative superiority of one commodity over another, when, in fact, such demonstration, test, or experiment does not constitute actual proof thereof, and respondent knew or should have known that such was the case.

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

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

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

By the Commission.

Issued: October 6, 1972.

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

[FR Doc.72-19859 Filed 11-17-72;8:45 am]

[Docket No. C-2299]

PART 13—PROHIBITED TRADE PRACTICES

Regal Ware, Inc., and James D. Reigle

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business Status, Advantages or connections: § 13.1520 *Personnel or staff*—Goods: § 13.1647 *Guarantees;* § 13.1685 *Nature;* § 13.1710 *Qualities or properties.* Subpart—Neglecting, unfairly, or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Regal Ware, Inc., et al., Kewaskum, Wis., Docket No. C-2299, October 6, 1972]

In the Matter of Regal Ware, Inc., a Corporation, and James D. Reigle, Individually and as an Officer of Said Corporation

Consent order requiring a Kewaskum, Wis., distributor and seller of cooking utensils, among other things to cease misrepresenting the nature and properties of its products; representing respondents' sales personnel as members of its advertising department; and representing its guarantees as unconditional without revealing, in advertising, any conditions to which they are subject.

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

It is ordered, That respondents Regal Ware, Inc., a corporation, its successors and assigns and officers, and James D. Reigle, individually and as an officer of said corporation, and respondents' officers, agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device, in connection with the offering for

sale, sale, distribution, or advertising of stainless steel or aluminum cookware, coated or uncoated, presently in respondents' line of products, or any other cookware products of substantially similar properties which they may offer for sale in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally or in writing, that:

(a) When their cooking utensils are covered with the lids supplied therefor, a vapor "seal" or "lock" is formed or that no vapor loss occurs during the cooking of food in said utensils, except that such representations may be used when expressly limited to that portion of the cooking time after the heat is turned down in the method of cooking recommended by respondents.

(b) The use of said cookware products will enable users to realize substantial savings in time spent in the kitchen in connection with the cooking of food.

(c) The sales agents and representatives of respondents' dealers, distributors, and franchisees are members of respondents' advertising department; that such persons are conducting an advertising campaign, or that such persons are other than salesmen whose purpose is to sell said cookware products.

2. Representing, directly or by implication, orally or in writing, that any product or service is guaranteed unless:

(a) The nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and

(b) The guarantor does in fact perform all of the actual and represented obligations under the terms of the guarantee.

3. Failing to disclose, clearly and conspicuously, in offers of free gifts or other promotional offers seeking leads to prospective purchasers of cookware products which are sold through sales representatives, that prospective purchasers may be visited by sales representatives.

4. Supplying to or placing in the hands of any distributor, dealer, franchisee, or salesman brochures, sales manuals, charts, pamphlets, or any other advertising material which are displayed or may be displayed to the purchasing public which contain any of the representations prohibited in paragraphs 1, 2, and 3 hereof.

5. Failing to deliver a copy of this order to cease and desist to all of respondents' present and future salesmen, distributors, dealers, and franchisees engaged in the sale of respondents' cookware products, and failing to secure from such persons a signed statement acknowledging receipt of said order.

It is further ordered, That the aforesaid respondents shall direct all of respondents' salesmen, distributors, dealers, or franchisees possessing repondents' products to remove and destroy all brochures, sales manuals, flip-charts, pamphlets, or any other advertising material which are displayed, or may be displayed, to the purchasing public which contain any of the representations or practices prohibited in paragraphs 1, 2, and 3 hereof; and in the event any such salesman, distributor, dealer, or franchisee refuses to, or does not, cooperate fully with respondents in this regard, respondents shall in that event cease to furnish and supply such salesman, distributor, dealer, or franchisee their products for resale to the public until such time as he does so cooperate.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of a subsidiary or any other change in the corporation which may affect compliance obligations arising out of the order, provided, however, that if respondents do not have thirty (30) days lead time between proposal of such change and its consummation, respondents shall notify the Commission thereof at the earliest feasible time before consummation and any entity which may succeed to any part of the business covered by this order will have been advised of every provision of this order and will have agreed to be bound thereby.

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

By the Commission.

Issued: October 6, 1972.

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

[FR Doc.72-19860 Filed 11-17-72;8:45 am]

[Docket No. C-2297]

PART 13—PROHIBITED TRADE PRACTICES

Tallman Piano Stores, Inc. et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.140 *Old, reclaimed, or reused product being new;* § 13.155 *Prices;* 13.155-15 Comparative; 13.155-40 Exaggerated as regular and customary; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; 13.155-100 Usual as reduced, special, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; § 13.1695 *Old, secondhand, reclaimed, or reconstructed as new;*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act; § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Tallman Piano Stores, Inc. et al., Salem, Oreg., Docket No. C-2297, Oct. 5, 1972]

In the Matter of Tallman Piano Stores, Inc., Tallman Pianos-Organs, Inc., and Piano Organ Acceptance Corporation, Corporations, and Richard L. Taw, Individually and as an Officer of Said Corporation

Consent order requiring Salem, Oreg., and Burien, Wash., sellers and distributors of new and used pianos and organs, among other things to cease representing used merchandise as new; misrepresenting prices as regular or customary; representing any price as special or reduced unless such reduction in price is substantial; and failing to disclose to customers such information as required by Regulation Z of the Truth in Lending Act.

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

I. *It is ordered*, That respondents Tallman Piano Stores, Inc., Tallman Pianos-Organs, Inc., and Piano Organ Acceptance Corp., corporations, their successors and assigns, and their officers, and Richard L. Taw, individually and as an officer, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of pianos, organs or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally, in writing, or visually, that a used piano or organ is new; failing to disclose that a used piano or organ is not new.

2. Representing, directly or by implication, orally, in writing, or visually, that an amount, including but not limited to the manufacturer's suggested list price, is respondents' regular and customary retail price for a piano or organ, unless such amount is the price at which such item has been sold in substantial quantities by respondents in the recent regular course of their business; or

3. Misrepresenting, directly or by implication, orally, in writing, or visually, that any price for a piano or organ, however described, is the customary retail price for that piano or organ in a particular trade area.

4. Representing, directly or by implication, orally, in writing, or visually, that one of respondents' stores has a particular number of pianos and organs available for sale unless the represented number is in that store's physical inventory at the time the representation is made.

5. Representing, directly or by implication, orally, in writing, or visually, that

respondents' products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith.

6. Representing, directly or by implication, orally, in writing, or visually, that any price for respondents' products is a special and reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

7. Failing to maintain adequate records: (a) Which disclose facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraph 6 of this order are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraph 6 of this order can be determined.

II. *It is ordered,* That respondents Tallman Piano Stores, Inc., Tallman Pianos-Organs, Inc., and Piano Organ Acceptance Corp., corporations, their successors and assigns, and their officers, and Richard L. Taw, individually and as an officer, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with any consumer credit sale, as "consumer credit" and "credit sale" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90-321.L. 90-321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Failing to disclose the price at which respondents, in the regular course of business, offer to sell for cash the property or services which are the subject of the credit sale, and to describe that price as the "cash price", as required by § 226.8(c)(1) of Regulation Z.

2. Failing to disclose the amount of any downpayment in money, and to describe that amount as the "cash downpayment" as required by §226.8(c)(2) of Regulation Z.

3. Failing to disclose the amount of any downpayment in property, and to describe that amount as the "trade-in", as required by § 226.8(c)(2) of Regulation Z.

4. Failing to disclose the sum of the "cash downpayment" and the "trade-in", and to describe that sum as the "total downpayment", as required by § 226.8(c)(2) of Regulation Z.

5. Failing to disclose the difference between the "cash price" and the "total downpayment", and to describe that difference as the "unpaid balance of cash price", as required by § 226.8(c)(3) of Regulation Z.

6. Failing to disclose all charges which are not part of the "finance charge" but are included in the amount financed, and to itemize each such charge individually, as required by § 226.8(c)(4) of Regulation Z.

7. Failing to disclose the sum of the "unpaid balance of cash price" and all other amounts itemized individually, which are part of the amount financed but which are not included in the finance charge, and to describe that amount as the "unpaid balance", as required by § 226.8(c)(5) of Regulation Z.

8. Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed", as required by § 226.8(c)(7) of Regulation Z.

9. Failing to disclose the sum of all charges made to the customer which are required by § 226.4 of Regulation Z to be included in the finance charge, and to describe that sum as the "finance charge", as required by § 226.8(c)(8)(i) of Regulation Z.

10. Failing to disclose accurately the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

11. Failing to disclose the date the finance charge begins to accrue in any transaction in which that date is different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

12. Failing to disclose the annual percentage rate accurately to the nearest quarter of 1 percent, in accordance with § 226.8(b)(2) of Regulation Z.

13. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, and to describe any payment which is more than twice the amount of an otherwise regularly scheduled equal payment as a "balloon payment", as required by § 226.8(b)(3) of Regulation Z.

14. Failing to disclose the sum of the payments scheduled to repay the indebtedness, and to describe the sum as the "total of payments" as required by § 226.8(b)(3) of Regulation Z.

15. Failing to describe the type of any security interest in property held, or to be retained or acquired in connection with any extension of credit, or to describe or identify the property to which that security interest relates, as required by § 226.8(b)(5) of Regulation Z.

16. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, or failing to state the amount or method of computation of any charge that may be deducted from the amount of any rebate of such finance charge that will be credited to the obligation or refunded to the customer, whether by failing to state that such charge will be deducted before or after computation of the unearned portion or otherwise, as required by § 226.8(b)(7) of Regulation Z.

17. Stating, in any advertisement, the rate of any finance charge unless respondents state the rate of that charge expressed as an "annual percentage rate", as required by § 226.10(d)(1) of Regulation Z.

18. Stating, in any advertisement, the amount of downpayment required or that no downpayment is required, the amount of any installment payment, the number of installments or the period of repayment, or that there is no charge for credit, in connection with a consumer credit transaction, without also stating all of the following items, in the terminology prescribed under § 226.08 of Regulation Z, as required by § 226.10(d)(2) thereof:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

19. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

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

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

By the Commission.

Issued: October 5, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-19861 Filed 11-17-72;8:46 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY, REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 72-581]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

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

In § 76.2, in subparagraph (e)(8) relating to the State of Tennessee, subdivision (ii) relating to Cumberland and Fentress Counties is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505.)

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

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

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

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

Done at Washington, D.C., this 14th day of November 1972.

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

[FR Doc.72-19937 Filed 11-17-72;8:52 am]

[Docket No. 72-582]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, in subparagraph (e)(2) relating to the State of Indiana, a new subdivision (v) relating to Wells County is added to read:

(e) * * *

(2) *Indiana.*

* * * * *

(v) That portion of Wells County bounded by a line beginning at the junction of the Wells-Allen County line and State Highway 303; thence, following the Wells-Allen County line in an easterly direction to the junction of the Wells-Allen-Adams County lines; thence, following the Wells-Adams County line in a southerly direction to County Road 200 N; thence, following County Road 200 N in a westerly direction to State Highway 303; thence, following State Highway 303 in a northerly direction to its junction with the Wells-Allen County line.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264–1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505)

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

The amendment quarantines a portion of Wells County in Indiana because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

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

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

Done at Washington, D.C., this 14th day of November 1972.

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

[FR Docs.72-19936 Filed 11-17-72;8:52 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5 and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. The entire State;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State.
Louisiana. The entire State;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;

Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Logan, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Pierce, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts, Bluff, Seward, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Fault, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Sully, Todd, Tripp, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation.
Tennessee. The entire State;
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cattle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta Denton, DeWitt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadelupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Klegerg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Liano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Regan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32, Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended; 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (11–18–72).

The amendment deletes Lake and Turner Counties in South Dakota from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas no longer come within the definition of § 78.1(i).

Beadle and Shannon Counties in South Dakota and Dawson, Knox, and Terry Counties in Texas were deleted from the list of Modified Certified Brucellosis Areas on October 11, 1972. Since said date, it has been determined that these counties again come within the definition of § 78.1(i); and, therefore, they have been redesignated as Modified Certified Brucellosis Areas.

The amendment adds the following additional area to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such area comes within the definition of § 78.1(i): Kenedy County in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of November 1972.

DONALD MILLER,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.72–19939 Filed 11–17–72;8:52 am]

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

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

Addition to List of Countries Determined To Be Free of Hog Cholera

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

1. Section 94.9(a) is amended by deleting in both instances "England" and substituting "Great Britain (England, Scotland, Wales, and Isle of Man)" therefor, and by adding, "Iceland" after "Great Britain."

2. Section 94.10 is amended by deleting "England" and substituting "Great Britain (England, Scotland, Wales, and Isle of Man)" therefor, and by adding, "Iceland" after "Great Britain."

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 29 F.R. 16210, as amended; 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505)

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

The amendments delete "England" and substitute "Great Britain (England, Scotland, Wales, and Isle of Man)" therefor, and add Iceland, in the list of countries determined to be free of hog cholera and from which swine, pork and pork products may be imported into the United States without complying with §§ 94.9 and 94.10 but subject to other applicable restrictions.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of November 1972.

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

[FR Doc.72-19940 Filed 11-17-72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-RM-19]

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

Alteration of Control Zone and Transition Area

On October 6, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 21174) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Watertown, S. Dak., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., February 1, 1973.

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

Issued in Aurora, Colo., on November 9, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (37 F.R. 2056) the description of the Watertown, S. Dak., control zone is amended to read as follows:

WATERTOWN, S. DAK.

Within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 1.5 miles each side of the Watertown VORTAC 001° radial, extending from the 5-mile radius zone to 2.5 miles north of the VORTAC; and within 1 mile each side of the Watertown VORTAC 181° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC.

In § 71.181 (37 F.R. 2143) the description of the Watertown, S. Dak., transition area is amended to read as follows:

WATERTOWN, S. DAK.

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the Watertown VORTAC extending clockwise from the 238° radial to the 086° radial; within a 26-mile radius of the Watertown VORTAC extending clockwise from the 086° radial to a line located parallel to and 4.5 miles west of the 181° radial; and within 6 miles east and 9.5 miles west of the Watertown VORTAC 001° radial extending from the VORTAC to 21 miles north; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 7 miles west of the 181° radial extending from the VORTAC to 31.5 miles south; and within a 26-mile radius of the Watertown VORTAC extending clockwise from a line 7 miles west of and parallel to the 181° radial to the 238° radial.

[FR Doc.72-19897 Filed 11-17-72;8:49 am]

[Airspace Docket No. 72-RM-24]

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

Alteration of Transition Area

On October 3, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 20727) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Missoula, Mont., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received, and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., February 1, 1973.

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

Issued in Aurora, Colo., on November 10, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (37 F.R. 2143) the description of the Missoula, Mont., transition area is amended to read as follows:

That airspace extending upward from 700 feet above the surface within 8 miles southwest of the Missoula, Mont. VORTAC 296° radial extending from the VORTAC to 21 miles northwest; and within 8.5 miles southwest and 5.5 miles northeast of the Missoula VORTAC 311° radial extending from the VORTAC to 38 miles northwest; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Missoula, Mont. VORTAC (latitude 46°54'29" N., longitude 114°04'58" W.); within a 32-mile radius of the Missoula, Mont. VORTAC extending clockwise from the 256° radial to the 357° radial; within 9.5 miles southwest of the Missoula, Mont. VORTAC 298° radial extending from the VORTAC to 38 miles northwest; and within 9 miles southwest and 6 miles northeast of the Missoula, Mont. VORTAC 113° radial extending from the VORTAC to 19 miles southeast.

[FR Doc.72-19898 Filed 11-17-72;8:49 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-779; Amdt. 18]

PART 221—CONSTRUCTION, PUBLICATION, FILING, AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Notice of Liability Limitations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of November 1972.

By circulation of notice of proposed rule making EDR-230,[1] the Board gave notice that it had under consideration modification of the provisions of Part 221 of the Economic Regulations (14 CFR Part 221) which require standard notices of the limitations on liability provided by the Warsaw Convention. Because of the recent devaluation of the dollar in relation to gold, the dollar limitations specified in these notices no longer reflect the minimum liability requirements of the Convention, which are based on a gold standard. Therefore, it was proposed to amend the liability notices prescribed in §§ 221.175 and 221.176 (a) and (b) to require air carriers and foreign air carriers which avail themselves of limitations on liability for death or personal injury, or for loss or damage to baggage, as provided by the Warsaw Convention, to accurately state, in their ticket and sign notices of such limitations, the dollar limitations currently allowable under the Convention.

Interested persons have been afforded an opportunity to participate in this proceeding, but no comments have been filed in response to the rule making notice. Accordingly, we have determined to adopt the rules as proposed, and we incorporate herein the tentative findings made in EDR-230.

Since carriers have only recently been required to order new ticket stock, in implementation of the Board's regulation requiring notice of baggage liability limitations,[2] we will, as contemplated in the rule making notice, allow carriers until March 15, 1973, to revise their ticket notices to reflect the aforedescribed dollar limitations. The revision to the standard sign notice shall be made within 30 days after publication of this rule in the FEDERAL REGISTER.[3]

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221) effective December 18, 1972, as follows:

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[1] September 12, 1972, 37 F.R. 18926, Docket 24750.

[2] ER-708, Jan. 1, 1972.

[3] These amendments to the regulations in no manner affect the issues before the U.S. Court of Appeals for the District of Columbia Circuit in the pending case, Deutsche Lufthansa Aktiengesellschaft v. Civil Aeronautics Board, C.A.D.C. No. 72-1052, filed Jan. 17, 1972.

1. Amend paragraph (a) of § 221.175, the paragraph as amended to read as follows:

§ 221.175 Special notice of limited liability for death or injury under the Warsaw Convention.

(a) In addition to the aforesaid requirements of this subpart, each air carrier and foreign air carrier which, to any extent, avails itself of the limitation on liability to passengers provided by the Warsaw Convention, shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Convention and whose place of departure or place of destination is in the United States, the following statement in writing:

ADVICE TO INTERNATIONAL PASSENGERS ON LIMITATION OF LIABILITY

Passengers embarking upon a journey involving an ultimate destination or a stop in a country other than the country of departure are advised that the provisions of a treaty known as the Warsaw Convention may be applicable to their entire journey including the portion entirely within the countries of departure and destination. The Convention governs and in most cases limits the liability of carriers to passengers for death or personal injury to approximately $9,000.

Additional protection can usually be obtained by purchasing insurance from a private company. Such insurance is not affected by any limitation of the carrier's liability under the Warsaw Convention. For further information please consult your airline or insurance company representative.

Provided, however, That when the carrier elects to agree to a higher limit of liability to passengers than that provided in Article 22(1) of the Warsaw Convention, such statement shall be modified to reflect the higher limit. The statement prescribed herein shall be printed in type at least as large as 10-point modern type and in ink contrasting with the stock on: (1) Each ticket; (2) a piece of paper either placed in the ticket envelope with the ticket or attached to the ticket; or (3) the ticket envelope; *And provided further,* That, until March 15, 1973, a carrier may substitute the sum of "$8,290" in place of the sum of "$9,000" in the text of the statement prescribed by this paragraph.

* * * * *

2. Amend paragraphs (a) and (b) of § 221.176, the paragraphs as amended to read as follows:

§ 221.176 Notice of limited liability for baggage; alternative consolidated notice of liability limitations.

(a) Each air carrier and foreign air carrier which, to any extent, avails itself of limitations on liability for loss of, damage to, or delay in delivery of baggage shall cause to be displayed continuously in a conspicuous public place at each desk, station, and position in the United States which is in the charge of a person employed exclusively by it or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier to sell tickets to passengers or accept baggage for checking, a sign which shall have printed thereon the following statement:

NOTICE OF LIMITED LIABILITY FOR BAGGAGE

Liability for loss, delay, or damage to baggage is limited as follows unless a higher value is declared and an extra charge is paid: (1) For most international travel (including domestic portions of international journeys) to approximately $8.16 per pound for checked baggage and $360 per passenger for unchecked baggage; (2) for travel wholly between U.S. points, to $500 per passenger on most carriers. Special rules may apply to valuables. Consult your carrier for details.

Provided, however, That an air carrier or foreign air carrier which provides a higher limitation of liability for death or personal injury than that set forth in the Warsaw Convention and has signed a counterpart of the agreement approved by the Board by Order E-23680, dated May 13, 1966 (31 F.R. 7302, May 19, 1966), may use the following notice in full compliance with the posting requirements of this paragraph and of § 221.175 (b) of this chapter:

ADVICE TO PASSENGERS ON LIMITATIONS OF LIABILITY

Airline liability for death or personal injury may be limited by the Warsaw Convention and tariff provisions in the case of travel to or from a foreign country.

Liability for loss, delay, or damage to baggage is limited as follows unless a higher value is declared and an extra charge is paid: (1) For most international travel (including domestic portions of international journeys) to approximately $8.16 per pound for checked baggage and $360 per passenger for unchecked baggage; (2) for travel wholly between U.S. points, to $500 per passenger for most carriers. Special rules may apply to valuable articles.

See the notice with your ticket or consult your airline or travel agent for further information.

Provided, further, That carriers may include in the notice the parenthetical phrase "($18.00 per kilo)" after the phrase "$8.16 per pound" in referring to the baggage liability limitation for most international travel. Such statements shall be printed in boldface type at least one-fourth of an inch high and shall be so located as to be clearly visible and clearly readable to the traveling public.

(b) Each air carrier and foreign air carrier which, to any extent, avails itself of limitations of liability for loss of, damage to, or delay in delivery of, baggage shall include on each ticket issued in the United States or in a foreign country by it or its authorized agent, the following notice printed in at least 10-point type:

NOTICE OF BAGGAGE LIABILITY LIMITATIONS

Liability for loss, delay, or damage to baggage is limited as follows unless a higher value is declared in advance and additional charges are paid: (1) For most international travel (including domestic portions of international journeys) to approximately $8.16 per pound for checked baggage and $360 per passenger for unchecked baggage; (2) for travel wholly between U.S. points, to $500 per passenger on most carriers (a few have lower limits). Excess valuation may not be declared on certain types of valuable articles. Carriers assume no liability for fragile or perishable articles. Further information may be obtained from the carrier.

Provided, however, That carriers may include in their ticket notice the parenthetical phrase "($18.00 per kilo)" after the phrase "$8.16 per pound" in referring to the baggage liability limitation for most international travel. *And provided further,* That, until March 15, 1973, a carrier may (i) substitute the sums "$7.50" and "$330," respectively, in place of the sums "$8.16" and "$360," respectively, in the statement prescribed by this paragraph, and (ii) substitute the sums "$16.58" and "$7.50," respectively, in place of the sums "$18.00" and "$8.16," respectively, in the optional language permitted by the first proviso to this paragraph.

* * * * *

(Sections 204(a), 403, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, and 771 as amended; 49 U.S.C. 1323, 1373, and 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-19927 Filed 11-17-72;8:50 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-445 Order 460]

UNIFORM SYSTEM OF ACCOUNTS; STATEMENT AND REPORTS (SCHEDULES)

Accounting Procedures for Merchandising, Jobbing, and Contract Work

NOVEMBER 13, 1972.

On June 14, 1972, the Commission issued a notice of proposed rule making in this proceeding (37 F.R. 12159, June 20, 1972) proposing to amend its Uniform Systems of Accounts for Classes A, B, C, and D Public Utilities and Licensees, and FPC Form No. 1, Annual Report for Public Utilities and Licensees and Others (Class A and Class B); and FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) consistent with the amendments to the Uniform System of Accounts.

Comments were invited from interested parties to be submitted by July 31, 1972.

In response to the notice of rule making, the Commission received comments from 11 respondents.[1]

The amendments to the Uniform Systems of Accounts and Annual Report Forms evolve from the Commission's in-

[1] Haskins & Sells, Allegheny Power Service Corp., American Electric Power Service Corp., Arizona Public Service Co., Commonwealth Edison Co., Detroit Edison Co., the Gulf States Utilities Co., Public Service of Indiana, Wisconsin Power & Light Co., Iowa-Illinois Gas & Electric Co., and Robert E. Stromberg.

terest to prescribe new accounting treatment for revenues, costs, and expenses relating to merchandising, jobbing, and contract work.[2] This new treatment would require that the privilege of optional accounting be abolished and that all future related revenues, costs, and expenses be accounted for below-the-line, since the item is considered essentially nonoperating in nature.

Upon consideration of the comments from interested parties, the Commission has decided to implement the proposals basically as put forth in the proposed rulemaking Docket No. R-445, with the exception of the proposed effective date of January 1, 1972. Considering the hardship that would be involved in retroactive accounting it is determined a more realistic effective date would be January 1, 1973. Additionally, any reference to Account 915 now in Accounts 913, Advertising Expenses (Classes A and B), 924, Property Insurance (Classes A, B, and C), and 932, Maintenance of General Plant (935 Class C), although not mentioned in the rule making, will necessarily have to be deleted.

Three respondents commented they could see no need for the proposed change. The fundamental concern of two of these three respondents, neither of whom were a regulated utility or State commission, was that other regulatory bodies that have primary responsibility for establishing rates for many companies reporting both to the Commission and the local regulatory body, may require different treatment for ratemaking and accounting purposes. The Commission was aware of this fact and considered it before proposing rule making. In this connection, it is not the Commission's intent to create additional burdens for other regulatory commissions or the regulated utilities. On the other hand, the Commission believes strongly the item in question has no place in utility operating income from an equitable point of view nor should optional type accounting be allowed in those cases where it can be avoided.

The remaining objecting respondent believed that in light of the additional "bookkeeping" in order to properly allocate costs, plus the fact that revenues and expenses are now readily identifiable and further result in an insignificant effect on net operating income of individual companies and the industry in total, the proposal should be abandoned. After considering the comment we do not consider it compelling as cost allocations are also necessary when following the prescriptions of the Uniform Systems of Accounts, whether accounting for the item above or below-the-line. As to the remainder of the comment, the principle of equity and uniformity involved is overriding.

Two responses received confirmed there is a difference of interpretation as to the proper accounting for installment sales interest income. To resolve this inconsistency, we are amending Account 415, Merchandising, Jobbing, and Contract Work, to prescribe that interest income related to installment sales shall be accounted for in Account 419, Interest and Dividend Income. We are making this amendment, even though it was not included in the proposed rulemaking due to the need for clarity in this area and that it is considered minor in nature.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Parts 101 and 104 of the Commission's Uniform System of Accounts for Public Utilities and Licensees, and Annual Report Form No. 1 prescribed by § 141.1 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Parts 201 and 204 of the Commission's Uniform System of Accounts for Natural Gas Companies, and Annual Report Form No. 2 prescribed by § 260.1 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the amendments prescribed herein, which were not included in the notice of this proceeding, are of a minor nature and consistent with the prime purpose of the proposed rule making, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(5) Good cause exists for making the amendments to the Uniform Systems of Accounts for Public Utilities and Licensees and Natural Gas Companies ordered herein, effective January 1, 1973, and the amendments to FPC Annual Report Forms No. 1 and No. 2 ordered herein, effective for the reporting year 1973. The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 856, 858, 859; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

PART 101—UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES (CLASS A AND CLASS B)

A. The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. In the text of Income Accounts, amend paragraph A by adding a final sentence and revising Note A to Accounts "415, Revenues from merchandising, jobbing, and contract work," and "416, Costs and expenses of merchandising, jobbing, and contract work." As so revised, the text will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

415 Revenues from merchandising, jobbing, and contract work.

416 Costs and expenses of merchandising, jobbing, and contract work.

A. * * * Interest related income from installment sales shall be recorded in Account 419, Interest and Dividend income.

* * * * *

NOTE A: The classification of revenues, costs, and expenses of merchandising, jobbing, and contract work as nonoperating, and thus inclusion in this account, is for accounting purposes. It does not preclude consideration of justification to the contrary for ratemaking or other purposes.

* * * * *

2. Amend the chart of the Operation and Maintenance Expense Accounts by revoking account titles "914, Revenues from merchandising, jobbing, and contract work," and "915, Costs and expenses of merchandising, jobbing, and contract work." As so amended, the chart of accounts will read:

Operation and Maintenance Expense Accounts

* * * * *

5. SALES EXPENSES

Operation

* * * * *

914 [Revoked]
915 [Revoked]

* * * * *

3. Amend the text of the Operation and Maintenance Expense Accounts by:

a. Deleting "or 915, as appropriate." from the last sentence of "Note A" and from "Note B" to Account "913, Advertising Expenses."

b. Revoking Accounts "914, Revenues from merchandising, jobbing, and contract work," and "915, Costs and expenses of merchandising, jobbing, and contract work."

c. Deleting "or Account 915, as appropriate." from the end of the sentence of "Note B:(5)" to Account "924, Property insurance."

[2] Presently accounted for in Accounts 415, Revenues from Merchandising, Jobbing, and Contract Work, and 416, Costs and Expenses of Merchandising, Jobbing, and Contract Work, if a State regulatory body having rate jurisdiction requires the net income therefrom to be reported as other income; otherwise in Accounts 914 and 915 if such regulatory body requires the net income to be reported as an operating income or expense item. In the absence of such a requirement, the utility may use either Accounts 415 and 416 or 914 and 916 at their option.

d. Deleting "or 915" from the list of accounts referred to in paragraph "B" of Account "932, Maintenance of general plant."

As so amended, the text will read:

Operation and Maintenance Expense Accounts

* * * * *

5. SALES EXPENSES

Operation

* * * * *

913 Advertising expenses.

* * * * *

NOTE A: * * * However, advertisements which are limited to specific makes of appliances sold by the utility and prices, terms, etc., thereof, without referring to the value or advantages of utility service, shall be considered as merchandise advertising and the cost shall be charged to Cost and Expenses of Merchandising, Jobbing and Contract Work, Account 416.

NOTE B: Advertisements which substantially mention or refer to the value or advantages of utility service, together with specific reference to makes of appliances sold by the utility and the price, terms, etc., thereof, and designed for the joint purpose of increasing the use of utility service and the sales of appliances, shall be considered as a combination advertisement and the costs shall be distributed between this account and Accounts 416 on the basis of space, time, or other proportional factors.

* * * * *

914 [Revoked]

915 [Revoked]

* * * * *

6. ADMINISTRATIVE AND GENERAL EXPENSES

Operation

* * * * *

924 Property insurance.

* * * * *

(C) * * *

ITEMS

* * * * *

(5) Merchandise and jobbing property, to Account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

Maintenance

932 Maintenance and general plant.

* * * * *

B. * * *

Steam Power Generation, Account 514.
Nuclear Power Generation, Account 532.
Hydraulic Power Generation, Account 545.
Other Power Generation, Account 554.
Transmission, Account 573.
Distribution, Account 598.
Merchandise and Jobbing, Account 416.

* * * * *

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES (CLASS C)

B. The Commission's Uniform System of Accounts for Class C Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. In the text of the Income Accounts, amend paragraph A by adding a final sentence and revising Note A to accounts "415, Revenues from merchandising, jobbing and contract work," and "416, Costs and expenses of merchandising, jobbing and contract work." As so revised, the text will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

A. * * * Interest related income from installment sales shall be recorded in Account 419, Interest and Dividend Income.

* * * * *

NOTE A: The classification of revenues, costs and expenses of merchandising, jobbing, and contract work as nonoperating, and thus inclusion in this account, is for accounting purposes. It does not preclude consideration of justification to the contrary for ratemaking or other purposes.

* * * * *

2. Amend the chart of the Operation and Maintenance Expense Accounts by revoking account titled "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the chart of accounts will read:

Operation and Maintenance Expense Accounts

* * * * *

5. SALES EXPENSES

Operation

* * * * *

914 [Revoked]
915 [Revoked]

* * * * *

3. Amend the text of the Operation and Maintenance Expense Accounts by:

a. Revoking accounts "914, Revenues from merchandising jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work."

b. Deleting "or account 915, as appropriate." from the end of the sentence of "Note B:(5)" to account "924, Property insurance."

c. Deleting "or 915" from the list of accounts referred to in paragraph "B" of account "935, Maintenance of general plant."

As so amended, the text will read:

Operation and Maintenance Expense Accounts

* * * * *

5. SALES EXPENSES

Operation

* * * * *

914 [Revoked]

915 [Revoked]

* * * * *

6. ADMINISTRATIVE AND GENERAL EXPENSES

Operation

* * * * *

924 Property insurance.

* * * * *

(C) * * *

ITEMS

* * * * *

(5) Merchandise and jobbing property to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

* * * * *

Maintenance

935 Maintenance of general plant.

B. * * *

Steam generation, Account 506.
Hydraulic generation, Account 535.
Other generation, Account 543.
Transmission, Account 553.
Distribution, Account 576.
Merchandising and jobbing, Account 416.
Garages, shops, etc., appropriate general expense or clearing account.

* * * * *

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

C. Schedule page 419, Electric Operation and Maintenance Expenses (Continued) in F.P.C. Form No. 1, Annual Report for Electric Utilities and Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations are amended as set forth in Attachment A.[3]

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS A AND CLASS B)

D. The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. In the text of the Income Accounts, amend paragraph A by adding a final sentence and revising Note A to accounts "415, Revenues from merchandising, jobbing and contract work," and "416, Costs and expenses of merchandising, jobbing and contract work." As so revised, the text will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

A. * * * Interest related income from installment sales shall be recorded in

[3] Attachment A filed as part of the original document.

Account 419, Interest and Dividend Income.

* * * * *

NOTE A: The classification of revenues, costs and expenses of merchandising, jobbing and contract work as nonoperating, and thus inclusion in this account, is for accounting purposes. It does not preclude consideration for justification to the contrary for ratemaking or other purpose.

* * * * *

2. Amend the chart of the Operation and Maintenance Expense Accounts by revoking account titles "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the chart of accounts will read:

Operation and Maintenance Expense Accounts

* * * * *

6. SALES EXPENSES

Operation

* * * * *

914 [Revoked]
915 [Revoked]

* * * * *

3. Amend the text of the Operation and Maintenance Expense Accounts by:

a. Deleting "or 915, as appropriate." from the last sentence of "Note A" and from "Note B" to account "913, Advertising expenses."

b. Revoking accounts "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work."

c. Deleting "or account 915, as appropriate," from the end of the sentence of "Note B:(5)" to account "924, Property insurance."

d. Deleting "or 915" from the list of accounts referred to in paragraph "B" of Account "932, Maintenance of general plant."

As so amended the text will read:

Operation and Maintenance Expense Accounts

* * * * *

6. SALES EXPENSES

Operation

* * * * *

913 Advertising expenses.

NOTE A: * * * However, advertisements which are limited to specific makes of appliances sold by the utility and prices, terms, etc., thereof, without referring to the value or advantages of utility service, shall be considered as merchandise advertising and the cost shall be charged to Costs and Expenses of Merchandising, Jobbing and Contract Work, account 416.

NOTE B: Advertisements which substantially mention or refer to the value or advantages of utility service, together with specific reference to makes of appliances sold by the utility and the price, terms, etc., thereof, and designed for the joint purpose of increasing the use of utility service and the sales of appliances, shall be considered as a combination advertisement and the costs shall be distributed between this account and account 416 on the basis of space, time, or other proportional factors.

* * * * *

914 [Revoked]

915 [Revoked]

* * * * *

7. ADMINISTRATIVE AND GENERAL EXPENSES

Operation

* * * * *

924 Property insurance.

* * * * *

(C) * * *

ITEMS

* * * * *

(5) Merchandise and jobbing property, to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

* * * * *

Maintenance

932 Maintenance of general plant.

* * * * *

B. * * *

Manufactured Gas Production, Account 708, 742.
Natural Gas Production and Gathering, Account 769.
Natural Gas Products Extraction, Account 791.
Underground Storage, Account 837.
Local Storage, Account 846.
Transmission Expenses, Account 867.
Distribution Expenses, Account 894.
Merchandise and Jobbing, Account 416.

* * * * *

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS C)

E. The Commission's Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. In the text of the Income Accounts, amend paragraph A by adding a final sentence and revising Note A to accounts "415, Revenues from merchandising, jobbing and contract work," and "416, Costs and expenses of merchandising, jobbing and contract work." As so revised, the text will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

A. * * * Interest related income from installment sales shall be recorded in account 419, Interest and Dividend Income.

* * * * *

NOTE A: The classification of revenues, costs and expenses of merchandising, jobbing and contract work as nonoperating, and thus inclusion in this account is for accounting purposes. It does not preclude consideration of justification to the contrary for ratemaking or other purposes.

* * * * *

2. Amend the chart of the Operation and Maintenance Expense Accounts by revoking account titles "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work." As so amended, the chart of accounts will read:

Operation and Maintenance Expense Accounts

* * * * *

9. SALES EXPENSES

Operation

* * * * *

914 [Revoked]
915 [Revoked]

* * * * *

3. Amend the text of the Operation and Maintenance Expense Accounts by:

a. Revoking accounts "914, Revenues from merchandising, jobbing and contract work," and "915, Costs and expenses of merchandising, jobbing and contract work."

b. Deleting "or account 915, as appropriate." from the end of the sentence of "Note B:(5)" to account "924, Property insurance."

c. Deleting "or 915" from the list of accounts referred to in paragraph "B" of account "935, Maintenance of general plant."

As so amended the text will read:

Operation and Maintenance Expense Accounts

* * * * *

9. SALES EXPENSES

* * * * *

914 [Revoked]

915 [Revoked]

* * * * *

10. ADMINISTRATIVE AND GENERAL EXPENSES

* * * * *

924 Property insurance.

* * * * *

(C) * * *

(5) Merchandise and jobbing property, to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

935 Maintenance of general plant.

* * * * *

B. * * *

Manufactured gas production, Account 706.
Natural gas production and gathering, Account 719.
Storage, Account 746 or 747.
Transmission, Account 757.
Distribution, Account 769.
Merchandise and jobbing, Account 416.

* * * * *

PART 260—STATEMENT AND REPORTS (SCHEDULES)

F. Schedule page 531, Gas Operation and Maintenance Expenses (Continued) in F.P.C. Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations are amended as set forth in Attachment B.[4]

[4] Filed as part of the original document.

G. This order is effective January 1, 1973.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-19888 Filed 11-17-72;8:48 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration
PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

VENEREAL DISEASE, ALCOHOLISM AND DRUG USAGE

On page 20335 of the FEDERAL REGISTER of September 29, 1972, there was published a notice of proposed regulatory development to amend § 3.301(c), Title 38, Code of Federal Regulations relating to willful misconduct as a factor in alcoholism, venereal disease and drug usage. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

One written comment was received which objected generally to the proposed regulatory change. The objection was considered but it was determined the beneficial objectives outweighed the stated objections and the proposed regulation is hereby adopted without change as set forth below.

Effective date. In § 3.301(c), subparagraph (2) is effective August 13, 1964, and subparagraphs (1) and (3) are effective November 14, 1972.

Approved: November 14, 1972.

By direction of the Administrator.

RUFUS H. WILSON, *Associate Deputy Administrator.*

Paragraph (c) of § 3.301 is amended as follows:

§ 3.301 Line of duty and misconduct.

* * * * *

(c) *Specific applications.* For the purpose of determining entitlement to service-connected and nonservice-connected benefits the definitions in § 3.1 (m) and (n) apply except as modified within the following subparagraphs. The provisions of subparagraphs (2) and (3) of this paragraph are subject to the provisions of § 3.302 where applicable.

(1) *Venereal disease.* The residuals of venereal disease are not to be considered the result of willful misconduct. Consideration of service connection for residuals of venereal disease as having been incurred in service requires that the initial infection must have occurred during active service. Increase in service of manifestations of venereal disease will usually be held due to natural progress unless the facts of record indicate the increase in manifestations was precipitated by trauma or by the conditions of the veteran's service, in which event service connection may be established by aggravation. Medical principles pertaining to the incubation period and its relation to the course of the disease; i.e., initial or acute manifestation, or period and course of secondary and late residuals manifested, will be considered when time of incurrence of venereal disease prior to or after entry into service is at issue. In the issue of service connection, whether the veteran complied with service regulations and directives for reporting the disease and undergoing treatment is immaterial after November 14, 1972, and the service department characterization of acquisition of the disease as "willful misconduct" or as "not in line of duty" will not govern.

(2) *Alcoholism.* The simple drinking of alcoholic beverage is not of itself willful misconduct. The deliberate drinking of a known poisonous substance or under conditions which would raise a presumption to that effect will be considered willful misconduct. If, in the drinking of a beverage to enjoy its intoxicating effects, intoxication results proximately and immediately in disability or death, the disability or death will be considered the result of the person's willful misconduct. Organic diseases and disabilities which are a secondary result of the chronic use of alcohol as a beverage, whether out of compulsion or otherwise, will not be considered of willful misconduct origin.

(3) *Drug usage.* The isolated and infrequent use of drugs by itself will not be considered willful misconduct; however, the progressive and frequent use of drugs to the point of addiction will be considered willful misconduct. Where drugs are used to enjoy or experience their effects and the effects result proximately and immediately in disability or death, such disability or death will be considered the result of the person's willful misconduct. Organic diseases and disabilities which are a secondary result of the chronic use of drugs and infections coinciding with the injection of drugs will not be considered of willful misconduct origin. Similarly, where drugs are used for therapeutic purposes or where use of drugs or addiction thereto, results from a service-connected disability, it will not be considered of misconduct origin. (38 U.S.C. 105, 310, 321, 331, 401, and 521(a))

[FR Doc.72-19919 Filed 11-17-72;8:53 am]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

ELIGIBILITY FOR LOAN GUARANTY BENEFITS

The following regulatory change provides that, as a factor of eligibility in claims for loan guaranty benefits, the requirement is that the widow be unmarried and implements a liberalization provided by Public Law 91-376 (84 Stat. 787) for widow's benefits. Prior to Public Law 91-376 the requirement was that the widow be unremarried. The liberalization provided by Public Law 91-376 restores rights to benefits as widow of the veteran when a widow's subsequent remarriage is terminated.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose because this amendment merely corrects an inconsistency in VA regulations.

In § 3.805, paragraph (e) is amended and immediately following § 3.805, cross references are added to read as follows:

§ 3.805 Loan guaranty for widows; certification.

A certification of loan guaranty benefits may be extended to widows based on an application filed on or after January 1, 1959, if:

* * * * *

(e) The veteran's widow is unmarried; and

* * * * *

CROSS REFERENCES: Widow. See § 3.50(b). Terminated marital relationships. See § 3.55.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective January 1, 1971.

By direction of the Administrator.

Approved: November 6, 1972.

[SEAL] FRED B. RHODES, *Deputy Administrator.*

[FR Doc.72-19918 Filed 11-17-72;8:53 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[Docket No. R-72-178]

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Eligibility Requirement for Homes for Lower Income Families

On page 7166 of the FEDERAL REGISTER of April 11, 1972, there was published a notice of proposed rule making to amend § 235.20 of the Department's regulations by expanding the eligibility requirements for lower income families in existing condominium projects.

Since the rule was published for notice, questions have arisen concerning the standards which the Commissioner may prescribe as eligibility requirements for existing condominium projects. In addition to the usual condominium requirements which are provided in §235.20 (b), (c), (d), (e), and (f) of the regulations,

eligible units must be existing public housing units concerning which there has been established a condominium which meets such other standards as the Commissioner may prescribe and for which the mortgagor qualifies as a family occupying low rent public housing.

One other comment was received after the deadline of May 12, 1972, questioning the reason for the existing 11 or less unit exception. The rule change does not affect condominium projects of 11 or less units which are not required to be financed under a mortgage insured under certain of the HUD–FHA multifamily programs.

The rule, as adopted, has been rephrased to limit eligible units to existing public housing units where the mortgagor qualifies as a family occupying low-rent public housing and where an approved condominium has been established for such units.

The full text of the amendment to § 235.20, as finally adopted, is as follows:

§ 235.20 Requirements for family unit in condominium.

* * * * *

(a) *Family unit eligibility.* The family unit must be located in a project which has been financed with a mortgage which is or has been insured under any of the FHA-multifamily housing programs other than sections 213(a) (1) and (2) of the National Housing Act: *Provided* That, this FHA mortgage financing rule does not apply to projects involving 11 or less units nor to existing public housing units concerning which there has been established a condominium which meets such standards as the Commissioner may prescribe and for which the mortgagor qualifies as a family occupying low-rent public housing.

* * * * *

Effective date. This regulation shall be effective on December 18, 1972.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

[FR Doc.72-19917 Filed 11-17-72;8:53 am]

Chapter VI—Office of Assistant Secretary for Community Planning and Management, Department of Housing and Urban Development

[Docket No. R-72-164]

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

Subpart A—General Information

WAIVERS

Section 600.59 is being added to 24 CFR Part 600 to permit the Assistant Secretary for Community Planning and Management to waive any administrative requirement of that part. Such waiver will be conditioned upon a finding that a disaster, emergency, or other extraordinary situation necessitates waiver in order to avoid undue hardship and to carry out the purposes of section 701 of the Housing Act of 1954, as amended.

Since this amendment relaxes previous requirements with respect to the eligibility of certain applicants, we find that it is unnecessary to provide for comment and public procedure and good cause exists for making this amendment effective upon publication.

Subpart A is amended by adding a new § 600.59 to read as follows:

§ 600.59 Waivers.

The Assistant Secretary for Community Planning and Management may waive any administrative requirement of these regulations whenever he determines that due to the occurrence of a disaster or emergency or other extraordinary situation, the waiver is necessary to avoid undue hardship and to carry out the purposes of section 701 of the Housing Act of 1954, as amended.

(Sec. 701, Housing Act of 1954, as amended, 68 Stat. 640; 40 U.S.C. 461; Secretary's delegation of authority published at 36 F.R. 5004, effective March 8, 1971)

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (11–18–72).

CLIFFORD W. GRAVES,
Deputy Assistant Secretary for Community Planning and Management.

[FR Doc.72-19941 Filed 11-17-72;8:53 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Cook	Buffalo Grove Village.				Nov. 17, 1972. Emergency.
Maine	Oxford	Mexico				Do.
Massachusetts	Essex	Salisbury				Do.
New Jersey	Hunterdon	West Amwell Township.				Do.
New York	Suffolk	Islip	I 36 103 2920 11 through I 36 103 2920 32	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Office of the Town Clerk, Brookwood Hall, 50 Irish Lane, East Islip, NY 11730.	Oct. 17, 1970. Emergency. Nov. 17, 1972. Regular.
North Carolina	Brunswick	Ocean Isle Beach	I 37 019 3414 01 through I 37 019 3414 08	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh, NC 27611.	Town Hall, Ocean Isle Realty Bldg., Ocean Isle Beach, Shalotte, N.C. 28459.	July 16, 1971. Emergency. Nov. 17, 1972. Regular.
Do	do	Sunset Beach	I 37 019 4724 01 through I 37 019 4724 09	do	Office of the Town Clerk, Town Hall, Sunset Beach, N.C. 28459.	Oct. 19, 1971. Emergency. Nov. 17, 1972. Regular.
Pennsylvania	Adams	East Berlin Borough.				Nov. 17, 1972. Emergency.
Do	Bradford	Athens Borough				Do.
Do	Clinton	Lock Haven				Do.
Do	Lackawanna	Moosic Borough				Do.
Do	Mifflin	Lewiston Borough.				Do.
Do	Montgomery	Lower Moreland Township.				Do.

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

Issued: November 10, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–19829 Filed 11–17–72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Cook	Buffalo Grove Village.				Nov. 17, 1972.
Maine	Oxford	Mexico				Do.
Massachusetts	Essex	Salisbury				Do.
New Jersey	Hunterdon	West Amwell Township.				Do.
New York	Suffolk	Islip	H 36 103 2920 11 through H 36 103 2920 32	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, NY 12210.	Office of the Town Clerk, Brookwood Hall, 50 Irish Lane, East Islip, NY 11730.	Oct. 17, 1970.
North Carolina	Brunswick	Ocean Isle Beach	H 37 019 3414 01 through H 37 019 3414 08	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh, NC 27611.	Town Hall, Ocean Isle Realty Bldg., Ocean Isle Beach, Shalotte, N.C. 28459.	July 16, 1971.
Do	do	Sunset Beach	H 37 019 4724 01 through H 37 019 4724 09	do	Office of the Town Clerk, Town Hall, Sunset Beach, N.C. 28459.	Oct. 19, 1971.
Pennsylvania	Adams	East Berlin Borough.				Nov. 17, 1972.
Do	Bradford	Athens Borough				Do.
Do	Clinton	Lock Haven				Do.
Do	Lackawanna	Moosic Borough				Do.
Do	Mifflin	Lewiston Borough.				Do.
Do	Montgomery	Lower Moreland Township.				Do.

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

Issued: November 10, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-19830 Filed 11-17-72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

PART 101–35—TELECOMMUNICATIONS

Subpart 101–35.3—Utilization and Ordering of Telecommunications Services

TELEPHONE SERVICE

This regulation prescribes the use of Standard Form 145, Order for Telephone Service, and Standard Form 145A, Continuation Sheet—Order for Telephone Service.

Section 101–35.303 is revised to read as follows:

§ 101–35.303 Telephone service.

(a) *Form for ordering service.* Standard Form 145, Order for Telephone Service, and Standard Form 145A, Continuation Sheet—Order for Telephone Service, are prescribed for use by Federal agencies in ordering telephone service from Government joint-use and GSA-operated of GSA-managed switchboards. Federal Government agencies with service from GSA-operated or GSA-managed switchboards shall forward all requests for telephone service to the serving switchboard. No other form or ordering procedure shall be used unless it is expressly permitted or authorized by GSA. Agencies may use this form also as the basis for managing their own internal telephone systems.

(b) *Preparation of orders.* Instructions for the preparation of Standard Form 145, Order for Telephone Service, are provided on the flyleaf of each pad of forms. Any necessary supplemental or clarifying instructions will be issued by GSA regional offices.

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

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (11–18–72).

Dated: November 13, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72-19923 Filed 11-17-72;8:50 am]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Submission of Bids

This amendment adds a new Subpart 101–45.7 which prescribes policies and methods relating to bids submitted in advertised sales of Government personal property.

Part 101–45 is amended by adding a new Subpart 101–45.7, as follows:

Subpart 101–45.7—Submission of Bids

AUTHORITY: The provisions of this Subpart 101–45.7 are issued under Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–45.7—Submission of Bids

§ 101–45.700 Scope of subpart.

This subpart prescribes policies and methods relating to bids submitted in advertised sales of Government personal property and includes the treatment of late bids received in connection with such sales.

§ 101–45.701 Responsiveness of bids.

(a) To be considered for award, a bid must comply in all material respects with the invitation for bids so that, both as to the method and timeliness of submission and as to the substance of any resulting contract, all bidders may stand on an equal footing and the integrity of the formal advertising system may be maintained.

(b) Telegraphic or telephonic bids shall not be considered unless otherwise provided in the invitation for bids. (See § 101–45.4904, item number 3 entitled "Consideration of Bids.")

(c) Bids shall be filled out, executed, and submitted in accordance with the instructions contained in the invitation for bids. If a bidder uses his own bid form or a letter to submit a bid, the bid may be considered only if (1) the bidder accepts all the terms and conditions of the invitation for bids and (2) award on the bid would result in a binding contract, the terms and conditions of which do not vary from the terms and conditions of the invitation.

§ 101–45.702 Time of bid submission.

Bids shall be submitted so as to be received by the contracting officer not later than the exact time set for opening of bids. Where telegraphic bids are authorized, a telegraphic bid received by telephone from the receiving telegraph office not later than the time set for opening of bids shall be considered if such bid is confirmed by the telegraph company by sending a copy of the telegram which formed the basis for the telephone call.

§ 101–45.703 Late bids.

§ 101–45.703–1 General.

Bids received by the contracting officer after the exact time set for bid opening are late bids. (See §§ 101–45.4904–1, 101–45.4904–2, and 101–45.4904–3 for item entitled "Consideration of Late Bids, Modifications, or Withdrawals.") Late bids shall not be considered for award except as authorized in this § 101–45.703.

§ 101–45.703–2 Consideration for award.

(a) A late bid shall be considered for award only:

(1) In the instance of sealed bid sales, if the bid submitted by mail was received by the contracting officer prior to award, was mailed and, in fact, delivered to the address specified in the invitation in sufficient time to have been received by the contracting officer by the time and date set forth in the invitation for opening of bids, and except for delay attributable to personnel of the sales office or their designees would have been received on time; or

(2) In the instance of spot bid and auction sales, if the bid submitted by mail (where authorized) was received by the contracting officer after the time and date set forth in the invitation for receipt of bids but before the time set for the start of the sale, and was mailed and, in fact, delivered to the address specified in the invitation in sufficient time to have been received by the contracting officer by the time and date set forth in the invitation for receipt of bids, and except for delay attributable to personnel of the sales office or their designees would have been received on time.

(b) The only evidence acceptable to establish timely receipt of bids at the address designated in the invitation for bids is documentary evidence of receipt at such address within the control of the selling agency. Such evidence could be a date or time stamp, or a log entry.

§ 101–45.703–3 Telegraphic bids.

A late bid submitted by telegraph (where authorized) received before award shall not be considered for award regardless of the cause of the late receipt, including delays caused by the telegraph company, except for a telegraphic bid delayed solely because of mishandling on the part of the Government in its transmittal to the office designated in the invitation for bids for the receipt of bids.

§ 101–45.703–4 Hand-carried bids.

A late hand-carried bid or any other late bid not submitted by mail or telegram shall not be considered for award.

§ 101–45.703–5 Disposition of late bids.

A late bid which is not for consideration shall be returned to the bidder as promptly as possible (unless other disposition is requested or agreed to by the bidder). However, an unidentified late bid may be opened solely for the purpose of identification and then only by the contracting officer or his authorized representative. Late bids opened for identification purposes or by mistake shall be resealed in the envelope. The contracting officer or his authorized representative shall immediately write on the envelope his signature and position, date and time opened, invitation for bids number, and an explanation of the opening. No information contained therein shall be disclosed to anyone.

§ 101–45.703–6 Records.

To the extent available, the following information shall be included in the contract case files with respect to each late bid:

(a) A statement of the date and hour of mailing or filing;

(b) A statement of the date and hour of receipt;

(c) A mechanical reproduction of the envelope, or other covering, if the late bid was returned, in lieu of paragraphs (a) and (b) of this section;

(d) The determination of whether the late bid was considered for award, with supporting facts;

(e) A statement of the disposition of the late bid; and

(f) The envelope, or other covering, if the late bid was considered for award.

§ 101–45.704 Modification or withdrawal of bids.

(a) Bids may be modified or withdrawn by written or telegraphic notice received by the contracting officer not later than the exact time set for opening of bids (in the instance of sealed bid sales) or not later than the exact time set for the receipt of mailed-in or telegraphic bids (in the instance of spot bid and auction sales where such bids are authorized). A telegraphic modification or withdrawal of a bid received by telephone from the receiving telegraph office not later than the time set for opening of bids shall be considered if such message is confirmed by the telegraph company by sending a copy of the written telegram which formed the basis for the telephone call. Modifications received by telegram (including a record of those telephoned by the telegraph company) shall be sealed in an envelope by a proper official who shall write thereon the date and time of receipt and by whom, the invitation for bids number, and his signature. No information contained therein shall be disclosed before the time set for bid opening or for the start of the sale.

(b) A bid may be withdrawn in person by a bidder or his authorized representative, provided his identity is made known and he signs a receipt for the bid, but only if the withdrawal is prior to the exact time set for the opening of bids (in the instance of sealed bid sales) or the exact time set for the start of the sale (in the instance of spot bid and auction sales).

§ 101–45.705 Late modifications and withdrawals.

(a) Modifications of bids and requests for withdrawal of bids which are received by the contracting officer after the exact time set for bid opening (in sealed bid sales) or after the exact time set for the receipt of bids (in spot bid or auction sales) are "late modifications" and "late withdrawals", respectively. A late modification or late withdrawal shall be subject to the provisions of § 101–45.703.

However, a late modification of the otherwise successful bid shall be opened at any time it is received; and if in the judgment of the contracting officer it makes the terms of the bid more favorable to the Government, it shall be considered.

(b) Mailed-in and telegraphic modifications or withdrawals which are received by the contracting officer after the time set for the start of a spot bid or auction sale shall not be considered, regardless of the cause of delay.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (11–18–72).

Dated: November 13, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72–19924 Filed 11–17–72;8:50 am]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER D—GRANTS

PART 51—GRANTS TO STATES FOR COMPREHENSIVE HEALTH PLANNING AND PUBLIC HEALTH SERVICES

Subpart B—Grants to States for Comprehensive Public Health Services

In the FEDERAL REGISTER of February 19, 1972 (37 F.R. 3759 et seq.) the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of the Department of Health, Education, and Welfare, proposed to revise Subpart B of Part 51 of Title 42, CFR, governing grants to States for comprehensive public health services under section 314(d) of the Public Health Service Act (42 U.S.C. 246(d)). The purpose of the revision was to implement the Health Services and Mental Health Administration simplified state plan review system for this program, to implement amendments to section 314 (d) of the Public Health Service Act made during the 91st Congress, and to make other technical and conforming amendments. Public comment was invited.

Responses were received from three State health and mental health authorities requesting clarification of: (1) The new procedures for submission of the simplified State plan certification and budget that incorporates other required documentation by reference, which documents are to be retained in the State agency offices for review by HEW Regional Office staff; and (2) the proposed State funding requirements with respect to drug abuse and drug dependence and alcohol abuse and alcoholism. The proposed regulation has been modified to clarify the appropriate portions.

Section 314(d) of the Public Health Service Act has been further amended since the publication of the notice of proposed rule making on February 19, 1972. Section 403(a) of Public Law 92–255 amended subsection 314(d)(2)(K), adding to the State plan requirements, two new provisions with respect to drug abuse and drug dependence. Subsection 51.104 (h) of the regulations has been revised by adding paragraphs (2) and (3) to conform it with these two new provisions added by Public Law 92–255.

A copy of the proposed revision of § 51.104(h) was mailed to all State and territorial health and mental health authorities together with an invitation to submit any comments they might wish to make and an invitation to attend a conference to discuss any questions they might have. As required by section 314 (g) of the Public Health Service Act, the Health Services and Mental Health Administration consulted with a conference of State health and mental health authorities on August 21, 1972, regarding this proposed revision of § 51.104(h). No suggestions for substantial changes in the proposal were made in writing or at the conference, but § 51.104(h) has been modified to clarify questions raised thereby. Inasmuch as this revision of § 51.104(h) is required by section 403(a) of Public Law 92–255, and was brought before the conference with State health and mental health authorities as required by section 314(g) of the Public Health Service Act, the Secretary has determined that such revision may be incorporated in the present regulation rather than first being separately published as a notice of proposed rule making.

Therefore, having evaluated the comments received and all other relevant material, the proposed regulation, with changes, as set forth below, is hereby adopted effective on the date of publication in the FEDERAL REGISTER (11–18–72).

Dated: October 24, 1972.

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

Approved: November 15, 1972.

ROBERT O. BEATTY,
Acting Secretary.

Subpart B—Grants to States for Comprehensive Public Health Services

Sec.
51.101 Applicability.
51.102 Definitions.
51.103 Submission of State plans.
51.104 State plan requirements.
51.105 State allotments.
51.106 Allocation of allotments for mental health.
51.107 Allocation of allotments to support services in communities.
51.108 Expenditures and payments.
51.109 Equipment, supplies or personnel in lieu of cash.
51.110 Nondiscrimination.

AUTHORITY: The provisions of this Subpart B issued under secs. 215, 314 of the Public Health Service Act as amended; 58 Stat. 690, 80 Stat. 1180; 42 U.S.C. 216, 246.

§ 51.101 Applicability.

The regulations of this subpart apply to grants to State health and mental health authorities to assist the States, including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in establishing and maintaining adequate public health services, including the training of personnel for State and local health work, as authorized by section 314(d) of the Public Health Service Act, as amended.

§ 51.102 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this subpart:

(a) "Act" means section 314 of the Public Health Service Act, as amended (42 U.S.C. 246).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) "State plan" refers to the information, proposals, and assurances submitted by the State authority pursuant to section 314(d) of the Act and the regulations of this subpart for public health activities of the State and political subdivisions, and of other public and private nonprofit agencies to whom Federal or State funds are made available.

(d) "State authority" means the State health, or with respect to mental health, the State mental health authority.

§ 51.103 Submission of State plans.

In order to receive funds from an allotment under this subpart, a State must submit to and have approved by the Secretary a State plan which contains or, as required by these regulations, incorporates by reference the information and meets the requirements specified in the Act and in the regulations of this subpart. Such plan shall be submitted by the State health authority, or in the case of mental health, by the State mental health authority, after reasonable opportunity has been provided to the Governor of the State for his review and comment. Documents incorporated by reference become a part of the State plan as though fully set forth therein. Such documents must be (a) clearly identified as to subject, date, and location, (b) officially adopted and disseminated in accordance with applicable procedures, and (c) made available to the Secretary and to the public for inspection.

§ 51.104 State plan requirements.

(a) *Responsibility of State authority.* The plan must incorporate by reference documents describing the methods by which the State authority will either administer or supervise the administration of the activities to be carried out under the State plan. In providing funds to any activity which it does not administer, the State authority shall apply criteria and require conformance to standards which

would assure no lower quality for services to be supported than maintained for activities which it undertakes to conduct directly.

(b) *Evaluation of activities.* The plan must incorporate by reference documents setting forth methods of evaluating the performance of activities being carried out under the plan to assure that they meet the standards set forth in the plan and those prescribed in the regulations of this subpart.

(c) *Providing and strengthening public health services.* The plan must—

(1) Incorporate by reference written policies and procedures by which other governmental and nonprofit private agencies, institutions, and organizations will be made aware of the availability of Federal and State funds for the conduct of public health activities, including those locally initiated or sponsored, under the State plan, and by which requests for commitment of such funds will be evaluated and approved; and

(2) Contain or be supported by an assurance that the funds paid to the State for the activities to be carried out under it will be used to provide and strengthen public health services in the various political subdivisions in order to improve the health of the people of the State. The plan must incorporate by reference written policies and procedures under which the State will consider, in expending such funds, (i) the extent to which services provided under the State plan are made available to all people in all areas of the State, and (ii) the extent to which such funds and services represent a strengthening of public health services in such areas, including expansion or improved alignment of services.

(d) *Participation by local, regional, metropolitan, and other public or private nonprofit agencies.* (1) The State plan shall contain or be supported by assurances that:

(i) In accordance with the standards and criteria required in paragraph (a) of this section, funds will be made available by the State authority to other public or nonprofit private agencies, institutions and organizations initiating, sponsoring, or providing public health services which qualify for inclusion in and support under the State plan;

(ii) Such agencies, institutions, and organizations to which funds are made available are required to participate in the costs of such services;

(iii) In determining to which agencies, institutions, and organizations funds are to be made available, and the amount of funds which are to be made available to each, the State authority will consider the extent to which the services to be provided will be directed to public health programs of high priority, will be of high quality, and will reach the people in local communities in greatest need of such services;

(iv) In its evaluation of requests for such funds the State authority will provide a period for review and will consider any comments relating to such requests of the regional, metropolitan, or local area comprehensive health planning agency serving the area, if such agency exists.

(2) The State plan must incorporate by reference written identification of local, regional, metropolitan, and other public or private nonprofit agencies receiving funds under the State plan, identified as public or private nonprofit agencies.

(e) *Federal funds to supplement non-Federal funds otherwise available.* The State plan must contain or be supported by assurances that Federal funds will not supplant non-Federal funds otherwise available for providing the services and carrying out the activities under the plan and that such funds will, to the extent practical, be used to increase the level of funds otherwise available for such services and activities. Substantial compliance with such assurances will be deemed to have been met if the Secretary finds that:

(1) The level of State funds available to and spent by the State authority for those public health services under the approved State plan (including State funds allocated to other public or nonprofit private agencies, institutions and organizations) is at least no lower for any fiscal year than it was for the immediately preceding fiscal year, except that the Secretary may also take into consideration the extent to which the level of such funds for any fiscal year may have included funds for an activity of a nonrecurring nature, and the extent to which reductions in population or per capita income may affect the availability of such non-Federal funds. In any case no State shall be required to share in the approved State plan in excess of the minimum requirement as determined in accordance with subsections 314(d) (5) and (6) of the Act.

(2) The aggregate level of non-Federal funds (other than State funds allocated by the State authority) available to and spent by other public or nonprofit private agencies, institutions, and organizations to which Federal grant funds are made available under the State plan from the State's allotment is no lower for any fiscal year than it was for the immediately preceding fiscal year.

(f) *Accord with comprehensive planning.* (1) Where a State comprehensive health planning agency has been designated pursuant to section 314(a) of the Act, and where such agency has adopted planning recommendations pertaining to services to be provided under the State plan for public health services, the State plan must contain an assurance that such services will be furnished in accordance with such recommendations.

(2) If the State comprehensive health planning agency has not adopted or incorporated into its planning recommendations State mental health plans, the State plan must contain an assurance that mental health services under the approved plan for this part will be consistent with such other current statewide plans for mental health planning in the State as have been adopted by the State mental health authority.

(g) *Compatability with total health program of State.* The plan shall contain or be supported by an assurance that the services to be provided under the plan are compatible with the total health program of the State.

(h) *Drug abuse and drug dependence, and alcohol abuse and alcoholism.* (1) The State plan must incorporate by reference written provision for the delivery and funding of services for prevention and treatment of (i) drug abuse and drug dependence and (ii) alcohol abuse and alcoholism. Such services for drug abuse and drug dependence shall be consistent with the State plan, if any, developed pursuant to section 409(e) of the Drug Abuse Office and Treatment Act of 1972 (86 Stat. 65; 21 U.S.C. 1176(e)), and such services for alcohol abuse and alcoholism shall be consistent with the State plan, if any, developed pursuant to section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (84 Stat. 1850; 42 U.S.C. 4573). The provisions shall also be in accordance with the plans described in paragraph (f) of this section. In assessing such provisions for drug abuse and drug dependence and alcohol abuse and alcoholism services, the Secretary shall consider the extent to which the services and funding to be provided under the plans are commensurate with the relative extent of the drug abuse and drug dependence problem and the alcohol abuse and alcoholism problem, respectively, in the State when compared to the general need for public health services in such State.

(2) The State plan must incorporate by reference provision for the procedures and standards for licensing or accreditation of treatment and rehabilitation facilities for persons with drug abuse and drug dependence problems, which shall be consistent with those set forth in the State plan, if any, which has been developed pursuant to section 409(e) of the Drug Abuse Office and Treatment Act of 1972 (86 Stat. 65; 21 U.S.C. 1176 (e)).

(3) The State plan must also incorporate by reference provisions for the expansion of State mental health and other prevention and treatment programs for persons with drug abuse and drug dependence problems, which shall be consistent with those set forth in the State plan, if any, which has been developed pursuant to section 409(e) of the Drug Abuse Office and Treatment Act of 1972 (86 Stat. 65; 21 U.S.C. 1176(e)).

(i) *Scope and quality of services.* The following standards shall be applicable to services furnished under the plan:

(1) The plan must incorporate by reference documents showing that preventive, diagnostic, treatment, and rehabilitative programs will include special attention to the health needs of high risk population groups in terms of age, economic status, geographic location, or other relevant factors. In addition, preventive services shall be based on sound epidemiologic principles.

(2) The plan must incorporate by reference documents showing (i) the anticipated impact on the health of the people in terms of the specific objectives toward which the activities are directed and (ii) the methods by which such services will be evaluated to determine whether such specific objectives have been achieved.

(3) Services under the plan must be provided by or supervised by qualified personnel, such qualification to be determined by reference to merit system occupational standards, State and local licensing laws and specialty Board requirements for health professionals, which standards, laws and requirements shall be incorporated by reference in the plan.

(j) *Methods of personnel administration.* The State plan shall provide for the establishment and maintenance of personnel standards on a merit basis for persons employed by the State authority, and by official local health and mental health departments, to provide or supervise the provision of public health services under the approved State plan, and of State agency supervision of compliance with such standards by official local health and mental health departments. Conformity with Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Health, Education, and Welfare, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91–648; 84 Stat. 1915) modifying or superseding such Standards, will be deemed to meet this requirement as determined by said Commission. Laws, rules, regulations and policy statements, and amendments thereto, effectuating such methods of personnel administration and State agency supervision shall be incorporated by reference in the State plan.

(k) *Professional consultation.* The State plan must contain an assurance that the State authority will provide professional consultation as appropriate to agencies, institutions, or organizations other than the State authority providing services under the State plan.

(l) *Location of services.* The State plan must incorporate by reference written procedures for informing the general public in the State of the kinds and locations of services which are available under the State plan.

(m) *Review and modification.* The State plan must contain an assurance that the State authority will review and evaluate its approved plan at least once annually and submit appropriate modifications thereof to the Secretary. As a minimum, the State authority shall make annual modifications of the plan which will (1) reflect budgetary and expenditure requirements for the new fiscal year and (2) update any assurances or other informational requirements included in the State plan.

(n) *Reports and records.* The State plan must contain an assurance that in addition to any other reports or records required by the regulations of this subpart or which may reasonably be required by the Secretary under the Act:

(1) The State authority shall maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State plan.

(2) The State authority shall make annual expenditure reports.

(3) All records required by the Act and the regulations of this subpart shall be retained for 3 years after the submission of the annual expenditure report required by subparagraph (2) of this paragraph: *Provided,* That, (i) all records pertaining to audit questions which have arisen before the end of such 3-year period shall be retained until the resolution of all such questions; and (ii) records for nonexpendable property which was acquired under the State plan shall be retained for 3 years after the final distribution of such property.

(4) All records required by the Act and the regulations of this subpart shall be available to the Comptroller General of the United States and the Secretary, or their authorized representatives, for purposes of making audits, examinations, excerpts and transcriptions.

(o) *Accounting procedures.* The State plan shall incorporate by reference such written fiscal control and fund accounting procedures as are necessary to assure the proper disbursement of and accounting for funds paid to the State under this subpart. Such procedures shall provide for an accurate and timely recording of receipts of Federal funds paid to the State for expenditures incurred or to be incurred under the approved plan, of the amounts and purposes of expenditures made in carrying out such plan and of any unearned balances of Federal funds paid to the State. In addition, such procedures must:

(1) Provide for the determination of allowability and the allocation of costs in accordance with Chapter 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual;[1]

(2) Provide for the separation of allowable expenditures as between the State plan for public health services and the State plan for mental health services and for the separation of allowable expenditures under each State plan between those which are for the provision of health services in communities of the State and those which are for other purposes;

(3) Provide adequate information to show exclusion from expenditures claimed for Federal participation of those costs for which payments have been received or are due under other Federal grants or contracts or which are required or used to match other Federal funds;

(4) Provide for maintaining an adequate record of refunds, proceeds from the sale of equipment, fees, and other similar adjustments received. These adjustments shall be deducted from total expenditures in order to arrive at the expenditures available for Federal participation under the State plan. In addition, when any equipment purchased from funds under the approved State plan is transferred or otherwise disposed of to an activity which would not be eligible for support under this program, a portion of its fair market value at the time of transfer shall be deducted for the same purpose. Such portion shall be in the same proportion as participation of the Federal funds was in the expenditures under the State plan in the year in which such equipment was purchased.

(5) Provide for the maintenance of payroll and inventory records in accordance with Chapters 1–71 and 1–410, respectively, of the Department of Health, Education, and Welfare Grants Administration Manual.

§ 51.105 State allotments.

The allotments for Federal fiscal vears 1971, 1972, and 1973 shall be determined in the following manner:

(a) On the basis of population (as determined from the latest available estimate from the Department of Commerce), $3 per person up to a maximum of 100,000 persons, plus;

(b) Fifty percent of the remainder of the amount available on the basis of population (as determined for purposes of paragraph (a) of this section) and 50 percent on the basis of population weighted by financial need (as determined by the latest available estimates of per capita personal income from the Department of Commerce), adjusted so that the total allotment to any State under paragraph (a) of this section plus this paragraph (b) will not be less than the total of the amounts allotted to it under formula grants for cancer control, plus other allotments under section 314 of the Public Health Service Act prior to its amendment by Public Law 89–749, for the fiscal year ending June 30, 1967.

(c) For the purposes of these computations, American Samoa and the Trust Territory of the Pacific Islands shall each be considered to have had total allotments for fiscal year 1967 equal to the lowest total allotments of any other State for that year.

§ 51.106 Allocation of allotments for mental health.

(a) *General.* The Secretary shall allocate 15 percent of each State's allotment for each fiscal year to the State mental health authority and 85 percent to the State health authority, except that when, in any case, 15 percent of the State's allotment is less than the amount of that State's fiscal year 1967 allotment for mental health services, the percentage allocated to the mental health authority of such State shall be increased to that percentage which will provide that such allocation for the year will

[1] The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 894–523.

equal the fiscal year 1967 allotment to that State for mental health services, and the percentage allocation for the year to the State health authority of such State shall be correspondingly reduced.

(b) *Exception.* If recommended concurrently by the State health authority and the State mental health authority, or by the Governor, for any fiscal year, the Secretary may allocate a higher percentage to the State mental health authority and a correspondingly lower percentage to the State health authority.

§ 51.107 Allocation of allotments to support services in communities.

For each fiscal year, an amount equal to at least 70 percent of the funds allotted to the State health authority and to the State mental health authority, respectively, under section 314(d) of the Act shall be available only for the provision of health services in communities of the State. Such services in communities shall include all eligible activities conducted under the State plan which, in the judgment of the Secretary or his delegate, are directly involved in the provision of services to people, in the training of personnel for community services, and in the prevention or alleviation of health, mental health, or environmental health problems in communities, whether such activities are provided by State or local agencies, but shall not include such activities as administration, planning, consultation, and data collection and analysis activities conducted by the State agency for statewide planning and administrative purposes not directly involved in the provision of services to people. The cost of data collection and analysis activities conducted by the State agency which are an integral part of services provided directly to people may be included as a part of the allotment available only for the provision of health services in communities.

§ 51.108 Expenditures and payments.

(a) *Federal share.* Each State for which a State plan for public health services has been approved shall be paid from its allotment for the fiscal year an amount which equals its "Federal share" (as defined and computed within the limits of the allotment in accordance with subsection 314(d) (5) and (6) of the Act) of the expenditures incurred by such State or a political subdivision thereof during such fiscal year under its approved State plan. The Secretary shall make such adjustments in amounts of payments as may be necessary to correct under or over payments previously made (including expenditures which are disallowed on the basis of audit findings). A State shall not be entitled to payments from any fiscal year allotment for expenditures incurred in a prior or subsequent year. Payments will be made where practicable through a letter of credit system or, when such system is not practicable, on the basis of payment requests from the State to meet its current needs.

(b) *Eligible costs.* Federal participation in providing "Public Health Services" under a State plan may include the costs of any physical, mental, or environmental health service which the State authority is authorized to undertake or support, or the costs of training, including in-service and specialized or short-term training of personnel for State and local health work, except that the following costs of services and training shall not be included:

(1) The provision of air pollution control activities to the extent such costs are precluded by the Clean Air Act (42 U.S.C. 1857 et seq.) as amended;

(2) The provision of inpatient care in hospitals or other institutions, except where the Secretary determines that such care during a limited period of time is necessary for effective evaluation, demonstration, or extension of new or improved public health procedures;

(3) Research activities, other than those which are a part of health service programs or demonstrations, or of health surveys, epidemiologic studies, or case findings;

(4) The acquisition of land or construction or acquisition of buildings;

(5) Such other costs as the Secretary may find to be inconsistent with the Act or the regulations of this subpart.

(c) *Expenditures by nonprofit private agencies.* For the purposes of determining the Federal share for any State, expenditures made by nonprofit private agencies, organizations, and groups shall be regarded as expenditures by such State or political subdivision thereof, subject to the following conditions and limitations:

(1) Such expenditures may be included only when made by such an agency, institution, or organization to which the State authority has made available funds from Federal or State sources for carrying out services to be provided under the approved State plan for the fiscal year;

(2) The amount of expenditures by such nonprofit agency which may be included for any fiscal year does not exceed the amount of the funds made available to such agency by the State under the plan plus not more than an equal amount of expenditure by such agency from nongovernmental funds;

(3) The records of the expenditures by a nonprofit private agency, in carrying out the State plan, shall be maintained and be available for inspection and audit for the period specified in § 51.104(1)(3).

§ 51.109 Equipment, supplies, or personnel in lieu of cash.

At the request of and for the convenience of a State authority, the Secretary may, in lieu of cash payments, furnish to such authority equipment or supplies or detail officers or employees of the Department of Health, Education, and Welfare when he finds that such equipment, supplies, or personnel would be used in carrying out the approved State plan for public health services. In such cases, the Secretary shall reduce the payments to which such State authority would otherwise be entitled from its allotment for the fiscal year by an amount which equals the fair market value of the equipment or supplies furnished and by the amount of the pay, allowances, traveling expenses, and other costs in connection with such detail of officers or employees. For purposes of determining the amount of the expenditures for any fiscal year made in carrying out the approved State plan and the Federal share of such expenditures, the costs incurred by the Secretary in furnishing such equipment or supplies and in detailing such personnel to the State agency during the fiscal year shall be considered as expenditures made by and funds paid to the State.

§ 51.110 Nondiscrimination.

(a) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.SC. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Such regulation is applicable to services and programs provided under approved State plans for public health services receiving Federal assistance under section 314(d) of the Act, and requires receipt and acceptance by the Secretary of the applicable documentation set forth therein.

(b) All services provided under the State plan shall be made available without discrimination on the grounds of sex, creed, marital status, or duration of residence.

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SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 71—FOREIGN QUARANTINE

PART 72—INTERSTATE QUARANTINE

Prohibition on Importation of Turtles, Tortoises, and Terrapins; Bacteriological Testing and Certification for Interstate Shipment

A notice was published in the FEDERAL REGISTER of April 7, 1972 (37 F.R. 7005), in which the Administrator of the Health Services and Mental Health Administration with the approval of the Secretary, and the Commissioner of Food and Drugs proposed to amend Parts 71 and 72 respectively of Title 42, Code of Federal Regulations, to: (1) Provide a general prohibition on the importation of small pet turtles, tortoises, terrapins, and other members of the order *Testudinata*, and (2) set bacteriological standards for such animals in interstate shipments.

The proposal was based upon epidemiological investigations that have shown that small pet turtles are a particularly

significant source and reservoir of bacteria of the genus *Salmonella* and bacteria of the genus *Arizona* affecting humans.

On the basis of results of these investigations, it is estimated that each year in the United States, 280,000 human cases of salmonellosis are turtle associated. Most of these cases occur in children. While few fatalities are thought to be associated with infection acquired from turtles, the *Salmonella* and *Arizona* bacteria typically produce an acute febrile gastroenteritis (abdominal pain, nausea, fever, diarrhea) which may require hospitalization. There are also reports of associated meningitis and brain abscesses.

Each year an estimated 15 million small turtles are sold as pets in the United States. Approximately 90 percent of turtles sold as pets are produced on commercial turtle farms or captured in the wild in the United States. The remaining 800,000 to 1,500,000 turtles are imported following their capture in the wild.

Turtles and their relatives are particularly well adapted hosts for *Salmonella* and *Arizona* bacteria. Characteristically, infection does not produce any apparent disease, but it may persist for long periods of time, if not for the life of the turtle. Contaminated breeding and holding environments, the practice of feeding turtles salmonella-contaminated animal offal, and transovarial transmission (infection of the egg) all serve to perpetuate the transmission cycle.

Repeated bacteriological examination of turtles collected at breeding farms, at the time of importation, and in trade consistently reveal the ubiquitous distribution of *Salmonella* and *Arizona* bacteria associated with turtles.

The Administrator and the Commissioner felt that considerations of public health compelled: (1) Imposition of a general prohibition on the importation of small turtles and (2) provision for both the bacteriological testing and the certification of freedom from infectious diseases for small turtles shipped in interstate commerce. However, importation of small turtles and interstate shipment of uncertified small turtles for bona fide scientific purpose, or for use in educational institutions, and for exhibition, under circumstances such that the numbers of turtles are limited and the turtles are handled and maintained under conditions that minimize risks to the public health, should be permitted.

The April 7, 1972, notice allowed a 60-day period for the filing of comments thereon by interested persons. Of the 48 comments received from individuals, a consumer interest organization, State and local government agencies, a Member of Congress, turtle fanciers and hobbyist clubs and societies, wildlife societies, dealers and importers of such animals, and a trade association, 25 expressed full or partial support for the proposal. The principal points raised in the other comments, together with the Administrator's response to those concerning the proposed prohibition of importation under Part 71 and the Commissioner's response to those concerning the proposed bacteriological testing and certification for interstate shipment under Part 72, and the Administrator's and Commissioner's joint response to those concerning both Parts 71 and 72, are as follows:

1. Several comments questioned the inclusion of tortoises and terrapins in the definition of the term "turtles" as used in the proposed regulations. The Administrator and the Commissioner conclude that such inclusion is necessary because the distinction between turtles, tortoises, and terrapins cannot invariably be made except by highly trained taxonomists. However, the Administrator and the Commissioner have concluded that the regulations should be revised as set forth below to exempt the eggs of marine turtles from the requirements of the regulations since such eggs are imported for use in restocking certain areas of the coast of the United States with those species.

2. A number of comments received, protested the application of the proposed regulations to all turtles with a carapace length of less than 6 inches. Some recommended that the size of the turtles subject to the proposed regulations be reduced from the proposed carapace length of less than 6 inches to 3 inches in length while others recommended that the requirements of the proposed regulations apply only to "baby green turtles" or "red-ear sliders". Most of the recommendations offered explanatory comments that the 6-inch carapace designation would severely limit the number of breeding-size turtles and that the smaller (3 inches or less) species are the more common pet varieties purchased for, or by children. In response to these comments the Administrator and Commissioner conclude that the regulations should be revised to apply only to turtles with a carapace length of less than 4 inches.

As a total ban on the importation of turtles with a carapace length of less than 4 inches would prohibit all persons entering the United States from bringing with them their pet turtles or turtle eggs and would prohibit fanciers of rare turtles from importing such species, the Adminstrator concludes that an exception should be made (as set forth under 42 CFR 71.173) to permit such importation of turtles and/or turtle eggs in any combination not to exceed six. The Administrator concludes that this exemption would not constitute a significant hazard to public health because of the severely restricted size of such importations. For similar reasons the Commissioner concludes that a similar exemption should be provided (as set forth under 42 CFR 72.26 (d)) to permit interstate shipment of rare species of turtles and privately owned pet turtles or turtle eggs in any combination not to exceed six.

3. One comment questioned whether a ban on importation of turtles would be discriminatory since the interstate shipment of domestic turtles would be permitted under conditions specified by the proposed amendment to Part 72. The Administrator concludes that a ban against the importation of turtles, as set forth below, is necessary since adequate laboratory facilities do not exist in all turtle-exporting countries which could effectively establish that shipments of imported turtles would be free of contamination.

4. Ten comments either objected to the Part 72 test procedure as being inhumane or expressed concern over the number of turtles which would be sacrificed in the test. The main objection to the proposed test procedure is the provision which requires placing 60 turtles from each lot being tested into sterile containers with a specified amount of water and holding for 72 hours. The reason for this requirement is to determine not only if the turtles bear *Salmonella* and/or *Arizona* externally, but also whether they are shedders of these bacteria (i.e., whether or not the feces or other body discharges contain these bacteria). In response to these comments and in addition to reducing the size of the turtles subject to the test, the Commissioner has revised the test procedure to provide that larger capacity glass containers shall be employed whenever necessary to avoid overcrowding of the turtles being tested. Data have shown, however, that the number of turtles specified in the test is necessary to obtain adequate representation of the lot and reasonable assurance that a lot is free of *Salmonella* and *Arizona;* this remains unchanged.

5. Another comment claimed that imported turtles are less often contaminated than domestic turtles. The Administrator finds this has been disproved in extensive studies carried out by the Center for Disease Control on large samples of imported turtles, two-thirds of which were found to be contaminated.

6. Eight comments recommended that turtles offered for sale bear a warning legend regarding the potential health hazard or that warning signs be posted at place of sale. The Administrator and the Commissioner have adequate evidence that the majority of the cases of turtle associated *Salmonellosis* occur in children. Because children are more frequently affected, as well as being the purchasers of these pets, warning legends regarding *Salmonella* and *Arizona*, whether placed at point of purchase or accompanying the purchase, are considered unmeaningful to the purchaser and therefore ineffective.

7. Three comments recommended that an age limitation be established for purchase of turtles in order that informed adults will be the sole purchasers of turtles, and five comments recommended that education of the public would be either preferable to the regulations or should be accomplished in addition to the regulations. Since data show that there are an estimated 280,000 turtle associated cases of *Salmonellosis* yearly and 15 million small turtles are sold as pets annually, the Administrator and the Commissioner conclude that greater

protection of the public can be achieved by regulation at the source of origin, i.e., assuring that turtles shipped are free of *Salmonella* and *Arizona* bacteria. However, in addition to the regulations, FDA educational programs will issue information regarding holding and feeding practices in an attempt to limit perpetuation of the bacterial cycle.

8. Other comments included a recommendation for the development of a drug that will destroy *Salmonella* and *Arizona* and a recommendation that the scope of the regulations be expanded to include snakes. The Administrator and the Commissioner conclude that public health considerations do not permit delaying issuance of the proposed regulations pending feasibility of use of such a drug and that the recommendation to include snakes goes beyond the scope of the proposal and cannot be implemented by these regulations. Whenever experience and/or new information indicate a need for change, the Administrator and/or Commissioner will amend or revise these regulations or issue additional regulations as appropriate.

Having considered the comments the Commissioner and the Administrator conclude that the proposal with revisions and changes made for clarification, should be adopted as set forth below. A paragraph concerning enforcement has been added by the Commissioner of Food and Drugs, to clarify the criminal consequences of violation of 42 CFR 72.26 and the legal status of turtles and turtle eggs which may cause the spread of *Salmonella* or *Arizona* infection or which otherwise violate § 72.26, and to assure that the right to a hearing and other fundamental requirements of due process will be accorded before destruction of violative turtles or turtle eggs. Therefore, pursuant to provisions of the Public Health Service Act (sec. 361, 58 Stat. 703; 42 U.S.C. 264) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) and to the Administrator of the Health Services and Mental Health Administration (33 F.R. 15963), Parts 71 and 72 are amended as follows:

1. In Part 71, a new Subpart J–2 is established immediately after Subpart J–1 as follows:

Subpart J–2—Imporation of Turtles, Tortoises, Terrapins

Sec.
71.171 Definitions.
71.172 Importation; general prohibition.
71.173 Exceptions.
71.174 Application for permits.
71.175 Issuance of permits; criteria.
71.176 Penalties.

AUTHORITY: The provisions of this Subpart J issued under sec. 361, 58 Stat. 703; 42 U.S.C. 264.

Subpart J–2—Importation of Turtles, Tortoises, Terrapins

§ 71.171 Definitions.

As used in this subpart:

(a) "Turtles" includes all animals commonly known as turtles, tortoises, terrapins and all other animals of the order *Testudinata*, class *Reptilia* except marine species (Families *Dermochelidae* and *Cheloniidae*).

(b) "Director" means the Director, Center for Disease Control, Health Services and Mental Health Administration, Department of Health, Education, and Welfare, Atlanta, Ga. 30333.

§ 71.172 Importation; general prohibition.

Except as otherwise provided in this subpart, viable turtle eggs and live turtles with a carapace length of less than 4 inches may not be imported into the United States.

§ 71.173 Exceptions.

(a) Live turtles with a carapace length of less than 4 inches and viable turtle eggs may be imported into the United States: *Provided*, That such importation is limited to lots of less than seven (7) live turtles or less than seven (7) viable turtle eggs, or any combination of such turtles and turtle eggs totalling less than seven (7), for any entry.

(b) Lots of seven (7) or more viable turtle eggs or seven (7) or more live turtles with a carapace length of less than 4 inches, or any combination of such turtles and turtle eggs totaling seven (7) or more, may be imported into the United States for bona fide scientific or educational purposes or for exhibition when accompanied by a permit issued by the Director.

(c) The requirements in paragraph (a) and (b) of this section shall not apply to the eggs of marine turtles excluded from this regulation under § 71.171(a).

§ 71.174 Application for permits.

Application for permits to import lots of seven (7) or more viable turtle eggs or seven (7) or more live turtles with a carapace length of less than 4 inches, or any combination of such turtles and turtle eggs totaling seven (7) or more, for the purposes set forth in § 71.173 shall be made by letter to the Director, and shall contain, identify, or describe the name and address of the applicant, the number of specimens, and the common and scientific names of each species to be imported, the holding facilities; the intended use of the turtles following their importation, the precautions to be undertaken to prevent infection of members of the public with bacteria of the *Salmonella* and *Arizona* genera and such other information and assurances as the Director may deem necessary to protect the public health.

§ 71.175 Issuance of permits; criteria.

A permit may be issued upon a determination that the holder of the permit will isolate or otherwise confine the turtles and will take such other precautions as may be determined by the Director to be necessary to avoid infection of members of the public with bacteria of the *Salmonella* and *Arizona* genera and on condition that the holder of the permit will provide such reports as may be required by the Director to protect the public health.

§ 71.176 Penalties.

Any person violating any provision of this subpart shall be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, as provided in section 368 of the Public Health Service Act (42 U.S.C. 271).

2. Part 72 is amended by adding a new section, as follows:

§ 72.26 Turtles.

(a) *Definitions.* As used in this section:

(1) The term "turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order *Testudinata*, class *Reptilia* except marine species (families *Dermachelidae* and *Cheloniidae*).

(2) The term "State of origin" as used in paragraph (b) of this section means the State or possession in which the turtles or turtle eggs were originally hatched or produced.

(b) *Interstate shipment; general prohibition.* Except as otherwise provided in this section, viable turtle eggs and live turtles with a carapace length of less than 4 inches shall not be transported or offered for sale after shipment in interstate commerce, unless the shipment is accompanied by a certificate issued by the health authority of the State of origin certifying that each shipment of live turtles or viable turtle eggs is free of bacteria of the *Salmonella* and *Arizona* genera. After shipment in interstate commerce the same intact shipment of live turtles or viable turtle eggs shall not require further such certification under provisions of this section; however, if at any subsequent point in its distribution such shipment becomes commingled or intermingled with a lot that has not been so certified, then such turtles or turtle eggs shall not be offered for sale or further transported in interstate commerce unless the entire lot has been tested and certified free of bacteria of the *Salmonella* and *Arizona* genera by the health authority of the State or possession in which such commingling or intermingling occurred.

(c) *Certification; test procedures.* Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued by the health authority of the appropriate State or possession on the basis of the examination of 60 turtles or 60 turtle eggs from each shipment, regardless of the size of the shipment. The examination shall be conducted in a laboratory licensed in microbiology pursuant to section 353 of the Public Health Service Act and shall utilize the following procedure adapted from "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, sections 41.024–41.040, pages 845–851:

(1) Place five turtles in each of 12 sterile glass containers with a capacity of

1,000 milliliters (larger capacity containers should be used if necessary to avoid overcrowding).

(2) Add 50 milliliters of sterile distilled water to each of the containers of turtles.

(3) Cover each container with sterile aluminum foil and hold the turtles in the containers at room temperature (about 25° C.) for at least 72 hours.

(4) Do not remove the foil cover or add food, water, or other materials to the containers during the holding period.

(5) After a minimum of 72 hours remove the turtles from the containers using a sterile forceps.

(6) For each of the 12 containers transfer 1 milliliter of the residual water into a separate tube containing 10 milliliters of tetrathionate broth (with iodine and brilliant green) and incubate these 12 tetrathionate enrichment cultures for 24 hours at 35° to 37° C.

(7) After 24 hours incubation, subculture each of the 12 tetrathionate enrichment cultures to brilliant green agar and complete isolation and identification according to methods specified in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Edition section 41.024–41.040, pages 845–851.

(8) In the examination of turtle eggs, rinse 60 eggs with sterile distilled water to remove visible extraneous matter from the shells. Place the 60 cleansed eggs into a sterile blender cup. Replace blender lid and homogenize eggs for 2 minutes at low speed. Transfer 1 milliliter of the blended egg material into 10 milliliters of tetrathionate broth, and proceed as in subparagraphs (6) and (7) of this paragraph.

(9) Upon completion of the laboratory examination, the examining laboratory shall submit a report to the health officer of the appropriate State or possession, or his delegated representative. The laboratory report shall specify the name and address of the producer or shipper (consignor) and of the consignee, the number and species of turtles or turtle eggs intended for interstate shipment, and the results of the examination, and it shall be signed by the examining microbiologist or director of the examining laboratory. Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued if, to the satisfaction of the health authority of the appropriate State or possession, the laboratory examination has been performed according to the procedure specified in this section, and all specimens examined were free of bacteria of the *Salmonella* and *Arizona* genera.

(d) *Destruction of turtles or turtle eggs; criminal penalties*—(1) *Destruction.* Any live turtles or viable turtle eggs which have been transported in interstate commerce without a certificate required by paragraph (b) of this section, and any live turtles or viable turtle eggs which are held for sale or offered for any other type of commercial or public distribution and are found to contain bacteria of the *Salmonella* or *Arizona* genera when sampled and tested by a method appropriate for determination of the presence of such bacteria in the turtles or turtle eggs, and any live turtles or viable turtle eggs which are held for sale or offered for any other type of commercial or public distribution and are found to be held in water which contains bacteria of the *Salmonella* or *Arizona* genera when tested by an appropriate method, shall be subject to destruction, by or under the supervision of an officer or employee of the Food and Drug Administration in accordance with the following procedures:

(i) Any District Office of the Food and Drug Administration, upon detecting live turtles or viable turtle eggs which have been transported in interstate commerce without a certificate required by paragraph (b) of this section, or which are held for sale or offered for any other type of commercial or public distribution and which contain, or are held in water containing, bacteria of the *Salmonella* or *Arizona* genera, shall serve upon the person in whose possession such turtles or turtle eggs are found a written demand that such turtles or turtle eggs be destroyed, under the supervision of said District Office, within 10 working days from the date of promulgation of the demand. The demand shall recite with particularity the facts which justify the demand. After service of the demand, the person in possession of the turtles or turtle eggs shall not sell, distribute, or otherwise dispose of any of the turtles or turtle eggs except to destroy them under the supervision of the District Office, unless and until the Director of the Bureau of Foods withdraws the demand for destruction after an appeal pursuant to subdivision (ii) of this subparagraph.

(ii) The person on whom the demand for destruction is served may either comply with the demand or, within 10 working days from the date of its promulgation, appeal the demand for destruction to the Director of the Bureau of Foods, Food and Drug Administration. The demand for destruction may also be appealed, within the same period of 10 working days, by any other person having a pecuniary interest in such turtles or turtle eggs. In the event of such an appeal, the Bureau Director shall provide an opportunity for a hearing, by written notice to the appellant(s) specifying a time and place for the hearing, to be held within 14 days from the date of the notice but not within less than 7 days unless by agreement with the appellant(s).

(iii) Appearance by any appellant at the hearing may be by mail or in person, with or without counsel. The hearing shall be conducted by the Bureau Director or his designee, and a written summary of the proceedings shall be prepared by the person presiding. Any appellant shall have the right to hear and to question the evidence on which the demand for destruction is based, including the right to cross-examine witnesses, and he may present oral or written evidence in response to the demand.

(iv) If, based on the evidence presented at the hearing, the Bureau Director finds that the turtles or turtle eggs were transported in interstate commerce without a certificate in violation of this section, or that the turtles or turtle eggs were held for sale or offered for any other type of commercial or public distribution and that they contain, or are held in water which contains, bacteria of the *Salmonella* or *Arizona* genera, the Bureau Director shall affirm the demand that they be destroyed under the supervision of an officer or employee of the Food and Drug Administration; otherwise, the Bureau Director shall issue a written notice that the prior demand by the District Office is withdrawn. If the Bureau Director affirms the demand for destruction he shall order that the destruction be accomplished within 10 working days from the date of the promulgation of his decision. The Bureau Director's decision shall be accompanied by a statement of the reasons for the decision. The decision of the Bureau Director shall constitute final Agency action, appealable in the courts.

(v) If there is no appeal to the Director of the Bureau of Foods from the demand by the FDA District Office and the person in possession of the turtles or turtle eggs fails to destroy them within 10 working days, or if the demand is affirmed by the Director of the Bureau of Foods after an appeal and the person in possession of the turtles or turtle eggs fails to destroy them within 10 working days, the District Office shall designate an officer or employee to destroy the turtles or turtle eggs. It shall be unlawful to prevent or to attempt to prevent such destruction of turtles or turtle eggs by the officer or employee designated by the District Office. Such destruction will be stayed if so ordered by a court pursuant to an appeal in the courts as provided in subdivision (iv) of this subparagraph.

(2) *Criminal penalties.* Any person who violates any provision of this section, including but not limited to any person who transports live turtles or viable turtle eggs in interstate commerce without a certificate required by paragraph (b) of this section, or who offers for sale, live turtles or viable turtle eggs which have been transported in interstate commerce without such a certificate, or who refuses to comply with a valid final demand for destruction of turtles or turtle eggs (either an unappealed demand by an FDA District Office or a demand which has been affirmed by the Director of the Bureau of Foods pursuant to appeal), shall be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, for each violation, in accordance with section 368 of the Public Health Service Act (42 U.S.C. 271).

(e) *Exceptions.* The provisions of this section are not applicable to:

(1) Live turtles and viable turtle eggs used for bona fide scientific, educational, or exhibitional purposes, other than use as pets.

(2) Lots of less than seven (7) live turtles or less than seven (7) viable turtle eggs or any combination of such turtles and turtle eggs totaling less than seven (7).

(3) Marine turtles excluded from this regulation under the provisions of paragraph (a)(1) of this section and eggs of such turtles.

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

(Sec. 361, 58 Stat. 703; 42 U.S.C. 264)

Dated: November 6, 1972.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register September 25, 1972.

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

Approved: November 15, 1972.

ROBERT O. BEATTY,
Acting Secretary.

Dated: October 31, 1972.

CHARLES C. EDWARDS,
Commisioner, Food and Drug Administration.

[FR Doc.72-19909 Filed 11-17-72;8:50 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-64]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Safety of Liquid Pipelines

The purpose of this amendment is to revoke the delegation to the Federal Railroad Administrator to carry out the liquid pipeline safety functions under 18 U.S.C. 831-835 and to delegate that authority to the Assistant Secretary for Safety and Consumer Affairs.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended, effective November 7, 1972, as follows:

§ 1.24 [Amended]

1. Section 1.24(e) is amended by deleting the words "of natural and other toxic gas".

2. Section 1.49(f) is revised to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

* * * * *

(f) Carry out the functions of the Secretary under sections 831-835 of title 18, United States Code, relating generally to explosives and other dangerous articles, so far as they pertain to railroads.

* * * * *

3. Section 1.58(d) is revised to read as follows:

§ 1.58 Delegations to Assistant Secretary for Safety and Consumer Affairs.

* * * * *

(d) Carry out the functions vested in the Secretary by the following statutes:

(1) The Natural Gas Pipeline Safety Act of 1968 (82 Stat. 720, 49 U.S.C. 1671).

(2) Sections 831-835 of title 18, United States Code, so far as they pertain to pipelines.

* * * * *

This amendment is issued under the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657).

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

JOHN A. VOLPE,
Secretary of Transportation.

NOVEMBER 7, 1972.

[FR Doc.72-19896 Filed 11-17-72;8:49 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Container, Pack, and Container Marking Regulations

Consideration is being given to the following proposal, applicable to § 906.340 *Container, pack, and container marking regulations* (7 CFR 906.340; 37 F.R. 2765; 4707; 21800; 23626), recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh 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)).

This action reflects the committee's appraisal of the need for restricting the use of containers and pack sizes to those most suitable for the packing and handling of fruit to promote orderly marketing, so as to provide consumers with good quality fruit, while improving returns to producers pursuant to the declared policy of the act. The proposed amendment would update the language of paragraph (a)(2)(i) in § 906.340, so that it conforms to the current U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona). Such standards were revised effective October 1, 1969. Specifically, the proposed amendment would (1) specify, except as otherwise provided by regulations issued pursuant to this part, that oranges shall be packed within the diameter limits specified in § 51.691 (c) of the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona); (2) require oranges when packed in boxes or cartons to be packed in accordance with the requirements of standard pack; and (3) specify that the packing tolerances set forth in the U.S. Standards for Oranges shall apply to the pack requirements for Navel oranges and Valencia and similar late type oranges, and make a few nonsubstantive changes in such provisions.

The proposal is that the provisions of paragraph (a)(2)(i) of § 906.340 (7 CFR 906.340; 37 F.R. 2765; 4707; 21800; 23626) be amended to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) * * *

(2) * * *

(i) *Oranges.* (*a*) Oranges, except Navel oranges and Valencia and similar late type oranges, when packed in any box, bag, or carton shall, except as otherwise provided by regulations issued pursuant to this part, be within the diameter limits specified for the various pack sizes in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona);

(*b*) Oranges, except Navel oranges and Valencia and similar late-type oranges, when packed in boxes or cartons shall be packed in accordance with the requirements of standard pack; and

(*c*) Navel oranges and Valencia and similar late type oranges, when placed packed in any box or carton shall be sized in accordance with the sizes set forth in the following table I, except as otherwise provided by regulations issued pursuant to this part, and otherwise meet the requirements of standard pack; and when in containers not packed according to a definite pattern shall be sized in accordance with the sizes set forth in the following table I and otherwise meet the requirements of standard sizing: *Provided,* That the packing tolerances, which are set forth in the U.S. Standards for Oranges, shall be applicable to fruit so packed: And *provided further,* That the variation from the smallest to the largest fruit in any container is not more than the following applicable amount:

(*1*) 46, 54, 64, 70 or 72, or 80 sizes—not more than eight-sixteenths inch in diameter;

(*2*) 100, 112, or 125 sizes—not more than six-sixteenths inch in diameter;

(*3*) 163, or 200 sizes—not more than five-sixteenths inch in diameter; and

(*4*) 252, 288, or 324 sizes—not more than four-sixteenths inch in diameter.

TABLE I—1⅗ BUSHEL BOX

(DIAMETER IN INCHES)

Pack size	Minimum	Maximum
46	4 3/16	5
54	4	4 13/16
64	3 13/16	4 5/16
70 or 72	3 11/16	4 1/16
80	3 5/16	4 1/16
100	3 5/16	3 13/16
112	3 3/16	3 11/16
125	3 1/16	3 5/16
163	2 13/16	3 5/16
200	2 5/16	3 1/16
252	2 5/16	2 11/16
288	2 1/16	2 5/16
324	2 1/16	2 5/16

* * * * *

Dated: November 14, 1972.

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

[FR Doc.72-19902 Filed 11-17-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 16]

DEPARTMENT GRANT APPEALS PROCESS

Notice of Proposed Departmental Grant Appeals Board

Pursuant to the authority contained in sections 1, 5, 6, and 7 of Reorganization Plan Number 1 of 1953 (18 F.R. 2053, 67 Stat. 631) and the authority implicit in the separate statutes authorizing the provision of assistance through grants as set forth in the appendices to the rule proposed herein, the Secretary of Health, Education, and Welfare, with the concurrence and approval of the concerned agency heads, hereby proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 16, as set forth below.

The new Part 16 would establish a Departmental Grant Appeals Board from which Grant Appeals Panels would be selected for the purpose of reviewing and providing hearings upon post-award disputes which may arise in the administration of certain grant programs by constituent ageneies of the Department of Health, Education, and Welfare.

Part 16 would insure fair and impartial review or reconsideration of such disputes by establishing review procedures at the Department level.

Grantees will have access to these procedures on the basis of certain adverse determinations by cognizant officers or employees of the constituent agencies. Following proceedings before the Board of a formal or informal nature (depending upon the nature of the issues of the case), the Board will render an initial decision in writing which will be sent directly to each party to the proceeding and to the head of the constituent agency involved in the case before it. Each party will have the opportunity to submit written comments on the initial decision to the head of the constituent agency.

The initial decision of the Board (or the Panel thereof assigned to a case) will become the final decision of the constituent agency, unless, within a prescribed time, the head of the constituent agency determines to review such decision and, upon such review, it is modified. If modified such decision will not be served before affording the Secretary an opportunity to study it. (The parties will not have an appeal "as of right" to the agency head; the agency head may decline to review the initial decision of the Board.)

This decision and review structure follows procedures customarily used by Federal agencies for review of hearing decisions under the Administrative Procedure Act and is designed to afford to aggrieved grantees maximum due process and to the heads of the constituent agencies the benefit of a full record before a final decision is made in disputes between grantees and employees or officers of the agency.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed new Part 16 to the U.S. Secretary of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 45 days from the date of publication of this notice in the FEDERAL REGISTER. Comments received in response to the notice will be available for public inspection at Room 4808, 400 6th Street SW., Washington, DC 20201 from 9 a.m. to 4:30 p.m., Monday through Friday.

Dated: October 19, 1972.

ELLIOT L. RICHARDSON,
Secretary.

PART 16—DEPARTMENTAL GRANT APPEALS BOARD

Sec.

AUTHORITY: The provisions of this Part 16 issued under sections 1, 5, 6, and 7 of Reorganization Plan No. 1 of 1953, 18 F.R. 2053, 67 Stat. 631 and the individual authorities cited in the Appendices.

§ 16.1 Purpose.

This part establishes a Departmental Grant Appeals Board, for the purpose of reviewing and providing hearings upon post-award disputes which may arise in the administration of or carrying out of grants under grant programs (as described in § 16.2) and which are submitted to the Board as provided in § 16.6.

§ 16.2 Scope.

(a) This part applies to certain determinations (as set forth in § 16.5), made after the effective date of this part, with respect to grants awarded by a constituent agency of the Department of Health, Education, and Welfare pursuant to: (1) Any program which authorizes the making of direct, discretionary project grants or (2) any other program (including any State plan, formula program) which the head of the constituent agency, with the approval of the Secretary, may designate in whole or in part.

(b) Notwithstanding paragraph (a) of this section, this part shall not be applicable to a determination: (1) If the grantee is entitled to an opportunity for hearing with respect to such determination pursuant to 5 U.S.C. sec. 554 or (2) if, in order to meet special needs applicable to a particular program, the constituent agency has established an appropriate alternative procedure (which is available to the grantee) for the review or resolution of such determination and the Secretary has approved such procedure as an alternative to the procedures under this part.

(c) Programs to which this part is applicable shall be listed in the Appendixes to this part. With the approval of the Secretary, a program not so listed may be made subject to this part through an appropriate designation by the head of the constituent agency concerned. The Appendixes referred to in the preceding sentence shall be promptly updated to reflect such designations.

(d) This part does not apply to any action taken pursuant to title VI of the Civil Rights Act of 1964, Part 80 of this title, and Executive Order No. 11246.

§ 16.3 Definitions.

For purposes of this part:

(a) "Board" means the Departmental Grant Appeals Board, as described in paragraph (a) of § 16.4.

(b) "Board Chairman" means the Board member designated by the Secretary to serve as Chairman of the Board.

(c) "Panel" means a Grant Appeals Panel, as described in paragraph (b) of § 16.4.

(d) "Panel Chairman" means a member of a Grant Appeals Panel who has been designated as Chairman of such Panel by the Board Chairman.

(e) "Constituent agency" means the Office of Education, the Health Services and Mental Health Administration, the Social and Rehabilitation Service, the Office of Child Development, the National Institutes of Health, the Food and Drug Administration, the Office of Grant Administration Policy, or any other organizational component of the Department which the Secretary may designate.

(f) "Head of the constituent agency" means, as appropriate, the Commissioner of Education, the Administrator, Health Services and Mental Health Administration, the Administrator of the Social and Rehabilitation Service, the Director of the Office of Child Development, the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, the Deputy Assistant Secretary for Grant Administration Policy, or the head of any organizational component designated by the Secretary pursuant to paragraph (e) of this section.

(g) The terms "Department" and "Departmental" refer to the U.S. Department of Health, Education, and Welfare.

(h) "Secretary" means the U.S. Secretary of Health, Education, and Welfare.

(i) "Termination" of a grant means the termination of the grantee's authority to charge allowable costs to a grant prior to the grant expiration date in the grant award document.

§ 16.4 Grant Appeals Board; Grant Appeals Panel.

(a) There is established, within the Office of the Secretary, a Departmental Grant Appeals Board consisting of not more than nine members appointed by the Secretary, for such terms as may be designated by him, to perform the functions described in this part. Persons who are not otherwise employees or officers of the Department or of any of its constituent agencies (as well as such employees or officers) may be appointed to the Board.

(b) The Secretary shall designate one of the members of the Board to be Chairman. The Board Chairman shall designate Grant Appeals Panels for the consideration of one or more cases submitted to the Board. Each such Panel shall consist of not less than three members of the Board. The Board Chairman may, at his discretion, constitute the entire Board to sit for any case or class of cases. The Board Chairman shall designate himself or any other member of a Panel to serve as Chairman.

§ 16.5 Determinations subject to the jurisdiction of the Board.

(a) Subject to § 16.2 and paragraph (b) of this section, the Board shall have jurisdiction over the following determinations of a cognizant officer or employee of a constituent agency adverse to a grantee:

(1) Termination, in whole or in part, of a grant for failure of the grantee to conform with grant terms and conditions.

(2) A determination that an expenditure not allowable under the grant has been charged to the grant or that the grantee has otherwise failed to discharge its obligation to account for grant funds.

(3) The disapproval of a grantee's request for permission to incur an expenditure during the term of a grant.

(4) A determination that a grant is void.

(5) Establishment of indirect cost or research patient hospital care rates (except where the grantee has appealed to the Armed Services Board of Contract Appeals with respect to such determination under a contract with the Department).

(b) A determination described in paragraph (a) of this section may not be reviewed by the Board unless: (1) An officer or employee of the constituent agency has notified the grantee in writing of such determination and (2) such informal procedures as the agency has established by regulation for the resolution (prior to submission to the Board) of issues related to such determination have been exhausted. A notification described in subparagraph (1) of this paragraph shall set forth the reasons for the determination in sufficient detail to enable the grantee to respond and shall inform the grantee of his opportunity for review under this part. In the case of a determination under paragraph (a)(3) of this section, the failure of a constituent agency to approve a grantee's request within a reasonable time shall be deemed by the Board a notification for purposes of this paragraph.

§ 16.6 Submission.

(a) *Application for review.* (1) A grantee with respect to whom a determination described in § 16.5 has been made and who desires review may file with the Board an application for review of such determination. The grantee's application for review must be postmarked no later than 30 days after the postmark date of notification provided pursuant to § 16.5(b)(1) except when (i) the head of the constituent agency, by regulation, establishes a different period of time for any class of cases or (ii) the Board Chairman grants an extension of time for good cause shown.

(2) Although the application for review need not follow any prescribed form, it shall clearly identify the question or questions in dispute and contain a full statement of the grantee's position with respect to such question or questions, and the pertinent facts and reasons in support of such position. The grantee shall attach to his submission a copy of the agency notification described in § 16.5(b)(1). (b) *Action by Board on application for review.*

(1) The Board Chairman shall promptly send a copy of the grantee's application to the appropriate constituent agency.

(2) If the Board Chairman determines, after receipt of an application for review, that the requirements of § 16.5 have been satisfied, he shall promptly refer the application to a Grant Appeals Panel designated pursuant to § 16.4(b) for further proceedings under this part. If he determines that such requirements have not been met, the Board Chairman shall advise the grantee of the reasons for the rejection of the application.

§ 16.7 Effect of submission.

When an application has been filed with the Board with respect to a determination, no action may be taken by the constituent agency pursuant to such determination until such application has been disposed of, except that the filing of the application shall not affect the authority which the constituent agency may have to suspend assistance under a grant during proceedings under this part or otherwise to withhold or defer payments under the grant.

§ 16.8 Substantive and procedural rules.

(a) *Substantive rules.* The Panel shall be bound by all applicable laws and regulations.

(b) *Procedural rules.* (1) With respect to cases involving, in the opinion of the Panel, no dispute as to a material fact the resolution of which would be materially assisted by oral testimony, the Panel shall take appropriate steps to afford to each party to the proceeding an opportunity for presenting his case at the option of the Panel (i) in whole or in part in writing or (ii) in an informal conference before the Panel which shall afford each party: (*a*) Sufficient notice of the issues to be considered (where such notice has not previously been afforded); and (*b*) an opportunity to be represented by counsel.

(2) With respect to cases involving a dispute as to a material fact the resolution of which would be materially assisted by oral testimony, the Panel shall afford each party an opportunity for a hearing, which shall include, in addition to provisions required by subparagraph (1)(ii) of this paragraph provisions designed to assure to each party the following:

(i) A transcript of the proceedings;

(ii) An opportunity to present witnesses on his behalf; and

(iii) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(3) After consultation with the constituent agencies, the Board shall, with the approval of the Secretary, promulgate and publish rules of procedure, including rules respecting opportunity for intervention by interested third parties, relating to proceedings under this part.

§ 16.9 Hearing before Panel or a Hearing Officer.

A hearing pursuant to § 16.8(b)(2) shall be conducted, as determined by the Panel Chairman, either before the Panel or a hearing officer. The hearing officer may be (a) one of the members of the Panel or (b) a nonmember who is appointed as a hearing examiner under 5 U.S.C. 3105.

§ 16.10 Initial decision; final decision.

(a) The Panel shall prepare an initial written decision, which shall include findings of fact and conclusions based thereon. When a hearing is conducted before a hearing officer alone, the hearing officer shall separately find and state the facts and conclusions which shall be incorporated in the initial decision prepared by the Panel.

(b) Copies of the initial decision shall be mailed promptly by the Panel to each party, or his counsel and to the Secretary with a notice affording such party an opportunity to submit written comments thereon to the head of the appropriate constituent agency within a specified reasonable time.

(c) The initial decision of the Panel shall be transmitted to the head of the constituent agency and shall become the final decision of the constituent agency, unless, within 25 days after the expiration of the time for receipt of written comments, the head of the appropriate constituent agency signifies his determination to review such decision.

(d) In any case in which the head of the constituent agency modifies or reverses the initial decision of the Panel, he shall accompany such action by written statement of the grounds for such modification or reversal, which shall promptly be filed with the Secretary and the Board. In order to afford the Secretary an opportunity to study such decision of the agency head, it shall be served upon the parties no earlier than 30 days after such filing. Such decision shall not become final until it is served upon the grantee involved or his attorney.

(e) The authority to review initial decisions shall not be delegated. Review of any initial decision by the head of the constituent agency shall be based upon such decision, the written record, if any, of the Panel's proceedings, and written comments or oral arguments by the parties, or by their counsel, to the proceeding.

§ 16.11 Separation of functions.

No person who participated in prior administrative consideration, or in the preparation or presentation of, a case submitted to the Board shall advise or consult with, and no person having an interest in such case shall make or cause to be made an ex parte communication to, the Panel, Board, or head of the constituent agency with respect to such case, unless all parties to the case are given timely and adequate notice of such advice, consultation, or communication, and reasonable opportunity to respond is given all parties.

APPENDICES

This part is issued under sections 1, 5, 6, and 7 of Reorganization Plan No. 1 of 1953, 18 F.R. 2053, 67 Stat. 631 and is applicable to programs carried out under the following authorities:

APPENDIX A—EDUCATION PROGRAMS

(1) Sec. 306 of the Elementary and Secondary Education Act (20 U.S.C. 844b);

(2) Parts B and C and section 505 of Title V of the Elementary and Secondary Education Act (except as to matters governed by part E of such title) (20 U.S.C. 866, 867, 869, 869a);

(3) Title VII of the Elementary and Secondary Education Act (20 U.S.C. 880b);
(4) Title VIII of the Elementary and Secondary Education Act (20 U.S.C. 887, 887a, 887b);
(5) Parts C, D, E, F, and G of the Education of the Handicapped Act (20 U.S.C. 1421, 1431, 1441, 1451, and 1461);
(6) Sec. 309 of the Adult Education Act (20 U.S.C. 1208);
(7) Title IV of the Civil Rights Act of 1964 (42 U.S.C. 2000c–2000c–9);
(8) The Cooperative Research Act (20 U.S.C. 331a–332b);
(9) Secs. 131(a), 142(c), and 191 of the Vocational Education Act (20 U.S.C. 1281(a), 1302(d); 1391);
(10) Parts A and B of Title II of the Higher Education Act (20 U.S.C. 1021, 1031);
(11) Title III of the Higher Education Act (20 U.S.C. 1051);
(12) Sec. 408 of the Higher Education Act of 1965 (20 U.S.C. 1068);
(13) Title IV–D of the Higher Education Act (20 U.S.C. 1087);
(14) Parts B–1, C, D, and E of the Education Professions Development Act (20 U.S.C. 1101, 1111, 1119, 1119b, 1119c);
(15) Title VI of the National Defense Education Act (20 U.S.C. 511);
(16) The Environmental Education Act (20 U.S.C. 1531);
(17) The Drug Abuse Education Act (21 U.S.C. 1001);
(18) Part IV of Title III of the Communications Act of 1934 (47 U.S.C. 390);
(19) Sec. 411 of the General Education Provisions Act (20 U.S.C. 1222);
(20) International Education Act of 1966;
(21) Direct project grants under Secs. 231 (a), 241, 251, 309 of the Manpower Development and Training Act (42 U.S.C. 2601(a), 2610a, 2610b, 2619).

APPENDIX B—SOCIAL AND REHABILITATION SERVICES AND CHILD DEVELOPMENT PROGRAMS

(1) The Headstart program under Sec. 222(a)(1) of the Economic Opportunity Act (42 U.S.C. 2809(a)(2)).
(2) Sec. 426 of the Social Security Act (42 U.S.C. 626).
(3) Sec. 707 of the Social Security Act (42 U.S.C. 908).
(4) Secs. 101, 102, 132, 201, 301, 302, and 303 of the Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3811, 3812, 3842, 3861, 3871, 3872 and 3874).
(5) Secs. 4(a), 12, 13(a), 13(b), and 17 of the Vocational Rehabilitation Act. (29 U.S.C 34, 41a, 41b(a), 41b(b), and 42b).
(6) Secs. 121, 122, 141 of the Developmental Disabilities Services and Facilities Construction Act (42 U.S.C. 2661, 2661a, 2678).
(7) Sec. 1908(e) of the Social Security Act (42 U.S.C. 1396g(e)).
(8) Sec. 1110 of the Social Security Act (42 U.S.C. 1310).
(9) Sec. 1115 of the Social Security Act (42 U.S.C. 1315).
(10) Secs. 305, 401, and 501 of the Older Americans Act of 1964 (42 U.S.C. 3024a, 3031, 3041).

APPENDIX C—PUBLIC HEALTH PROGRAMS

(1) Sec. 301 of the Public Health Service Act (42 U.S.C. 241).
(2) Sec. 302 of the Public Health Service Act (42 U.S.C. 242).
(3) Sec. 303 of the Public Health Service Act (42 U.S.C. 242a).
(4) Sec. 304 of the Public Health Service Act (42 U.S.C. 242b).
(5) Sec. 306 of the Public Health Service Act (42 U.S.C. 242d).
(6) Sec. 308 of the Public Health Service Act (42 U.S.C. 242f).
(7) Sec. 309 of the Public Health Service Act (42 U.S.C. 242g).
(8) Sec. 310 of the Public Health Service Act (42 U.S.C. 242h).
(9) Sec. 314 (b), (c), and (e) of the Public Health Service Act (42 U.S.C. 246 (b), (c), and (e)).
(10) Sec. 317 of the Public Health Service Act (42 U.S.C. 247b).
(11) Sec. 393 of the Public Health Service Act (42 U.S.C. 280b–3).
(12) Sec. 394 of the Public Health Service Act (42 U.S.C. 280b–4).
(13) Sec. 395 of the Public Health Service Act (42 U.S.C. 280b–5, 6).
(14) Sec. 396 of the Public Health Service Act (42 U.S.C. 280b–7).
(15) Sec. 397 of the Public Health Service Act (42 U.S.C. 280b–8).
(16) Sec. 398 of the Public Health Service Act (42 U.S.C. 280b–9).
(17) Sec. 402 of the Public Health Service Act (42 U.S.C. 282).
(18) Sec. 412 of the Public Health Service Act (42 U.S.C. 287a).
(19) Sec. 422 of the Public Health Service Act (42 U.S.C. 288a).
(20) Sec. 431 of the Public Health Service Act (42 U.S.C. 289a).
(21) Sec. 441 of the Public Health Service Act (42 U.S.C. 289d).
(22) Sec. 442 of the Public Health Service Act (42 U.S.C. 289e).
(23) Sec. 451 of the Public Health Service Act (42 U.S.C. 289j).
(24) Sec. 704 of the Public Health Service Act (42 U.S.C. 292c).
(25) Sec. 720 of the Public Health Service Act (42 U.S.C. 293).
(26) Sec. 769 of the Public Health Service Act (§ 107 Public Law 92–157).
(27) Sec. 769A of the Public Health Service Act (§ 107 Public Law 92–157).
(28) Sec. 770 of the Public Health Service Act (§ 104 Public Law 92–157).
(29) Sec. 771(a) of the Public Health Service Act (§ 104 Public Law 92–157).
(30) Sec. 772 of the Public Health Service Act (§ 104 Public Law 92–157).
(31) Sec. 773 of the Public Health Service Act (§ 104 Public Law 92–157).
(32) Sec. 774 of the Public Health Service Act (§ 104 Public Law 92–157).
(33) Sec. 784 of the Public Health Service Act (§ 106(c) Public Law 92–157).
(34) Sec. 791 of the Public Health Service Act (42 U.S.C. 295h).
(35) Sec. 792 of the Public Health Service Act (42 U.S.C. 295h–1).
(36) Sec. 793 of the Public Health Service Act (42 U.S.C. 295h–2).
(37) Sec. 794A of the Public Health Service Act (42 U.S.C. 295h–3a).
(38) Sec. 794B of the Public Health Service Act (42 U.S.C. 295h–3b).
(39) Sec. 794C of the Public Health Service Act (42 U.S.C. 295h–3c).
(40) Sec. 802 of the Public Health Service Act (42 U.S.C. 296a).
(41) Sec. 805 of the Public Health Service Act (42 U.S.C. 296d).
(42) Sec. 810 of the Public Health Service Act (42 U.S.C. 296l).
(43) Sec. 821 of the Public Health Service Act (42 U.S.C. 297).
(44) Sec. 868 of the Public Health Service Act (42 U.S.C. 298c–7).
(45) Sec. 903 of the Public Health Service Act (42 U.S.C. 299c).
(46) Sec. 904 of the Public Health Service Act (42 U.S.C. 299d).
(47) Sec. 1001 of the Public Health Service Act (42 U.S.C. 300).
(48) Sec. 1003 of the Public Health Service Act (42 U.S.C. 300a–1).
(49) Sec. 1004 of the Public Health Service Act (42 U.S.C. 300a–2).
(50) Sec. 1101 of the Public Health Service Act (§ 3, P.L. 92–294).
(51) Sec. 1102 of the Public Health Service Act (§ 3, P.L. 92–294).
(52) Sec. 220 of the Community Mental Health Centers Act (42 U.S.C. 2688).
(53) Sec. 241 of the Community Mental Health Centers Act (42 U.S.C. 2688f).
(54) Sec. 242 of the Community Mental Health Centers Act (42 U.S.C. 2688g).
(55) Sec. 243 of the Community Mental Health Centers Act (42 U.S.C. 2688h).
(56) Sec. 246 of the Community Mental Health Centers Act (42 U.S.C. 2688j–1).
(57) Sec. 247 of the Community Mental Health Centers Act (42 U.S.C. 2688j–2).
(58) Sec. 251 of the Community Mental Health Centers Act (42 U.S.C. 2688k).
(59) Sec. 252 of the Community Mental Health Centers Act (42 U.S.C. 2688l).
(60) Sec. 253 of the Community Mental Health Centers Act (42 U.S.C. 2688l–1).
(61) Sec. 256 of the Community Mental Health Centers Act (42 U.S.C. 2688n–1).
(62) Sec. 264 of the Community Mental Health Centers Act (42 U.S.C. 2688r).
(63) Sec. 271 of the Community Mental Health Centers Act (42 U.S.C. 2688u).
(64) Sec. 272 of the Community Mental Health Centers Act (42 U.S.C. 2688v).
(65) Sec. 410 of Public Law 92–255—The Drug Abuse Office and Treatment Act of 1972.
(66) Sec. 501 of the Coal Mine Health and Safety Act (30 U.S.C. 951).
(67) Sec. 20 of the Occupational Health and Safety Act (29 U.S.C. 669).
(68) Sec. 21 of the Occupational Health and Safety Act (29 U.S.C. 670).

[FR Doc.72–19911 Filed 11–17–72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Parts 171, 174, 175]

[Docket No. HM–22; Notice No. 72–12]

MATTER INCORPORATED BY REFERENCE

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board of the Department of Transportation is considering amending the Hazardous Materials Regulations to update the following references:

1. The addenda to sections VIII (Division I) and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.
2. CGA Pamphlet C–8, "Standard for Requalification of DOT–3HT Cylinders."
3. NFPA No. 58, "Storage and Handling Liquefied Petroleum Gases."

In addition, it is proposed to add a reference to NACE Standard TM–01–60, "Test Method Laboratory Corrosion Testing of Metals for the Process Industries," which was omitted in Docket HM–57 (37 F.R. 5946), and remove the title of the Bureau of Explosives' Pamphlet No. 22 in §§ 174.600(a) and 175.655(j)(3) Note 2 since the pamphlet is now incorporated in Part 171.

Petitions have been received by the Board requesting these changes.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 171, 174, and 175 as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7, subparagraphs (d)(1), (d)(3)(iii), and (d)(6) would be amended; subparagraph (d)(9) would be added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(1) ASME Code means sections VIII (Division I) and IX of the 1971 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code," and addenda thereto through June 30, 1972.

* * * * *

(3) * * *

(iii) CGA Pamphlet C–8 is titled, "Standard for Requalification of DOT–3HT Cylinders," 1972 edition.

* * * * *

(6) NFPA Pamphlet No. 58 is titled, "Standard for the Storage and Handling of Liquefied Petroleum Gases," 1972 edition.

* * * * *

(9) NACE Standard TM–01–69 is titled, "Test Method Laboratory Corrosion Testing of Metals for the Process Industries," 1969 edition.

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.600, paragraph (a) would be amended to read as follows:

§ 174.600 In case of a wreck.

(a) Details involving the handling of hazardous materials in the event of a wreck may be found in Bureau of Explosives Pamphlet No. 22:

* * * * *

PART 175—CARRIERS BY RAIL EXPRESS

In § 175.655, Note 2 following subparagraph (j)(3) would be amended to read as follows:

§ 175.655 Protection of packages.

(j) * * *

(3) * * *

NOTE 2: Details involving the handling of radio-active materials in the event of an accident can be found in Bureau of Explosives Pamphlet No. 22.

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, 400 Sixth Street, SW., Washington, DC 20590. Communications received on or before December 19, 1972, will be considered before final action is taken on the proopsal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835, title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on November 14, 1972.

W. J. BURNS,
Director,
Office of Hazardous Materials.

[FR Doc.72-19894 Filed 11-17-72;8:49 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 338]

FAIR HOUSING LENDING PRACTICES

Notice of Hearing on Proposed Rule Making

On September 14, 1972, the Federal Deposit Insurance Corporation, by action of its Board of Directors, caused to be published in the FEDERAL REGISTER of September 20, 1972 (37 F.R. 19385), a proposed Part 338 of its regulations, entitled Fair Housing Lending Practices. The notice of proposed rule making solicited comments on the proposal and stated (1) that a hearing would be held to solicit further views and (2) that at least 30 days' notice would be accorded as to the time and place of the hearing.

Notice is hereby given that a hearing will be held on Tuesday, December 19, 1972, at the New Executive Office Building, Room 2008, 17th and H Streets NW., Washington, D.C., beginning at 10 a.m. Each person or representative of a group who wishes to make an oral presentation must make a request in writing addressed to the Secretary, Federal Deposit Insurance Corporation, at 550 17th Street NW., Washington, DC 20429, on or before December 5, 1972. A written copy of the statement, or a summary of points to be covered, must accompany the request.

Oral presentations will be limited to no more than 30 minutes per person or group representative unless the Board further limits the time for oral presentations in the interests of expediting the hearing or prior approval of the Board is obtained for additional time. A request for additional time, setting forth the amount of additional time required and the reasons therefor, should be made in writing and should accompany the request to be heard.

The Board of Directors or its representative may exclude testimony and related data or material which is deemed improper, irrelevant, or repetitive.

Persons making statements will be notified by December 15, 1972, of their order of appearance and of the amount of time to be allotted them for their presentation. A list of all persons who will be speaking, the order of their appearance, and the written statement or summary submitted by them will be available in the Secretary's Office for inspection from December 15, 1972.

The hearing will be an informal public hearing conducted by the Board of Directors of the Federal Deposit Insurance Corporation or a representative designated by the Board. Participants will not be permitted to examine or cross-examine other participants. However, the members of the Board of Directors or its representative may question those appearing for the purpose of obtaining a fuller exposition of their views. Also, persons may, should they so desire, submit questions in writing to be asked of speakers by the presiding officer if, in his discretion, he believes such questions would contribute to a more complete airing of the issues.

After all initial statements have been completed, the Board of Directors or its representative may allow rebuttal statements.

In the light of written comments received in support of the proposed regulation, some of which recommended additions thereto, the Corporation would like comments at the hearing on its authority for, and the desirability of, expanding the scope of the proposed regulation to include:

(1) A prohibition against any lending discrimination based on sex;

(2) A prohibition against discrimination in any lending practice, not simply mortgage lending. The argument has been made that discrimination in other kinds of bank services tends to discourage persons from making applications for mortgage loans.

The Corporation has also received comments questioning the desirability and the effect of asking for racial or ethnic data by use of the Fair Housing Informational Statement described in § 338.6 of the proposed regulation. The argument made in these comments is that excluding such data from such forms is the best way to prevent conscious or unconscious racial discrimination in mortgage lending and is consistent with efforts made over time by minority groups to exclude such data. The Corporation would appreciate comments, including any surveys, particularly from representatives of minority groups or individual members of minorities, regarding the attitude of members of such groups toward providing the information required by the aforementioned Informational Statement.

In addition, written comments have been received by the Corporation from those who oppose the use of the Fair Housing Informational Statement because it would serve little or no useful purpose in areas of low minority concentration. The Corporation, therefore,

would welcome comments at the hearing concerning:

(1) The feasibility of applying § 338.6 of the proposed regulation on an experimental basis in limited geographical areas;

(2) The feasibility of exempting from the requirements of § 338.6 of the proposed regulation State nonmember banks located in areas of low minority concentration; and

(3) Constructive alternatives to the Informational Statement that would provide reliable data indicating the existence or absence of discrimination in the mortgage lending practices of State nonmember banks without the administrative problems and expense inherent in the use of such a Statement.

Persons planning to appear at the hearing are encouraged to review the public file in the Office of the Secretary of the Corporation, Room 6110, 550 17th Street NW., Washington, DC, to understand the comments on the proposed regulation received by the Corporation.

Dated at Washington, D.C., this 15th day of November 1972.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.72-19900 Filed 11-17-72;8:52 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

ADJUDICATION; DEFINITIONS

"Wife", "Widow" and "Legally Adopted Child"

Public Law 92-540, enacted October 24, 1972, provides that the term "child" in 38 U.S.C. 101(4) now includes a person who has been placed for adoption under an agreement entered into by the adopting parent (or parents) with any agency authorized by law to so act provided that the child remains in the custody of the adopting parent (or parents) during the period of placement for adoption under such agreement. In addition this law changes the definition of the term "wife" and "widow" in 37 U.S.C. 102(b) to include any husband or widower of a female veteran. Previously the term "wife" or "widow" included the husband or widower of a female veteran only if such individual was permanently incapable of self-support due to mental or physical disability. To implement these provisions of the law it is proposed to amend 38 CFR Part 3 as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any persons visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address and the above room number.

Notice is also given that it is proposed to make these regulatory changes effective October 24, 1972.

1. Section 3.51 is revised to read as follows:

§ 3.51 Husband or widower.

(a) *General.* The term "wife" includes the husband of a female veteran and the term "widow" includes the widower of a female veteran.

(38 U.S.C. 102(b))

(b) *Entitlement.* A husband or widower is in the same status as a wife or widow of a male veteran and is eligible to receive the same benefits, if otherwise entitled, in a claim for pension, compensation, or dependency and indemnity compensation.

2. In § 3.57, paragraph (c) is amended to read as follows:

§ 3.57 Child.

* * * * *

(c) *Legally adopted child.* The term means a child adopted pursuant to a final decree of adoption, a child adopted pursuant to an unrescinded interlocutory decree of adoption while remaining in the custody of the adopting parent (or parents) during the interlocutory period, and a child who has been placed for adoption under an agreement entered into by the adopting parent (or parents) with any agency authorized under law to so act, unless and until such agreement is terminated, while the child remains in the custody of the adopting parent (or parents) during the period of placement for adoption under such agreement. The term includes, as of the date of death of a veteran, such a child who

(1) Was under age 18 and living in the veteran's household at the time of his death, and

(2) Was adopted by the veteran's spouse under a decree issued within 2 years after August 25, 1959, or the veteran's death whichever is later, and

(3) Was not receiving from an individual other than the veteran or his spouse, or from a welfare organization which furnishes services or assistance for children, recurring contributions of sufficient size to constitute the major portion of the child's support.

3. In § 3.210, the introductory portion of paragraph (c) preceding subparagraph (1) is amended to read as follows:

§ 3.210 Child's relationship.

* * * * *

(c) *Adopted child.* Except as provided in subparagraph (1) of this paragraph evidence of relationship will include a certified copy of the decree of adoption or a copy of the adoptive placement agreement and such other evidence as may be necessary.

* * * * *

4. Section 3.315 is revised to read as follows:

§ 3.315 Basic eligibility determinations; dependents, loans, education.

(a) *Child over 18 years.* A child of a veteran may be considered a "child" after age 18 for purposes of benefits under title 38, United States Code (except ch. 19 and sec. 5202(b) of ch. 85), if found by a rating determination to have become, prior to age 18, permanently incapable of self-support.

(38 U.S.C. 101(4)(B))

(b) *Loans.* Where a World War II veteran or a Korean conflict veteran had less than 90 days' service, or a veteran who served on or after February 1, 1955, had less than 181 days' service on active duty as defined in §§ 36.4301(gg) and 36.4501(o) of this chapter, eligibility of the veteran for a home, farm, or business loan under 38 U.S.C. ch. 37 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumption of incurrence under § 3.304(b). Determinations based on World War II, Korean conflict and Vietnam era service are also subject to the presumption of aggravation under § 3.306(b) while determinations based on service on or after February 1, 1955, and before August 5, 1964 are subject to the presumption of aggravation under § 3.306 (a) and (c). The provisions of this paragraph are also applicable, regardless of length of service, in determining eligibility to the maximum period of entitlement based on discharge or release for a service-connected disability.

(38 U.S.C. 1802, 1818)

(c) *Veterans' educational assistance.* Where a veteran who served on or after February 1, 1955, had less than 181 days service on active duty, as defined in § 21.1040 of this chapter, eligibility for educational assistance under 38 U.S.C. ch. 34 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumptions of incurrence

under § 3.304(b) and aggravation under § 3.306 (a) and (c), based on service rendered on or after February 1, 1955 and before August 5, 1964, and under § 3.306 (b), based on service rendered during the Vietnam era.

(38 U.S.C. 1652(a))

5. In § 3.356, paragraph (a) and the introductory portion and subparagraphs (1) and (2) of paragraph (b) are amended to read as follows:

§ 3.356 Conditions which determine permanent incapacity for self-support.

(a) *Basic determinations.* A child must be shown to be permanently incapable of self-support by reason of mental or physical defect at the date of attaining the age of 18 years.

(b) *Rating criteria.* Rating determinations will be made solely on the basis of whether the child is permanently incapable of self-support through his own efforts by reason of physical or mental defects. The question of permanent incapacity for self-support is one of fact for determination by the rating agency on competent evidence of record in the individual case. Rating criteria applicable to disabled veterans are not controlling. Principal factors for consideration are:

(1) The fact that a claimant is earning his or her own support is prima facie evidence that he or she is not incapable of self-support. Incapacity for self-support will not be considered to exist when the child by his or her own efforts is provided with sufficient income for his or her reasonable support.

(2) A child shown by proper evidence to have been permanently incapable of self-support prior to the date of attaining the age of 18 years, may be so held at a later date even though there may have been a short intervening period or periods when his or her condition was such that he or she was employed, provided the cause of incapacity is the same as that upon which the original determination was made and there were no intervening diseases or injuries that could be considered as major factors. Employment which was only casual, intermittent, tryout, unsuccessful, or terminated after a short period by reason of disability, should not be considered as rebutting permanent incapability of self-support otherwise established.

* * * * *

6. In § 3.403, paragraph (f) is amended to read as follows:

§ 3.403 Children.

Awards of pension, compensation, or dependency and indemnity compensation, to or for a child, or to or for a veteran or widow on behalf of such child, will be effective as follows:

* * * * *

(f) *Adopted child.* Date of adoption either interlocutory or final or date of adoptive placement agreement, but not earlier than the date from which benefits are otherwise payable.

7. In § 3.503, paragraph (j) is amended to read as follows:

§ 3.503 Children.

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow on behalf of such child, will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

* * * * *

(j) *Interlocutory adoption decree or adoptive placement agreement.* Date child left custody of adopting parent during the interlocutory period or during adoptive placement agreement, or date of rescission of the decree or date of termination of the adoptive placement agreement, whichever first occurs.

Approved: November 14, 1972.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.72-19920 Filed 11-17-72;8:50 am]

Notices

DEPARTMENT OF DEFENSE

Department of the Navy

NAVAL PETROLEUM AND OIL SHALE RESERVES

Notice of Boundary Description of Naval Petroleum Reserve No. 4; Correction

A notice of the boundary description of Naval Petroleum Reserve No. 4 was published in the FEDERAL REGISTER Friday, May 19, 1972 (37 F.R. 10088). Due to an undetected typographical inadvertence appearing in the middle of the second column at page 10089, the western tip of Kulgurak Island located at approximate latitude 71°09'32" N., longitude 155°05'53" W. was erroneously described at approximate latitude 70°-09'32" N., longitude 155°05'53" W. Accordingly, the latitude should read 71°09'32" N. and not 70°09'32" N.

Dated: November 13, 1972.

[SEAL] MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General of the Navy.

[FR Doc.72-19895 Filed 11-17-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale

Bid submission procedures. 1. Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 3300), sealed bids addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, The Plaza Tower Building, Suite 3200, 1001 Howard Avenue, New Orleans, LA 70113, will be received until 9:30 a.m., c.s.t., on December 19, 1972, for the lease of oil and gas in the tracts, described in paragraph 12 herein, in areas of the Outer Continental Shelf adjacent to the State of Louisiana. On December 19, 1972, bids may also be delivered in person to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the Grand Ballroom in the Sheraton Charles Hotel between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. Bids delivered by mail or in person after 9:30 a.m., c.s.t., on that date will be returned to the bidders unopened. Bids may not be modified or withdrawn unless written modifications or withdrawals are received by the Manager by 9:30 a.m., c.s.t., December 19, 1972. All bids must be submitted in accordance with applicable regulations, including 43 CFR 3302.1, 3302.4, and 3302.5.

Form of bid. 2. A separate bid in a separate envelope must be submitted for each tract. The envelope should be endorsed "Sealed Bid for Oil and Gas Lease, Louisiana (insert number of tract) not to be opened until 10 a.m., c.s.t., December 19, 1972." A suggested form of bid is set out in paragraph 15. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. Oil payment, overriding royalty, logarithmic or sliding scale bids may not be submitted. No bid for less than a full tract as listed in paragraph 12 will be considered. Bidders are warned against violation of section 1860 in title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

3. Each bidder must have submitted by 9:30 a.m., c.s.t., December 19, 1972, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on Form 1140-1 (November 1969) and Form 1140-7 (December 1971).

4. Official leasing maps in a set of 26, which contains the maps on which the tracts being offered for lease may be located, can be purchased for $5 per set. The official leasing maps and copies of the Compliance Report Certification Form 1140-1 (November 1969) and copies of the Affirmative Action Program Representation Form 1140-7 (December 1971) may be obtained from the Manager, New Orleans Outer Continental Shelf Office, or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, MD 20910.

Bid opening. 5. Bids will be opened on December 19, 1972, at 10 a.m., c.s.t., in the Grand Ballroom, Sheraton Charles Hotel, 211 St. Charles Street, New Orleans, LA. The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight December 19, 1972, that bid will be returned unopened to the bidder as soon thereafter as possible.

6. Any cash, checks, drafts, or money orders submitted with the bids may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

Acceptance or rejection of bids. 7. No bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless the bidder has complied with all requirements of this notice, his bid is the highest valid cash bonus bid for that tract, and the amount of the bonus bid has been determined to be adequate by the United States. No bid will be considered for acceptance unless it offers a cash bonus in the amount of $25 or more per acre or fraction thereof. The United States reserves the right to reject any bid submitted, including, but not by way of limitation, the right to reject any bid for inadequacy even though the bonus bid is in the amount of $25 or more per acre or fraction thereof.

Lease terms. 8. Leases issued as a result of this sale will be on Form 3300-1 (February 1971), as modified in accordance with paragraphs 9 and 10 of this notice. Attention is directed to the Equal Opportunity Clause in section 3(h) and the Certification of Nonsegregated Facilities Clause in section 3(i) of the lease. Copies of the lease form are available from the Manager, New Orleans Outer Continental Shelf Office, or the Manager, Eastern States Land Office.

9. Leases issued as a result of this sale will contain the following stipulation:

Upon discovery of any site, structure, or object of historical, architectural, or archeological significance, the operator in charge of any OCS petroleum related activity, including but not limited to, well-drilling and pipeline and platform construction, shall immediately report the finding to the Area Supervisor, Geological Survey, and make every reasonable effort to preserve and protect the site, structure, or object from damage during the course of his operations.

10. Leases issued for Tracts No. La. 2325, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, and 2434 will contain the following additional stipulation:

Structures for drilling or production shall be kept to the minimum necessary for the proper exploration, development, and production of this leased area, and to the greatest extent consistent with the proper exploration, development, and production of this leased area, shall be placed so as not to interfere with other significant uses of the leased area, including commercial fishing. To this end, no structure for drilling or production may be erected within the leased area until the Area Supervisor, Geological Survey, has found that the structure is necessary, on the basis of existing geological and engineering data, for the proper exploration, development and production of the leased area. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures, showing how such placement and grouping will have the minimum practicable effect on other significant uses of the leased area, including commercial fishing.

11. Leases will provide for a royalty rate of one-sixth, and a yearly rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of $3 per acre or fraction thereof and furnish an

acceptable surety bond as required in 43 CFR 3304.1 prior to the issuance of each lease.

Tract description. 12. The tracts offered for bid are as follows:

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1

(Approved June 8, 1954; Revised July 22, 1954; April 28, 1966)

West Cameron Area

Tract No.	Block	Description	Acreage
La. 2325	134	E½	2500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1B

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

West Cameron Area—South Addition

Tract No.	Block	Description	Acreage
La. 2326	479	All	5000
La. 2327	480	do	5000
La. 2328	485	do	5000
La. 2329	486	do	5000
La. 2330	488	do	5000
La. 2331	531	do	5000
La. 2332	532	do	5000
La. 2333	533	do	5000
La. 2334	534	do	5000
La. 2335	535	do	5000
La. 2336	590	do	4146.38
La. 2337	591	do	3242.38
La. 2338	604	do	5000
La. 2339	605	do	5000
La. 2340	606	do	5000
La. 2341	619	do	5000
La. 2342	620	do	5000
La. 2343	621	do	5000
La. 2344	624	do	5000
La. 2345	625	do	5000
La. 2346	633	do	5530.38
La. 2347	634	do	4626.39
La. 2348	642	do	5000
La. 2349	643	do	5000
La. 2350	650	do	5000
La. 2351	651	do	5000
La. 2352	656	do	5000
La. 2353	657	do	5000
La. 2354	660	do	5000
La. 2355	661	do	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

East Cameron Area—South Addition

Tract No.	Block	Description	Acreage
La. 2356	303	All	5000
La. 2357	304	do	5000
La. 2358	305	do	5000
La. 2359	306	do	2500
La. 2360	308	do	3379.75
La. 2361	309	do	2500
La. 2362	310	do	5000
La. 2363	322	do	5000
La. 2364	323	do	5000
La. 2365	324	do	2500
La. 2366	325	do	3323.65
La. 2367	326	do	3267.54
La. 2368	327	do	2500
La. 2369	328	do	5000
La. 2370	329	do	5000
La. 2371	351	do	5000
La. 2372	352	do	5000
La. 2373	353	do	5000
La. 2374	354	do	5000
La. 2375	370	do	5000
La. 2376	371	do	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3B

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Vermilion Area—South Addition

Tract No.	Block	Description	Acreage
La. 2377	323	All	3321.95
La. 2378	344	do	3378.05
La. 2379	345	do	3434.15
La. 2380	347	do	5000
La. 2381	348	do	5000
La. 2382	363	do	5000
La. 2383	364	do	5000
La. 2384	369	do	5000
La. 2385	370	do	5000
La. 2386	371	do	5000
La. 2387	384	do	5000
La. 2388	385	do	5000
La. 2389	386	do	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3C

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

South Marsh Island Area—South Addition

Tract No.	Block	Description	Acreage
La. 2390	105	S½	2500
La. 2391	106	S½	2500
La. 2392	130	All	5000
La. 2393	131	do	5000
La. 2394	132	do	5000
La. 2395	151	do	3365.50
La. 2396	152	do	2500
La. 2397	153	do	5000
La. 2398	164	do	5000
La. 2399	165	do	2500
La. 2400	166	do	3401.60
La. 2401	167	do	3437.70
La. 2402	170	do	5000
La. 2403	171	do	5000
La. 2404	175	do	2647.51
La. 2405	176	do	5000
La. 2406	178	do	5000
La. 2407	179	do	5000
La. 2408	184	do	2500
La. 2409	185	do	5000
La. 2410	189	do	5000
La. 2411	190	do	2624.83
La. 2412	196	do	5000
La. 2413	197	do	2500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3D

(Approved Apr. 16, 1971; Revised Jan. 18, 1972)

South Marsh Island Area—North Addition

Tract No.	Block	Description	Acreage
La. 2414	232[1]	All	4988.48
	233[1]	do	
La. 2415	234[1]	do	4556.40
	235[1]	do	
La. 2416	249	do	5000
La. 2417	250	do	5000
La. 2418	257	do	5000
La. 2419	258	do	5000
La. 2420	259	do	5000
La. 2421	260	do	4963.08
La. 2422	261	do	4999.17
La. 2423	262	do	5000
La. 2424	266	do	5000
La. 2425	267	do	3259.83
La. 2426	268	do	3237.16
La. 2427	269	do	5000
La. 2428	273	do	5000
La. 2429	274	do	5035.27
La. 2430	275	do	5071.37
La. 2431	285	do	5000
La. 2432	287	do	5000
La. 2433	288	do	3169.12

[1] That portion located more than 3 marine leagues seaward of a line extending from a point on Shell Keys at latitude 29°24'32.15" N., longitude 91°51'16.59" W. (x=1,834,019.00, y=270,301), northwesterly in a straight line to Tigre Point at latitude 29°32'23.13" N., longitude 92°14'57.15" W. (x=1,708,756, y=318,661). The coordinates used refer to the Louisiana Plane Coordinate System, South Zone.

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4

(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)

Eugene Island Area

Tract No.	Block	Description	Acreage
La. 2434	157	All	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4A

(Approved September 8, 1959; Revised April 28, 1966)

Eugene Island Area—South Addition

Tract No.	Block	Description	Acreage
La. 2435	333	All	5000
La. 2436	339	do	5000
La. 2437	342	do	5000
La. 2438	343	do	5000
La. 2439	348	do	5000
La. 2440	349	do	5000
La. 2441	360	do	5000
La. 2442	361	do	5000
La. 2443	370	do	5000
La. 2444	371	do	5000
La. 2445	380	do	5000
La. 2446	381	do	5000
La. 2447	385	do	5000
La. 2448	386	do	5000
La. 2449	391	do	5000
La. 2450	392	do	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5

(Approved June 8, 1954; Revised Apr. 28, 1966; July 22, 1968)

Ship Shoal Area

Tract No.	Block	Description	Acreage
La. 2451	228	All	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Ship Shoal Area—South Addition

Tract No.	Block	Description	Acreage
La. 2452	349	All	5000
La. 2453	350	do	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966; July 22, 1968)

South Timbalier Area—South Aadition

Tract No.	Block	Description	Acreage
La. 2454	226	All	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10A

(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Main Pass Area—South and East Addition

Tract No.	Block	Description	Acreage
La. 2455	285	All	4560.81
La. 2456	286	do	4560.81

13. Some of the tracts offered for lease may fall in fairway areas (including the prolongations thereof) or anchorage areas, or both, as designated by the District Engineer, New Orleans District, Corps of Engineers, U.S. Army. For the location of those areas and for operational restrictions imposed by that agency, the District Engineer should be consulted.

WITHDRAWAL OF TRACTS

14. The United States reserves the right to withdraw any tract from this sale prior to the acceptance of a bid for that tract.

SUGGESTED BID FORM

15. It is suggested that bidders submit their bids in the following form:

Manager, Outer Continental Shelf Office, Bureau of Land Management, Department of the Interior, The Plaza Tower Building, Suite 3200, 1001 Howard Avenue, New Orleans, LA. 70113.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the land of the Outer Continental Shelf specified below.

Area _____; Official Leasing Map No. _____

Tract No.	*Total amount bid*	*Amount per acre*	*Amount submitted with bid*

_____
(Signature)
(Please type signer's name under signature)

No. Misc. No. _____ Percent _____

_____
(Company)

_____
(Address)

IMPORTANT

The bid must be accompanied by one-fifth of the total amount bid. This amount may be paid in cash or by money order, cashier's check, certified check, or bank draft. A separate bid must be made for each tract.

IRVING SENZEL,
Acting Director,
Bureau of Land Management.

Approved: November 15, 1972.

HARRISON LOESCH,
Assistant Secretary
of the Interior.

[FR Doc.72-19904 Filed 11-17-72;8:53 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-310]

ACADEMY TANKERS, INC.

Notice of Application

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: Academy Tankers, Inc. (Academy).

Description of domestic service and vessels: The applicant, Academy, owns and operates the vessels listed hereafter, which vessels have operated in the domestic, intercoastal and/or coastwise service, and Academy's parent, Petrolane, Inc., also owns the Arthur Levy Boat Service which comprises a number of corporations owning or leasing vessels operating in domestic commerce serving offshore oil drilling rigs. Academy has requested written permission to continue its domestic operations as well as those of its various sister corporations:

THOMAS A.
THOMAS M.
THOMAS Q.

Written permission is now required by the applicant, Academy, 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 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 the 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 27, 1972, file same with the 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 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 29, 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.

Dated: November 16, 1972.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-20063 Filed 11-17-72;8:52 am]

Office of Import Programs

GEORGETOWN 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. 72-00103-65-28200. Applicant: Georgetown University, 37th and O Streets NW., Washington, DC 20007. Article: Electron spin resonance spectrometer. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used in the following experiments: (1) Determination of ESR spectra of powders, single crystals, solutions and gases at different temperature; (2) flow-mixing experiments of kinetic studies; (3) ultraviolet irradiation of samples in cavity; and (4) electrolytic generation of paramagnetic species in cavity. The article will also be used in teaching courses in biochemical techniques and physical chemistry laboratory to graduate and undergraduate students.

Comments: Comments dated December 17, 1971 have been received from Varian Associates (Varian) which state inter alia that the Varian E-line spectrometer systems, specifically the Varian E-9, E-12 or E-15 EPR (ESR) spectrometers, are of greater or equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

Decision: Application denied. An instrument 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: In reply to question 8 the applicant alleges the following as pertinent specifications of the foreign article: (1) A sample marker which allows a sample (Mn^{++} in MgO), for calibration of both g and hyperfine splitting, to be inserted simultaneously with the sample to be measured in the standard cavity. (This avoids contamination of the sample.) (2) A copper, standard cavity with a gold-plated interior. (This permits use at high temperatures and ready clearing when contaminated.) (3) 100 percent effective UV irradiation of samples in the standard cavity by means of a window that permits direct focusing on to the sample. (4) Magnetic field sweep rates 1, 2.5, 5, 10, and 25 seconds. (5) All sweep widths, sweep times, field modulation, and filter adjustments which are utilized for recording on the chart are synchronized with the oscilloscope presentation. (6) A flow-mixing kit consisting of four precision machined mixing chambers, two large volume injection syringes, stopcocks, and pressure bar housed in a glass fronted cabinet. (7) Although not ordered at this time, an electrolytic cell which is compatible with the variable temperature accessory of the article, may be ordered. The National Bureau of Standards (NBS) advises in its memorandum dated June 15, 1972 that specifications (1) through (6) above are pertinent specifications within the meaning of § 701.2(n) of the regulations. Specification (7) was not ordered with the article and therefore cannot be considered in the determination of scientific equivalency according to §§ 701.2(d) and 701.6(a)(3) of the regulations. NBS further advises that the Varian E-line spectrometers satisfies all the pertinent specifications in the following manner:

Specification 1. Varian offers a dual cavity accessory as well as their standard cavity permitting simultaneous insertion of a reference sample and the sample to be measured. Contamination can be prevented by appropriate choice of a capsule material such as quartz.

Specification 2. Varian cavities may be used in excess of 700° C. and are easily cleaned.

Specification 3. Varian provides optical transmission cavity accessories.

Specification 4. Varian provides a rapid scan accessory capable of sweep rates from 0.025 to 100 seconds.

Specification 5. Varian provides for oscilloscope presentation.

Specification 6. Varian provides a flow mixing chamber which would be capable of modification upon special order to the applicant's specifications.

Accordingly, we find that the Varian E-line spectrometers are of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

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

[FR Doc.72-19905 Filed 11-17-72;8:49 am]

UNIVERSITY OF GEORGIA

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

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

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

Docket No. 73–00014–63–73610. Applicant: University of Georgia, Department of Plant Pathology and Genetics, No. 215 Food Science Building, Athens, Ga. 30601. Article: Volumetric recording spore trap. Manufacturer: Burkard Scientific (Sales), Ltd., United Kingdom. Intended use of article: The article is intended to be used to determine air spora in experimental conditions favoring buildup of disease. 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 is designed to continuously sample airborne particles and provide a record of the quantity of particles collected at a given time over a period of 7 days. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 27, 1972, that the ability to record for 7 days is pertinent to the applicant's research studies. HEW further advises that it knows of no domestic sampling apparatus with this necessary characteristic.

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.72-19906 Filed 11-17-72;8:49 am]

WESTERN SCHOOL CORP. ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

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.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 71–00324–16–16800. Applicant: Western School Corp., Russiaville, Ind. 46979. Article: Planetarium, Model Mercury. Date of denial without prejudice to resubmission: July 25, 1972.

Docket No. 71–00356–16–61800. Applicant: Norwood City School District, 2132 Williams Avenue, Norwood, OH 45212. Article: Planetarium, Model Venus and Auxiliaries. Date of denial without prejudice to resubmission: July 25, 1972.

Docket No. 72–00024–01–77040. Applicant: University of California, 1438 South 10th Street, Richmond, CA 94804. Article: Mass spectrometer, Model MS 1201. Date of denial without prejudice to resubmission: July 10, 1972.

Docket No. 72–00227–01–56000. Applicant: Masonic Medical Research Laboratory, Bleecker Street, Utica, N.Y. 13501. Date of denial without prejudice to resubmission: July 6, 1972.

Docket No. 72–00251–33–29900. Applicant: Cold Spring Harbor Laboratory, Post Office Box 100, Cold Spring Harbor, NY 11724, Article: Filter apparatus. Date of denial without prejudice to resubmission: July 6, 1972.

Docket No. 72–00319–99–66700. Applicant: University of Notre Dame, Computing Center, Notre Dame, Ind. 46556. Article: Teleprinter projector, Model 2510T. Date of denial without prejudice to resubmission: July 24, 1972.

Docket No. 72–00354–33–46595. Applicant: Mount Sinai Hospital, Madison Avenue and 100th Street, New York, N.Y. 10029. Article: Pyramitome. Date of denial without prejudice to resubmission: July 14, 1972.

Docket No. 72–00365–99–66700. Applicant: Kansas State University, Cardwell Hall, Manhattan, Kan. 66502. Article: Teleprinter projector, Model 2510T. Date of denial without prejudice to resubmission: July 14, 1972.

Docket No. 72–00379–33–43400. Applicant: Veterans Administration Hospital, Archer Road, Gainesville, Fla. 32601. Article: Hydraulic micromanipulator. Date of denial without prejudice to resubmission: July 24, 1972.

Docket No. 72–00384–33–90500. Applicant: Swedish Covenant Hospital, Department of Pathology, 5145 North California Avenue, Chicago, IL 60625. Article: Lanco assembly apparatus. Date of denial without prejudice to resubmission: July 21, 1972.

Docket No. 72–00385–05–01200. Applicant: University of Hawaii, Department of Linguistics, 1890 East-West Road, Honolulu, HI 96822. Article: Intensity meter. Date of denial without prejudice to resubmission: July 14, 1972.

Docket No. 72–00386–05–01200. Applicant: University of Hawaii, Department of Linguistics, 1890 East-West Road, Honolulu, HI 96822. Article: Audio frequency filter. Date of denial without prejudice to resubmission: July 14, 1972.

Docket No. 72–00560–65–46070. Applicant: The Pennsylvania State University, Department of Purchases, 219 Shields Building, University Park, PA 16802. Article: Scanning electron microscope, Model JSM–50A. Date of denial without prejudice to resubmission: July 6, 1972.

Docket No. 72–00606–25–31000. Applicant: Michigan State University, WKAR–TV, 600 Kalamazoo Street, East Lansing, MI 48823. Article: Videoskop III and sideband adapter. Date of denial without prejudice: July 6, 1972.

Docket No. 72–00608–25–07700. Applicant: Educational Broadcasting Corp.,

304 West 58th Street, New York, NY 10019. Article: six Sony TV cameras-series AV3100 and four Sony TV monitors series PVM76L. Date of denial without prejudice to resubmission: July 6, 1972.

Docket No. 72-00636-99-26000. Applicant: El Centro College, 100 North Austin, Dallas, TX 75202. Article: Dr. Clemenz standard construction device for the theory of electricity. Date of denial without prejudice: July 21, 1972.

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

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office for Civil Rights

NONDISCRIMINATION UNDER FEDERAL CONTRACTS

Higher Education Guidelines

A copy of the following memorandum and attached guidelines and appendices was sent by the Director, Office for Civil Rights, to more than 2,500 university and college presidents, on October 1, 1972:

MEMORANDUM TO COLLEGE AND UNIVERSITY PRESIDENTS

OCTOBER 1, 1972.

As the new academic year begins, I wish to bring to your attention the requirement that all universities and colleges with Federal contracts comply with Executive Order 11246, "Nondiscrimination Under Federal Contracts." We expect that all affected colleges and universities will henceforth be in compliance with the Order and its implementing regulations as stated in the following guidelines.

While these guidelines address themselves to compliance with the Executive order, for your information we have also attached as appendices other civil rights laws affecting institutions of higher education and over which this Office has enforcement responsibility.

We hope that you will become familiar with these guidelines and laws and direct your staff and faculty to make every effort to abide by them.

The Department of Health, Education, and Welfare stands ready to assist in every way possible so that all institutions of higher education will be able to meet the requirements of the Executive order and other Federal requirements regarding nondiscriminatory treatment.

Additional copies of these guidelines are available from the Regional Office for Civil Rights in your area or from the Public Information Office, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. 20201.

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I. LEGAL PROVISIONS

The Office for Civil Rights (OCR) in the Department of Health, Education, and Welfare (HEW) is responsible for the enforcement in institutions of higher education of Executive Order 11246, as amended by Executive Order 11375 (Tab A), which imposes equal employment opportunity requirements upon Federal contractors, and upon construction contractors on projects receiving Federal assistance from HEW.

EXECUTIVE ORDER 11246, AS AMENDED

In signing a Government contract or subcontract in excess of $10,000 the contractor agrees that it "will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin," and that it "will take affirmative action to ensure that applicants are employed and that employees are treated during employment" without regard to these factors. In the event of the contractor's noncompliance with the nondiscrimination clauses of the contract, or with the rules and regulations of the Secretary of Labor, the contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts.

Part II of the Executive order sets forth other contractor obligations, enforcement procedures, and administrative responsibilities. Part III of the Executive order describes the equal opportunity obligations of applicants for Federal assistance involving construction.

The equal employment opportunity obligations of Federal contractors apply to all employment by a contractor, and not solely to employment associated with the receipt or use of Federal funds. The specific obligations of nondiscrimination and affirmative action associated with the Executive order apply and are enforecable by the Office for Civil Rights only in the case of contracts, not grants.[1]

REGULATIONS OF THE DEPARTMENT OF LABOR

The requirements of the Executive order are implemented by the regulations of the Department of Labor (41 Code of Federal Regulations Chapter 60). Part 60-1, "Obligations of Contractors and Subcontractors" (Tab B) sets forth matters of general applicability, including the scope of coverage of the Executive order, the obligations of employers subject to that coverage, administrative requirements applicable to Federal agencies, steps in investigation and enforcement of compliance with the order, and guidance for filing complaints of discrimination. Sanctions and OCR investigative procedures are discussed at Tab I.

REVISED ORDER NO. 4 AND NON-PUBLIC INSTITUTIONS

Revised Order No. 4 (Part 60-2) (Tab C), which implements and supplements Section 60-1.40 of Part 60-1, requires each private institution contratcor with 50 or more employees and a contract in excess of $50,000 to develop and maintain a written affirmative action program within 120 days of receipt of such a contract. Section 60-1.40 and Revised Order No. 4 set forth the required contents of such a program, including directions for analyses of the contractor's work force and employment practices, steps to be taken to improve recruitment, hiring, and promotion of minority persons and women, and other specific procedures to assure equal employment opportunity.

REVISED ORDER NO. 4 AND PUBLIC INSTITUTIONS

While all contractors, both public and private, are required to implement an affirmative action program, at present the basic requirement of Revised Order No. 4 that a contractor maintain a written affirmative action plan is not applicable to public institutions (those under State or local control) (see 41 CFR 60-1.5(a)(4)). Public institutions are nevertheless required to take action to ensure nondiscrimination and to comply with the Executive order and regulations other than Order No. 4. In our judgment, a public institution can best carry out these obligations by conducting the kinds of analyses required of nonpublic institutions, and organizing in written form its plans to overcome problems of past discrimination.

In addition, the regulations which set forth the procedures for conducting compliance reviews of all contractors, including public institutions, require written commitments as to "the precise actions to be taken and

[1] Where a grantee of funds for construction participates in construction under the grant, its employment is subject to the requirements of the equal opportunity clause during the term of participation. When such grantee or applicant for Federal funds is an agency or instrumentality of a State or local government, only such agency or instrumentality is subject to the clause.

dates for completion" to overcome any deficiencies which a compliance review identifies (41 CFR 60–1.20). These "precise actions" and "dates for completion," which must be provided in writing by a public institution following an HEW compliance review, will ordinarily be similar in content to the written affirmative action commitments required as a matter of regulation of nonpublic institutions (41 CFR 60–2.11).

On October 4, 1972, the Department of Labor will announce in the FEDERAL REGISTER its intention to amend the regulations to remove the present exemption of public educational institutions from the requirement of maintaining a written affirmative action plan. When effective, all educational institutions, both public and private, will have the same affirmative action obligations under the Executive order.

NONDISCRIMINATION AND AFFIRMATIVE ACTION IN THE EXECUTIVE ORDER

Executive Order 11246 embodies two concepts: nondiscrimination and affirmative action.

"Nondiscrimination" requires the elimination of all existing discriminatory conditions, whether purposeful or inadvertent. A university contractor must carefully and systematically examine all of its employment policies to be sure that they do not, if implemented as stated, operate to the detriment of any persons on grounds of race, color, religion, sex, or national origin. The contractor must also ensure that the practices of those responsible in matters of employment, including all supervisors, are nondiscriminatory.

"Affirmative action" requires the contractor to do more than ensure employment neutrality with regard to race, color, religion, sex, and national origin. As the phrase implies, affirmative action requires the employer to make additional efforts to recruit, employ, and promote qualified members of groups formerly excluded, even if that exclusion cannot be traced to particular discriminatory actions on the part of the employer. The premise of the affirmative action concept of the Executive order is that unless positive action is undertaken to overcome the effects of systemic institutional forms of exclusion and discrimination, a benign neutrality in employment practices will tend to perpetuate the "status quo ante" indefinitely.

WHO IS PROTECTED BY THE EXECUTIVE ORDER

The "nondiscrimination" requirements of the Executive order apply to all persons, whether or not the individual is a member of a conventionally defined "minority group." In other words, no person may be denied employment or related benefits on grounds of his or her race, color, religion, sex, and national origin.

The "affirmative action" requirements of determining underutilization, setting goals and timetables and taking related action as detailed in Revised Order No. 4 were designed to further employment opportunity for women and minorities. Minorities are defined by the Department of Labor as Negroes, Spanish-surnamed, American Indians, and Orientals.

GOALS AND TIMETABLES

As a part of the affirmative action obligation, Revised Order No. 4 requires a contractor to determine whether women and minorities are "underutilized" in its employee work force and, if that is the case, to develop as a part of its affirmative action program specific goals and timetables designed to overcome that underutilization. (See Tab J.) Underutilization is defined in the regulations as "having fewer women or minorities in a particular job than would reasonably be expected by their availability."

Goals are projected levels of achievement resulting from an analysis by the contractor of its deficiencies, and of what it can reasonably do to remedy them, given the availability of qualified minorities and women and the expected turnover in its work force. Establishing goals should be coupled with the adoption of genuine and effective techniques and procedures to locate qualified members of groups which have previously been denied opportunities for employment or advancement and to eliminate obstacles within the structure and operation of the institution (e.g. discriminatory hiring or promotion standards) which have prevented members of certain groups from securing employment or advancement.

The achievement of goals is not the sole measurement of a contractor's compliance, but represents a primary threshold for determining a contractor's level of performance and whether an issue of compliance exists. If the contractor falls short of its goals at the end of the period it has set, that failure in itself does not require a conclusion of noncompliance. It does, however, require a determination by the contractor as to why the failure occurred. If the goals were not met because the number of employment openings was inaccurately estimated, or because of changed employment market conditions or the unavailability of women and minorities with the specific qualifications needed, but the record discloses that the contractor followed its affirmative action program, it has complied with the letter and spirit of the Executive order. If, on the other hand, it appears that the cause for failure was an inattention to the nondiscrimination and affirmative action policies and procedures set by the contractor, then the contractor may be found out of compliance. It should be emphasized that while goals are required, quotas are neither required nor permitted by the Executive order. When used correctly, goals are an indicator of probable compliance and achievement, not a rigid or exclusive measure of performance.

Nothing in the Executive order requires that a university contractor eliminate or dilute standards which are necessary to the successful performance of the institution's educational and research functions. The affirmative action concept does not require that a university employ or promote any persons who are unqualified. The concept does require, however, that any standards or criteria which have had the effect of excluding women and minorities be eliminated, unless the contractor can demonstrate that such criteria are conditions of successful performance in the particular position involved.

II. PERSONNEL POLICIES AND PRACTICES

An employer must establish in reasonable detail and make available upon request the standards and procedures which govern all employment practices in the operation of each organizational unit, including any tests in use and the criteria by which qualifications for appointment, retention, or promotion are judged. It should be determined whether such standards and criteria are valid predictors of job performance, including whether they are relevant to the duties of the particular position in question. This requirement should not ignore or obviate the range of permissible discretion which has characterized employment judgments, particularly in the academic area. Where such discretion appears to have operated to deny equality of opportunity, however, it must be subjected to rigorous examination and its discriminatory effects eliminated. There are real and proper limits on the extent to which criteria for academic employment can be explicitly articulated; however, the absence of any articulation of such criteria provides opportunities for arbitrary and discriminatory employment decisions.

RECRUITMENT

Recruitment is the process by which an institution or department within an institution develops an applicant pool from which hiring decisions are made. Recruitment may be an active process, in which the institution seeks to communicate its employment needs to candidates through advertisement, word-of-mouth notification to graduate schools or other training programs, disciplinary conventions, or job registers. Recruitment may also be the passive function of including in the applicant pool those persons who on their own initiative or by unsolicited recommendation apply to the institution for a position.

In both academic and nonacademic areas, universities must recruit women and minority persons as actively as they have recruited white males. Some universities, for example, have tended to recruit heavily at institutions graduating exclusively or predominantly nonminority males, and have failed to advertise in media which would reach the minority and female communities, or have relied upon personal contacts and friendships which have had the effect of excluding from consideration women and minority group persons.

In the academic area, the informality of word-of-mouth recruiting and its reliance on factors outside the knowledge or control of the university makes this method particularly susceptible to abuse. In addition, since women and minorities are often not in word-of-mouth channels of recruitment, their candidacies may not be advanced with the same frequency or strength of endorsement as they merit, and as their white male colleagues receive.

The university contractor must examine the recruitment activities and policies of each unit responsible for recruiting. Where such an examination reveals a significantly lower representation of women or minorities in the university's applicant pool than would reasonably be expected from their availability in the work force, the contratcor must modify or supplement its recruiting policies by vigorous and systematic efforts to locate and encourage the candidacy of qualified women and minorities. Where policies have the effect of excluding qualified women or minorities, and where their effects cannot be mitigated by the implementation of additional policies, such policies must be eliminated.

An expanded search network should include not only the traditional avenues through which promising candidates have been located (e.g., in the case of academic appointments, direct letters to graduate departments, or in the case of nonacademic appointments, advertising in community newspapers). In addition, to the extent that it is necessary to overcome underutilization, the university should search in areas and channels previously unexplored.

Certain organizations such as those mentioned in Revised Order No. 4 may be prepared to refer women and minority applicants. For faculty and administrative appointments, disciplinary and professional associations, including committees and caucus groups, should be contacted and their facilities for employee location and referral used.

Particularly in the case of academic personnel, potentially fruitful channels of recruitment include the following:

a. Advertisements in appropriate professional journals and job registries;

b. Unsolicited applications or inquiries;

c. Women teaching at predominantly women's colleges, minorities teaching at predominantly minority colleges;

d. Minorities or women professional engaged in nonacademic positions, such as industry, government, law firms, hospitals;

e. Professional women and minorities working at independent research institutions and libraries;

f. Professional minorities and women who have received significant grants or professional recognition;

g. Women and minorities already at the institution and elsewhere working in research or other capacities not on the academic ladder;

h. Minority and women doctoral recipients, from the contractor's own institution and from other institutions, who are not presently using their professional training;

i. Women and minorities presently candidates for graduate degrees at the institution and elsewhere who show promise of outstanding achievement (some institutions have developed programs of support for completion of doctoral programs with a related possibility of future appointment);

j. Minorities and women listed in relevant professional files, registries and data banks, including those which have made a particularly conscientious effort to locate women and minority persons.

It should be noted that a contractor is required to make explicit its commitment to equal employment opportunity in all recruiting announcements or advertisements. It may do this by indicating that it is an "equal opportunity employer." It is a violation of the Executive order, however, for a prospective employer to state that only members of a particular minority group or sex will be considered.

Where search committees are used to locate candidates for appointment, they can best carry out the above measures when they are composed of persons willing and able to explore new avenues of recruitment. Effective search committees should, if possible, include among their members women and minority persons.

Policies which exclude recruitment at predominantly minority colleges and universities restrict the pool of qualified minority faculty from which prospective appointees may be chosen. Even if the intent of such policies may be to prevent the so-called "raiding" of minority faculty by predominantly white institutions, such policies violate the nondiscrimination provision of the Executive order since their effect is to deny opportunity for employment on grounds relating to race. Such policies have operated to the serious disadvantage of students and teachers at minority institutions by denying them notice of research and teaching opportunities, assistantships, endowed professorships, and many other programs which might enhance their potential for advancement, whether they choose to stay at a predominantly minority institution or move to a nonminority institution.

Minorities and women are frequently recruited only for positions thought to be for minorities and women, such as equal employment programs, ethnic studies, or women's studies. While these positions may have a particular suitability for minority persons and women, institutions must not restrict consideration of women and minorities to such areas, but should actively recruit them for any position for which they may be qualified.

HIRING

Once a nondiscriminatory applicant pool has been established through recruitment, the process of selection from that pool must also carefully follow procedures designed to insure nondiscrimination. In all cases, standards and criteria for employment should be made reasonably explicit, and should be accessible to all employees and applicants. Such standards may not overtly draw a distinction based on race, sex, color, religion, or national origin, nor may they be applied inconsistently to deny equality of opportunity on these bases.

In hiring decisions, assignment to a particular title or rank may be discriminatory. For example, in many institutions women are more often assigned initially to lower academic ranks than are men. A study by one disciplinary association showed that women tend to be offered a first appointment at the rank of instructor rather than the rank of assistant professor three times more often than men with identical qualifications. Where there is no valid basis for such differential treatment, such a practice is in violation of the Executive order.

Recruiting and hiring decisions which are governed by unverified assumptions about a particular individual's willingness or ability to relocate because of his or her race or sex are in violation of the Executive order. For example, university personnel responsible for employment decisions should not assume that a woman will be unwilling to accept an offer because of her marital status, or that a minority person will be unwilling to live in a predominantly white community.

Institutional policies regarding the employment of an institution's own graduates must not be applied in any manner which would deny opportunities to women and minorities. A university must give equal consideration to its graduate students regardless of their race or sex for future faculty positions, if the institution employs its own graduates.

In the area of academic appointments, a nondiscriminatory selection process does not mean that an institution should indulge in "reverse discrimination" or "preferential treatment" which leads to the selection of unqualified persons over qualified ones. Indeed, to take such aciton on grounds of race, ethnicity, sex, or religion constitutes discrimination in the violation of the Executive order.

It should also be pointed out that nothing in the Executive order requires or permits a contractor to fire, demote, or displace persons on grounds of race, color, sex, religion, or national origin in order to fulfill the affirmative action concept of the Executive order. Again, to do so would violate the Executive order. Affirmative action goals are to be sought through recruitment and hiring for vacancies created by normal growth and attrition in existing positions.

Unfortunately, a number of university officials have chosen to explain dismissals, transfers, alterations of job descriptions, changes in promotion potential or fringe benefits, and refusals to hire not on the basis of merit or some objective sought by the university administration aside from the Executive order, but on grounds that such actions and other "preferential treatment regardless of merit" are now required by Federal law. Such statements constitute either a misunderstanding of the law or a willful distortion of it. In either case, where they actually reflect decisions not to employ or promote on grounds of race, color, sex, religion, or national origin, they constitute a violation of the Executive order and other Federal laws.

ANTINEPOTISM POLICIES

Policies or practices which prohibit or limit the simultaneous employment of two members of the same family and which have an adverse impact upon one sex or the other are in violation of the Executive order. For example, because men have traditionally been favored in employment over women, antinepotism regulations in most cases operate to deny employment opportunity to a wife rather than to a husband.

If an institution's regulations against the simultaneous employment of husband and wife are discriminatory on their face (e.g., applicable to "faculty wives"), or if they have in practice served in most instances to deny a wife rather than a husbnad employment or promotion opportunity, salary increases, or other employment benefits, they should be altered or abolished in order to mitigate their discriminatory impact.

Stated or implied presumptions against the consideration of more than one member of the same family for employment by the same institution or within the same academic department also tends to limit the opportunities available to women more than to men.

If an individual has been denied "opportunity" for employment, advancement, or benefits on the basis of an antinepotism rule or practice, that action is discriminatory and is prohibited under the Executive order. Institutional regulations which set reasonable restrictions on an individual's capacity to function as judge or advocate in specific situations involving a member of his or her immediate family are permissible where they do not have the effect of denying equal employment opportunity to one sex over the other [2].

PLACEMENT, JOB CLASSIFICATION, AND ASSIGNMENT

A contractor must examine carefully its job category assignments and treatment of individuals within a single job classification. Experience shows that individuals of one sex or race frequently tend to be "clustered" in certain job classifications, or in certain departments or divisions within an institution. Most often those classifications or departments in which women or minorities are found tend to be lower paid, and have less opportunity for advancement than those to which nonminority males are assigned.

Where there are no valid or substantial differences in duties or qualifications between different job classifications, and where persons in the classifications are segregated by race, color, religion, sex, or national origin, those separate classifications must be eliminated or merged. For example, where male administrative aides and female administrative assistants are performing the same duties and bear the same responsibilities, but are accorded different salaries and advancement opportunities, and where the separate classifications upon examination yield no valid distinctions, the separate classifications must be eliminated or merged.

In academic employment, minorities and women have sometimes been classified as "research associates," "lecturers," or similar categories of employment which do not carry with them the benefits and protections of regular academic appointment, and from which promotion is rare, while men with the same qualifications are appointed to regular faculty positions. Such sex- or minority-segregated classification is discriminatory and must be eliminated. In addition, appropriate remedies must be afforded those persons previously assigned to such classifications.

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[2] For an indication of what should constitute "reasonable restriction," see the policy statement of the American Association of University Professors on "Faculty Appointment and Family Relationship," which suggests that "faculty members should neither initiate or participate in institutional decisions involving a direct benefit (initial appointment, retention, promotion, salary, leave of absence, etc.) to members of their immediate families."

TRAINING

To eliminate discrimination and assure equal opportunity in promotion, an employer should initiate necessary remedial, job training, and work study programs aimed at upgrading specific skills. This is generally applicable in the case of nonacademic employees, but may also be relevant in the case of academic employees as, for example, in providing opportunities to participate in research projects, or to gain new professional skills through leave policies or special programs offered by the institution.

In institutions where in-service training programs are one of the ladders to administrative positions, minorities and women must be admitted into these programs on an equal basis with nonminority men. Furthermore, opportunities for training may not be limited to positions which are occupied by nonminorities and males.

The employment of students by an institution is subject to the same considerations of nondiscrimination and affirmative action as is all other employment in an institution.

PROMOTION

A contractor's policies and practices on promotion should be made reasonably explicit, and administered to ensure that women and minorities are not at a disadvantage. A contractor is also obligated to make special efforts to ensure that women and minorities in its work force are given equal opportunity for promotion. Specifically, 41 CFR 60–2.24 states that this result may be achieved through remedial, work study and job training programs; through career counseling programs; through the posting and announcement of promotion opportunities; and by the validation of all criteria for promotion.

TERMINATION

Where action to terminate has a disproportionate effect upon women or minorities and the employer is unable to demonstrate reasons for the decision to terminate unrelated to race, religion, color, national origin, or sex, such actions are discriminatory. Seniority is an acceptable standard for termination, with one exception: where an incumbent has been found to have been the victim of discrimination and as a result has less actual seniority than he or she would have had but for such discrimination, either seniority cannot be used as the primary basis for termination, or the incumbent must be presumed to have the seniority which he or she would have had in the absence of discrimination.

CONDITIONS OF WORK

A university employer must ensure nondiscrimination in all terms and conditions of employment, including work assignments, educational and training opportunities, research opportunities, use of facilities, and opportunities to serve on committees or decision-making bodies.

Intentional policy or practice which subjects persons of a particular sex or minority status to heavier teaching loads, less desirable class assignments, and fewer opportunities to serve on key decision-making bodies or to apply for research grants or leaves of absence for professional purposes, is in violation of the Executive order.

Similarly, institutional facilities such as dining halls or faculty clubs have sometimes restricted their services to men only. Where such services are a part of the ordinary benefits of employment for certain classifications of employees, no members of such classifications can be denied them on the basis of race, color, national origin, sex, or religion.

RIGHTS AND BENEFITS-SALARY

The Executive order requires that universities adhere carefully to the concept of equal pay for equal work.

In many situations persons who hold the same or equivalent positions, with the same or equivalent qualifications, are not paid similar salaries, and disparities are identifiable along lines of race, color, national origin, sex, or religion.

An institution should set forth with reasonable particularity criteria for determining salary for each job classification and within each job classification. These criteria should be made available to all present and potential employees.

The question is often raised as to whether a person who applies for a position within a given job classification may be given a higher or lower rate of pay at entry based upon his or her pay in another position, or upon market factors defined outside the context of the institution's determination of rates of pay. Where reference to external market factors results in a disparate effect upon women or minority group persons, a reference to those rates of pay is prohibited. For example, if a minority or female applicant applies for a position as an assistant professor, and the salary range of those entering that position is from $10,000 to $12,000, the fact that the applicant's former position paid only $8,000 cannot be used to deny him or her the minimum pay for the new position, when nonminority men in a comparable situation are given an entry salary at or above the minimum stipulated area. In this example, the applicant's level of pay must be determined on the basis of capability and record of performance, not former salary.

BACK PAY

Back pay awards are authorized and widely used as a remedy under title VII of the Civil Rights Act of 1964, the Equal Pay Act, and the National Labor Relations Act. Universities, like other employers, are subject to the provisions of these statutes.

This means that evidence of discrimination that would require back pay as a remedy will be referred to the appropriate Federal enforcement agency if the Office for Civil Rights is not able to negotiate a voluntary settlement with a university. At the direction of the Department of Labor, the Office for Civil Rights will continue to pursue back pay settlements only in cases involving employees who, while protected by the Executive order, were not protected by the three statutes mentioned above at the time violation occurred.

Contractors continue to have the prospective obligation to include in an affirmative action program whatever payments are necessary to remove existing differentials in pay (based on race or sex) identified in the analyses required under the Executive order.

LEAVE POLICIES

A university contractor must not discriminate against employees in its leave policies, including paid and unpaid leave for educational or professional purposes, sick leave, annual leave, temporary disability, and leave for purposes of personal necessity.

EMPLOYMENT POLICIES RELATING TO PREGNANCY AND CHILDBIRTH

41 CFR 60–20 (Sex Discrimination Guidelines) (Tab D) provides that "women shall not be penalized in their conditions of employment because they require time away from work on account of childbearing." Pregnancy and childbearing must be considered as a justification of a leave of absence for a female employee regardless of marital status, for a reasonable length of time, and for reinstatement following childbirth without loss of seniority or accrued benefits.

A. *Eligibility.* If an employer has a policy on eligibility for leave, a female employee may not be required to serve longer than the minimum length of service required for other types of leave in order to qualify for maternity leave. If the employer has no leave policy, childbearing must nevertheless be considered as a justification for a leave of absence for a female employee for a reasonable length of time.

B. *Mandatory period of leave.* Any policy requiring a mandatory leave of absence violates the Executive order unless it is based on individual medical or job characteristics. In such cases the employer must clearly demonstrate an overriding need based on medical safety or "business necessity," i.e., that the successful performance of the position or job in question requires the leave. For example, service in a radiation laboratory may constitute a demonstrable hazard to the expectant mother or her child. A mandatory period of leave should not, however, be stipulated by the university; the length of leave, whether mandatory or voluntary, should be based on a bona fide medical need related to pregnancy or childbirth.

C. *Eligibility for and conditions of return.* Following the end of leave warranted by childbirth, a female employee must be offered reinstatement to her original position or one of like status and pay without loss of seniority or accrued benefits.

D. *Other conditions of leave.* Department of Labor guidelines provide that the conditions related to pregnancy leave, i.e., salary, accrual of seniority, and other benefits, reinstatement rights, etc., must be in accordance with the employer's general leave policy.

On April 5, 1972, the Equal Employment Opportunity Commission, under title VII of the Civil Rights Act of 1964, issued revised guidelines on sex discrimination, 37 F.R. 6835, which differ substantially from the present Department of Labor guidelines under the Executive order. The Labor Department has not adopted the rules of the EEOC as its own, although universities are subject to them. However, serious consideration is now being given to revising the Labor Department guidelines to equate disabilities caused by pregnancy and childbirth with all other temporary disabilities for which an employer might provide leave time, insurance pay, and other benefits.

E. *Child care leave.* If employees are generally granted leave for personal reasons, such as for a year or more, leave for purposes relating to child care should be considered grounds for such leave, and should be available to men and women on an equal basis. A faculty member should not be required to have such leave time counted toward the completion of a term as a probationary faculty member, unless personal leave for other reasons is so considered. Nor should such leave time be subtracted from a stated term of appointment, or serve as a basis for nonrenewal of contract.

FRINGE BENEFITS

Fringe benefits are defined to include medical, hospital, accident, life insurance, and retirement benefits; profit-sharing and bonus plans; leave, and other terms and conditions of employment.

The university should carefully examine its fringe benefit programs for possible discriminatory effects. For example, it is unlawful for an employer to establish a retirement or pension plan which establishes different optional or mandatory retirement ages for men and for women.

Where an employer conditions benefits available to employees and their spouses and

families on whether the employee is the "head of the household" or "principal wage earner" in the family unit, such benefits cannot be made available only to male employees and their families. The employer also must not presume that a married man is the "head of the household" or "principal wage earner"; this is a matter which must be determined by the employee and his or her family.

It is also unlawful for an employer to make benefits available to the wives and families of male employees where the same benefits are not available to the husbands and families of female employees.

With regard to retirement benefits and insurance, pensions, and other welfare programs, Department of Labor Sex Discrimination Guidelines provide that benefits must be equal for both sexes, or that the employer's contribution must be equal for both sexes. This means that a different rate of retirement benefits for men and women does not violate the Executive order if the employer's contributions for both sexes are equal. It is not a violation of the Executive order if the employer, in seeking to equalize benefits for men and women employees, contributes more for one sex than the other.[3]

CHILD CARE

41 CFR 60–2.24 states that an employer should, as part of his affirmative action program, encourage child care programs appropriately designed to improve the employment opportunities of minorities and women. An increasing number of institutions have established child care programs for their male and female employees and students, and we commend such efforts to all institutions. As part of an affirmative action program, such programs may improve the employment opportunities of all employees, not only women and minorities, and contribute significantly to an institution's affirmative action profile.

GRIEVANCE PROCEDURES

As of March 1972 and pursuant to the provisions of the Equal Employment Opportunity Act of 1972, the Equal Employment Opportunity Commission has jurisdiction over individual complaints of discrimination by academic as well as nonacademic employees of educational institutions.

Pursuant to formal agreement between OCR and EEOC, and to avoid duplication of effort, individual complaints of discrimination will be investigated and remedied by EEOC. Class complaints, groups of individual complaints or other information which indicates possible institutional patterns of discrimination (as opposed to isolated cases) will remain subject to investigation by OCR. In such cases, retrospective relief for individuals within such classes or groups will remain within the jurisdiction of EEOC.

Where an employer has established sound standards of due process for the hearing of employee grievances, and has undertaken a prompt and good faith effort to identify and provide relief for grievances, a duplicative assumption of jurisdiction by the Federal Government has not always proven necessary. We therefore urge the development of sound grievance procedures for all employees, academic and nonacademic alike, in order to insure the fair treatment of individual cases where discrimination is alleged, and to maintain the integrity of the employer's internal employment system.

Institutional grievance procedures which provide for prompt and equitable hearing of employee grievances relating to employment discrimination should be written and available to all present and prospective employees.

III. DEVELOPMENT OF AFFIRMATIVE ACTION PROGRAMS

Effective affirmative action programs shall contain, but not necessarily be limited to, the following ingredients:

1. *Development or reaffirmation of the contractor's equal employment opportunity policy.* Each institution should have a clear written statement over the signature of the chief administrative officer which sets forth the institution's legal obligation and policy for the guidance of all supervisory personnel, both academic and nonacademic, for all employees and for the community served by the institution. The policy statement should reflect the institution's affirmative commitment to equal employment opportunity, as well as its commitment to eliminate discrimination in employment on the basis of race, color, sex, religion and national origin.

2. *Dissemination of the policy.* Internal communication of the institution's policy in writing to all supervisory personnel is essential to their understanding, cooperation and compliance. All persons responsible for personnel decisions must know what the law requires, what the institution's policy is, and how to interpret the policy and implement the program within the area of their responsibility. Formal and informal external dissemination of the policy is necessary to inform and secure the cooperation of organizations within the community, including civil rights groups, professional associations, women's groups, and various sources of referral within the recruitment area of the institution.

The employer should communicate to all present and prospective employees the existence of the affirmative action program, and make available such elements of the program as will enable them to know of and avail themselves of its benefits.

3. *Responsibility for implementation.* An administrative procedure must be set up to organize and monitor the affirmative action program. 41 CFR 60–2.22 provides that an executive of the contractor should be appointed as director of EEO programs, and that he or she should be given "the necessary top management support and staffing to execute the assignment." (See the remainder of § 2.22 for details of the responsibilities of the Equal Employment Opportunity Officer.) This should be a person knowledgeable of and sensitive to the problems of women and minority groups. Depending upon the size of the institution, this may be his or her sole responsibility, and necessary authority and staff should be accorded the position to ensure the proper implementation of the program.

In several institutions the EEO officer has been assisted by one or more task forces composed in substantial part of women and minority persons. This has usually facilitated the task of the EEO officer and enhanced the prospects of success for the affirmative action program in the institution.

4. *Identification of problem areas by organizational units and job classifications.* In this section the contractor should address itself to the issues discussed in sections I and II above. The questions involved in data gathering and analysis are treated in appendix J.

Once an inventory is completed, the data should be coded and controlled in strict confidence so that access is limited to those persons involved in administering and reviewing the Equal Employment Opportunity Program. Some State and local laws may prohibit the collection and retention of data relating to the race, sex, color, religion, or national origin of employees and applicants for employment. Under the principle of Federal supremacy, requirements for such inventories and recordkeeping under the Executive order supersede any conflicting State or local law, and the existence of such laws is not an acceptable excuse for failure to collect or supply such information as required under the Executive order.

5. *Internal audit and reporting systems.* An institution must include in its administrative operation a system of audit and reporting to assist in the implementation and monitoring of the affirmative action program, and in periodic evaluations of its effectiveness. In some cases a reporting system has taken the form of a monitoring of all personnel actions, so that department heads and other supervisors must make periodic reports on affirmative action efforts to a central office. In most cases all new appointments must be accompanied by documentation of an energetic and systematic search for women and minorities.

Reporting and monitoring systems will differ from institution to institution according to the nature of the goals and programs established, but all should be sufficiently organized to provide a ready indication of whether or not the program is succeeding, and particularly whether or not good faith efforts have been made to insure fair treatment of women and minority group persons before and during employment. Reporting systems should include a method of evaluating applicant flow; referral and hiring rate; and an application retention system to allow the development of an inventory of available skills.

At least once annually the institution must prepare a formal report to OCR on the results of its affirmative action compliance program. The evaluation necessary to prepare such a report will serve as a basis for updating the program, taking into consideration changes in the institution's work force (e.g., expansion, contraction, turnover), changes in the availability of minorities and women through improved educational opportunities, and changes in the comparative availability of women as opposed to men as a result of changing interest levels in different types of work.

6. *Publication of affirmative action programs.* In accordance with 41 CFR 60–2.21 (11), which states that the contractor should "communicate to his employees the existence of the contractor's affirmative action program and make available such elements of his program as will enable such employees to know of and avail themselves of its benefits," the Office for Civil Rights urges institutions to make public their affirmative action plans. University contractors should also be aware that affirmative action plans accepted by the Office for Civil Rights are subject to disclosure to the public under the Freedom of Information Act, 5 U.S.C. 552. Subject to certain exemptions, disclosure ordinarily will include broad utilization analyses, proposed remedial steps, goals and timetables, policies on recruitment, hiring, promotion, termination, grievance procedures, and other affirmative measures to be taken. Other types of documents which must be released by the Government upon a request for disclosure include the contractor's validation studies of tests and other preemployment selection methods.

Exempt from disclosure are those portions of the plan which contain confidential information about employees, the disclosure of which may constitute an invasion of privacy, information in the nature of trade secrets, and confidential commercial or financial information within the meaning of 5

[3] Benefits which are different for men and women have been declared in violation of title VII of the Civil Rights Act of 1964 in recent guidelines published by the Equal Employment Opportunity Commission. These guidelines also state that it is no defense against a charge of sex discrimination that the cost of such benefit is greater for one sex than for the other.

U.S.C. 552(b)(4). Compliance agencies also are not authorized to disclose the Standard Form 100 (EEO–1) or similar reporting forms or information about individuals.

7. *Developing a plan.* The Office for Civil Rights recognizes that in an institution of higher education, and particularly in the academic staff, responsibility for matters concerning personnel decisions is diffused among many persons at a number of different levels. The success of a university's affirmative action program may be dependent in large part upon the willingness and ability of the faculty to assist in its development and implementation. Therefore, the Office for Civil Rights urges that university administrators involve members of their faculty, as well as other supervisory personnel in their work force, in the process of developing an information base, determining potential employee availability, the establishment of goals and timetables, monitoring and evaluating the effectiveness of the plan, and in all other appropriate elements of a plan. A number of institutions have successfully established faculty or joint faculty-staff commissions or task forces to assist in the preparation and administration of its affirmative action obligations. We therefore recommend to university contractors that particular attention be given the need to bring into the deliberative and decisionmaking process those within the academic community who have a responsibility in personnel matters.

The Office for Civil Rights stands ready to the fullest extent possible to assist university contractors in meeting their equal employment opportunity obligations.

Tab A: Tab A of the October 1, 1972, Memorandum and Guidelines was a copy of Presidential Executive Order 11246, as amended by Executive Order 11375 and Executive Order 11478.

Tab B: Tab B of the October 1, 1972, Memorandum and Guidelines was a copy of 41 Code of Federal Regulations Part 60–1.

Tab C: Tab C of the October 1, 1972, Memorandum and Guidelines was a copy of 41 Code of Federal Regulations Part 60–2.

Tab D: Tab D of the October 1, 1972, Memorandum and Guidelines was a copy of 41 Code of Federal Regulations Part 60–20.

Tab E: Tab E of the October 1, 1972, Memorandum and Guidelines was a copy of 41 Code of Federal Regulations Part 60–3.

Tab F: Tab F of the October 1, 1972, Memorandum and Guidelines was a copy of Title VI of the Civil Rights Act of 1964, Public Law 88–352, 88th Congress, H.R. 7152, July 2, 1964.

TAB G: MEMORANDUM TO PRESIDENTS OF INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN FEDERAL ASSISTANCE PROGRAMS

AUGUST 1972.

As you may know, on June 23, 1972, the President signed into law the "Education Amendments of 1972" (effective July 1, 1972). Title IX of this Act prohibits sex discrimination in all federally assisted education programs and amends certain portions of the Civil Rights Act of 1964. The Office for Civil Rights, Department of Health, Education, and Welfare, is presently in the process of developing regulations and guidelines to implement title IX. For your immediate information, however, I have set forth below a brief summary of the pertinent provisions of title IX, and have attached a copy of the law.

A. *Basic provision.* Title IX of the Higher Education Act states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance * * *."

This sex discrimination provision of title IX is patterned after title VI of the Civil Rights Act of 1964 which forbids discrimination on the basis of race, color, and national origin in all federally assisted programs. By specific exemption, the prohibitions of title VI do not reach employment practices (except where the primary objective of the Federal aid is to provide employment). However, there is no similar exemption for employment in title IX.

Therefore, effective July 1, as a condition of receiving Federal assistance, your institution must make all benefits and services available to students without discrimination on the basis of sex. As indicated below, there are exemptions to and a deferment in implementing the admissions provision. However, all other requirements of this title are presently in effect.

B. *Which institutions are covered.* All educational programs and activities which are offered by any institution or organization and which receive Federal financial assistance by way of grant, loan, or contract other than a contract of insurance or guaranty are covered. Title IX specifically lists the types of educational institutions which are covered. These include public and private preschools, elementary and secondary schools, institutions of vocational education, professional education, and undergraduate and graduate higher education.

C. *Provisions concerning admissions to schools and colleges.* 1. Certain educational institutions covered by title IX are prohibited from sex discrimination in all of their programs and activities, including admissions to their institutions. These institutions include:

a. Institutions of vocational education (public and private).

b. Institutions of professional education (public and private).

c. Institutions of graduate higher education (public and private).

d. Public undergraduate institutions of higher education (except those which have been traditionally and continually single-sex).

2. Exemptions from the admissions provisions.

Some educational institutions covered under title IX are exempted from complying with the prohibition against discrimination in admissions. These institutions are:

a. Private undergraduate institutions of higher education.

b. Elementary and secondary schools other than secondary vocational schools whose primary purpose is to train students in vocational and technical areas.

c. Public institutions of undergraduate higher education which have been traditionally and continually single-sex.

Schools of vocational, professional, graduate higher education, and public undergraduate higher education which are in transition from single-sex institutions to coeducational institutions are exempt from nondiscrimination in admissions for specified periods of time provided each is carrying out a plan approved by HEW, under which the transition will be completed. Although all these institutions are exempt from the requirement of immediately admitting students of the previously excluded sex, they are required not to discriminate, as of the effective date of the Act (July 1, 1972), against any admitted students in any educational program or activity offered by the educational institutions.

D. *Other exemptions*—1. *Religious institutions.* Institutions controlled by religious organizations are exempt if the application of the antidiscrimination provisions is not consistent with the religious tenets of such organizations.

2. *Military schools.* Those educational institutions whose primary purpose is the training of individuals for the military services of the United States or the merchant marine are exempt.

E. *Provisions relating to living facilities.* The Act allows institutions receiving Federal funds to maintain separate living facilities for persons of different sexes.

F. *Who enforces the Act.* The Federal departments empowered to extend aid to educational institutions have the enforcement responsibility. (The enforcement provisions are virtually identical to those of title VI of the Civil Rights Act of 1964.) Reviews can be conducted whether or not a complaint has been filed. We presently are in the process of developing procedures under which this agency will represent all Federal agencies in the administration of title IX, as is presently the case under title VI of the Civil Rights Act of 1964.

G. *Who can file charges.* Individuals and organizations can challenge any unlawful discriminatory practice in a Federal program or activity by filing a complaint with the appropriate Federal agency. During the review process, names of complainants are kept confidential if possible.

H. *What happens when a complaint is filed.* An investigation is conducted, if warranted, and if a violation is found, informal conciliation and persuasion are first used to eliminate the discriminatory practices.

I. *Formal enforcement procedures.* If persuasion fails, the Act provides for formal hearings conducted by the Federal agency(s) involved. Such action can result in the termination or withholding of Federal financial assistance. In some instances, cases can be referred to the Department of Justice with a recommendation that formal legal action be taken. Recipients of Federal moneys which have been terminated or withheld can seek judicial review of the final order issued by the agency.

J. *Preferential treatment.* Institutions cannot be required to establish quotas or grant "preferential or disparate" treatment to members of one sex when an imbalance exists with respect to the number or percentage of persons of one sex participating in or receiving the benefits of federally assisted educational programs or activities. This provision is analogous to the racial imbalance provision in title VI which states that the absence of a racial balance is not in itself proof of discrimination. However, these provisions do not mean that corrective actions may not be required to overcome past discrimination.

K. *Provision concerning blind students.* Students cannot be denied admission on the grounds of blindness or severely impaired vision to any federally assisted education program or activity. The institution, however, is not required to provide special services for such persons.

We will provide more specific guidance on the requirements of title IX in the near future. In the interim, should you have any questions relating to this matter, please feel free to write to me.

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

(The remainder of Tab G was a copy of title IX of the Education Amendments of 1972, Public Law 92–318, 92d Cong., S. 659, June 23, 1972.)

TAB H: Tab H of the October 1, 1972, Memorandum and Guidelines was a copy of the Equal Employment Opportunity Act of 1972, Public Law 92–261, 92nd Congress, H.R. 1746, March 24, 1972.

TAB I: OFFICE FOR CIVIL RIGHTS COMPLIANCE PROCEDURES

Section 206 of the Executive order authorizes the Secretary of Labor to investigate the employment practices of any Government contractor to determine whether or not it is

in compliance with the nondiscrimination and affirmative action provisions contained therein. The Secretary of Labor may also receive and investigate complaints from employees or prospective employees which allege discrimination in violation of the Executive order. To implement these provisions, the Secretary of Labor has directed that government agencies with compliance responsibility for specific types of Federal contractors institute programs for conducting regular compliance reviews, and institute a prompt investigation of each complaint filed with it or referred to it.

The Office of Civil Rights within the Department of Health, Education, and Welfare has been assigned responsibility by the Secretary of Labor for conducting reviews and investigations in institutions of higher education "regardless of the agency which awards the contract." Reviews and investigations are undertaken by the ten Regional Offices for Civil Rights, which have the responsibility for determining in the first instance whether a contractor is in compliance, and of recommending possible enforcement action to the Director of the Office for Civil Rights in Washington.

Section 211 of the Executive order provides that the Secretary of Labor may direct contracting agencies not to enter into contracts unless the prospective contractor has satisfactorily complied with the provisions of the Executive order, or has submitted a program for compliance acceptable to the Secretary of Labor. To implement this directive, the Secretary of Labor has provided that no contract of $1 million or more shall be awarded unless a pre-award clearance has been conducted by the compliance agency at least 12 months prior to the award, and unless that review has found the prospective contractor to be in compliance or able to comply as the result of the submission of an acceptable affirmative action plan. Government contracting agencies may also be separately notified by the Secretary of Labor that a contractor or prospective contractor is unable to comply with the equal employment opportunity clause for the purpose of all future awards or extensions or renewals of existing contracts.

Types of reviews. There are a variety of circumstances which may prompt the Regional Office for Civil Rights to schedule a review or investigation of the employment practices of a college or university.

1. *Pre-award reviews.* When any agency of the Federal Government identifies an institution of higher education as the prospective recipient of a contract of $1 million or more, the Office for Civil Rights is responsible for conducting a review of the institution's compliance status. The requirement applies in the case of a modification of an existing contract when the amount of additional funds is $1 million or more, as well as to the extension of an existing contract or award of a new contract in this amount.

2. *Reviews directed by Office of Federal Contract Compliance.* The Director, Office of Federal Contract Compliance, Department of Labor, may direct the Office for Civil Rights to conduct a compliance review. For example, a specific review may be requested as a part of a coordinated Government-wide review of all contractors in a specific geographical area, or may be based on the receipt by the Director of information from public or private sources indicating that a specific problem of discrimination may exist within an institution's work force.

3. *Complaint investigations.* Until the summer of 1972, the Office for Civil Rights had been responsible for investigating complaints from professional employees against an institution received directly by the Office for Civil Rights or referred to it by the Director, Office of Federal Contract Compliance. The U.S. Equal Employment Opportunity Commission, with its district offices throughout the nation, now has this responsibility. (See guidelines.)

Institutions of higher education are subject to the provisions of title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment whether or not the employer receives Federal financial assistance. The Equal Employment Opportunity Commission is responsible for enforcing title VII. The Office for Civil Rights continues to investigate complaints seeking relief for an affected class as well as general allegations of patterns of discrimination at an institution. Such class complaints or allegations may be factors in determining which institutions will be scheduled for review.

4. *Regular compliance reviews.* Reviews are also undertaken as part of a systematic program of the Office for Civil Rights to examine the employment practices of contractors for which it is assigned responsibility. Most of these reviews are routinely scheduled, although it should be noted that they may be given a higher priority as a result of information received from either public or private sources that a specific problem of discrimination against a class or classes of persons exists within the institution.

Except for pre-award clearances, all reviews and investigations are scheduled by the Regional Offices on a quarterly basis. Since the number and location of pre-award reviews cannot be anticipated by the Office for Civil Rights sufficiently in advance to permit planned scheduling, they are scheduled as required.[4]

Access to information. In conducting a compliance review, the Office for Civil Rights must have adequate information about the contractor's employment practices. Such information includes data reflecting generally the employment status of existing employees and specific information on the contractor's recruitment and hiring patterns, and on its employment criteria, policies, and procedures. (See Appendix J on data requirements.) It may also be necessary in particular instances to have access to specific information pertinent to employment decisions. It may also be necessary to compare the treatment of a number of individuals in order to determine factors which have affected relevant employment decisions.

Examination of individual records could conclusively demonstrate the existence of discrimination if, for example, there is overt mention in a personnel file that race, color, national origin, religion, or sex was improperly considered in an employment decision. In such a case, examination of more general statistical data might serve as a gauge of the extent of discrimination and the scope of the required remedy. A similar approach would be warranted where initial comparison of personnel files of similarly situated employees indicates significantly different treatment corresponding with the race, color, ethnicity, religion, or sex of the employees involved. Where the focal point of an investigation becomes an individual or class instance of discrimination, the examination of certain personnel records will in most cases be necessary.

It should be made clear that access by the Office for Civil Rights to personnel information is limited to its obligation to identify and eliminate discrimination prohibited by the Executive Order, and to secure required affirmative action. The Office has no intention or authority to seek information for any other purpose. With this in mind, we expect the full cooperation of institutions of higher education in providing the Office for Civil Rights information necessary to evaluate the contractor's compliance status. See 41 CFR 60–1.7(a)(3) and 60–1.43, and paragraph (5) of the equal opportunity clause.

In addition, the Office for Civil Rights' investigative responsibilities require that it have access to employees of contractors, as sources of information. The Office is therefore authorized to interview any employee, without the presence of a contractor representative, in the course of investigation or compliance activities, subject, of course, to reasonable procedures on time, place, and manner. (See 41 CFR 60–1.20, 60–1.24, and 60–1.32.)

The Office will request information in reasonable form, and will not demand access to information and copying of records except during normal business hours. Failure to provide information or permit access to and copying of pertinent records constitutes noncompliance with the contractor's obligations under the Executive Order, and subjects the contractor to enforcement action, including a hearing before an independent hearing examiner. During the course of an enforcement hearing the contractor has an opportunity to contest the Office for Civil Rights' determination as to the necessity and pertinence of information it seeks.

Consistent with its limited responsibilities, the Office for Civil Rights will not publicly disclose information gathered during the course of a compliance review except as indicated in the guidelines.

Conduct of compliance reviews[5]— 1. *Notice to the institution.* Once an institution has been selected and scheduled for review, a letter is sent by the Regional Civil Rights Director to the head of the institution advising him of the anticipated date for commencement of the review. This notification will be sent to the institution as far in advance as possible, but ordinarily at least six weeks prior to the initiation of the compliance review.[6] The notice will request the institution to prepare and make available either prior to or at the beginning of the review certain information which is necessary to a determination of compliance. This information ordinarily will consist of:

1. For private institutions which are subject to Revised Order No. 4, a copy of the original affirmative action program including all of the base data, analyses, documents and supporting data which were used in preparing the program. If the program has been in effect for more than 6 months, the updated affirmative action program and the evaluation of the program's operation since it was originally developed should be included, as well as all actions taken to correct any problems of discrimination or underutilization.

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[4] Allegations of discrimination filed by campus organizations, or by advocacy groups such as NOW, WEAL, NAACP, and The National Urban League, which do not contain the signature of any alleged victim of the discrimination or of an authorized representative of such an individual will be handled as part of a general compliance review.

[5] This section describes procedures normally followed, in the absence of unforeseen circumstances.

[6] An exception to this minimum notice period will be in the case of a pre-award review where the anticipated date of award of the contract or modification will not permit such notice. In these circumstances, as much advance notice as possible will be given to the institution. We have found that the normal prior notice period can generally be no more than one week in these cases. However, in most circumstances, because an institution is directly involved in contract negotiations with the government, it can anticipate the need for an Office for Civil Rights pre-award review sufficiently in advance of the receipt of notice to proceed with preparing the information necessary for the review.

If either the original or updated program has been in effect for less than 6 months, and if the institution believes that actions taken under it would affect a determination of its compliance, the university may, of course, include such information in its report.

2. For public institutions specifically exempted from Order No. 4 and for private institutions which have not previously held contracts covered by the Executive order, the notice will request that the institution prepare the basic employment information described. If such institutions have drawn conclusions from the data as to discrimination or underutilization, the institutions are free to include the information, and we strongly encourage them to do so. Information on any programs and policies which have been developed pursuant to the contractor's affirmative action obligations should also be included.

3. If the institution, whether public or private, has been previously reviewed by the Office for Civil Rights, a full report, both narrative and statistical, indicating all actions taken to correct any problems which may have been reported to the institution as a result of the prior review should be provided.

The Regional Office may request that the above described information be submitted to it prior to commencement of the on-site review, or it may request that it be available when its review team arrives to begin the on-site review. Although it would be preferable to schedule the review sufficiently in advance to permit the institution to prepare the information and forward it to the Regional Office, this will not always be possible, particularly in the case of a mandatory preaward review.

2. *On-site review.* The purpose of a compliance review is to determine whether or not the institution is fulfilling its contractual obligations of nondiscrimination and affirmative action. In most instances, prior to any review, it is helpful for the Regional Office to have the benefit of the contractor's own analysis of its employment practices, its own evaluation of its utilization of minorities and females and its own plans and programs for overcoming problems which it has identified through these self-evaluation procedures. Indeed, if the contractor has fully complied with its obligations under 41 CFR Part 60–1, 60–2, 60–3, and 60–20, the review may consist of no more than an evaluation by the Regional Office of the adequacy of the contractor's analyses and conclusions and of the plans and programs which he has developed to overcome problems of discrimination and underutilization. The scope of the review will to a great extent depend on the quality of self-evaluation engaged in by the contractor prior to the on-site review.

On the basis of a review of the data prepared by the contractor, the Regional Office will select for review specific departments or other organizational units, specific job categories across departmental or organizational lines, and specific personnel practices or policies applicable within the institution as a whole. If the review team deems it necessary for the purpose of determining compliance, the review will involve the detailed examination of formal and informal personnel procedures and policies, as well as individual personnel records of employees, former employees, and applicants for employment in the organizational units and job categories being analyzed. During the course of the review, the Regional Office team may wish to conduct interviews with employees, former employees, and applicants for employment in those job categories or organizational units being examined and with personnel responsible for participating in the personnel decisions affecting the selected job categories or organizational units. Interviews may also be conducted with representatives of organizations active on the campus and community organizations which have an interest in equal employment opportunity. It should be emphasized that the organizational examination may be expanded during the review if any information is developed which in the judgment of the Regional Office requires further evaluation and examination.

Based on the information gathered through these processes preliminary findings will be developed by the review team and presented to the head of the institution or his designated representative at an exit conference. Suggestions will be offered as to how the institution can correct or remedy any problems of discrimination or underutilization discovered during the review. While it is expected that the review team will keep the contractor's representatives fully informed of problems as they are discovered during the review, the formal exit conference will assure that the contractor is fully apprised of the likely findings of the review.

The exit interview does not represent a formal presentation of the findings, but provides the contractor an opportunity to review and react to the probable findings, to submit any additional documentation, and to discuss any additional factors which may not have been brought to the reviewers' attention during the review.

3. *Compliance letter.* Within approximately 30 days of the on-site review and the exit conference, the head of the institution will receive a formal letter from the Regional Civil Rights Director. The letter will include an evaluation of the institution's compliance status in each organizational unit, job category, or personnel policy or procedure examined during the review. The letter will include an identification and discussion of all facts considered. The letter may also indicate specifically what must be accomplished by the contractor, suggestions as to what additional actions the contractor might take, and a maximum period of time within which the remedy must be effected.

This letter may be presented either in person by a member of the Regional Office staff or mailed to the contractor. If major problems are found, the letter will be discussed in detail with the responsible administrative officers of the institution.

4. *Response by the contractor.* Within approximately 30 days of receipt of a compliance letter the contractor will be expected to respond in writing to the Regional Civil Rights Director. This response must address itself to each citation contained in the compliance letter and indicate in detail what action has been taken or is planned by the contractor on each point, including the period within which he intends to take action. If the action differs from that set forth as acceptable in the compliance letter, a full justification for the alternative must be set forth, including evidence that the alternative will be effective. If the time limit for effective action differs from that indicated in the compliance letter, the contractor must also provide evidence to support his conclusion that the action cannot be effected within the time specified by the Regional Office.

If the contractor disagrees with a finding made by the Regional Civil Rights Director, its response must state in detail the basis for disagreement and provide evidence to refute the validity of the facts upon which the finding was based, or demonstrate that the finding itself was based on an erroneous interpretation of the facts. In any such case it is expected that the contractor will provide any additional documentation which it considers appropriate to support its position.

Exceptions to the exit conference, compliance letters, and response procedures will in most cases be required in preaward reviews which carry a requirement that notice be given to the government contracting agency regarding the prospective contractor's compliance status within 30 days of the request for clearance. In such instances every effort will be made by the Regional Office to issue the formal letter within 3 weeks of the request, which would allow the contractor 1 week for response. If the contractor is unable for reasons beyond his control to respond within the 1-week period, an extension of the 30-day clearance period will be requested by the Office for Civil Rights from the contracting agency. However, if the contractor elects not to respond within the 1 week or an extension cannot be secured from the contracting agency, the Office for Civil Rights will be unable to make the positive certification required for the award.

5. *Evaluation of the response.* Within approximately 30 days of receipt of the institution's response, the Regional Civil Rights Director will notify the head of the institution of the results of his evaluation of the response. If the response appears to the Regional Office to be satisfactory, or if the response is sufficient to alter a previous finding, the notification will indicate the Regional Office's tentative acceptance of the response and will advise the institution that it has been forwarded to the Washington Office with a recommendation for final acceptance.

If the response is not acceptable to the Regional Office, the notification will indicate the areas of unacceptability and usually will request a conference with the contractor to attempt to resolve the differences. If a resolution cannot be achieved within approximately 30 days following this notification, the matter will be forwarded to the Washington Office with appropriate recommendations for additional conciliation efforts or enforcement action. If such recommendations are made by a Regional Office, the head of the institution will be so advised in writing by the Regional Civil Rights Director. When a case is not resolved at the level of the Regional Office, the Washington Office may determine that additional conciliation efforts are necessary before taking enforcement action. In such cases, the Director of the Office for Civil Rights will inform the institution of its opportunity to meet with the Director or his representatives for further discussion of the unresolved issues.

Conduct of class complaint investigations—1. *Notice of the institution.* Within approximately 10 days of the filing of a class complaint, a notice will be sent by the Regional Civil Rights Director to the head of the institution advising him of the receipt of a complaint. This notice will include the date, place, and circumstances of the alleged unlawful employment practice. Notification of a scheduled review will be sent to the institution as far in advance as possible but at least 2 weeks prior to the initiation of the investigation.

2. *On-site investigation.* At the opening of an investigation a copy of the complaint will be provided to the institution, and the institution will be advised of the procedures to be followed by the reviewer conducting the investigation. The institution will also be advised at this time of the particular personnel processes and the organizational units or job categories which will be reviewed as a part of the investigation. The investigation may involve, according to the discretion of the compliance review team, an examination of relevant data and information concerning present employees, former employees, or applicants for employment in the organization units and job categories associated with the complaint. It may also include an analysis of formal and informal personnel procedures and policies associated with the particular practice being examined;

interviews with employees, former employees or applicants for employment.

Based on the information gathered during the investigation, preliminary findings will be developed by the investigative team and presented to the head of the institution or his designated representative at an exit conference. As in the case of regular reviews, the exit interview does not represent a formal presentation of the findings but provides the contractor an opportunity to submit any additional documentation and discuss any additional factors which may not have been brought to the reviewers' attention during the review and which it wishes the reviewers to consider in preparing their formal findings. If the preliminary finding is that the allegations are valid, the investigative team will advise the institution as to the specific corrective action which may be required by the contractor to remedy the discriminatory treatment, and of the date by which such actions should be taken. It should be noted that while a formal finding is not made at the exit conference, this should not preclude the contractor's acting to remedy a matter brought to his attention during the exit conference, prior to receipt of formal findings.

It should be emphasized that the law protects individuals who have complained of discrimination from harassment by the employer because of that complaint. Instances of harassment or reprisals brought to the attention of the Office for Civil Rights may be considered a basis for enforcement action. The same criteria apply to relatives of complainants and to those who aid in a government inquiry.

Steps following noncompliance determinations show cause notices. When the Director of the Office for Civil Rights has reasonable cause to believe that a contractor has violated the equal opportunity clause, he may issue a notice requiring the contractor to show cause, within 30 days, why monitoring, enforcement procedures or other appropriate action to insure compliance should not be instituted. (See 41 CFR 60–1.28.) A show cause notice will in all cases be issued to the contractor when it is found that a contractor does not have an affirmative action program or that the program is not acceptable under the standards contained in 41 CFR 60–2.10 through 60–2.32. The Department of Labor recently issued a notice of proposed rule making to require that a show cause notice be issued when there is a substantial deviation from an affirmative action program (37 F.R. 17766). In other enforcement circumstances, a show cause notice is not required and its use is at the sole discretion of the Director, Office of Federal Contract Compliance, Department of Labor.

Show cause notices may also be issued by the Regional Civil Rights Director as a part of letters of findings following either a compliance review or a complaint investigation if it is found that an institution which is required to have developed an affirmative action program has not done so, or that the affirmative action program which has been developed by the institution does not conform to the guidelines contained in 41 CFR 60–2.10 through 60–2.32.

Sanctions and penalties. The Executive order authorizes the imposition of the following sanctions and penalties against contractors who have failed to comply with the provisions of the Executive order and the implementing regulations:

1. Publication of the name of the noncomplying contractor.

2. Cancellation, termination, and suspension of contracts or portions of contracts.

3. Debarment from future contracts or extensions or modifications of existing contracts.

In addition, the Director, Office of Federal Contract Compliance, may in some cases recommend to the Department of Justice or the Equal Employment Opportunity Commission the initiation of appropriate judicial proceedings, including criminal proceedings by the Department of Justice for providing false information.

Prior to the imposition of any sanctions and penalties, reasonable efforts within a reasonable time must be made to secure compliance through conference, conciliation, mediation and persuasion, and the contractor must be afforded an opportunity for a hearing. We have briefly described the processes of conference, conciliation, mediation, and persuasion above in outlining the compliance review and compliant investigation procedures. When these efforts fail to produce corrective action adequate to overcome any instance of noncompliance, appropriate administrative proceedings leading to the imposition of sanctions and penalties will be initiated. The first step in this process will be a letter giving contractors 10 days in which to comply or request a hearing before an impartial hearing officer. The procedures for imposition of the sanctions and penalties are detailed in 41 CFR 60–1.26, 60–1.27, 60–1.30 and 60–1.31.

A hearing adjudicates whether the contractor is out of compliance with the requirements of the Executive order and its regulations. Except to the extent that applicable law provides otherwise, the burden of proving noncompliance is on the Government. Hearings are conducted in accordance with the Department's rules for such proceedings, published at 45 CFR Part 82 and 37 F.R. 7323. These rules also prescribe the procedures for intervention of interested parties in these proceedings (§ 82.6), and for review within the Department of the decision of the hearing officer (§ 82.37).

The Office for Civil Rights is responsible for advising HEW contracting agencies as to whether contractors for which they are responsible can comply with the requirements of the equal employment opportunity clause contained in each Federal contract over $10,000. Such advice is binding upon the contracting officers in their determinations of the responsibility of prospective contractors. OFCC is responsible for advising other agencies on the contractor's compliance status. Such advice is ordinarily based upon the information and findings of the OCR review.

If the Office for Civil Rights has determined, pursuant to the review and enforcement procedures outlined in this and the preceding section, that a contractor is unable to comply with its equal employment opportunity obligations, the Director may so advise all contracting agencies.[7] This notification may or may not occur in the context of a response to a request for clearance of a new award or of the modification or extension of an existing contract.[8]

Notification of "inability to comply" to contracting agencies by the Director of the Office for Civil Rights has the effect of denying or deferring the extension of an existing contract or the award of a new contract which may arise. In such cases, the contractor is entitled to have an immediate hearing on its compliance status concurrent with the second denial or deferral of a contract award.

Procedures for a formal hearing, including those for cancellation or termination of existing contracts and debarment from further contracts, are set forth in detail in 41 CFR 60–1.26(b) (Tab B), and in chapter 27–10 of the Department of Health, Education, and Welfare General Administration Manual (34 F.R. 1276).

Tab J: Data Gathering and Analysis—Suggested Procedures

A necessary prerequisite to the development of a meaningful affirmative action program is the identification and analysis of problem areas inherent in minority and female employment, and an evaluation of the opportunities for utilization of minorities and women in the contractor's workforce. (See Guidelines p. 2 for an explanation of the obligations of public contractors.)

The first step in the contractor's analysis of his work force is to determine where policies and practices have had the effect of denying equal employment opportunity and benefits to certain groups of persons on a discriminatory basis. This will necessitate the development of a comprehensive inventory of all employees.

An employer must then organize this inventory so as to determine:

1. Any patterns of job classification and assignment identifiable by sex or minority group;

2. Any job classification or organizational unit where women and minorities are not employed or are underutilized (see Guidelines p. 3 for a definition of underutilization); and

3. Any patterns of difference in rate of pay, status, type of appointment, termination, or rates of advancement within job classifications or organizational units which are identifiable by sex or minority group.

The results of a contractor's analysis should be shared and discussed with personnel relations staff, with department and divisional heads and with other supervisors responsible for academic and nonacademic personnel to determine whether patterns suggesting deficiencies in equal employment exist and, if so, why. At this stage of evaluation, some institutions have set up task forces to assist in identifying discriminatory patterns and practices. This has proven particularly useful in the area of academic employment, where the faculty has traditionally had a principal responsibility for matters relating to faculty status.

A. Basic Data File

The contractor must first establish a basic data file on its employees. This is the primary source material of the institution and need not be submitted to the Office for Civil

[7] 41 CFR 60–2.2 provides in part that "[A]ny contractor required . . . to develop an affirmative action program . . . who has not complied fully * * * is not in compliance with Executive Order 11246 * * *" and "is unable to comply with the equal employment opportunity clause" unless the Government can "otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations or, unless, upon review, it is determined by the Director [Office of Federal Contract Compliance] that substantial issues of law or fact exist as to the contractor's responsibility to the extent that a hearing is, in his sole judgment, required prior to determination * * *"

[8] 41 CFR 60–1.20(d) provides that contracts of $1 million or more, including modifications or extensions of existing contracts which involve the allocation of additional funds in the amount of $1 million or more, cannot be awarded without a finding that the prospective contractor is complying with the provisions of the Executive order and the implementing regulations.

Rights, although the contractor may be required at some time to supply OCR with this information in order to determine the accuracy in the compilation of the data.

The basic file should contain the following for each employee:

(1) Name and/or identification number (See discussion below).
(2) Sex.
(3) Ethnic identification (Negro, Spanish-surnamed, American Indian, Oriental. All others, including Caucasians, should be identified as "other").
(4) Year or date of birth, or age.
(5) Current salary (full-time annual equivalent).
(6) Current job family or generic job family.
(7) Current job title.
(8) Personnel action resulting in current job title (new hire, promotion, transfer, demotion).
(9) Date of personnel action resulting in current title (years in current job).
(10) Previous job title.
(11) Employment status (full-time, part-time, tenured, non-tenured, etc.).
(12) Educational level.
(13) Organizational unit where employed.
(14) Date of hire.

The contractor may wish to compile this basic data in the form of a master list, or computer printout, arranged by department, within department by job classification, and within job classification by length of service and salary. The Office for Civil Rights will not normally require that these printouts be submitted, if the summaries described below are compiled in such a way as to be sufficient to determine compliance.

In collecting data on employees, it is not necessary to identify the employees by name. Where there is an objection raised by an individual to providing data on his or her race or sex, it should be made clear that individuals are not themselves legally bound to report such information. Where an inventory by voluntary submission of such data on the part of employees is not obtained, however, employers must rely on their supervisors to make identification on the basis of their "best knowledge" of employees. It is clear that no inventory method, and particularly the latter one, will provide perfect accuracy. Nevertheless, the institution must devise some method which will produce reasonably accurate data upon which to base its identification of problems or deficiencies and to develop a responsive affirmative action program.

B. ORGANIZATION

The basic data on all employees must be summarized for ready analysis in the following manner:

1. By department, a list of each job classification in descending order (e.g. professor, associate professor; secretary 1, secretary 2, etc.) showing the numbers by sex for each racial and ethnic group, as well as cumulative figures for minorities and for females generally.

2. By job classification, within the entire institution, showing the numbers by sex for each ethnic group, as well as cumulative figures for minorities and for females generally. In order to satisfy this requirement an institution must establish an organization chart, broken down by career ladders; it must also classify all job titles and organize them into career ladders. The duties, educational requirements, experiential requirements and pay ranges for each position must be made reasonably explicit.

3. By department, the mean salary in each job classification, by sex for each racial and ethnic group.

4. By job classification, across department lines, the mean salary in each classification, by sex for each racial and ethnic group.

C. REQUIRED ANALYSIS

1. *Availability of women and minorities.* A unique aspect of equal employment opportunity under the Executive order is the required compilation of availability data on women and minorities for use as a measure of the contractor's equal employment opportunity. By comparing availability data with current employees, the contractor has an indication of how representative its workforce is of the persons qualified for employment in its institution.

The Department of Labor's Revised Order No. 4 (41 CFR 60–2.11(a) (1 and 2)) contains explicit guidelines for constructing an availability index for minorities and an availability index for women. These indices are particularly applicable in the case of nonacademic personnel.

The demographic data needed to develop these estimates can generally be secured through the Census Bureau, the Department of Labor's Bureau of Labor Statistics and its Women's Bureau, and from city, county and state governments, including planning commissions and public employment agencies. Estimates concerning minority population, workforce and requisite skills may often be obtained from local Chambers of Commerce, union organizations, and minority and women's advocacy groups such as the Urban League and NOW. The community organizations serving minorities and women will often be the closest to the situation and thus should be contacted by the contractor in preparing estimates of availability.

For academic personnel the development of availability figures is slightly different, because the recruiting area will vary from institution to institution. It may be a national or even international one. Because the skills required for a particular position are often quite specialized, accurate information on availability may be more difficult to obtain.

OCR recommends the following procedure for determining availability figures for women and minorities for academic positions:

Many disciplinary associations and professional groups have data that show percentages of racial and national origin minorities available in certain fields, and a 1968 study by the Ford Foundation (Office of Reports) provides percentages of Negroes holding doctorates. To determine the number of women available for senior level positions, the Office recommends that the contractor use data available from the National Register of Scientific and Technical Personnel prepared by the National Science Foundation, and the U.S. Office of Education's annual reports on earned degrees. Another source is the National Research Council of the National Academy of Science. This data has been compiled by sex, but is now being compiled by race, as well. The NSF data is broken down by sex, specialty and subspecialty, highest degree, years of professional experience, and primary work activity. The OE data is broken down by sex, degree earned, school granting degree, and specialty. For women in junior positions, the Office recommends that the contractor consider the OE annual report of earned degrees for the last 5 years and current graduate school enrollments.

To the extent that an institution makes a practice of employing its own graduates, the number and percentage of graduate degrees which it has itself awarded to women and minorities in the past 10 years or so should be reflected in the goals which it sets for its future faculty appointments.

For academic employees the basic national data on earned doctoral degrees will provide the basis for a utilization analysis of a contractor's work force, unless the contractor can otherwise demonstrate that the labor market upon which it draws is significantly different from this base. For example, some institutions appoint a large number of new faculty from a particular group of graduate schools; such institutions may use data obtained from these schools to determine the availability of women and minorities. If the annual output of women and minorities from the primary feeder schools exceeds the national average, the contractor will be expected to use higher figures to determine availability. If the output from the feeder schools is less than the national average, the institution will be expected to justify its use of such recruitment sources, or use the higher figures to determine eligibility.

2. *Comparison of current work force with availability data.* The next step for the contractor is to compare the number of women and minorities in its current work force with their availability in the market from which it can reasonably recruit. This comparison must be by comparable job categories. Wherever the comparison reveals that a hiring unit of the university (a department or other section) is not employing minorities and women to the extent that they are available and qualified for work, it is then required to set goals to overcome this situation.

Goals should be set so as to overcome deficiencies in the utilization of minorities and women within a reasonable time. In many cases this can be accomplished within 5 years; in others more time or less time will be required.

Goals may be set in numbers or percentages, and should reflect not only the number of new hires but also the projected overall composition of the work force in the given unit.

It is necessary to set goals that will overcome underutilization in the institution's work force within a reasonable period of time, not merely to set goals for new hires based on current availability.

In many institutions the appropriate unit for goals is the school or division, rather than the department. While estimates of availability in academic employment can best be determined on a disciplinary basis, anticipated turnover and vacancies can usually be calculated on a wider basis. While a school, division or college may be the organizational unit which assumes responsibility for setting and achieving goals, departments which have traditionally excluded women or minorities from their ranks are expected to make particular efforts to recruit, hire and promote women and minorities. In other words, the Office for Civil Rights will be concerned not only with whether a school meets its overall goals, but also whether apparent general success has been achieved only by strenuous efforts on the part of a few departments.

3. *Salary analysis.* A salary analysis is required for all employees. The basic question to be answered by such an analysis is whether there is a difference in the salary of employees with the same job title that can be attributed to their sex or minority status. However, before this analysis is done, job titles must be compared and overlapping ones merged so that persons doing the same work with different job titles benefit from the salary analysis.

The most effective means of undertaking a meaningful salary analysis may vary from institution to institution. Factors which are taken into consideration in determining salary may vary among and even within institutions. The purpose and function of every salary analysis should be to determine whether women or minority group persons are being paid lower wages for performing the same or essentially the same duties.

D. ADDITIONAL TYPES OF ANALYSES WHICH ARE USEFUL IN DETERMINING COMPLIANCE

1. *Locations analysis.* In an attempt to prevent the development of segregated job titles in any physical location, a locations report is suggested. This report should examine the race-sex-national origin composition of each job title in each major organizational unit of the institution, e.g., athletic department, health services, hospitals, central administration, deans' offices, building and grounds, etc.

This analysis may not be revealing where the units involved are small or where the numbers of minorities or women in the job title are few. But where a university discovers that it has one minority or sex group clustered in any one unit, even though there are members of the opposite sex or of other minorities in the same job title clustered elsewhere, corrective action must be taken. If a university discovers the reason for this concentration, it can prevent it from recurring or continuing by altering its policies.

This type of analysis may also be useful in determining at what point in the organizational structure women or minorities cease to move upward, and what obstacles to upward mobility may exist within the contractor's organizational structure.

2. *Promotion analysis.* A university may also compile data to determine the success or failure of women and minorities in attaining promotion or tenure. One possible method is to compare the time spent prior to gaining promotion or tenure by males and by females of similar experience or by minorities and by others of similar experience. Another comparison could show the percentage in each group eligible for and those granted promotion or tenure. Wide variance among sex-ethnic-racial groups would necessitate further analysis.

E. TESTING AND TEST VALIDATION

41 CFR Part 60-3 ("Employee Testing and Other Selection Procedures") requires all contractors to validate tests used as a basis for employment decisions, in order to make certain they are not discriminatory, and provides that contractors may be required to validate other employee selection techniques.

The term "test" is defined as any paper-and-pencil or performance measure used as a basis for any employment decision and all other formal, scored, quantified or standardized techniques of assessing job suitability.

The latter techniques include personal history and background requirements which are specifically used as a basis for qualifying or disqualifying applicants or employees, specific educational or work history requirements, scored interviews, biographical information blanks, interviewer's rating scales, and scored application forms.

If a test or selection technique is determined to have a disproportionate impact on minority persons or women, such test or selection technique must be validated pursuant to the regulations cited above.

A testing report should contain the following data: Name of test, publisher, and publication date of the test, the groups on whom it was validated and when and where the groups to whom it is administered by the contractor and in what employment decisions it is used, the average score, the standard deviation for each race-sex group taking the test and the number of people in each race-sex group taking the test. Data should be kept indicating the scores, standard deviation, and number of people in each race-sex group who took the test and subsequently received a favorable personnel action (hired, promoted, placed in new job) in part because of their test scores. Based on the analysis of this data, the contractor must determine where tests must be eliminated or modified.

Dated: November 13, 1972.

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

[FR Doc.72-19908 Filed 11-17-72;8:50 am]

Office of the Secretary

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Notice of Early Childhood Study Section Meeting

The Early Childhood Study Section of the Child and Family Development Research Review Committee will meet on November 28, 29, and 30, 1972. Each day the study section will meet from 9 a.m. until 5:30 p.m. in the cabinet room of the Shoreham Hotel, 2500 Calvert Avenue NW., Washington, DC. The meetings will be closed to the public. The purpose of the Child and Family Development Research Review Committee is to review applications of research and demonstration projects and to make recommendations to the Director of the Office of Child Development as to which projects should be funded. A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard, Research and Evaluation Division, Office of Child Development, Post Office Box 1182, Washington, DC 20013, 202—755-7758.

Dated: November 9, 1972.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.72-19915 Filed 11-17-72;8:51 am]

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Notice of Family and Youth Study Section Meeting

The Family and Youth Study Section of the Child and Family Development Research Review Committee will meet on December 4, 5, and 6, 1972. Each day the study section will meet from 9 a.m. until 5:30 p.m. in the cabinet room of the Shoreham Hotel, 2500 Calvert Avenue NW., Washington, DC. The meetings will be closed to the public. The purpose of the Child and Family Development Research Review Committee is to review applications of research and demonstration projects and to make recommendations to the Director of the Office of Child Development as to which projects should be funded. A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard, Research and Evaluation Division, Office of Child Development, Post Office Box 1182, Washington, DC 20013, 202-755-7758.

Dated: November 9, 1972.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.72-19914 Filed 11-17-72;8:51 am]

HEAD START NATIONAL ADVISORY COMMITTEE

Notice of Committee Meeting

There will be a meeting of the Head Start National Advisory Committee on Monday, Tuesday, and Wednesday, December 4, 5, and 6, 1972. The meeting will be held at the Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD, from 9 a.m. until 5 p.m., and is open to the public. The purpose of the Head Start National Advisory Committee is to advise the Director of Project Head Start on matters related to the planning, conduct, and direction of Head Start. The agenda for the upcoming meeting will include: Reports from the bylaws and program review subcommittees; adoption of the bylaws; briefings on the status of Head Start legislation and appropriations, and on projects and programs currently being emphasized by the Office of Child Development; election of officers; and subcommittee meetings.

Dated: November 8, 1972.

CLEMENTINE B. BROWN,
Acting Executive Secretary.

[FR Doc.72-19913 Filed 11-17-72;8:51 am]

Social Security Administration

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order No. 11671, published in the FEDERAL REGISTER of June 7, 1972 (37 F.R. 11307), that the Health Insurance Benefits Advisory Council, established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of the Department of Health, Education, and Welfare on medicare and medicaid matters, will meet on Friday, December 1, 1972, and Saturday, December 2, 1972, at 9 a.m. in Room G-10, East Building, Social Security Administration, Woodlawn, Baltimore County, MD. The various committees may meet Thursday evening, November 30, 1972, and, if so, will report to the Council on Saturday. The meetings are open to the public. The Council will consider matters relating to the medicare and medicaid programs.

Further information on the Council may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, telephone 301—594-9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

Dated: November 13, 1972.

MAX PERLMAN,
Executive Secretary, Health Insurance Benefits, Advisory Council.

[FR Doc.72-19916 Filed 11-17-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

On November 29 and 30, 1972, the National Highway Safety Advisory Committee will hold open meetings in Arlington, Va., and Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the president in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The following meetings will be held:

The full committee will meet from 9 a.m. to 12 noon on November 29 in Salon B of the Crystal City Marriott Motor Hotel, 1999 Jefferson Davis Highway, Arlington, VA, with the following agenda:

Report of Executive Subcommittee.
Report on Traffic Court Adjudication Problems Related to Drunk Driving Cases.
Status Report on Federal Agencies' Implementation of Highway Safety Standards.
Status Report on Standards Revision.

From 1:30 p.m. to 4 p.m., the two subcommittees will meet with the following agenda:

Subcommittee on Standards Implementation.
Status Report on "Report Card".
Discussion on Federal Agencies' Implementation of Highway Safety Standards.
Discussion and Status Report on Regional Highway Safety Conference.
Plans for Legislative Liaison: Meetings Between Committee Members and State Legislators.
New business.

Subcommittee on Research and Program Development.
GAO Report on Highway Safety Improvement program.
Discussion on Standards Revision.
Briefing on Driver Control Programs and Research.
Status Report on States' Implementation of Single State Agency Requirements.
New business.

On November 30, the full committee will meet from 9 a.m. until 12 noon in room 2230 of the DOT Headquarters Building, with the following agenda:

Report of Subcommittee on Standards Implementation.
Report of Subcommittee on Research and Program Development.
New business.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, 202—426-2872.

This notice is given pursuant to section 13 of Executive Order 11671, June 5, 1972.

Issued on: November 14, 1972.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.72-19899 Filed 11-17-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-329; 50-330]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Alan S. Rosenthal, Chairman.
Dr. John H. Buck.
Mr. William Parler.

Dated: November 13, 1972.

WILLIAM L. WOODARD,
Executive Secretary, Atomic Safety and Licensing Appeal Panel.

[FR Doc.72-19855 Filed 11-17-72;8:45 am]

[Docket No. PRM-20-3]

GENERAL ELECTRIC CO.

Filing of Petition

Notice is hereby given that the General Electric Co., 175 Curtner Avenue, San Jose, CA, by letter dated October 30, 1972, has filed with the Atomic Energy Commission a petition for rule making to amend 10 CFR Part 20 by the deletion of § 20.5(c)(1) and the revision of the maximum permissible concentrations for natural uranium and natural thorium in Appendix B to those based on a curie, defined as 3.7×10^{10} disintegrations per second.

For purposes of the Commission's standards for protection against radiation, § 20.5(c)(1) defines 1 curie of natural uranium as the sum of 3.7×10^{10} disintegrations per second from U^{238} plus 3.7×10^{10} dis/sec. from U^{234} plus 1.7×10^{9} dis/sec. from U^{235}. Also, it defines 1 curie of natural thorium as the sum of 3.7×10^{10} dis/sec. from Th^{232} plus 3.7×10^{10} dis/sec. from Th^{228}.

The petition notes that this definition results in a value which is slightly more than twice that for a curie of any other radionuclide (i.e., 3.7×10^{10}), and that the maximum permissible concentrations of natural uranium and natural thorium in Appendix B of 10 CFR Part 20 are expressed in terms of the curie as defined in § 20.5(c)(1).

The petition states that this definition causes serious misunderstanding and erroneous interpretation of certain measurement results while serving no real purpose related to safety.

The petition also states that deletion of this definition, and revision of the maximum permissible concentration values based on a natural uranium curie, as well as on a natural thorium curie, defined as 3.7×10^{10} disintegrations per second, will eliminate confusion, is authorized by law, and will not result in undue hazard to life and property.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration, Office of the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 60 days after publication of this notice in the FEDERAL REGISTER.

Dated at Germantown, Md., this 10th day of November 1972.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.72-19856 Filed 11-17-72;8:45 am]

[Dockets Nos. 50-400, 50-401, 50-402, and 50-403]

CAROLINA POWER & LIGHT CO.

Establishment of Atomic Safety and Licensing Board

On September 29, 1972, the Commission published in the FEDERAL REGISTER, 37 F.R. 20344, a notice of hearing to consider the applications filed by the Carolina Power & Light Co. for construction permits for the Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, Rules of Practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Glenn O. Bright, Dr. J. V. Leeds, Jr., and Mr. Thomas W. Reilly, Esq., Chairman. Dr. David L. Hetrick has been designated as a technically qualified alternate and Mr. Hugh K. Clark, Esq., has

been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Mr. Thomas W. Reilly, Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Mr. Glenn O. Bright, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

3. Dr. J. V. Leeds, Jr., associate professor, Environment and Electrical Engineering, Rice University, mailing address—Post Office Box 941, Houston, TX 77001.

4. Mr. Hugh K. Clark, alternate chairman, retired attorney, E. I. du Pont de Nemours Co., mailing address—Post Office Box 127A, Kennedyville, MD 21645.

5. Dr. David L. Hetrick, alternate, professor, Department of Nuclear Engineering, College of Engineering, The University of Arizona, Tucson, Ariz. 85721.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of November 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-19973 Filed 11-17-72;8:53 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Oral Argument

In the matter of Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station), Docket No. 50-309.

Take notice, that pursuant to § 2.730 (d) of the rules and regulations of the Atomic Energy Commission, and as further agreed to among the parties, oral argument by the parties on their proposed findings of fact and conclusions of law will be held at 9:30 a.m., local time, on November 29, 1972, at the Federal Post Office Building, 125 Forest Avenue, Room 258, Portland, ME 04101.

It is so ordered.

Issued at Washington, D.C., this 15th day of November 1972.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.72-19972 Filed 11-17-72;8:53 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Establishment of Atomic Safety and Licensing Board

On September 23, 1972, the Commission published in the FEDERAL REGISTER, 37 F.R. 20089, a notice of hearing to consider the application filed by the Niagara Mohawk Power Corp. for a construction permit for the Nine Mile Point, Unit No. 2. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, Rules of Practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Marvin M. Mann, Dr. William E. Martin, and Mr. Daniel M. Head, Esq., Chairman. Mr. Gustave A. Linenberger has been designated as a technically qualified alternate and Mr. Joseph F. Tubridy, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Mr. Daniel M. Head, Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Dr. Marvin M. Mann, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

3. Dr. William E. Martin, Senior Ecologist, Battelle Memorial Institute, Columbus, Ohio 43201.

4. Mr. Joseph F. Tubridy, Alternate Chairman, a retired attorney, U.S. Department of Justice, mailing address—4100 Cathedral Avenue NW., Washington, DC 20016.

5. Mr. Gustave A. Linenberger, Alternate, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of November 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-19974 Filed 11-17-72;8:53 am]

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER & LIGHT CO.

Establishment of Atomic Safety and Licensing Board

On September 23, 1972, the Commission published in the FEDERAL REGISTER, 37 F.R. 20090, a notice of hearing to consider the application filed by The Pennsylvania Power & Light Co. for construction permits for the Susquehanna Steam Electric Station Units 1 and 2. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, Rules of Practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Lester Kornblith, Jr., Dr. Gerard A. Rohlich, and Mr. Edward Luton, Esq., Chairman. Mr. Frederick J. Shon has been designated as a technically qualified alternate and Mr. John B. Farmakides, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Mr. Edward Luton, Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Mr. Lester Kornblith, Jr., a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

3. Dr. Gerard A. Rohlich, Professor of Environmental Engineering, Department of Civil Engineering, University of Texas, Austin, Tex. 78712.

4. Mr. John B. Farmakides, Alternate Chairman, attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

5. Mr. Frederick J. Shon, Alternate, technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of November 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-19975 Filed 11-17-72;8:53 am]

[Docket No. 50-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Establishment of Atomic Safety and Licensing Board

On September 28, 1972, the Commission published in the FEDERAL REGISTER, 37 F.R. 20271, a notice of hearing to consider the application filed by the Washington Public Power Supply System for a construction permit for the Hanford No. 2 Nuclear Powerplant. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, rules of practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Cadet H. Hand, Jr., Dr. Forrest J. Remick, and Robert M. Lazo, Esq., Chairman. Dr. Stuart G. Forbes has been designated as a technically qualified alternate and Jerome Garfinkel, Esq., has been designated as an alternate quali-

fied in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Robert M. Lazo, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.
2. Dr. Cadet H. Hand, Jr., Director, Bodega Marine Laboratory, University of California, Post Office Box 247, Bodega Bay, CA 94923.
3. Dr. Forrest J. Remick, physicist, Pennsylvania State University, 207 Old Main Building, University Park, PA 16802.
4. Jerome Garfinkel, Esq., Alternate Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, DC 20545.
5. Dr. Stuart G. Forbes, Alternate, physicist, TRW Systems Group, Redondo Beach, Calif.—mailing address, 100 Tennessee Avenue, Apt. 37, Redlands, CA 92373.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of November 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-19976 Filed 11-17-72;8:53 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Establishment of Atomic Safety and Licensing Board

On September 27, 1972, the Commission published in the FEDERAL REGISTER, 37 F.R. 20190, a notice of hearing to consider the application filed by the South Carolina Electric and Gas Co. for a construction permit for the Virgil C. Summer Nuclear Station. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2 rules of practice and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. John R. Lyman, Mr. Frederick J. Shon, and Mr. Daniel M. Head, Esq., Chairman. Dr. Kenneth A. McCollom has been designated as a technically qualified alternate and Mr. Walter W. K. Bennett, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Mr. Daniel M. Head, Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.
2. Dr. John R. Lyman, Head of the Office of Marine Sciences and Professor of Oceanography, Department of Environmental Sciences and Engineering, University of North Carolina, Chapel Hill, N.C. 27514.
3. Mr. Frederick J. Shon, a physicist and technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.
4. Mr. Walter W. K. Bennett, Alternate Chairman, an attorney and retired Administrative Law Judge of the Federal Trade Commission, mailing address—Post Office Box 185, Pinehurst, NC 28374.
5. Dr. Kenneth A. McCollum, Assistant Dean, College of Engineering, Oklahoma State University, Stillwater, Okla.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 14th day of November 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-19857 Filed 11-17-72;8:45 am]

UNDERGROUND NUCLEAR TEST PROGRAM, NEVADA TEST SITE

Notice of Availability of the General Manager's Draft Environmental Statement

Notice is hereby given that a document entitled "Draft Environmental Statement—Underground Nuclear Test Program—Nevada Test Site" issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(c) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Albuquerque Operations Office, Post Office Box 5400, Albuquerque, NM 87115; Chicago Operations Office, 9500 South Cass Avenue, Argonne, IL 60439; Grand Junction Office, Post Office Box 2567, Grand Junction, CO 81501; Idaho Operations Office, Post Office 2108, Idaho Falls, ID 83401; New York Office, 376 Hudson Street, New York, NY 10014; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704. This statement was prepared in support of legislative action related to the Commission's underground nuclear tests at the test site in Nevada of 1 megaton or less for weapons development, nuclear effects studies and PLOWSHARE development.

The draft environmental statement will be furnished upon request addressed to the Director, Division of Environmental Affairs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Comments on the draft environmental statement from members of the public shall be considered in the final environmental statement if received by the Director, Division of Environmental Affairs, within forty-five (45) calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Dated at Germantown, Md., this 13th day of November 1972.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.72-19858 Filed 11-17-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24488; Order 72-11-55]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of November 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, adopted for expedited November 1, 1972 effectiveness at the Worldwide Passenger Conference held September-October 1972, in Torremolinos, Spain, expires on April 30, 1973.

The agreement would establish group inclusive tour fares between Miami and Port au Prince at $92 and $82 peak and basic seasons, respectively. The agreement would also specify normal first-class and economy fares for travel between Brasilia and Guayaquil/Lima/Quito, and excursion fares for travel between Brasilia and Lima. Additionally, the agreement encompasses the adoption of a new resolution governing group inclusive tour fares from Port of Spain to Belem/Fortaleza/Manaus. We are approving the agreement to the extent that it involves fares directly applicable in air transportation, and normal first-class and economy fares, as well as excursion fares, which are combinable with fares to/from U.S. points and which thus have indirect application in air transportation as defined by the Act. Group inclusive tour fares not involving travel to or from the United States, on the other hand, are not similarly combinable and we are herein disclaiming jurisdiction with respect to that aspect of the agreement.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolution, which is incorporated in Agreement CAB 23341 as indicated, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
23341 R–4	084i	TC1 14 Day Group Inclusive Tour Fares—Caribbean and Bermuda (Amending).	1.

2. It is not found that the following resolutions, which are incorporated in Agreement CAB 23341 as indicated and which do not directly affect air transportation within the meaning of the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
23341 R–1	051	TC1 First Class Fares (Amending)	1.
R–2	061	TC1 Economy Class Fares (Amending)	1.
R–3	070	TC1 Excursion Fares (Amending)	1.

3. It is not found that the following resolution, which is incorporated in Agreement CAB 23341 as indicated, affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
23341 R–5	084v	TC1 Group Inclusive Tour Fares—Port of Spain—Brazil (New)	1.

Accordingly, it is ordered, That:

1. Agreement CAB 23341, R–1 through R–4 be and hereby is approved; and
2. Jurisdiction is disclaimed with respect to Agreement CAB 23341, R–5.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–19929 Filed 11–17–72;8:51 am]

[Docket No. 23333; Order 72–11–36]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, November 10, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated November 3, 1972, names additional specific commodity rates as set forth in the attachment hereto.[1] These rates reflect reductions from the otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 23371, R–1 through R–4, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–19928 Filed 11–17–72;8:50 am]

[1] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 622]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 13, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

102–C2–P–(2)–73—United Business Service, Inc. (New), for a new two-way station to be located at San Rafael Hill, end of Chula Vista Drive, San Rafael, Calif., to operate on 454.050 and 454.225 MHz.

3190–C2–P–73—Mobil Phone Services (New), for a new two-way station to operate on 152.12 MHz at 4.8 miles southeast of Mount Pleasant, Tex.

3191–C2–P–(3)–73—A. F. Kimmel (KGA802), for additional facilities to operate on 152.21 MHz base and 459.150 MHz repeater at location No. 1: Montour Ridge, 4.25 miles northeast of Danville, Pa., and add 459.150 MHz for control facilities at location No. 2: 406 West Main Street, Bloomburg, PA.

3193–C2–P–73—E & J Mobile Radio Service (New), for a new two-way station to operate on 454.025 MHz at Route No. 41, 3.2 miles south of South Solon, Ohio.

3201–C2–P–73—Brandenburg Telephone Co. (New), for a new one-way station to operate on 152.84 MHz at 316 West Lincoln Trail Boulevard, Radcliff, KY.

3202–C2–P–73—Fennimore Telephone Co. (New), for a new one-way station to operate on 158.10 MHz at 0.8 mile southeast of Fennimore, Wis.

3203–C2–P–73—Burlington, Brighton & Wheatland Telephone Co. (New), for a new one-way station to operate on 158.10 MHz at 2 miles south of Burlington, Wis.

3204–C2–P–73—Stockbridge & Sherwood Telephone Co. (New), for a new one-way station to operate on 152.84 MHz at 1.8 miles southwest of Sherwood, Wis.

3205–C2–P–73—Dodge County Telephone Co. (New), for a new one-way station to operate on 158.10 MHz at 1.8 miles southwest of Reeseville, Wis.

3206–C2–P–73—Mosel & Centerville Telephone Co. (New), for a new one-way station to operate on 152.84 MHz at 4 miles northwest of Howards Grove, Wis.

3207–C2–P–73—The Pacific Telephone & Telegraph Co. (KMM585), replace transmitter and change the antenna system located at Rocky Hill, 3 miles east of Exeter, Calif., operating on 152.54 MHz.

3208–C2–P–(5)–73—Southern Bell Telephone & Telegraph Co. (KIG292), change the antenna system and relocate facilities operating on 152.51, 152.57, 152.66, 152.72, and 152.78 MHz at 325 Gardenia Street, West Palm Beach, FL (same location).

3299–C2–P–(2)–73—Gulf Mobilphone Alabama, Inc. (KTS206), to reduce the height of antenna operating on 454.075 and 454.125 MHz located at the First National Bank Building, Mobile, Ala.

3300–C2–AL–(2)–73—Moore's Service, consent to assignment of license from Allen C. Moore, doing business as Moore's Service, assignor, to Moore's Service, Inc., assignee, stations: KSJ628 and KLF592 (one way), Fort Wayne, Ind.

Correction

2853–C2–P/ML–73—Communications Equipment & Service Co. (KWA632), correct to read: Channels 152.03 and 152.09 MHz at location No. 1: Ester Dome, Alaska, only. See Report No. 621, dated November 6, 1972.

RURAL RADIO SERVICE

3188–C1–MP/L–73—RCA Alaska Communications, Inc. (WOG23), change the antenna system and add 454.45 MHz at Frontier Camp, 190 miles east-southeast of Barrow, Alaska.

3189–C1–P/L–73—Same for a new interoffice fixed station to operate on 459.45 MHz at Franklin Bluffs, 22 miles north of Sagwon Airport, Alaska.

3192–C1–P/ML–73—Pacific Northwest Bell Telephone Co. (KZA73), change frequency to 157.86 MHz communicating with Klamath Falls, Oreg. (KOF342). Subscriber and location: Round Lake Ranch, 5.5 miles north-northeast of Keno, Oreg.

3209–C1–P–73—RCA Alaska Communications, Inc. (New), for a new central office station to operate on 152.54, 152.63, 152.69, and 152.81 MHz at the remote mountaintop, Tuklung Mountain, Alaska.

3210–C1–P–73—Same as above, except, for a new rural subscriber station to operate on 157.80, 157.89, 157.95, and 158.07 MHz at Manokotak Village, 20 miles west-southwest of Dillingham, Alaska.

3211–C1–P–73—Same, except, to be located at Togiak Village, 60 miles west of Dillingham, Alaska.

3212–C1–P–73—Same, except, to be located at Twin Hills Village, 62 miles west of Dillingham, Alaska.

RURAL RADIO SERVICE—continued

3213–C1–P–73—Same, except, to be located at Ekuk Village, 18 miles south of Dillingham, Alaska.

3214–C1–P–73—Same, except, to be located at Clarks Point Village, 15 miles south of Dillingham, Alaska.

3215–C1–P–73—Same, except, for a central office to operate on 152.54, 152.63, and 152.69 MHz at Kalakaket Creek WACS, Alaska.

3216–C1–P–73—Same, except, for a rural subscriber station to operate on 157.80, 157.89, and 157.95 MHz at Koyukuk Village, 25 miles west-northwest of Galena AFS, Alaska.

3217–C1–P–73—Same, except, to be located Nulato Village, 35 miles west of Galena AFS, Alaska.

3218–C1–P–73—Same, except, to be located at Ruby Village, 43 miles east of Galena AFS, Alaska.

3219–C1–P–73—Same, except, for a central office to operate on 152.54, 152.63, 152.69, and 152.81 MHz at Muklung Hills, Alaska.

3220–C1–P–73—Same, except, for a rural subscriber station to be located at Ekwok Village, 45 miles northeast of Dillingham, Alaska, to operate on 157.80, 157.89, 157.95, and 158.07 MHz.

3221–C1–P–73—Same, except, to be located at Koliganak Village, 70 miles northeast of Dillingham, Alaska.

3222–C1–P–73—Same, except, to be located at New Stuyahok Village, 55 miles northeast of Dillingham, Alaska.

3223–C1–P–73—Same, except, to be located at Aleknagik Village, 15 miles north-northwest of Dillingham, Alaska.

3224–C1–P–73—Same, except, to be located at Portage Creek Village, 32 miles east of Dillingham, Alaska.

3291–C1–P–73—Same, except, for a central office to operate on 152.54, 152.63, and 152.69 MHz at Indian Mountain AFS, Alaska.

3292–C1–P–73—Same, except, to be located at Alakaket Village, 123 miles northeast of Galena AFS, Alaska.

3293–C1–P–73—Same, except, to be located at Hughes Village, 120 miles northwest of Galena AFS, Alaska.

3294–C1–P–73—Same, except, to be located at Huslia Village, 60 miles north of Galena AFS, Alaska.

3301–C1–P–73—Somerset Telephone Co. (KCE39), replace transmitter operating on 152.51 MHz at Eustis Ridge Road, Eustis, Maine.

3302–C1–P–73—Same (KCE40), replace transmitter operating on 157.77 MHz at Coburn Gore, Maine.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3182–C1–MP–73—Western Tele-Communications, Inc. (WKR45), station at Woodson Mountain, 7 miles west-southwest of Ramona, Calif. Latitude 33°00'31" N., longitude 116°-58'15" W. MP to change polarization of frequency 5960 MHz to horizontal toward Toro Peak, Calif., azimuth 41°35'.

2795–C1–ML–73—Southern Bell Telephone & Telegraph Co. (KIN54), 3.2 miles southwest of Waxhaw, N.C. Latitude 34°53'14" N., longitude 80°46'59" W. Modification of license to change polarization from H to V on frequencies 3750, 3830, 3910, 3990, and 4070 MHz toward Graniteville, N.C.

2796–C1–ML–72—Same (KJJ65), 900 Franklin Avenue, Graniteville, N.C. Latitude 35°-15'07" N., longitude 80°49'45" W. Modification of license to change polarization from H to V on frequencies 3710, 3790, 3870, 3950, and 4030 MHz toward Waxhaw, N.C.

3195–C1–ML–73—The Western Union Telegraph Co. (KNK54), Central Tower Building, San Francisco, Calif. Latitude 37°47'14" N., longitude 122°24'08" W. Modification of license to increase the authorized emission designator only of the Western Union Type MLD–4B from 6100F9 to 10,560F9 for 600 FDM channel loading.

3196–C1–ML–73—Same (KNK55), Western Union Building, 125 12th Street, Oakland, CA. Latitude 37°47'59" N., longitude 122°15'47" W. Modification of license to increase the authorized emission designator only of the Western Union Type MLD–4B from 6100F9 to 10,560F9 for 600 FDM channel loading.

3197–C1–ML–73—Same (KNK56), 2.5 miles west of Pleasanton, Calif. Latitude 37°39'34'' N., longitude 121°55'55'' W. Modification of license to increase the authorized emission designator only of the Western Union Type MLD–4B from 6100F9 to 10,560F9 for 600 FDM channel loading.

3198–C1–ML–73—Same (KNK57), Calaveras Peak, 4.5 miles southeast of San Jose Mission, Calif. Latitude 37°29'56'' N., longitude 121°51'05'' W. Modification of license to increase the authorized emission designator only of the Western Union Type MLD–4B from 6100F9 to 10,560F9 for 600 FDM channel loading.

3199–C1–ML–73—Same (KNK49), Pine Ridge, 6 miles south of Mount Hamilton, Calif. Latitude 37°15'39'' N., longitude 121°36'47'' W. Modification of license to increase the authorized emission designator only of the Western Union Type MLD–4B from 6100F9 to 10,560F9 for 600 FDM channel loading.

3200–C1–ML–73—Same (KNG47), 10.9 miles east-northeast of Hollister, Calif. Latitude 36°54'32'' N., longitude 121°13'21'' W. Modification of license to increase the authorized emission designator only of the Western Union Type MLD–4B from 6100F9 to 10,560F9 for 600 FDM channel loading.

3303–C1–MP–73—MCI-New York West, Inc. (WLJ40), 1801 Raymond Boulevard, Newark, NJ. Latitude 40°44'13'' N., longitude 74°10'15'' W. Modification of license to change antenna system, power, points of communication, and alarm center location, replace transmitter on frequencies 10,735.0V and 11,135.0V MHz toward West Orange, N.J.; frequencies 10,775.0V and 11,175.0V MHz toward New York City, N.Y.; frequencies 10,735.0V and 11,135.0V MHz toward New York City, N.Y.

3304–C1–MP–73—Same (WLJ42), 1301 Avenue of the Americas, New York City, NY. Latitude 40°45'42'' N., longitude 73°58'48'' W. Modification of license to change antenna system, antenna location, power, alarm center location, and replace transmitter on frequencies 11,265.0H and 11,665.0H MHz toward Newark, N.J.

INFORMATIVE: The above-referenced applications were filed to maintain on file those facilities deleted from applications File No. 5881/5882–C1–P–70; 5884/5885–C1–P–70; 5887/5888–C1–P–70; 5890 through 5892–C1–P–70; 5894 through 5902–C1–P–70; and 5904 through 5905–C1–P–70.

3305–C1–P–73—CPI Microwave, Inc. (New), 312 Houston Street, Dallas, TX. Latitude 32°-46'36'' N., longitude 96°48'22'' W. C.P. for a new station on frequency 6093.5H MHz toward Midlothian, Tex.

3306–C1–P–73—CPI Microwave, Inc. (New), 2.4 miles north-northeast of Midlothian (Ellis), Tex. Latitude 32°30'44'' N., longitude 96°58'28'' W. C.P. for a new station on frequency 6189.8V MHz toward Midway, Tex.

3307–C1–P–73—Same (New), 4 miles southwest of Milford, Midway (Hill), Tex. Latitude 32°05'50'' N., longitude 97°00'20'' W. C.P. for a new station on frequency 6167.6H MHz toward Axtell, Tex.

3308–C1–P–73—Same (New), 2.7 miles west of Axtell (McLennan), Tex. Latitude 31°39'18.5'' N., longitude 96°59'49'' W. C.P. for a new station on frequency 6182.0V MHz toward Lott, Tex.

3309–C1–P–73—Same (New), 4.5 miles west-northwest of Lott (Falls), Tex. Latitude 31°-13'02'' N., longitude 97°07'08'' W. C.P. for a new station on frequency 6034.1V MHz toward Holland, Tex.

3310–C1–P–73—Same (New), 2.15 miles west-southwest of Holland (Bell), Tex. Latitude 30°52'08'' N., longitude 97°26'25'' W. C.P. for a new station on frequency 6360.3V MHz toward Cele, Tex.

3311–C1–P–73—Same (New), 5.75 miles east-northeast of Pflugerville, Cele (Travis), Tex. Latitude 30°27'49'' N., longitude 97°31'56'' W. C.P. for a new station on frequency 5989.7H MHz toward Bastrop, Tex.

3312–C1–P–73—Same (New), 2.3 miles east-southeast of Bastrop (Bastrop), Tex. Latitude 30°06'23'' N., longitude 97°17'19'' W. C.P. for a new station on frequency 6360.3H MHz toward Giddings, Tex.; frequency 6212.0H MHz toward Buda, Tex.

3313–C1–P–73—CPI Microwave, Inc. (New), 2.3 miles southeast of Giddings, Tex. Latitude 30°09'06'' N., longitude 96°54'40'' W. C.P. for a new station on frequency 6108.3H MHz toward Welcome, Tex.

3314–C1–P–73—Same (New), 3.5 miles southeast of Wesley, Welcome, Tex. Latitude 30°-02'49'' N., longitude 96°28'32'' W. C.P. for a new station on frequency 6390.0V MHz toward Hempstead, Tex.

3315–C1–P–73—Same (New), 4.6 miles east-southeast of Hempstead, Tex. Latitude 30°04'32'' N., longitude 96°00'34'' W. C.P. for a new station on frequency 6123.1V MHz toward Rosehill, Tex.

3316–C1–P–73—Same (New), 6.1 miles north of Cypress, Rosehill, Tex. Latitude 30°03'51'' N., longitude 95°42'29'' W. C.P. for a new station on frequency 6197.2V MHz toward Spring, Tex.

3317–C1–P–73—Same (New), 2.9 miles north of Spring, Tex. Latitude 30°07'14'' N., longitude 95°25'33'' W. C.P. for a new station on frequency 6019.3V MHz toward Crosby, Tex.

3318–C1–P–73—Same (New), 2 miles north-northeast of Crosby, Tex. Latitude 29°56'26'' N., longitude 95°03'27'' W. C.P. for a new station on frequency 6330.7H MHz toward Ames, Tex.

3319–C1–P–73—Same (New), 2.3 miles south of Ames, Tex. Latitude 30°01'05'' N., longitude 94°44'05'' W. C.P. for a new station on frequency 6108.3V MHz toward Sour Lake, Tex.

3320–C1–P–73—Same (New), 2.9 miles west-northwest of Sour Lake, Tex. Latitude 30°09'17'' N., longitude 94°27'47'' W. C.P. for a new station on frequency 6212.0H MHz toward Beaumont, Tex.

3323–C1–P–73—Midwestern Relay Co. (WLJ47), 2.5 miles east of North Prairie, Wis. Latitude 42°55'52'' N., longitude 88°21'05'' W. C.P. to add frequency 11,095H MHz toward new point of communication at Jefferson (WLJ68), Wis., on azimuth 279°05'.

3324–C1–P–73—Same (WLJ68), Jefferson, 5 miles northwest of Fort Atkinson, Wis. Latitude 42°59'38'' N., longitude 88°53'49'' W. C.P. (a) to add frequencies 5974.8H MHz, 6034.2H MHz, and 6093.5H MHz toward Madison (WLJ69), on azimuth 278°01' and (b) to add frequency 6034.2H MHz toward Rubicon (WLJ48), Wis., on azimuth 41°13'.

3325–C1–P–73—Same (WLJ48), 1 mile northwest of Rubicon, Wis. Latitude 43°20'53'' N., longitude 88°28'15'' W. C.P. (a) to add frequencies 6345.5H MHz and 6404.8H MHz toward Jefferson (WLJ68) on azimuth 221°31'; (b) to add frequencies 6345.5V MHz, 6375.2H MHz, and 6404.8V MHz toward Engle (WKR91), Wis., on azimuth 298°22'; and (c) to add frequencies 6345.5H MHz and 6375.2V MHz toward Graham Corner (WLJ49), on azimuth 30°07'.

3326–C1–P–73—Same (WLJ49), 1 mile northeast of Graham Corner, Wis. Latitude 43°44'15'' N., longitude 88°09'32'' W. C.P. (a) to add frequencies 6123.1H MHz and 6152.8V MHz toward Stockbridge (WLJ50), Wis., on azimuth 348°01' and (b) to change frequency from 6123.1H MHz to 5974.8H MHz toward Rubicon (WLJ48) on azimuth 210°20'.

3327–C1–P–73—Same (WLJ50), 2 miles east of Stockbridge, Wis. Latitude 44°04'20'' N., longitude 88°15'27'' W. C.P. (a) to add frequencies 6256.5V MHz and 6315.9V MHz toward new point of communication at Appleton, Wis., on azimuth 330°25' and (b) to change frequency from 6315.9V MHz to 6404.8V MHz toward Graham Corner (WLJ49) on azimuth 167°56'.

3328–C1–P–73—Same (WKR91), Engle, Wis. Latitude 43°36'49'' N., longitude 89°09'10'' W. C.P. to add frequencies 6093.5V MHz, 6123.1H MHz, and 6152.8V MHz toward Davis Corner (WKR92), Wis., on azimuth 292°50'.

3329–C1–P–73—Same (WKR92), Davis Corner, Wis. Latitude 43°46'25'' N., longitude 89°-40'52'' W. C.P. to add frequencies 6197.2V MHz, 6345.5H MHz, and 6404.8H MHz toward Hancock (WKS59), Wis., on azimuth 15°53'.

3330–C1–P–73—Same (WKS59), Hancock, Wis. Latitude 44°05'55'' N., longitude 89°33'10'' W. C.P. (a) to add frequencies 11,175V MHz, 11,015V MHz, and 10,775V MHz toward new point of communication at Wisconsin Rapids, Wis., on azimuth 336°37' and (b) to add frequencies 11,175H MHz, 11,015H MHz, and 10,775H MHz toward Stevens Point (WLJ54), Wis., on azimuth 356°22'.

3331–C1–P–73—Same (WLJ54), Stevens Point, Wis. Latitude 44°33'10'' N., longitude 89°-35'35'' W. C.P. (a) to add frequencies 6197.2H MHz and 6315.9H MHz toward new point of communication at Marshfield, Wis., on azimuth 291°55' and (b) to add frequencies 6197.2H MHz and 6315.9H MHz toward new point of communication at Wausau, Wis., on azimuth 04°44'.

3332–C1–P–73—Same (WIV61), 3.8 miles west of Hinckley, Minn. Latitude 45°01'28'' N., longitude 93°01'21'' W. C.P. to add frequency 6315.9H MHz toward Duquette (WIV62), Minn., on azimuth 42°47'.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

3333-C1-P-73—Same (WIV62), 1 mile northeast of Duquette, Minn. Latitude 46°22'53" N., longitude 92°32'38" W. C.P. to add frequency 6137.9V MHz toward Duluth (WIV63), Minn., on azimuth 35°51'. (*Informative:* Midwestern proposes to provide the television signals of stations (a) WMVS and WVTV, both of Milwaukee, Wis., to CATV systems serving Marshfield, Merrill, and Wausau, Wis.; (b) WGN (Chicago), WMVS, and WVTV to CATV systems serving Madison and Wisconsin Rapids, Wis.; (c) WGN and WVTV to CATV system serving Appleton, Wis.; (d) WGN and WMVS to CATV system serving Stevens Point, Wis.; and (e) WTCN-TV, Minneapolis, Minn., to CATV system serving Duluth, Minn. A waiver of section 21.701(i) of the FCC rules is requested by Midwestern. See also File No. 6876-C1-P-66, this public notice.).

3334-C1-P-73—American Television & Communications Corp. (New), 1.6 miles east of Mastins Corners, Va. Latitude 38°11'53" N., longitude 77°44'47" W. C.P. for a new station—frequencies 6197.2V and 6256.5V MHz toward Bells Cross Roads, Va., on azimuth 228°05'.

3335-C1-P-73—Same (New), 0.3 mile southwest of Bells Cross Roads, Va. Latitude 37°-57'12" N., longitude 78°05'24" W. C.P. for a new station—frequencies 5974.8V and 6034.2V MHz toward Charlottesville, Va., on azimuth 283°06'.

3336-C1-P-73—Same (New), Charlottesville, Va. Latitude 38°01'56" N., longitude 78°-31'23" W. C.P. for a new station—frequencies 6226.9H and 6286.2H MHz toward Tower Hill, Va., on azimuth 198°10'.

3337-C1-P-73—Same (New), 4.8 miles northeast of Tower Hill, Va. Latitude 37°32'51" N., longitude 78°43'22" W. C.P. for a new station—frequencies 5945.2V and 6004.5V MHz toward Lynchburg, Va., on azimuth 240°54'.

3338-C1-P-73—Same (New), 2 miles northeast of Lynchburg, Va. Latitude 37°20'58" N., longitude 79°10'06" W. C.P. for a new station—frequencies 6226.9H and 6345.5H MHz toward Brights, Va., on azimuth 223°28'.

3339-C1-P-73—Same (New), 6 miles west of Brights, Va. Latitude 37°02'57" N., longitude 97°31'38" W. C.P. for a new station—frequencies 6004.5H and 6063.8H MHz toward Danville, Va., on azimuth 169°26'.

3340-C1-P-73—Same (New), 1.5 miles northwest of Danville, Va. Latitude 36°36'35" N., longitude 79°25'26" W. C.P. for a new station—frequencies 6197.2V and 6256.5V MHz toward Reidsville, N.C., on azimuth 222°03'.

3341-C1-P-73—Same (New), 1 mile north of Reidsville, N.C. Latitude 36°23'46" N., longitude 79°39'43" W. C.P. for a new station—frequencies 5989.7V and 6049.0V MHz toward Greensboro, N.C., on azimuth 200°27'.

3342-C1-P-73—Same (New), Greensboro, N.C. Latitude 36°03'46" N., longitude 79°48'54" W. C.P. for a new station—frequencies 6256.5V and 6197.2V MHz toward High Point, N.C. Latitude 36°03'54" N., longitude 80°15'13" W., on azimuth 235°41'. (*Informative:* ATC proposes to provide the signals of WTTG and WDCA-TV, Washington, D.C., to CATV system serving High Point, N.C. A waiver of section 21.701(i) FCC rules is requested by ATC.)

Correction

5801-C1-P-70—United Video, Inc. (New), Avant, Okla. Correct to read: Frequency 6197.2V MHz on azimuth 49°38' toward Nowata, Okla. For particulars see PN dated October 30, 1972.

Major Amendment

6876-C1-P-66—Midwestern Relay Company (New), 4 miles east of Wausau, Wis. Latitude 44°58'26" N., longitude 89°32'38" W. Application amended: (a) To change transmitters; (b) to increase output power to 10 watts; to change frequencies to 6004.5V and 6063.8V MHz; and (c) to change azimuth to 320°40' toward Merrill, Wis. Latitude 45°08'22" N., longitude 89°44'09" W.

[FR Doc.72-19826 Filed 11-17-72;8:45 am]

DRAFTING COMMITTEE OF SPECIAL NIAC WORKING GROUP

Notice of Meeting

NOVEMBER 17, 1972.

A Drafting Committee of the Special NIAC Working Group—Priority of Use and Restoration of Leased Intercity Private Line Services—will meet at 1 p.m., Monday, November 20, 1972, in Room 205, Federal Communications Commission Annex, 1229 20th Street NW., Washington, DC., to consider proposed revisions to FCC Form 915. Request for certification for Priority of Restoration of Leased Private Line Communication Service.

The National Industry Advisory Commitee (NIAC) is made up of broadcasters and industrial users of communications. Formed in 1958 to advise the Commission on matters relating to emergency communications, its function is to develop plans for use in specific fields of industry covering a broad range of emergency contingencies.

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

[FR Doc.72-20070 Filed 11-17-72;10:05 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Agency Comments

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from October 16, 1972, to October 31, 1972, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains definitions of the four classifications of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: November 8, 1972.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I—ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN OCTOBER 16, 1972, AND OCTOBER 31, 1972

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Corps of Engineers	D-COE-32391-07: Maintenance of Bay Bridge and Red Hook Channels, New York navigation project.	1	C
Do	D-COE-36162-15: Buena Vista, Va. local flood protection.	1	D
Do	D-COE-34047-11: Proposed reservoir Trexler Lake Jordon Creek, Lehigh County, Pa.	3	D
Do	D-COE-34052-22: John Hollis Bankhead Lock and Dam, Warrior River Basin, Ala.	2	E
Do	D-COE-35041-27: McGee Creek drainage and levee District Brown and Pike Counties, Ill.	2	F
Do	D-COE-36164-32: Wister Lake, Poteau River, Okla.	1	G
Do	D-COE-32390-39: Harry S. Truman Dam and Reservoir, Mo.	2	H
Do	D-COE-35034-46: Operations and maintenance San Francisco Bay drift removal fiscal year 1973, Calif.	2	J
Do	D-COE-35032-46: Linda and Olivehurst Levee and channel improvements, Bear River, Calif.	2	J
Do	D-COE-30040-46: Las Tunes Beach Park Los Angeles County, Calif.	2	J
Department of Agriculture	D-DOA-61076-55: Freezeout Road N-38, Wallowa-Whitman National Forest, Oreg.	1	K
Department of the Interior	D-DOI-06060-14: Revisions to synthetic fuels process pilot plant CRESAP, W. Va.	2	D
Department of Transportation	D-DOT-41472-02: U.S. Route from Bennington to Manchester, N.H.	2	B
Do	D-DOT-41487-11: L.R. 1021 Butler County, Pa.	1	B
Do	D-DOT-41488-11: L.R. 16034 Clairton, Pa.	1	D
Do	D-DOT-41469-11: Yatesville connector Luzern County, Pa.	2	D
Do	D-COT-41462-13: South Chapel Street relocation, New Castle, Del.	2	D
Do	D-DOT-41489-11: L.R. 1022 through five Pennsylvania counties.	2	D
Do	D-DOT-41492-11: Marshall County Airport, Moundsville, W. Va.	1	D
Do	D-DOT-41512-14: I-470 Wheeling, W. Va.	2	D
Do	D-DOT-41505-11: L.R. 1022, Somerset County, Pa.	2	D
Do	D-DOT-51190-17: Columbia-Adair County Airport, Ky.	2	E
Do	D-DOT-41497-21: Alachua County, Fla., State Road 329.	2	E
Do	D-DOT-41499-23: Loudon County, Tenn., State Road 95.	2	E
Do	D-DOT-41473-21: Palm Beach County, State Road, Blue Heron Bridge, Fla.	2	E
Do	D-DOT-41483-21: State Road 35, Polk County, Fla.	2	E
Do	D-DOT-41482-19: Extension of Dunbar Street, S.C.	2	E
Do	D-DOT-41481-18: Jackson and Swain Counties, U.S. 441, Gateway to Cherokee.	2	E
Do	D-DOT-41454-27: Farm Route 2, U.S. Route 51, McLean County, Ill.	1	F
Do	D-DOT-41452-29: State Route 18, Defiance County, Ohio.	1	F
Do	D-DOT-41451-29: State Route 43 and 9, Carroll County, Ohio.	2	F
Do	D-DOT-41410-26: S.T.H. 23 Fond Du Lac and Sheboygan Counties, Wis.	1	F
Do	D-DOT-41471-29: State Routes Number 157 and 13, Knox and Licking Counties, Ohio.	2	F
Do	D-DOT-41540-20: U.S.H. 6 and 34, Furnas, Harlan, Phelps Counties, Nebr.	1	H
Do	D-DOT-41458-43: Highway I-90-4(14) Wyoming.	1	I
Federal Power Commission	D-FPC-05405-30: Chippewa Reservoir Project. Number 4108 Sawyer County, Wis.	2	F
Do	D-FPC-03027-25: Dome Liquid Hydrocarbon Pipeline Project, Wayne County, Mich.	2	F
Do	D-FPC-89110-25: Escanaba Paper Co. Project, Delta County, Mich.	2	F
Department of Health, Education, and Welfare.	D-HEW-81105-24: Indian Health Service Hospital, Philadelphia, Mich.	2	E
Department of Housing and Urban Development.	D-HUD-34050-46: Water storage, treatment and distribution facilities, Goleta, Calif.	2	J

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections:* The agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggests only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information:* The agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary:* The agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory:* The agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-19848 Filed 11-16-72;8:45 am]

FEDERAL MARITIME COMMISSION

LASH-SEABEE AGREEMENT NO. 9980

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and

the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Rate Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, La. 70130.

Agreement No. 9980–1, between Central Gulf Steamship Corp., Combi Line (A Joint Service of Hapag Lloyd, A.G. and Holland America Line), and Lykes Bros. Steamship Co., Inc., amends Article 3 of LASH/SEABEE Agreement No. 9980, covering a cooperative working arrangement between said carriers in connection with their operation of LASH/SEABEE vessels, to provide that any carriers which furnishes evidence of ability and intention in good faith to institute and maintain such services, and agrees to abide by all the terms and conditions of said agreement, may become a party thereto. The agreement presently requires that a carrier must be regularly operating in the trade in order to become a participant in the agreement.

Dated: November 14, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–19930 Filed 11–17–72;8:51 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Attorney, North Atlantic Continental Freight Conference, 17 Battery Place, New York, NY 10004.

Agreement No. 9214–8, among the member lines of the above-named conference, deletes the self-policing provisions enumerated in Article 18 of the basic agreement and incorporates by reference the self-policing provisions contained in Articles 7 through 20 of the Associated North Atlantic Freight Conference Agreement No. 9978, pursuant to the Commission's order of March 9, 1972.

By order of the Federal Maritime Commission.

Dated: November 15, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.19933 Filed 11–17–72;8:51 am]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularly the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Attorney, North Atlantic French Atlantic Freight Conference, 17 Battery Place, New York, NY 10004.

Agreement No. 7770–9, among the member lines of the above-named conference, deletes the self-policing provisions enumerated in Article 17 of the basic agreement and incorporates by reference the self-policing provisions contained in Articles 7 through 20 of the Associated North Atlantic Freight Conference Agreement No. 9978, pursuant to the Commission's order of March 9, 1972.

By order of the Federal Maritime Commission.

Dated: November 15, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–19931 Filed 11–17–72;8:51 am]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Attorney, North Atlantic United Kingdom Freight Conference, 17 Battery Place, New York, NY 10004.

Agreement No. 7100–14, among the member lines of the above-named conference, deletes the self-policing provisions enumerated in Article 18 of the basic agreement and incorporates by reference the self-policing provisions contained in Articles 7 through 20 of the Associated North Atlantic Freight Conference Agreement No. 9978, pursuant to the Commission's order of March 9, 1972.

By order of the Federal Maritime Commission.

Dated: November 15, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–19934 Filed 11–17–72;8:51 am]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Attorney, North Atlantic Westbound Freight Association, 17 Battery Place, New York, NY 10004.

Agreement No. 5850-20, among the member lines of the above-named conference, deletes the self-policing provisions enumerated in Article 18 of the basic agreement and incorporates by reference the self-policing provisions contained in Articles 7 through 20 of the Associated North Atlantic Freight Conference Agreement No. 9978, pursuant to the Commission's order of March 9, 1972.

By order of the Federal Maritime Commission.

Dated: November 15, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-19932 Filed 11-17-72;8:51 am]

[No. 72-58]

DISCRIMINATORY PORT DETENTION SURCHARGE IN THE U.S. ATLANTIC AND GULF/SOUTH AND EAST AFRICAN TRADE ON CARGO DESTINED TO MOMBASA, KENYA

Revision of Filing Schedule

Respondent conference has temporarily suspended the port detention surcharge which is the subject of the show cause order in this proceeding. Respondent has also requested a stay of proceedings until December 31, 1972, pending development by it of in-depth information concerning conditions of detention at Mombasa, Kenya. Hearing Counsel support respondent's request and propose to submit a report to the Commission by December 31, 1972, on the prospective status of the surcharge.

Upon consideration of these developments, the Commission has determined to alter the filing schedule in this proceeding.

Respondent's affidavits of fact and memoranda of law, and Hearing Counsel's status report, and any requests for hearing shall be filed on or before January 2, 1973. Reply affidavits of fact and memoranda of law shall be filed by Hearing Counsel on or before January 17, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-19935 Filed 11-17-72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. CP73-127]

MANCHESTER GAS CO.

Notice of Application

NOVEMBER 15, 1972.

Take notice that on November 10, 1972, Manchester Gas Co. (Applicant), 1260 Elm Street, Manchester, NH 03101, filed in Docket No. CP73-127 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the over-the-road transportation by cryogenic semitrailer of liquefied natural gas (LNG) from Tewksbury, Mass., to Manchester, N.H., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant intends to purchase from New England LNG Co., Inc. (New England), a volume of LNG equivalent to 8,250 Mcf of vaporous gas [1] from October 1, 1972, through March 31, 1973, and herein proposes to transport said LNG from New England's storage facility in Tewksbury, Mass., to Applicant's facilities in Manchester, N.H. Applicant proposes to transport up to two 11,000-gallon trailer loads of LNG per day purchased from New England. New England has filed in Docket No. CP73-74 an application for a certificate authorizing the sale of LNG to Applicant to assist Applicant in meeting the requirements of its customers at times of peak demand during the 1973-74 winter season.

Applicant states that it is a natural gas distribution company not subject to the jurisdiction of the Commission and requests the Commission to recognize that the proposed transportation of LNG for Applicant's own use will not prejudice its otherwise non-jurisdictional status under the Natural Gas Act.

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 27, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission of this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19977 Filed 11-17-72;8:53 am]

[Docket No. CP73-111]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 13, 1972.

Take notice that on October 24, 1972, Northern Natural Gas Co. (Applicant) 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP73-111 a budget-type application pursuant to sections 7(c) and 7(b) of the Natural Gas Act, as implemented by §§ 157.7(b) and 157.7(e) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1973, and operation of certain natural gas sales and transportation facilities and for permission and approval to abandon, during the calendar year 1973, certain direct service and facilities, all as more fully set forth in the application which is

[1] Equivalent to 99.858 gallons of LNG at 12.104 gallons per Mcf of vaporous gas.

on file with the Commission and open to public inspection.

The stated purpose of this budget type application is to augment Applicant's ability to supply the natural gas requirements of its distributors and small direct customers and to abandon certain natural gas service and facilities with the least possible delay.

The total cost of the facilities proposed herein is not to exceed $300,000, which Applicant plans to finance from cash on hand.

Applicant requests a waiver of § 157.7 (c)(1)(ii) which prohibits the filing of an budget-type application when a distributor is required to make a contribution to the Applicant for cost of construction of facilities. Applicant states that it has been its practice to require distributors to make a contribution to the cost of constructing measuring and regulating facilities and appurtenances where no additional contract demand is being purchased by such distributors and that such policy is contained in its FPC Gas Tariff, Third Revised Volume No. 1, on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19889 Filed 11-17-72;8:48 am]

[Dockets Nos. E-7781, E-7782]

SAN DIEGO GAS & ELECTRIC CO.

Notice of Applications

NOVEMBER 13, 1972.

Take notice that San Diego Gas & Electric Co. (Applicant) has filed with the Federal Power Commission: (1) An application in Docket No. E-7782 for an order, pursuant to section 202(e) of the Federal Power Act, authorizing the transmission of electric energy from the United States to Mexico; and (2) an application in Docket No. E-7781 for a permit, pursuant to Executive Order No. 10485, dated September 3, 1953, for the construction and operation at the international border between the United States and Mexico of certain facilities for the transmission of electric energy between the United States and Mexico. Applicant is incorporated under the laws of the State of California, with its principal place of business at San Diego, Calif.

Applicant proposes to export electric energy to Mexico for sale and delivery to Comision Federal de Electricidad (CFE), an agency of the Republic of Mexico, by means of a 12,000 volt overhead transmission line which Applicant proposes to construct and operate at the United States-Mexican Border in the vicinity of Jacumba, Calif., U.S.A., and Jacume, Baja California, Mexico, where connection will be made with similar transmission facilities of CFE. Accordingly, Applicant seeks: (1) An order (Docket No. E-7782) authorizing the exportation of energy to Mexico at a rate of transmission not to exceed 1,000 kw.; and (2) a permit (Docket No. E-7781) authorizing the construction and operation of the 12,000 volt line at the international border as described above.

The electric energy to be exported will be sold by Applicant to CFE in accordance with the terms and conditions and at the rates set forth and included in the "Agreement For Sale Of Electric Energy To Comision Federal De Electricidad," dated September 15, 1972, a copy of which was submitted as an exhibit to the application in Docket No. E-7782. The energy purchased from Applicant by CFE will be resold and distributed by CFE to its customers in and around the towns of Jacume, and La Rumorosa, Baja California, Mexico.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 1, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19890 Filed 11-17-72;8:48 am]

[Docket No. CI73-336]

TENNECO OIL CO.

Notice of Application

NOVEMBER 14, 1972.

Take notice that on November 8, 1972, Tenneco Oil Co. (Applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CI73-336 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), from the East Cameron Block 271 Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Tennessee from East Cameron Blocks 271, 272, 254, and 255, offshore Louisiana, at an initial rate of 45 cents per Mcf subject to B.t.u. adjustment. The subject contract with Tennessee dated October 12, 1972, provides for price escalations of 1 cent per Mcf annually for the 20-year term of the contract.

Applicant asserts that the 45 cents per Mcf rate with annual escalations is significantly lower than comparative prices for the following:

1. Imported liquefied natural gas sales approved by the Commission or pending before it;
2. Proposed domestic sales of synthetic pipeline gas;
3. Future sales of Alaskan gas;
4. Domestic coal gasification proposals;
5. Recent intrastate gas sales in the southern Louisiana area; and
6. Certain intrastate gas sales as evidenced by reports that certain companies have contracted to sell their gas at rates of 52 cents and 73 cents per Mcf in Oklahoma and Ohio, respectively.

Applicant further asserts that the instant proposal is justified in light of the proposed increase in new gas prices to 50 cents per Mcf in the Appalachian Area and of the finding of the Oklahoma Corporation Commission that the "present intrinsic value of Oklahoma gas is more than 60 cents per Mcf at the wellhead." Applicant believes that approval of this application will encourage the producing industry, including Applicant itself, to accelerate exploration, development, and commitment of new gas reserves for the interstate market.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1972, file with the Federal Power

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19891 Filed 11-17-72;8:48 am]

[Docket No. CP73-112]

TEXAS GAS TRANSMISSION CORP. AND TRUNKLINE GAS CO.

Notice of Application

NOVEMBER 13, 1972.

Take notice that on October 25, 1972, Texas Gas Transmission Corp. (Texas Gas), Post Office Box 1160, Owensboro, KY 42301, and Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP73-112 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas and the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose, pursuant to a gas exchange agreement dated October 5, 1972, to exchange natural gas until November 1, 1977, or such later point in time should Trunkline for some reason fail to redeliver the deferred volumes of natural gas by such date, in the following manner:

1. With the commencement of the exchange until November 1, 1973, Texas Gas shall deliver or cause to be delivered to Trunkline up to 50,000 Mcf of natural gas per day for deferred redelivery, that is, such gas shall be redelivered during a period subsequent to the receipt of the gas;

2. During the period November 1, 1973, to November 1, 1974, Texas Gas will deliver or cause to be delivered to Trunkline up to 50,000 Mcf of natural gas per day for deferred or simultaneous redelivery or both, as long as the aggregate volumes delivered by Texas Gas do not exceed 50,000 Mcf per day; and

3. During the period November 1, 1974, to November 1, 1977, Trunkline shall redeliver or cause to be redelivered to Texas Gas volumes of gas delivered to Trunkline for redelivery.

Applicants state that deliveries by Texas Gas to Trunkline will be made by Transcontinental Gas Pipe Line Corp. (Transco) for the account of Trunkline at the interconnection of the facilities of Consolidated Gas Supply Corp. (Consolidated) and Transco near Egan, Acadia Parish, La., and points of redelivery by Trunkline to Texas Gas will be in the vicinity of China, Jefferson Davis Parish, La., at the interconnection of Texas Gas' and Trunkline's pipelines in Caldwell Parish, La., at the tailgate of Texaco Inc.'s Henry Gasoline Plant, Vermilion Parish, La., and other mutually agreeable points.

To accomplish the delivery and redelivery of natural gas applicants propose that Texas Gas install tap and flange connections on its facilities at the interconnection of the facilities of Trunkline and Texas Gas at the China redelivery point and measurement facilities and connection pipelines between the facilities of Trunkline and Texas Gas at the Caldwell Parish redelivery point. Applicants also propose that Trunkline install tap and flange connections on its facilities at the Caldwell Parish redelivery point and install measurement facilities and connecting pipelines between the facilities of Texas Gas and Trunkline at the China redelivery point.

Applicants estimate the total cost of the facilities to be constructed by Texas Gas at $55,300 and by Trunkline at $67,000, which applicants propose to finance from funds on hand.

The subject exchange agreement provides that Trunkline and Texas Gas shall pay 32 cents per Mcf for the gas delivered and redelivered as part of the deferred volumes except that Texas Gas shall pay Trunkline a 4-cent per Mcf transportation charge for the deferred volumes redelivered at the Caldwell Parish redelivered point. Said agreement also provides that Texas Gas shall pay the 4-cents per Mcf transportation charge for all simultaneous gas redelivered at the Caldwell Parish redelivery point.

Applicants state that the gas reserves which Texas Gas will utilize for the exchange proposed herein are reserves under contract to Texas Gas and Texas Gas Exploration Corp. in the Eugene Island Area, offshore Louisiana, for which transportation service will be rendered by Columbia Gulf Transmission Co. to onshore Louisiana. Applicants also indicate that Consolidated plans to render transportation service for Texas Gas which will originate at the western terminus of Columbia's Blue Water System near Egan, La., and will terminate at the point where the facilities of Consolidated interconnect with the facilities of Transco, approximately 1½ miles from the western terminus of the Blue Water System.

Applicants indicate that the proposed exchange arrangements are designated to help insure an adequate supply of natural gas for Trunkline during the period ending November 1, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19892 Filed 11-17-72;8:48 am]

[Docket No. CP73-113]

TRANSWESTERN PIPELINE CO.

Notice of Application

NOVEMBER 13, 1972.

Take notice that on October 26, 1972, Transwestern Pipeline Co. (Applicant), Post Office Box 2521, Houston, TX 77002, filed in Docket No. CP73-113 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation and exchange of natural gas with Phillips Petroleum Co. (Phillips) in Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a letter exchange agreement dated Septem-

ber 18, 1972, to transport and exchange natural gas with Phillips on an equivalent B.t.u. basis for a period of 5 years. Said agreement provides for the delivery of natural gas to Phillips at delivery points to be installed on Applicant's 6-inch pipeline in Roberts County, Tex., and its 10-inch pipeline in Sherman County, Tex., and for Phillips to deliver simultaneously to Applicant quantities of natural gas at the outlet of Phillips' Gray Plant in Gray County, Tex. Said agreement also provides that Applicant may interrupt such deliveries of gas if in its sole judgment the delivery of such gas might interfere with its obligations to the sellers of such gas or its commitments to its own customers.

Applicant states that this exchange will permit the pressure in its pipeline to be lowered, thereby increasing the deliverability of low pressure wells presently connected to its pipeline system in the area and resulting in more efficient use of its existing system.

Applicant further states that in order to implement such an exchange, it will be necessary to install taps and related side-valves on its pipeline, at an estimated cost of $14,000, for which Phillips will reimburse Applicant. Additionally, Applicant indicates that Phillips will convey to it, subject to certain conditions upon the termination of the exchange requiring the conveying back to Phillips, certain metering, regulating and interconnecting facilities at the Gray Plant, connecting said plant to Applicant's Lefors Station. Phillips has filed an application in Docket No. CI73–309 to implement its part of the exchange agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–19893 Filed 11–17–72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5265]

ARKANSAS POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exception From Competitive Bidding

NOVEMBER 13, 1972.

Notice is hereby given that Arkansas Power & Light Co. (Arkansas), Ninth and Louisiana Streets, Little Rock, Ark. 72203, a subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated August 4, 1971 (Holding Company Act Release No. 17218), the Commission authorized Arkansas to issue and sell from time to time through May 31, 1973, unsecured short-term promissory notes (including commercial paper) to various commercial banks and/or a dealer in commercial paper, in an aggregate principal amount not exceeding $45 million outstanding at any one time.

Arkansas now proposes to revise this program and to issue and sell from time to time through May 31, 1974 (with possible extension of such period for an additional year, upon the filing of a post-effective amendment to this declaration and upon issuance of a further order of the Commission permitting such amendment to become effective), its unsecured short-term promissory notes (including commercial paper) to various commercial banks and/or a dealer in commercial paper in an aggregate principal amount outstanding at any one time of not more than $60 million, of which not more than $40 million will consist of commercial paper outstanding at any one time. Subject to these limitations, Arkansas states that the nature of each issue of such notes (including commercial paper) will be determined in the light of the then prevailing market conditions and other factors so as to achieve the lowest effective cost of money.

The notes proposed to be issued and sold to banks will be in the form of unsecured promissory notes payable not more than 9 months from the date of issue with right of renewal; will bear interest at the prime rate in effect at the lending bank at the date of issue or renewal or from time to time depending upon the requirements of the lending bank; and will, at the option of Arkansas, be prepayable, in whole or in part, at any time without premium or penalty. While no commitments have been made, it is expected that the banks to which such notes will be issued and sold, and the maximum amount to be issued and outstanding at any one time to each such bank, will be substantially as follows:

First National Bank of Eastern Arkansas, Forrest City, Ark.	$275,000
Arkansas Bank & Trust Co., Hot Springs, Ark.	750,000
First National Bank of Hot Springs, Ark.	350,000
The Commercial National Bank, Little Rock, Ark.	700,000
First National Bank in Little Rock, Ark.	3,000,000
Union National Bank, Little Rock, Ark.	1,000,000
Worthen Bank & Trust Co., Little Rock, Ark.	2,100,000
Manufacturers Hanover Trust Co., New York, N.Y.	20,000,000
National Bank of Commerce, Pine Bluff, Ark.	750,000
Simmons First National Bank, Pine Bluff, Ark.	5,000,000
Peoples Bank & Trust Co., Russellville, Ark.	200,000
Total	$34,125,000

The filing states that, except as indicated above, Arkansas will not effect borrowings from banks pursuant to this declaration until it shall have filed an amendment hereto setting forth the name or names of the banks from which such other borrowings are to be effected and the amount thereof and such borrowings shall have been authorized by order of the Commission.

Arkansas maintains a working balance with each of the above-named Arkansas banks of approximately 10 percent of the above-proposed borrowings, and states that if such balances were maintained solely to satisfy compensating balance requirements, the effective interest cost on such borrowings, assuming a 6 percent prime rate, would be 6.7 percent. The above-named New York bank may require a compensating balance of up to 20 percent of the amount of outstanding loans from that bank to Arkansas, the exact amount of the compensating balance being negotiated at the time the loans are made. Assuming a 6 percent prime rate and a 20 percent compensating balance, the effective interest cost on loans from the New York bank would be 7.5 percent.

The proposed commercial paper, with maturities not exceeding 270 days, will be issued and sold to Salomon Bros., a dealer in commercial paper. The commercial paper will be sold at a discount rate which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial pa-

per of comparable quality of that particular maturity. The commercial paper will be in denominations of not less than $50,000 and will not be payable prior to maturity. The filing states that the rate for commercial paper will not exceed the commercial bank rate which, on the date of issue, Arkansas could obtain from commercial banks on notes of equal principal amounts except for commercial paper of a maturity not exceeding 60 days issued to refund outstanding commercial paper if, in Arkansas' judgment, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper.

No commission or fee will be payable by Arkansas in connection with the issuance and sale of the commercial paper. The dealer, as principal, will reoffer and sell the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the prevailing discount rate to the company, in such a manner as not to constitute a public offering. The dealer in reoffering the commercial paper will limit the reoffer and sale to a nonpublic customer list of not more than 200 buyers of commercial paper. The filing states that it is anticipated that the commercial paper will be held by the buyers to maturity; however, the dealer may, if desired by a buyer, repurchase the commercial paper for resale to others on the list of customers.

Arkansas requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of commercial paper. The company states that the proposed commercial paper will have a maturity not in excess of 270 days, that current rates for commercial paper for such prime borrowers as Arkansas are published daily in financial publications, and that it is not practical to invite bids for commercial paper.

The net proceeds from the proposed transactions, together with other funds available from time to time to Arkansas from its operations or derived from the issuance and sale of long-term and/or equity securities, will be applied to Arkansas' construction program which is expected to require expenditures of approximately $118,500,000 in 1972 and $155,800,000 in 1973.

As the proposed promissory notes mature, they will be renewed (but to mature not later than February 28, 1975) or repaid out of funds then available to Arkansas from its operations or derived from the issuance and sale of similar securities or long-term debt and/or equity securities.

The declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that the fees and expenses to be incurred in connection therewith are estimated not to exceed $5,000.

Arkansas also proposes that the Rule 24 certificates of notification regarding the issuance and sale of the notes and commercial paper be filed on quarterly basis.

Notice is further given that any interested person may, not later than December 8, 1972, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit, or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective in the manner provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19873 Filed 11-17-72;8:47 am]

[File No. 500-1]

CAMIN INDUSTRIES CORP.

Order Amending Order Suspending Trading

NOVEMBER 7, 1972.

The Commission having determined to amend its order of October 26, 1972, summarily suspending trading in the securities of Camin Industries Corporation for the period from 11:25 a.m., e.s.t., on November 1, 1972, through November 10, 1972:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the common stock, $0.01 par value, and all other securities of Camin Industries Corporation being traded otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:25 a.m., e.s.t., on November 1, 1972, through 10 a.m., e.s.t., on November 9, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19877 Filed 11-17-72;8:47 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 10, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corporation, and the 6 percent convertible subordinated debentures due Septembr 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 11, 1972, through November 20, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19878 Filed 11-17-72;8:47 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

NOVEMBER 10, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Crystalography Corp, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from November 10, 1972, through November 19, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19879 Filed 11-17-72;8:47 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

NOVEMBER 10, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, 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 12, 1972, through November 21, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19881 Filed 11-17-72;8:48 am]

[File No. 500-1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

NOVEMBER 10, 1972.

It appearing to the Securities and Exchange Commision that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from November 10, 1972, through November 19, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19882 Filed 11-17-72;8:48 am]

[File No. 500-1]

MONARCH GENERAL, INC.

Order Suspending Trading

NOVEMBER 10, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Monarch General, 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 12, 1972, through November 21, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19883 Filed 11-17-72;8:48 am]

MUTUAL FUND DISTRIBUTION AND POTENTIAL IMPACT OF REPEAL

Order Directing Public Proceeding

NOVEMBER 1, 1972.

I. The Commission has reviewed the information contained in the study of the potential economic impact of the repeal of section 22(d) of the Investment Company Act ("Act") conducted by the Commission's Office of Policy Research and the Economic Study of the Distribution of Mutual Funds and Variable Annuities conducted for the National Association of Securities Dealers, Inc. ("NASD") by Booz, Allen & Hamilton, Inc., as well as the comments received in connection with the adoption of rule changes relating to investment company advertising (Securities Act Release No. 5248). Based upon this review the Commission has determined that it would be appropriate to seek a wide range of viewpoints with respect to the justification for retail price maintenance in the distribution of mutual funds, the options which would be open if section 22(d) of the Act were eliminated and how the industry would adjust to such a change. It also believes that it would be appropriate to reexamine some of its traditional administrative positions and to explore new possibilities in order that mutual funds may be marketed more efficiently at a reasonable cost to investors.

II. *Accordingly, it is ordered,* Pursuant to sections 6, 7, 10, and 19(a) of the Securities Act, section 15(b)(10) of the Securities Exchange Act, sections 12(b), 14(b), 22 (b) and (c), 38(a), and 46(a) of the Investment Company Act, and Rule 4(b) of the rules of practice of the Commission, that a public rule-making proceeding be held to afford the Commission a wide range of views with respect to: (1) The potential impact of the repeal of section 22(d) of the Act: (2) What changes in the Commission's rules affecting the present system of mutual fund distribution may be desirable; (3) The matters set forth in section III below; and (4) Possible legislation as may appear necessary to the Commission in the public interest and for the protection of investors.

III. Specifically the matters to be considered in such public proceeding will include:

A. Whether there is any longer sufficient public interest to justify the continuation of the system of retail price maintenance under which mutual fund shares are sold as an exception to the general rule of free competition which prevails in most other segments of our economic life.

B. Whether rules under section 22(b) of the Investment Company Act of 1940 should require increased volume discounts for larger purchases. Whether such discounts should be continuous and include proportionately lower sales charges as quantities purchased increase. Whether, and in what respect, that portion of the sales charge retained by dealers should be limited. Whether pursuant to any rules under section 22(b) of the Act maximum sales loads should be permitted to be charged only by those funds which offer certain product features. Whether the same maximum limitations should apply to periodic payment contractual plans as are applied to mutual fund sales generally.

C. Whether further liberlization of the Commission's advertising rules for mutual funds would be appropriate. If so, is legislation necessary in this area? Whether the statement of policy should be revised.

D. Assuming a simple clear prospectus geared to the ordinary mutual fund investor's needs, will the prospectus be used more extensively and earlier in the distribution process and will this affect selling?

E. Whether Rule 22d-1 or other Commission rules should be revised to permit additional group merchandising of fund shares at reduced loads.

F. To what extent can the Commission amend its rules such as Rules 19a-1, 22c-1, and 30d-1 under the Investment Company Act and Rules 15c1-4 and 17a-3 under the Securities Exchange Act of 1934 to reduce the cost of servicing small mutual fund transactions without diminishing the basic investor protections provided by such rules, particularly those which require that each fund shareholder receive individual notices and services such as individual confirmations, dividend statements, and shareholder reports.

G. Whether the Commission should reexamine its present administrative interpretations in order to remove disincentives operating against recommending no-load funds. Whether it should permit brokers and dealers to charge a normal stock exchange commission for recommending and effecting an investment in a no-load fund.

H. Is it possible to develop a system of cost allocation and other accounting procedures necessary to provide data with respect to the costs, profitability, and general economic structure of investment company advisers and distributors in a meaningful fashion. What burdens would be involved in moving the industry to such a uniform system.

For a more detailed discussion of the issues to be considered, see Investment Company Act Release No. 7475, November 3, 1972, which is incorporated herein by reference.

IV. *It is further ordered,* That a public hearing in connection with the proceeding shall commence on December 11, 1972, at 10 a.m., Eastern Standard Time, in Room 776 at the Headquarters Office of the Commission, 500 North Capitol Street NW., Washington, DC 20549 and continue thereafter at such times and places as the Hearing Officer may determine.

It is further ordered, Pursuant to the provisions of section 42(b) of the Investment Company Act that for purposes of such public proceeding each of the following: Allan S. Mostoff, Director, Anne

P. Jones, Associate Director, and Lewis J. Mendelson, Assistant Director, Division of Investment Company Regulation, and Bernard Wexler, Director of the Office of Policy Planning be and hereby are designated as Hearing Officers to preside individually at such proceeding as necessary to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, require production of any books, papers, and correspondence and memoranda and other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law.

It is further ordered, That interested persons wishing to submit written statements of their views relating to the matters described in Sections I, II, and III, may do so by submitting such statements to Allan S. Mostoff, Director, Division of Investment Company Regulation, 500 North Capitol Street NW., Washington, DC 20549 on or before December 6, 1972. All such statements shall become part of the public record in this proceeding.

It is further ordered, That any interested person who has made a written submission and who wishes to appear and give an oral presentation of his views at the hearing may do so at the sole discretion of a hearing officer based on the relevance and materiality of the presentation and on the similarity of presentations already made or scheduled to be made. Such oral presentations shall be scheduled by a Hearing Officer during the period of the proceeding and shall be subject to the following procedures:

1. Oral statements may be limited in time. Persons desiring specified time should accompany their request with an adequate explanation of their need.

2. The written text of the oral statement to be given generally must be received no later than December 6, 1972.

3. Persons making an oral presentation should be prepared to respond to inquiries from the Hearing Officer and the Commission staff.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19872 Filed 11-17-72;8:47 am]

[812-3281]

MUTUAL OF OMAHA GROWTH FUND, INC.

Notice of Filing of An Application for An Order Exempting A Proposed Exchange of Shares

NOVEMBER 13, 1972.

Notice is hereby given that Mutual of Omaha Growth Fund, Inc. (Applicant), 3102 Farnam Street, Omaha, NE 68131, a Nebraska corporation registered under the Investment Company Act of 1940 (Act), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of sections 22(c) and 22(d) of the Act and Rule 22c-1 thereunder a proposed transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all the assets of First Security Growth Fund, Inc. (Security). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Security is an open-end diversified, management investment company incorporated under the laws of the State of Delaware. As of August 31, 1972, the net assets of Security amounted to $3,495,629, consisting almost entirely of cash and marketable securities. As of that date there were approximately 733,074 shares outstanding of Security stock owned by approximately 1,200 shareholders.

Pursuant to the Agreement and Plan of Reorganization (Plan) between Applicant and Security, Applicant will acquire all of the net assets of Security in exchange for shares of Applicant's common stock. The number of Applicant's shares to be issued in exchange for the net assets of Security is to be determined by dividing the aggregate market value of the assets of Security to be transferred to Applicant by Applicant's then net asset value per share subject to a certain adjustment which would reflect the respective proportion of assets of Security and Applicant representing realized and undistributed gains (or losses), as well as unrealized appreciation as of the valuation time. If the valuation under the Plan had taken place at the close of business on August 31, 1972, the tax adjustment would have increased the market value of the assets of Security by $45,088. When received by Security, the Applicant's shares are to be distributed to Security stockholders in complete liquidation of Security, in proportion to their respective stock ownership in Security.

SECTION 22(d)

Applicant's shares are currently offered to the public on a continuous basis at net asset value plus varying sales charges, ranging from 8 percent on sales of less than $10,000 to 1 percent on sales of $100,000 or more, as disclosed in Applicant's prospectus. Pursuant to the terms of the plan no sales charge will be added to the net asset value of Applicant in determining the number of Applicant's shares to be issued. Applicant seeks an order pursuant to section 6(c) of the Act exempting the transaction from section 22(d). Section 22(d) prohibits a registered investment company from selling its shares at a price which differs from the offering price described in the company's prospectus.

Section 22(d) further provides that "nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 including any offer made pursuant to section 11(b)." Although the plan may be deemed to be a reorganization within the meaning of section 11(b) of the Act, Applicant has requested an exemption from 22(d) in order to avoid any question of the applicability of that section.

Applicant represents that its board of directors has approved the plan as being in the best interests of its stockholders, taking all relevant considerations into account, including, among others, the assets to be acquired, the investment policies and objectives of Applicant, and the fact that the resulting increase in assets will tend to reduce slightly per share expenses. Applicant further represents that no affiliation existed between Security or its officers or directors and Applicant, its officers and directors at the time of negotiation of the plan, and that the plan was negotiated at arm's length by the two corporations.

SECTION 22(c)

The plan provides that the time for valuing the net assets of Security, as well as the net asset value of the shares of Applicant to be exchanged pusuant to the plan, shall be 3:30 p.m. on such date as may be mutually agreed upon by Security and Applicant, but in no event later than ten (10) business days after the stockholders of Security have approved the plan. The actual exchange of net assets of Security for shares of Applicant shall be made at 10 a.m. on the second business day following the valuation time.

Section 22(c) of the Act and Rule 22c-1 thereunder inter alia prohibit registered investment companies from issuing their redeemable securities except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase the security.

Section 6(c) permits the Commission, upon application, to exempt any transaction from any provision or provisions of the Act or from any rule or regulation thereunder if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 6, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing

of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19874 Filed 11-17-72;8:47 am]

[812-3282]

NEL EQUITY FUND, INC. ET AL.

Notice of Application for an Order Exempting Applicants

NOVEMBER 13, 1972.

Notice is hereby given that NEL Equity Fund, Inc., NEL Growth Fund, Inc., and New England Life Side Fund, Inc. (collectively the "Funds"), all of which are open-end diversified management investment companies registered under the Investment Company Act of 1940 (Act), and NEL Equity Services Corp. (NELESCO), 501 Boylston Street, Boston, MA 02117, the principal underwriter for each of the Funds (hereinafter collectively called "Applicants") have filed an application pursuant to section 6(c) of the Act for an order exempting applicants from section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made herein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants propose to offer to persons who redeem shares of any of the Funds a one-time privilege to (1) reinstate their accounts by repurchasing shares at net asset value without a sales charge up to the amount redeemed or (2) purchase, under the exchange privilege available generally to shareholders of the Funds, shares of any other of the Funds at net asset value without a sales charge up to the amount of the redemption proceeds.

It is contemplated that notice of this proposed privilege will be given to eligible persons in writing or by telephone as part of the processing of their redemption request. To be effective, written notice from such eligible persons of the exercise of the privilege must be received by NELESCO or by State Street Bank and Trust Co., transfer agent for the Funds, or postmarked within 15 days after the redemption request is received. The reinstatement or exchange will be made at net asset value next determined after the written notice of the exercise of the privilege is received.

Applicants state that in order to minimize the possibility of shareholder abuse through speculation on a possible short-term decline in the net asset value of a Fund's shares, the reinvestment privilege will be offered on a one-time basis and must be exercised within the relatively short period of time specified.

Applicants state that no sales commission will be received by NELESCO or sales representatives on such purchases. All costs involved in giving notice of the proposed privilege will be borne by NELESCO. It is not expected that additional bookkeeping costs incurred by the Funds in reversing redemptions will be significant. A $5 service fee will be charged to all shareholders exercising the exchange privilege.

Applicants submit that, in some instances, shareholders may mistakenly redeem their Fund shares because they either misunderstand, are unaware of, or overlook certain opportunities available to them as shareholders.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 6, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19875 Filed 11-17-72;8:47 am]

[File No. 500-1]

NORTH AMERICAN PLANNING CORP.

Order Suspending Trading

NOVEMBER 10, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class B nonvoting common stock, $0.01 par value and all other securities of North American Planning Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 11, 1972, through November 20, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19884 Filed 11-17-72;8:48 am]

[File No. 500-1]

OCEANOGRAPHY MARICULTURE INDUSTRIES, INC.

Order Amending Order Suspending Trading

OCTOBER 31, 1972.

The Commission having determined to amend its order of October 26, 1972, summarily suspending trading in the securities of Oceanography Mariculture Industries, Inc., for the period from October 27, 1972, through November 5, 1972.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the common stock, $0.01 par value, and all other securities of Oceanography Mariculture Industries, Inc., being traded otherwise than on a national securities exchange be summarily suspended for the period from October 27, 1972, through 10 a.m., e.s.t., on November 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19880 Filed 11-17-72;8:47 am]

[File No. 500-1]

TIDAL MARINE INTERNATIONAL CORP.

Order Suspending Trading

NOVEMBER 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Tidal Marine International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of

1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m., e.s.t., November 13, 1972, through November 22, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19885 Filed 11-17-72;8:48 am]

[811-651]

UNITED FUNDS CANADA-INTERNATIONAL LTD.

Notice of Filing of Application for Order Declaring That Company has Ceased To Be an Investment Company

NOVEMBER 13, 1972.

Notice is hereby given that United Funds Canada-International Ltd. (Applicant), Suite 2100, York Centre, 145 King Street West, Toronto 110, Ontario, registered under the Investment Company Act of 1940 (Act) as a diversified, open-end management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant represents, among other things, that pursuant to an Agreement and Plan of Reorganization (the Plan) dated September 18, 1972, between Applicant and United Continental Growth Fund, Inc. (the Growth Fund), which Plan was approved by the shareholders of Applicant on that date, substantially all of its assets were, on October 14, 1972, transferred to the Growth Fund in exchange for its shares which were thereupon distributed to the shareholders of Applicant; that Applicant has no securities outstanding at the present time; that it has no assets at the present time other than a minimal sum of cash to meet final liabilities; that the public offering of its shares has been terminated; and that it is in the process of liquidation and dissolution.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 8, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-19876 Filed 11-17-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

FOOTHILL VENTURE CORP.

Notice of Filing of an Application for Exemption With Respect to Conflict-of-Interest Transaction

Notice is hereby given that Foothill Venture Corp. (FVC), 8383 Wilshire Boulevard, Beverly Hills, CA 90211, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to § 107.1004 of the Small Business Administration (SBA) rules and regulations (13 CFR 107.1004 (1972)) for an exemption with respect to a conflict-of-interest transaction covered by section 312 of the Act.

FVC proposes to invest $100,000, in Natel Electronics Industries, Inc. (Natel), 1800 Avenue of the Stars, Suite 753, Los Angeles, CA 90067. This investment comes within the purview of the above-cited regulation because Messrs. Don Gevirtz and John Nickoll are both officers and directors of FVC and directors of Natel. In addition, McCarty Investment Co., 8383 Wilshire Boulevard, Beverly Hills, CA 90211, a partnership in which The Foothill Group, Inc., 8383 Wilshire Boulevard, Beverly Hills, CA 90211, is the general partner, has an investment of over 10 percent of the common stock of Natel. The Foothill Group, Inc., is the parent of FVC.

In addition to his above affiliations Mr. Gevirtz is the chairman of the board, president, and chief executive officer of The Foothill Group, Inc., and a limited partner in the McCarty Investment Co. Mr. Nickoll is the vice chairman of the board, and executive vice president of The Foothill Group, Inc., and a limited partner in the McCarty Investment Co.

The application represents the following:

1. The investment will be a $100,000, 5-year convertible debenture.

2. The proceeds of the debenture will be used for product development and working capital.

3. This investment must be approved by the California Corporations Commissioner who must pass on the fairness and equity of this transaction with respect to the stockholders of both the issuer and the purchaser.

4. FVC's Board of Directors voted unanimously to make this investment.

5. The investment will enable a small aerospace company to expand soundly and profitably.

Notice is further given that any interested person may, not later than 15 days from the publication of this notice, submit to SBA, in writing relevant comments on this transaction. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416. After the aforementioned 15-day period, SBA may, under the regulations, dispose of the application upon the basis of the information stated in said application and other relevant data.

Dated: November 10, 1972.

ANTHONY G. CHASE, *Deputy Administrator.*

[FR Doc.72-19866 Filed 11-17-72;8:46 am]

[Delegation of Authority 11-A]

DEPUTY GENERAL COUNSEL; OFFICE OF GENERAL COUNSEL

Redelegation on Legal Activities

I. Pursuant to the authority delegated by the Administrator to the General Counsel in Delegation of Authority No. 11 (37 F.R. 20751), the following authority is hereby redelegated to the specific positions as indicated herein:

Deputy General Counsel. To approve or decline fees relating to the closing of loans for attorneys retained by SBA.

To approve or decline fees and expenses relating to the closing of investment company and development company loans for attorneys retained by SBA, and to approve or decline fees and expenses arising out of small business investment company matters relating to litigation and liquidation matters for attorneys retained by SBA, trustees under deeds of trust, receivers, title examinations and reports, advertising, and other necessary litigation expenses.

Associate General Counsel, Office of Litigation. Except as relates to small business investment company matters, to approve or decline fees and expenses relating to litigation and liquidation matters for attorneys retained by SBA,

trustees under deeds of trust, receivers, title examinations and reports, advertising and other necessary litigation expenses.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

IV. All authority previously delegated by the General Counsel and other officials under his jurisdiction is hereby rescinded without prejudice to actions taken under such delegations prior to the date hereof.

Effective date: September 15, 1972.

JOHN A. KNEBEL,
General Counsel.

[FR Doc.72-19867 Filed 11-17-72;8:46 am]

[Delegation of Authority 12-A]

DEPUTY ASSOCIATE ADMINISTRATOR ET AL.

Redelegation on Financial Assistance

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Financial Assistance in Delegation of Authority No. 12 (37 F.R. 20751), the following authority is hereby delegated to the specific positions as indicated herein:

A. *Deputy Associate Administrator for Financial Assistance.* 1. To perform any and all acts which I, as Associate Administrator for Financial Assistance, am authorized to perform under the aforementioned Delegation of Authority.

B. *Director, Office of Financing.* 1. To approve or decline business, economic opportunity, and all types of disaster loan applications, including reconsiderations applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify, and amend authorizations for fully or partially undisbursed loans.

3. To determine eligibility of business, economic opportunity, and all types of disaster loan applicants.

C. *Chief, Program Operations Division.* 1. To approve or decline business, economic opportunity, and all types of disaster loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify, and amend authorizations for fully or partially undisbursed loans.

3. To determine eligibility of business, economic opportunity, and all types of disaster loan applicants.

D. *Director, Office of Loan Administration.* 1. To take all necessary action in connection with the servicing, administration, collection, and liquidation of all loans, other obligations and acquired property, with the exception of those loans classified as in litigation, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness, exclusive of property acquired, owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the initiation of suit for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary actions in connection with the liquidation of SBIC's and EDA loans for the Department of Commerce.

3. To take all necessary actions in connection with the servicing (financial aspects) of certificates of competency and, as appropriate, financial aspects of contracts let by SBA under section 8(a) of the Small Business Act, as amended.

E. *Chiefs, Operations Assistance Division and Program and Systems Division.* 1. To take all necessary action in connection with the servicing, collection, or liquidation of fully disbursed loans not in litigation and other obligations and acquired property within all loan programs of the Small Business Administration, but is not authorized:

a. To sell any primary obligation or other evidence of indebtedness, exclusive of property acquired, owed to the Agency for a sum less than the total amount due thereon.

b. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

c. To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the initiation of suit for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary actions in connection with the liquidation of SBIC's and EDA loans for the Department of Commerce.

3. To take all necessary actions in connection with the servicing (financial aspects) of certificates of competency and, as appropriate, financial aspects of contracts let by SBA under section 8(a) of the Small Business Act, as amended.

F. *Director, Office of Community Development.* 1. To approve or decline development company (sections 501 and 502) loan applications, including reconsiderations thereof, and to executive authorizations and modifications pertaining to such loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed loans.

3. To determine eligibility of development company loan, lease guarantee, and surety bond applicants.

4. To approve or decline applications for the guarantee of the payment of rents under a lease where aggregate rentals do not exceed the lesser of $15,000 per month or $2,500,000 over the term guaranteed.

5. To enter into reinsurance agreements with participating insurance companies and to modify and revise the same whenever necessary.

6. To approve or decline applications for reinsured guarantees received from participating insurance companies for the payment of rents under a lease where the SBA share of such participation does not exceed the lesser of $15,000 per month or $2,500,000 over the term guaranteed.

7. To approve the investment of moneys in the lease guarantee revolving fund not needed for the payment of current operating expenses for the payment of claims arising under the lease guarantee program, in bonds or other obligations guaranteed as to principal and interest by the United States.

8. To guarantee sureties of small business against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts up to $500,000.

9. To make size determinations for the purpose of the lease guarantee and surety bond programs.

G. *Chief, Development Company Loan Division.* 1. To approve or decline development company (sections 501 and 502) loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed loans.

3. To determine eligibility of development company loan applicants.

H. *Chief, Underwriting Division.* 1. To approve or decline applications for the guarantee of the payment of rents under a lease where aggregate rentals do not exceed the lesser of $15,000 per month or $2,500,000 over the term guaranteed.

2. To enter into reinsurance agreements with participating insurance companies and to modify and revise the same whenever necessary.

3. To approve or decline applicants for reinsured guarantees received from participating insurance companies for the payment of rents under a lease where the SBA share of such participation does not exceed the lesser of $15,000 per month or $2,500,000 over the term guaranteed.

4. To guarantee sureties of small business against portions of losses resulting from the breach of bid, payment of performance bonds on contracts up to $500,000.

5. To determine eligibility of lease guaranty and surety bond applicants.

I. *Central Office Claims Review Committee.* 1. This committee shall consist of the Director, Office of Loan Administration, acting as chairman; Director, Office of Financing; and Associate General Counsel, Office of Litigation.

2. This committee shall meet and consider reasonable and properly supported compromise proposals provided the decision of the committee is unanimous.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any Small Business

Administration employee designated as acting in that position.

Effective date: September 15, 1972.

ANTHONY S. STASIO,
Acting Associate Administrator for Financial Assistance.

[FR Doc.72-19868 Filed 11-17-72;8:46 am]

[Delegation of Authority 13-A]

DIRECTOR, OFFICE OF BUSINESS DEVELOPMENT AND CHIEF, GOVERNMENT CONTRACTS DIVISION

Redelegation on Procurement and Management Assistance

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Procurement and Management Assistance by Delegation of Authority No. 13 (37 F.R. 20752), the following authority is hereby delegated to the specific positions as indicated herein:

A. *Director, Office of Business Development.* 1. To enter into contracts on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts.

2. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer.

3. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts.

B. *Chief, Government Contracts Division.* 1. To enter into contracts on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts.

2. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer.

3. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

Effective date: September 15, 1972.

MARSHALL J. PARKER,
Associate Administrator for Procurement and Management Assistance.

[FR Doc.72-19869 Filed 11-17-72;8:46 am]

[Delegation of Authority 15-A]

DIRECTOR, OFFICE OF MANAGEMENT SYSTEMS, ET AL.

Redelegation of Administrative and Financial Activities

I. Pursuant to the authority delegated by the Administrator to the Assistant Administrator for Administration in Delegation of Authority No. 15 (37 F.R. 20753), the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Administrative Services*—1. *Director, Office of Management Systems.* a. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the agency pursuant to chapter 4 of title 41, United States Code, subject to the limitations contained in section 257 (a) and (b) of that chapter.

b. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

2. *Chief, Administrative Services Division.* a. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the agency pursuant to chapter 4 of title 41, United States Code, subject to the limitations contained in section 257 (a) and (b) of that chapter.

b. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

3. *Assistant Chief, Administrative Services Division.* a. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the agency pursuant to chapter 4 of title 41, United States Code, subject to the limitations contained in section 257 (a) and (b) of that chapter.

b. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

c. To issue government bills of lading, printing and binding orders, purchase orders, work orders, telephone orders, and tax exemption certificates.

4. *Chief, Procurement and Supply Branch.* a. To contract for supplies, materials and equipment, printing, and special services pursuant to chapter 4 of title 41, United States Code, subject to the limitations contained in section 257 (a) and (b) of that chapter.

b. To issue government bills of lading, printing and binding orders, purchase orders, work orders, telephone orders, and tax exemption certificates.

5. *Assistant Chief, Procurement and Supply Branch.* a. To issue government bills of lading, printing and binding orders, purchase orders, and tax exemption certificates as they relate to chapter 4 of title 41, United States Code, subject to the limitations contained in section 257 (a) and (b) of that chapter.

6. *Warehouse Foreman, Procurement and Supply Branch.* a. To issue government bills of lading.

7. *Chief, Office Services Branch.* a. To issue work orders, telephone orders, and authorize and approve repairs to machinery and equipment.

B. *Financial Management*—1. *Director, Office of Budget and Finance.* a. To assign, endorse, transfer, deliver, or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

2. *Chief, Accounting Operations Branch.* a. Same as B.1.a., above.

3. *Chief, Fiscal Branch.* a. Same as B.1.a., above.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

Effective date: September 15, 1972.

RONALD G. COLEMAN,
Assistant Administrator for Administration.

[FR Doc.72-19870 Filed 11-17-72;8:46 am]

[Delegation of Authority 16-A]

DIRECTOR, OFFICE OF GOVERNMENT AND INDUSTRY RELATIONS

Delegation of Authority for Minority Enterprise Activities

I. Pursuant to authority delegated to the Assistant Administrator for Minority Enterprise by Delegation of Authority No. 16 (37 F.R. 20753), authority is hereby delegated to the positions as indicated below:

A. *Director, Office of Government and Industry Relations.* 1. To execute grants, agreements, and contracts providing financial assistance to public or private organizations to pay all or part of the costs of technical and management assistance projects designed to furnish centralized services with regard to public services and government programs, including programs authorized under section 402 of the Economic Opportunity Act of 1964, as amended, with special attention to small business concerns located in urban

areas of high concentration of unemployed or low-income individuals or owned by low-income individuals.

II. This authority may not be redelegated.

III. This authority may be exercised by any person designated as Acting Director, Office of Minority Industry Relations.

Effective date: September 15, 1972.

NICK ORTIZ,
Acting Assistant Administrator for Minority Enterprise.

[FR Doc. 72-19871 Filed 11-17-72;8:47 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

AGRICULTURAL SUBCOMMITTEE ON PESTICIDES

Notice of Public Meeting

Notice is hereby given that the Agricultural Subcommittee on Pesticides of the Standards Advisory Committee on Agriculture, established under section 7 (b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1597; 29 U.S.C. 656) and 29 CFR Part 1912, will meet at 9 a.m. on Tuesday, November 21, 1972, in Room 107A of the Main Labor Building, 14th and Constitution Avenue NW., Washington DC.

The subcommittee will take up matters pertaining to the establishment of standards to provide protection to agricultural workers who may be exposed to potentially toxic pesticides in the course of their employment, and, particularly, matters relating to field reentry periods after certain crops have been treated with certain pesticides.

The meeting shall be open to the public.

Signed at Washington, D.C., this 15th day of November, 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-19985 Filed 11-17-72;8:52 am]

Office of Labor-Management and Welfare Pension Reports

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Notice of Meeting

Pursuant to section 14 of the Welfare and Pension Plans Disclosure Act (29 U.S.C. 308e), a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Tuesday, November 28, 1972, at 10 a.m. in Conference Room 102, Department of Labor Building, 14th and Constitution Avenue NW., Washington, DC. The meeting will be open to members of the public who signify an intention to attend.

The agenda for the meeting follows:

1. Administration of oath of new members.
2. Approval of minutes of last meeting.
3. Bonding experience under the Welfare and Pension Plans Disclosure Act.
4. "Know Your Pension Rights"—a technical assistance pamphlet which suggests questions participants should ask about their plans.

Persons desiring to attend should notify Mr. Edward F. Lysczek, Executive Secretary to the Advisory Council, 301—495-4291.

Signed at Washington, D.C., this 14th day of November 1972.

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

[FR Doc.72-19865 Filed 11-17-72;8:46 am]

Office of the Secretary

NEW JERSEY

Notice of Determination of "Temporary Off" Indicator and Ending of Temporary Compensation Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, title II), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination that there is a "temporary off" indicator for the week ending October 7, 1972, in the State of New Jersey.

As provided in section 202(c)(3)(A)(i)(II) of the Act and 20 CFR 617.5 (b) and (c), the temporary compensation period in this State shall end on October 28, 1972, the last day of the third week following the week for which there is a "temporary off" indicator in that State. Under the Act, temporary compensation is not payable in the State of New Jersey for any week of unemployment which begins after October 28, 1972.

Signed at Washington, D.C., this 14th day of November 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-19862 Filed 11-17-72;8:46 am]

NORTH DAKOTA

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 197J, title II, Public Law 91-373, establishes a program of payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Martin N. Gronvold, executive director of the North Dakota Employment Security Bureau, has determined that there was a State "off" indicator in North Dakota for the week beginning September 3, 1972, and that an extended benefit period terminated in the State with the week beginning September 24, 1972.

Signed at Washington, D.C., this 14th day of November 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-19864 Filed 11-17-72;8:46 am]

RHODE ISLAND

Notice of Determination of "Temporary Off" Indicator and Ending of Temporary Compensation Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, title II), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination that there is a "temporary off" indicator for the week ending October 14, 1972, in Rhode Island.

As provided in section 202(c)(3)(A)(i)(II) of the Act and 20 CFR 617.5 (b) and (c), the temporary compensation period in the State of Rhode Island shall end on November 4, 1972, the last day of the third week following the week for which there is a "temporary off" indicator in Rhode Island. Under the Act, temporary compensation is not payable in this State for any week of unemployment which begins after November 4, 1972.

Signed at Washington, D.C., this 14th day of November 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-19863 Filed 11-17-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 162]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following

numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74023. By order of November 6, 1972, the Motor Carrier Board approved the transfer to Richard Willey, doing business as E. J. Pelletier and Son, Movers, Laconia, N.H., of the operating rights in Certificates Nos. MC–76814, MC–76814 (sub–No. 2), and MC–76814 (sub–No. 3) issued October 31, 1956, February 12, 1947, and July 18, 1947, respectively, to Ernest J. Pelletier, doing business as Ernest J. Pelletier and Son, Laconia, N.H., authorizing the transportation of household goods, between points in Belknap County, N.H., on the one hand, and, on the other, points in Vermont, Massachusetts, Rhode Island, Connecticut, Maine, and New York, and such merchandise as is dealt in by wholesale, retail, and chain grocery stores and food business houses, from Laconia, N.H., to points in Belknap, Carroll, Grafton, Merrimack, and Strafford Counties, N.H. Richard P. Brouillard, 16 Academy Street, Laconia, NH 03246, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–19921 Filed 11–17–72;8:50 am]

[Notice 152]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 14, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3255 (Sub-No. 12 TA) (Amendment), filed October 2, 1972, published in the FEDERAL REGISTER issue of November 1, 1972, amended and republished in part as amended this issue. Applicant: PEP TRUCKING CO., INC., 386 Henderson Street, Jersey City, NJ 07302. Applicant's representative: George A. Olsen, 60 Tonnele Avenue, Jersey City, NJ 07306. NOTE: The purpose of this partial republication is to change the authority sought from contract carrier to *common carrier*, and reassign a new MC No. *325* (Sub-No. *12* TA), in lieu of MC No. 138077 TA. The rest of the application remains the same.

No. MC 5326 (Sub-No. 15 TA), filed October 26, 1972. Applicant: WILSON B. DILL, CARL M. DILL, SR., and ARTHUR B. DILL, doing business as DILL BROS. COMPANY, Galena, Md. 21635. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Delmar, Del., to points in Cecil, Kent, Queen Annes, Talbot, and Caroline Counties, Md., for 180 days. Supporting shipper: George W. Brinsfield, Red-White Mills, Inc., Delmar, Del. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 9269 (Sub-No. 16 TA), filed October 30, 1972. Applicant: BEST WAY MOTOR FREIGHT, INC. (Wash. Corp.), 1765 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except articles of unusual value, commodities in bulk, household goods as defined by the Commission, and articles which because of their size or weight require the use of special equipment, between Moses Lake, Wash., and Ephrata, Wash., via State Highway 282 and thence via State Highway 28 to Soap Lake, Wash., and thence via Highway 17 to the junction of State Highway 282, from Ephrata over State Highway 28 to Quincy, Wash., and return over the same route also via State Highway 281 to its junction with Interstate Highway 90 as an alternate route via Interstate Highway 90 to Moses Lake for operating convenience only, for 180 days. NOTE: Authority requested to tack with existing authority authorized in Docket MC 9269 (Sub-No. 14 TA), which is unrestricted as to tacking or interlining and also for permission to interline with other carriers at Moses Lake, Wash. Supported by: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 19227 (Sub-No. 172 TA), filed October 25, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33142. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment shelters*, from Port Jervis, N.Y., to Austin, Tex., for 180 days. Supporting shipper: Skydyne, Division of Brooks & Perkins, Inc., River Road, Port Jervis, N.Y. 12771. Send protests to: District Supervisor, Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 29821 (Sub-No. 4 TA), filed October 30, 1972. Applicant: NEWBERG AUTO FREIGHT, INC., 408 West First Street, Newberg, OR 97132. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Papermill machine parts*, between Newberg, Oreg., and points in King and Cowlitz Counties, Wash., for 180 days. Supporting shipper: Publishers Paper, Post Office Box 70, Newberg, OR 97132. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 30844 (Sub-No. 436 TA), filed October 24, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Zip 50702, Post Office Box 500, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Quincy, Ill., to Solon, Ohio, for 180 days. Supporting shipper: Stouffer Foods, 5750 Harper Road, Solon, OH 44139. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 30844 (Sub-No. 437 TA), filed October 30, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Zip 50702, Post Office Box 500, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant machinery, equipment, materials and supplies, metal and plastic boxes, metal cabinets, metal chests, and hospital carts*, between Waterloo, Iowa, and Pocahontas, Ark., for 180 days. Supporting shipper: Waterloo Industries, Inc., Post Office Box 209, Waterloo, IA

[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.

50704. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 32367 (Sub-No. 21 TA), filed October 31, 1972. Applicant: RED & WHITE MARKET & TRANSFER, INC., (Nebr. Corp.), 607 South Burlington Avenue, Hastings, NE 68901. Applicant's representative: Gailyn L. Larsen, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Engines and parts and accessories thereof*, from Port Huron, Lansing, and Farmington, Mich., to Hastings, Nebr.; and (2) *fabricated sheet metal*, from Auto Sheet Metal Co., a Division of Leer Ziegler, at or near, Detroit, Mich., to Hastings, Nebr., for 180 days. Supporting shipper: Charles C. Osborne, President Industrial-Irrigation Services, 221 East J Street, Hastings, NE 68901. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building, and Courthouse, Lincoln, NE 68508.

No. MC 35807 (Sub-No. 26 TA), filed November 6, 1972. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, Mailing: Post Office Box 4313 (30302), 210 Baker Street NW., Atlanta, GA 30313. Applicant's representative: Melvin E. Bailet (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coin, currency, and negotiable securities) as are used in banking operations, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and those in Mercer, Burlington, Ocean, Camden, Gloucester, Atlantic, Salem, Cumberland, and Cape May Counties, N.J., for 180 days. Supporting shipper: Federal Reserve Bank of Philadelphia, Philadelphia, Pa. 19101. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 42146 (Sub-No. 14 TA), filed October 28, 1972. Applicant: A. G. BOONE COMPANY, 1117 South Clarkson Street, Charlotte, NC 28208. Applicant's representative: A. G. Boone (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between points in North Carolina, on the one hand, and, on the other, points in Duval County, Fla., Chatham, Glynn, and Walker Counties, Ga., Beaufort County, S.C., and Anderson, Blount, Hamblen, Hamilton, Knox, McMinn, and Roane Counties, Tenn., for 180 days. Supporting shipper: The Great Atlantic and Pacific Tea Co., Inc., 2024 Thrift Road, Post Office Box 1209, 28201, Charlotte, NC. Send protests to: Frank H. Wait, Jr., Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, NC 28202.

No. MC 44639 (Sub-No. 61 TA), filed October 26, 1972. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Boydton, Va., on the one hand, and, on the other, Crewe, Va., and New York, N.Y., commercial zone, for 180 days. NOTE: Applicant states it does intend to tack with the authority in MC 44639 at New York, N.Y. Supporting shipper: Tarri Towne Casuals, Inc., 1370 Broadway, New York, NY 10018. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 103993 (Sub-No. 737 TA), filed October 24, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 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 Herkimer County, N.Y., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Highland Homes, Inc., 340 Harter Street, Herkimer, NY. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 113908 (Sub-No. 243 TA), filed October 25, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, Glenstone Station, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Auburndale, Lake Alfred, and Winterhaven, Fla., to Peoria, Ill., and Schaefferstown, Pa. (except brandy and wine from Lake Alfred, Fla., to Peoria, Ill., and *brandy, wine, and rum* from Lake Alfred, Fla., to Schaefferstown, Pa.), *refused and/or rejected shipments on return*, for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., foot of Edmond Street, Peoria, Ill. 61601. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 114553 (Sub-No. 265 TA), filed October 30, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphic arts material*, between Topeka, Kans., on the one hand, and, on the other, points in Platte, Jackson, Clay, Cass, Newton, Jasper, Greene, Cole, Boone, and Callaway Counties, Mo., Osage, Tulsa, Creek, Washington, Oklahoma, McLaire, and Canadian Counties, Okla., Lancaster, Douglas, Sarphy, and Richardson Counties, Nebr., for 180 days. Supporting shipper: General Printing & Paper, Inc., 305 East 17th Street, Post Office Box 268, Topeka, KS. Send protests to: District Supervisor R. G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 115814 (Sub-No. 8 TA), filed October 25, 1972. Applicant: MARK TRUCKING, INC., Trella Street, Post Office Box 5701, Belleville, PA 17004. Applicant's representative: James W. Hagar, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs and food preparations*, from Belleville, Pa., to points in New Jersey and Conshocton, Ohio, under a continuing contract with Abbotts Dairies, Division of Fairmont Foods Corp.; (2) *salt*, except in bulk, from Watkins Glen, N.Y., and *dicalcium phosphate*, except in bulk, from Camden, N.J., to Reedsville, Pa., under a continuing contract with Belleville Flour Mills Co.; and (3) *salt*, except in bulk, from Watkins Glen, N.Y., *and dicalcium phospate*, except in bulk, from Camden, N.J., to Reedsville, Pa., under a continuing contract with Reedsville Milling Co., for 180 days. Supporting shippers: Abbotts Dairies Co., Belleville, Pa. 17004; Belleville Flour Mills Co., Belleville, Pa. 17004; Reedsville Milling Co., Reedsville, Pa. 17084. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 124078 (Sub-No. 532 TA), filed October 13, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215, Applicant's representative. Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, from Cartersville, Ga., to Romeo, Mich., for 180 days. Supporting shipper: Thompson, Weinman & Co., Post Office Box 130, Cartersville, GA 30120 (Willis S. Brunson, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 128217 (Sub-No. 6 TA), filed October 25, 1972. Applicant: REINHART MAYER, doing business as MAYER

TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* for the account of Richardton Machine & Manufacturing Co., Inc., from the Chicago, Ill., Minneapolis, Minn., and Duluth, Minn., commercial zones to Richardton, N. Dak., for 180 days. Supporting shipper: Richardton Machine & Manufacturing Co., Inc., Richardton, N. Dak. 58652. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 129594 (Sub-No. 3 TA), filed October 24, 1972. Applicant: TRIPLE "D" CARTAGE, INC., 1004 11th Street NE., Mason City, IA 50401. Applicant's representative: Clayton L. Wornson, 206 Brick & Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, except in bulk, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, except in bulk, from Mason City, Iowa, to points in that part of Minnesota on and north of Minnesota Highway 19 and on and south of a line extending from Ortonville, Minn., on the west; thence over U.S. Highway 12 easterly to Benson, Minn.; thence over Minnesota Highway 9 to New London, Minn.; thence over Minnesota Highway 23 to its intersection with Minnesota Highway 48 south of Hinckley, Minn.; thence over Highway 48 to the Minnesota-Wisconsin border (except Litchfield and St. Cloud, Minn., heretofore authorized), *with return of the same commodities* from Ortonville, Cokato, St. Cloud, Glencoe, New Prague, Hastings, Arlington, LeSuer, Faribault, Forest Lake, and Minneapolis-St. Paul commercial zone, Minn., to Mason City, Iowa, for 180 days. Supporting shipper: Farm House Foods Corp., Post Office Box 1377, Mason City, IA 50401. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 134097 (Sub-No. 1 TA), filed October 16, 1972. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. 21774. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Baltimore, Md., to the gasoline stations of Cheker Oil Co. in Winchester, Va., and Harrisburg, Pa., for 180 days. Supporting shipper: Cheker Oil Co., 2701 Jackson Avenue, Post Office Box 216, South Chicago Heights, IL 60411. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 134588 (Sub-No. 3 TA), filed October 12, 1972. Applicant: VIKING WAY, INC., Post Office Box 2256, Office: 131 West Seventh Street, Ogden, UT 84404. Applicant's representative: Philip C. Pugsley, 315 East Second South Street, Salt Lake City, UT. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and dairy products*, in refrigerated vans, from Logan, Utah, to Los Angeles, Sacramento, and San Francisco, Calif., and *return shipments of occasionally rejected or unsatisfactory cheese and dairy products* in refrigerated vans, for 180 days. Supporting shipper: Dairy Distributors, Inc., 1000 North Tenth West, Logan, UT 84321 (Edwin Gossner, President). Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Sub-No. 46 TA), filed October 30, 1972. Applicant: AMERICAN BUSLINES, INC., Post Office Box 730, Office: 300 South Broadway Avenue, Wichita, KS 67201. Applicant's representative: C. Zimmerman, Brown Building, Wichita, Kans. 67201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations, between Fort Leonard Wood, Mo., and Memphis, Tenn., from Fort Leonard Wood, Mo., over Missouri Highway A–W to junction Missouri State Highway 17, thence over Missouri State Highway 17 to junction U.S. Highway 63 at Houston, Mo., thence over U.S. Highway 63 to junction Interstate Highway 55 at Turrell Junction, Ark., thence over Interstate Highway 55 to Memphis, Tenn., serving no intermediate points, and returning over the same route, for 60 days. NOTE: Applicant will interline with other carriers at Memphis, Tenn. Supported by: Several Service Men. Send Protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–19922 Filed 11–17–72;8:50 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

TAX TREATMENT OF CONTRIBUTIONS OF APPRECIATED PROPERTY TO COMMITTEES OF POLITICAL PARTIES

Notice of Extension of Time for Comments

A notice permitting the submission of written comments or suggestions relating to the tax treatment of contributions of appreciated property to committees of political parties appeared in the FEDERAL REGISTER for Thursday, October 19, 1972 (37 F.R. 22427).

Written comments or suggestions were required by November 20, 1972. The time for submission of written comments or suggestions pertaining to the above-mentioned subject is hereby extended to December 15, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

[FR Doc.72–20097 Filed 11–17–72;11:07 am]

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