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List of CFR Parts Affected

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

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

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Notice of proposed rule making was published in the FEDERAL REGISTER on July 18, 1972 (37 F.R. 14236) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that the shelter hardship allowance be computed on the basis of income remaining after the deduction of all other allowable expenses. Interested persons were given 30 days in which to submit comments, suggestions, or objections to the proposed amendment. Responses to the proposed amendment were received from 35 interested persons and organizations. Eight respondents either opposed or suggested minor revisions of the proposed amendment.

After carefully considering the comments received, the Department has decided to adopt the proposed amendment published in the FEDERAL REGISTER on July 18, 1972. This change is adopted without alteration and is set forth below.

1. In order to provide for the implementation of the following amendments to § 271.3 and any subsequent amendments to the regulations in this subchapter which relate directly to the certification of households, § 271.1(s) is hereby amended by adding thereto a new subdivision (1)(viii) to read as follows:

§ 271.1 General terms and conditions for State agencies.

* * * * *

(s) *Implementation.* (1) Each State agency shall:

* * * * *

(viii) With respect to any amendment to this subchapter which relates directly to the certification of households by the State agency, put such amendment into effect for all new applications and household recertifications on the effective date of such amendment, and for all other households not later than 120 days after such date, unless otherwise provided in such amendment.

* * * * *

Because of the need for prompt implementation of the amendment to § 271.3(c) for the benefit of eligible households, it is determined that it is contrary to the public interest to follow proposed rule making procedures with respect to this amendment of § 271.1(s).

2. In § 271.3(c), subparagraph (1)(iii) is amended to read as set forth below. Because of the relettering of subdivisions in this amendment, in § 271.3(c)(1)(i)(b)(*1*) the reference to "subdivision (iii)(*b*)" is amended to read "subdivision (iii)(*f*)".

§ 271.3 Household eligibility.

* * * * *

(c) *Income and resource eligibility standards of other households.* * * *

(1) *Definition of income.* * * *

(iii) Deductions for the following household expenses shall be made:

(*a*) Mandatory deductions from earned income which are not elective at the option of the employee such as local, State, and Federal income taxes, social security taxes under FICA, and union dues;

(*b*) Payments for medical expenses, exclusive of special diets, when the costs exceed $10 per month per household;

(*c*) The payments for the care of a child or other persons when necessary for a household member to accept or continue employment;

(*d*) Unusual expenses incurred due to an individual household's disaster or casualty losses which could not be reasonably anticipated by the household;

(*e*) Educational expenses which are for tuition and mandatory school fees, including such expenses which are covered by scholarships, educational grants, loans, fellowships, and veterans' educational benefits; and

(*f*) Shelter costs in excess of 30 per centum of the household's income after the above deductions.

* * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011–2025)

Effective date. This amendment shall be effective on the date of its publication in the FEDERAL REGISTER (11–28–72).

RICHARD LYNG,
Assistant Secretary.

NOVEMBER 21, 1972.

[FR Doc.72–20357 Filed 11–27–72;8:47 am]

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

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

Increase in Expenses for 1971–72 Fiscal Period

Notice was published in the FEDERAL REGISTER on November 11, 1972 (37 F.R. 24038) that consideration was being given to a proposal regarding an increase in the expenses previously approved for the fiscal period September 1, 1971, through August 31, 1972, recommended by the Cranberry Marketing Committee established pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted.

After consideration of all relevant matters presented, including the recommendation made by the committee, as set forth in the aforesaid notice, and other available information, it is hereby found that the amendment, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this amendment was published in the FEDERAL REGISTER on November 11, 1972, and no objection to this amendment was received; (2) in order for the committee to meet obligations incurred in accordance with the provisions of the amended marketing agreement and order during the 1971–72 fiscal period an immediate increase in the previously approved expenses is necessary, and (3) no increase in the rate of assessment fixed for the 1971–72 fiscal period is necessary since income already available to the committee is sufficient to cover the increase in expenses.

Therefore, the provisions of paragraph (a) of § 929.212 (36 F.R. 24213) are hereby amended to read as follows:

§ 929.212 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period September 1, 1971, through August 31, 1972, will amount to $54,575.

* * * * *

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

Dated: November 22, 1972.

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

[FR Doc.72–20410 Filed 11–27–72;8:50 a.m.]

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

[Milk Order 50]

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provisions

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

Notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 23553) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of November 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act:

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

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

The suspension was requested by Associated Milk Producers, Inc., and is necessary in order to enable many of its member producers to maintain producer status under the order for November and thereby continue receiving the uniform price for their milk.

On October 4, 1972, a large distributing plant to which many of the association's member producers shipped their milk ceased all receiving and processing operations. Since that time the cooperative association has been attempting to find alternative outlets for the milk supplied by these producers. About half of such milk supply has been accommodated on another market via shipment through a reload station at McConnell, Ill. An additional farm bulk tank pick-up route of such milk is being marketed under yet another order by direct shipment. The remaining volume of milk (five farm bulk tank pick-up routes), however, is being marketed on a limited basis to other pool plants in the Central Illinois market. The association has not yet been able to arrange a regular alternative fluid market for such remaining member producer supply of milk.

While the cooperative has made arrangements with three other handlers in the Central Illinois market to receive this remaining volume of milk for at least 1 day in the month, such handlers do not need the milk on a regular basis.

The suspension of diversion limits will afford the cooperative an opportunity to divert such milk to nonpool plants as producer milk, thereby maintaining its regulated status under the order. As such, the producers of such milk will continue to receive the uniform price while the cooperative continues to seek more permanent marketing arrangements with respect to the milk of these producers who have supplied the market for many years.

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

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

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

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

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

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

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

Effective date: Upon publication in the FEDERAL REGISTER (11–28–72).

Signed at Washington, D.C., on November 22, 1972.

RICHARD E. LYNG,
Acting Secretary.

[FR Doc.72–20409 Filed 11–27–72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 12385, Amdt. 39–1567]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Continental Engines

There have been reports of oil pump drive shaft failures in service caused by gear wear on certain Rolls Royce Continental engines that could result in the loss of oil pressure and in engine failure. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require repetitive inspection of oil pump drive gear and replacement, if necessary, on specified Rolls Royce Continental engines.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROLLS ROYCE (1971) LIMITED. Applies to Rolls Royce Continental engines that have oil pump drive gear P/N's 22354/RR or 23403/RR installed. Those engines may include Model RR C90, except S/N's 11R021 and subsequent; Model RR O–200 engines, except S/N's 23R590 through 23R600 and 23R638 and subsequent; and Model RR O–300 engines, except S/N's 31R162 and subsequent.

Compliance required as indicated.

To prevent the loss of oil pressure due to excessive wear of oil pump drive gear P/N's 22354/RR or 23403/RR accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service before the effective date of this AD, and thereafter at the intervals specified in paragraph (b), determine the amount of backlash (angular movement) in the oil pump drive gear in accordance with Rolls Royce Service Bulletin No. T–200, dated November 26, 1971, or an FAA-approved equivalent.

(b) If the amount of backlash (angular movement) determined in accordance with paragraph (a) during an inspection required by paragraph (a) or this paragraph is—

(1) 6° or less, continue to inspect in accordance with paragraph (a) at intervals not to exceed 300 hours' time in service since the last inspection;

(2) More than 6° but not more than 10°, continue to inspect in accordance with paragraph (a) at intervals not to exceed 100 hours' time in service since the last inspection;

(3) More than 10° but not more than 14°, continue to inspect in accordance with paragraph (a) at intervals not to exceed 25 hours' time in service since the last inspection;

(4) More than 14°, before further flight, replace oil pump drive gear P/N's 22354/RR or 23403/RR, as applicable, with—

(i) An improved oil pump drive gear as specified in Rolls Royce Service Bulletin No. T–200, dated November 26, 1971, or an FAA-approved equivalent; or

(ii) An oil pump drive gear of the same part number with 14° or less of backlash (angular movement), determined in accordance with paragraph (a), and continue to comply with paragraph (b), as applicable.

(c) The repetitive inspections required by subparagraphs (b)(1), (b)(2), (b)(3), and (b)(4)(ii) may be discontinued when oil pump drive gear P/N's 22354/RR or 23403/RR are replaced with improved oil pump drive

gear as specified in Rolls Royce Service Bulletin No. T-200, dated November 26, 1971, or an FAA-approved equivalent.

This amendment becomes effective December 4, 1972.

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

Issued in Washington, D.C., on November 20, 1972.

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

[FR Doc.72-20341 Filed 11-27-72;8:47 am]

[Docket No. 11682, Amdt. 103-13]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Authority To Deviate

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to extend the authority in § 103.5 to grant deviations from the provisions of Part 103, under certain conditions, to cover the carriage of dangerous articles on flights of civil aircraft that depart from the United States for a place outside of the United States.

This amendment is based on a notice of proposed rule making, Notice No. 72-3, published in the FEDERAL REGISTER on February 3, 1972 (37 F.R. 2588). Except as specifically discussed hereinafter, this amendment and the reasons therefor are the same as those contained in Notice No. 72-3.

Three of the four public comments received in response to the notice favored the proposal; however, two of the comments recommended revisions to it. The first of these requested that the scope of the amendment be expanded to include flights of civil aircraft of United States registry anywhere in air commerce. Since Notice No. 72-3 was confined to extending the authority of § 103.5 to flights of civil aircraft that depart from the United States for a place outside thereof, the recommendation is considered beyond the scope of Notice No. 72-3; however, it may be considered in connection with a future rule-making action. The second revision was recommended by the U.S. Atomic Energy Commission (AEC) and advocated that radioactive materials be excluded from those articles for which deviation authority may be granted in view of the complexity of the many regulations that apply to these materials when shipped into foreign countries, including regulations of the FAA, the AEC, the Office of Hazardous Materials of the Department of Transportation, and the International Atomic Energy Authority. Based on further consideration of the proposal in the light of this comment, the FAA has concluded that deviations from the requirements of Part 103 for the transportation of radioactive materials on a flight departing the United States for a place outside thereof should be granted only in accordance with the more formal exemption procedures set forth in § 11.25 of the Federal Aviation Regulations. Accordingly, as adopted herein, subparagraph (11) does not permit deviation authority to be granted for radioactive substances on civil aircraft that depart from the United States for a place outside thereof. For such flights authority to deviate may be granted only for articles other than radioactive materials.

The FAA wishes to emphasize the fact that an authorization for deviation does not grant authority for flight over or into a foreign country with dangerous articles aboard, nor does it relieve the holder of an authorization from obtaining proper clearance from custom officials or other government agencies for the transportation of dangerous articles outside the United States. Accordingly, an authorization for deviation from the provisions of this part for one or more flights of an operation that have as their destination a place outside the United States does not grant authority for overflying a foreign country nor for landing in a foreign country; therefore, the holder of the authorization should secure permission from the foreign country or countries involved prior to flight over or into those countries with dangerous articles aboard. Furthermore, an authorization does not grant relief from compliance with applicable customs regulations or the applicable regulations of any other government agencies governing the transportation of dangerous articles outside the United States.

In consideration of the foregoing and for the reasons given in Notice 72-3, § 103.5(a) of Part 103 of the Federal Aviation Regulations is amended, effective January 29, 1973, by amending subparagraph (11) to read as follows:

§ 103.5 Authority to deviate.

(a) * * *

(11) The authorization is limited:

(i) To flights of civil aircraft between places in the United States and flights of civil aircraft that depart from the United States for a place outside thereof; and

(ii) For flights of civil aircraft that depart from the United States for a place outside thereof, to substances other than radioactive materials on board the aircraft.

* * * * *

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

Issued in Washington, D.C., on November 20, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-20342 Filed 11-27-72;8:47 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-780, Amdt. 4]

PART 245—REPORTS OF OWNERSHIP OF STOCK AND OTHER INTERESTS

Enlargement and Realignment of Shareholder Reporting Requirement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of October 1972.

In notice of proposed rule making EDR-216,[1] the Board proposed to amend Part 245 of the Economic Regulations (14 CFR Part 245) so as to define more precisely which persons are required to submit reports of their interests in stock of air carriers and to expand the contents of such reports. More specifically, it was proposed to enlarge and realign the shareholder reporting requirements in Subpart B so that, inter alia, (1) "trustee" would be broadly defined to include any person, other than a beneficial owner, who holds record ownership of securities, or who possesses or exercises one or more of various rights with respect to such securities; (2) reports would be required to include identification of persons who possess or exercise the right to vote, sell, prevent sale, or otherwise dispose of the reported stock, or who receive dividends therefrom, along with a description of the business activities of each person named in the report; (3) a reporting corporation would be required to identify each of the shareholders holding more than 10 percent of its outstanding securities; (4) banks and brokers, insofar as they are "trustees," would be excepted from the requirement to file an annual report and report of acquisition, but they would be required to file a quarterly report with respect to any of their individual accounts which include one-half of 1 percent (0.5%) or more of a reported security as of the end of each quarter; and (5) transactions granting security interests in stocks would also be reported.

Pursuant to the subject notice, eight comments were filed, consisting of two by scheduled air carriers,[2] four by financial institutions[3] and one each by the Aviation Consumer Action Project (ACAP), and the Flight Engineers International Association (FEIA).

ACAP and FEIA support the proposed rules. Allegheny and Delta take no position on the merits of the proposed rules, but suggest several modifications to the provisions therein. Merrill Lynch opposes, in toto, the special reporting requirements for banks and brokers. ABA,

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[1] Nov. 6, 1971, 36 F.R. 21361, Docket 23962.

[2] Allegheny Airlines, Inc. (Allegheny), Delta Air Lines, Inc. (Delta).

[3] The American Bankers Association (ABA), the First National Bank of Chicago (First National), the New York Clearing House (NYCH), and Merrill Lynch, Pierce, Fenner and Smith, Inc. (Merrill Lynch).

First National and NYCH support, in part, the substance of the rules proposed and suggest modifications of the provisions to which they object.

Upon full consideration of the relevant matters contained in the comments we have decided, for the reasons set forth hereinafter and in EDR–216, to adopt the amendments to Part 245 substantially as proposed. Except as modified herein, the tentative findings set forth in the explanatory statement to EDR–216 are incorporated by reference and made final. The most significant modifications to the proposed rules are: (1) The narrowing of the definition of "trustee" in § 245.11; (2) the reduction of the reporting requirement for banks and brokers in their capacities as "trustees," so that their reports need cover only individual accounts which include at least 1 percent of a reported security, instead of as little as one-half of 1 percent (0.5%), as proposed; and (3) the modification of the proposed reports, insofar as they require identification of persons who have various "rights of ownership" with respect to reported securities, so as to encompass only those rights which the Board has associated with control of, or the power to control, airline securities.

In addition to the foregoing modifications of the proposed rules, the within rules will also apply the Part 245 reporting requirements to 5-percent shareholders (and to officers and directors) of companies owning at least 95 percent of the voting stock of air carriers, as if they were shareholders (or officers and directors) of the subsidiary air carrier itself.

We first discuss the proposals dealing with the definition of "trustee" and with the reporting of individual accounts held as "trustees" by banks and brokers.[4]

Definition of "trustee." Certain of the parties variously take the position that the statute confines "trustee" to its traditional meaning, namely, a person who holds legal title in a res for the benefit of another. Other parties urge an even narrower interpretation which would encompass only record owners who also had the power to exercise "investment discretion" with respect to the res. The proposed definition of "trustee" covered persons having various "rights of ownership" with respect to securities even though they were neither record owners nor full beneficial owner in the economic sense. For example, the definition would have included custodians of shares, pledgees, holder of proxies and options to purchase, and even a lender who had imposed a negative covenant on the disposition of the assets of the borrower. It is argued that there is nothing in the language or legislative history of section 407(b) of the Act which would justify such broad coverage.

These comments further contend that, given the present capabilities of the centralized recordkeeping procedures of most banks, it is not feasible—particularly where the bank has branches—for banks to report the aggregate number of shares of an air carrier which they hold in various capacities, such as trustee, custodian, pledgee, or escrow agent, and that to require banks to set up the machinery necessary to obtain figures in each such capacity, would place an oppressive reporting burden on banks without fully indicating who controls the reported securities.

It is therefore urged that the proposed definition of "trustee" either (1) be withdrawn and replaced by a definition along traditional lines, so that the term can retain its "usual and accepted meaning," or (2) be narrowed to exclude at least such persons as pledgees, holders of proxies, options to purchase or first refusal rights, and those who merely receive dividends as a mailing address for a customer.

Upon reconsideration of the tentative views expressed in EDR–216 in light of the comments received, we have determined to confine the proposed definition to persons not beneficial owners who hold record ownership of securities, and we are further providing that if the record owner is a mere nominee for a bank or broker, then the bank or broker, rather than the nominee, shall be deemed the "trustee" of such security. In so doing we will exclude those nonrecord holders who merely have various limited rights with respect to air carrier securities. We think that our revised definition should enable us to achieve the objectives of section 407(b) of the act, by imposing a direct reporting requirement on those who have potential control of an air carrier through legal or equitable ownership of more than 5 percent of its stock.

In our judgment, the foregoing definition of "trustee" is within our statutory authority. By confining the definition to record owners, we have substantially mooted the legal argument of those parties who urged a redefinition of "trustee" along traditional lines. However, we are unable to accede to the argument, advanced by other parties, that Congress intended to constrict the scope of the term "trustee" to include only record owners who also have the power to exercise "investment discretion" with respect to air carrier securities. Such a standard is so vague as to be virtually unenforceable, involving—as it inevitably would—ad hoc subjective determinations with respect to whether a person, in fact, is vested with a measure of discretion over shares which he holds as the record owner. For example, as between the carrier and its shareholders the person whose name appears on the carrier's stock transfer books is generally regarded as having the right to vote the securities there registered. In instances where a trust relationship is established, and record and equitable ownership are separated, the record owner may sometimes act only as a conduit through which the beneficial owner invests the shares and exercises his voting rights thereto. On the other hand, the record owner may possess one or more of several different powers with respect to the shares held in trust each of which involves some degree of discretion, including, for example, the power to vote the shares in the absence of contrary instructions from the beneficial owner or the power to sell the shares and reinvest the proceeds. Whether in any given case, the record holder has the requisite "discretion" with respect to shares would thus entail not only an analysis of the enumerated powers in the trust document itself, but also an examination of the conduct of the parties to the trust agreement to determine if it may indicate the existence of implied discretionary powers in the record holder. Our reading of the legislative history of section 407(b) leads us to conclude that Congress could not have intended such a result, and the banking parties have not cited any legislative history or advanced convincing arguments, to the contrary. Rather, we believe Congress intended that the Board be empowered to treat as "trustees" 5-percent record owners of air carrier securities who are not themselves beneficial owners.

Quarterly report by banks and brokers. ABA, First National, NYCH, and Merrill Lynch urge elimination of the requirement that banks and brokers, filing reports as trustees of more than 5 percent of an air carrier's stock, must report with respect to any individual account which includes one-half of one percent (0.5%), or more, of such stock as of the end of each calendar quarter. Instead, ABA suggests that such bank or broker be required to file a quarterly report setting forth: (1) The aggregate number and class of shares so held and the number of such shares over which it has investment discretion or voting power; (2) the name and address of the settler of any trust account, or group of trust accounts, which includes 5 percent or more of the reported security at the end of each calendar quarter; and (3) the name and address of the person, if other than the reporting bank or broker, who has the power to vote or make investment decisions with respect to the shares covered by the report.[5]

In support of this request, the banking parties contend that the Board is without statutory authority to require banks and brokers covered by the regulation to list separately each account for which they hold shares amounting to only one-half of one percent (0.5%) or more of the outstanding shares of the reported security. Specifically, they argue that section 407(b) of the act refers to persons or trustees holding more than 5

[4] The financial institutions submitting comments generally oppose the substance of these proposals on both legal and policy grounds. Since their legal and policy arguments are closely interrelated, we have for analytical purposes grouped them together under each issue to which they are directed.

[5] Similarly, NYCH requests modification of the proposed rule so as to require the bank or broker to report only those accounts holding more than 5 percent of the stock of an air carrier and whether the bank has sole discretion with respect to investments or voting of the stock.

percent of any class of the capital stock of an air carrier, and neither the legislative history nor any other section of the act indicates that Congress intended the Board to require disclosures of holdings below the stated percentage.

They further argue that the proposed requirement would: (1) Arbitrarily invade the confidential relationship that exists between a bank or broker and its customers, and could thus lead customers to whom confidentiality is important to establish trust relationships with persons other than banks or brokers; and (2) serve no useful purpose, since a person could easily evade the requirement by setting up a series of bank and brokerage accounts, each holding less than one-half of one percent (0.5%), or by selecting only a bank or broker which he could know would hold as trustee less than 5 percent of a particular carrier's stock. Merrill Lynch adds that the proposed requirement will place upon brokerage firms the needlessly onerous burden of examining their securities records for every class of securities of every publicly owned air carrier four times per year and make the required computations, whether or not a reportable event is determined to exist.

As we have already stated above, we have decided to modify our proposal so as to require banks and brokers to report only with respect to any individual account which includes one percent (1%) or more of an air carrier's stock. This in itself will substantially lighten the reporting burden which our proposal would have imposed on banks and brokers. However, for the reasons hereinafter stated, we reject the arguments and counterproposals in the comments, insofar as they would be equally applicable to our modified rule.

In the rulemaking notice, we tentatively concluded that section 407(b), in conjunction with the Board's general powers under section 204(a) of the Act,[6] gives the Board broad authority to require trustee shareholders to disclose all beneficial interests in a reported security, however small in number. Our tentative conclusion was grounded on the fact that while, by its literal terms, section 407(b) appears only to require disclosures of 5-percent shareholding interests, the disclosure of beneficial owners of smaller amounts of a reported security is necessary to prevent circumvention of the statute where such beneficial holdings are, in fact, split up among several trustees, or held in different accounts by one trustee. For example, an individual could hold a large amount of a carrier's stock without being reported, so long as he spread his stockholdings among several different brokers or banks and each account consisted of less than 5 percent of a particular class of a carrier's stock. Clearly then, the reading of the statute urged by the banking parties would frustrate the intent of Congress to achieve full disclosure of substantial interests in airline securities. Statutory construction having such an effect should be avoided, and, in the absence of legislative history to the contrary, we believe that we are justified in exercising our rulemaking power to as to require banks and brokers covered by Part 245 to file reports with respect to accounts which include less than 5 percent of a reported stock.

Nor do we regard as compelling the banking parties' argument that implementation of the proposed rule will invade the privacy of those persons who are not in fact 5-percent holders of an airline's stock and thereby induce such persons to refrain from using the trust services of banks.[7] We concede that some of the reports received from bank and brokers will disclose information with respect to persons who are not subject to the shareholder reporting provisions of the statute. When viewed from a regulatory perspective, however, it is a bank's relationship with its customers, coupled with the sophisticated trust services which a bank can provide, which renders the institution a logical conduit for intentional or unintentional circumvention of the Part 245 disclosure requirements. In short, it is the very confidentiality which we are asked to perpetuate which may presently enable beneficial owners to use accounts maintained with banks and brokers to obscure their holdings from the Board's view.

In light of the foregoing, and on careful balance of the competing interests involved, we find that the public interest in assuring full disclosure of substantial interests in air carrier securities requires that banks, brokers and other trustees identify in their filed reports persons owning less than 5 percent of a carrier's stock.

We also take note of the banking parties' argument that our rule might encourage investors to establish trust relationships with financial intermediaries other than banks and brokers. However, such intermediaries, to the extent that they hold more than 5 percent of a carrier's stock, are also subject to our rules and would be required to file a trustee's annual or acquisition report, as the case may be, identifying all—not just 1 percent—beneficial owners of a reported security. Moreover, we are not persuaded that bank and brokers are so marginally competitive with other providers of investment services that imposition of the rule will result in a sizeable migration of accounts from banks and brokers to other financial institutions. In any event, to the extent that reports submitted by banks and brokers contain information concerning persons who are not 5-percent holders of a reported security, we will entertain applications to withhold said information from public disclosure, pursuant to section 1104 of the Act,[8] on the grounds that disclosure of such information would be prejudicial to the interests of such persons and is not required in the interest of the public.

We are not impressed by Merrill Lynch's stated apprehension that the proposed rule will impose upon banks and brokers a needlessly onerous reporting obligation. As to whether the obligation is onerous, it should be noted, as we explained in the rule making notice, that banks and brokers covered by the regulation will be excepted from the requirement, imposed upon other trustees, to file annual reports and reports of acquisition. They will be thus relieved of the substantial burdens involved in disclosing beneficial holdings of all customers, regardless of the size of individual holdings, and in determining the maximum number and class of shares held, as well as the percentage of such shares to total outstanding capital of the carrier, during the year covered by the annual report. It should also be noted that, as we further stated in the rule making notice, practically speaking the requirement to file quarterly reports with respect to accounts including a one-half (0.5%) percent interest in the stock of most airlines would not actually be very burdensome, in light of the considerable number of shares which comprise a 0.5 percent stock interest in most trunkline carriers. By modifying our proposal, so as to limit the reporting responsibility of a trustee bank or broker only to persons owning a minimum of 1 percent, instead of one-half percent, of a reported security, the burden is greatly reduced. In our view, this modification will thus facilitate preparation of the quarterly report without detracting from the essential value of the stock disclosure rules.

In the latter connection, the Board intends to publish from time to time a list of air carriers subject to Part 245 showing, as of the date of publication, the total number of shares of capital stock outstanding of each carrier on the list. As ABA points out, this information

[6] 49 U.S.C. 1324(a), which provides that: "The Board is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedure, pursuant to and consistent with the provisions of this Act, as it shall deem necessary to carry out the provisions of, and to exercise and perform its powers and duties under this Act."

[7] Nor are we persuaded that the proposed requirement should be abandoned because of the ease by which the banking parties conclusorily allege it may be circumvented. The proposed rule is obviously not intended to be a panacea for all of the possible subterfuges that could be used to conceal beneficial ownership of airline stocks, but to make evasion of the statute more difficult where beneficial holdings are maintained in accounts with banks and brokers. We think our rule accomplishes the latter purpose, since, to avoid detection, a beneficial owner and his financial intermediary will have to undertake the considerable cost and administrative burdens entailed in structuring their stock transactions to remain outside the scope of the reporting obligations for banks and brokers, involving a constant monitoring of account balances and aggregate holdings, to insure that they do not reach the percentage levels at which a bank or broker is required to file a report covering such beneficial interests.

[8] 49 U.S.C. 1504.

will be very useful to banks and brokers in determining whether they must prepare and file a quarterly report with respect to air carrier shares which they hold as trustees, and, as such, should serve to further reduce the reporting burden on these institutions.[9]

Content of reports. Merrill Lynch, ABA, First National and NYCH, object to the proposal to require that every person reporting must identify every other person who (1) is a beneficial owner of the reported security, or (2) possesses or exercises the right to vote, sell, prevent sale or otherwise dispose of a reported security, or receives dividends therefrom. Merrill Lynch contends that since customers of brokers are free to sell, assign or otherwise deal with voting rights, dividends, or other incidents of their stock ownership without advising their brokers, compliance with this requirement on the part of brokers is not possible. ABA avers that where the report covers pension, retirement or large family trusts, identification of all the beneficiaries would impose an almost impossible burden on the trustee reporting; it suggests that where such large trust accounts are involved, those identified in the trustee's report should be only the person or persons who established the account.

We have decided to modify the content of the proposed reports in the following respects:

1. Where a report by a "trustee" under Subpart B covers shares held in pension or retirement trusts,[10] the person filing the report as to such shares shall be required to list only the name and address of the person or persons who created each trust, the number and class of shares held in each trust, the names of the trustees, and a description of the class of persons who are beneficiaries. We think this modification of our proposed reporting requirement is necessary in order to avoid saddling trustees with an oppressive reporting obligation where a large number of beneficiaries is typically involved and the identity of the individual members of the class of beneficiaries is not likely to be relevant in ascertaining questions concerning "control" of the shares held in trust.

2. We have narrowed the content of the proposed reports insofar as it requires identification of persons who have various "rights of ownership" with respect to reported securities, the report as revised to encompass only those rights which the Board associates with control, or the power to control, of airline securities—the right to vote or to control the voting of reported shares and powers to exercise control over the alienation of such shares. Specifically, we are withdrawing that portion of the proposed reports which would have required disclosure, by the reporting person, of persons who receive dividends from the reported securities. Upon reconsideration, identification of dividend recipients does not appear germane to the objectives of the Part 245 reporting system in that the bare possession of dividend rights to shares does not carry with it also the power to exercise control of carrier management. On the other hand, we have determined to adopt the requirement that reports identify persons who possess or exercise the right to sell, or to prevent sale or other disposition of a reported security, since such power can be utilized to influence carrier operations. In addition, we have modified that portion of the proposed report which covers disclosure of voting rights, so as to require identification of (1) persons who had either the power to issue instructions as to how any such voting shares should be voted or the power to vote such shares in the event that no instructions were issued; and (2) persons whom the reporting person was instructed to designate as his proxy in voting such shares. Voting instructions are materials which banks, brokers and other financial intermediaries handle in the normal course of their business operations, so that the burden entailed in furnishing such information to the Board would appear to be de minimis.

Merrill Lynch's concern that the proposed rule will require information from brokers to which they are not privy, is unfounded. The proposed rule was intended to require identification of those persons holding various rights of ownership to air carrier securities only insofar as such information is known to the person submitting the report.[11] However, since the proposed rule was not entirely explicit on this point, we have modified §§ 245.12 and 245.14 to indicate that if the person reporting is a trustee, he shall be required to identify in his report only those persons who are known by him to possess any of the various powers and rights enumerated therein with respect to a reported security. No parallel modification is being made with respect to to reports required of beneficial owners since they are expected to know if anyone else has the power to vote their shares or to exercise other rights with respect to their shares.

Reports by Officers and Directors. Allegheny requests the Board to except officers and directors of air carriers from the requirement to file a report of acquisition under proposed § 245.13. It contends that since, under Subpart A, all officers and directors owning any amount of air carrier stock must report their ownership annually, and since all new holdings acquired by an officer or director during any 1-year period will show up in their succeeding annual report, inclusion of such persons within the scope of § 245.13 is unnecessary. We will not grant this request. Although Allegheny is correct in its assertion that an officer's or director's annual reports will disclose his acquisition of shares during the period covered by the report, our experience is that, with several notable exceptions, it is so rare for an officer or director to own a significant block of air carrier stock, that we think it desirable that the Board be apprised of any such acquisition without awaiting filing of annual reports.

Acquisition reports. Delta questions whether proposed § 245.13(c)(2) adequately fulfills Part 245 objectives, insofar as the owner of more than 5 percent of the capital stock of a carrier, who has filed an annual report or acquisition report, is excepted from filing a report with respect to any additional acquisition of that carrier's shares. It is pointed out for example, that, during the interval between the date a person acquires 5 percent of a carrier's stock and the date on which he files an annual report, it would be possible for him to acquire a considerable number of shares in addition to those already disclosed to the Board, and thereby be in a position to exercise a greater degree of control over the carrier. We are therefore requested by Delta to modify the proposed rule so as to require the owner of more than 5 percent of the stock of a carrier to file a report within 10 days after the close of any calendar month in which there has been a change in such ownership; this would be similar to SEC practice, which is to require 10 percent security owners to file such special reports.

While this proposal has some merit, we are reluctant to encumber 5-percent shareholders of air carriers with the stringent reporting obligations urged by Delta, and, therefore, we adhere to our proposed requirement. The Board's staff has heretofore encountered no difficulty in monitoring the further stock acquisition activities of known 5-percent carrier shareholders, and we need not at this time deal with the problem.

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[9] ABA, First National and NYCH also request that banks and brokers be permitted to file the quarterly report within 30 days after the end of each calendar quarter, instead of within 10 days as proposed. In their view, while 10 days may be adequate for the beneficial owner to file the annual report or report of acquisition, it is not practicable to require banks and brokers to prepare a quarterly report, covering a potentially large number of accounts, within 10 days after the end of each quarter. We agree and, accordingly, are making an appropriate modification to § 245.14.

[10] No such exception will be made for large family trusts, as urged by ABA. In addition to the obvious problem involved in defining what is meant by a "large family" trust we do not believe that the identification of the beneficial owners of the airline securities held in such trusts will impose an unreasonable administrative burden on the reporting entity. However, in cases where the requirement would cause hardship to the reporting entity, the Board would consider granting a waiver upon application and a proper showing.

[11] For example, where reported securities are held in an account maintained with a bank if the customer directs the bank to issue its proxy to another person, the bank would be required to disclose, in its quarterly report, the name and address of such other person.

Miscellaneous proposals. Several other matters require comment.[12]

1. ABA urges elimination of the phrase "or capital of an air carrier" where it is used in Part 245, and suggests substitution of the phrase "or equity interests of an air carrier." It is argued that an examination of the legislative history of the Act indicates that neither Congress nor the Board has intended to cause banks holding debt obligations of an air carrier to report such holdings, and that indeed it is clear from the rule making notice that the Board here intends to cover only "equity interests." However, the term "capital" was not intended to include debt obligations as such. That term is used in section 407(b), and was intended to cover ownership interests in air carriers which are not organized as corporations and which do not have stock, voting or otherwise—e.g., air carriers, such as air freight forwarders, which may actually operate as single proprietorships or partnerships. Accordingly, ABA's request is rejected.

2. We have adopted ACAP's suggestion to require a reporting corporation to identify each of its shareholders who holds more than 5 percent of its outstanding securities, instead of 10 percent as originally proposed. Accordingly, we are modifying § 245.12 to incorporate ACAP's proposal. As modified, the rule is in alinement with a parallel requirement for corporate affiliates of air carriers in Part 246, and should better enable the Board to determine whether a reporting corporation is controlled by or in a common control relationship with persons obliged to protect competing interests.[13]

3. Part 245 and section 407(b) of the Act embody the definition of "air carrier" in section 101(3) of the Act.[14] ACAP suggests that, for the purpose of Part 245, we should interpret this definition to include any person owning or controlling 100 percent of the voting securities of an air carrier, on the grounds that unless 5-percent shareholders of an air carrier's parent company are required to report under Part 245, there exists a significant hiatus in the protection afforded by the present shareholder reporting system. Under ACAP's proposal, those persons owning beneficially or as trustees 5 percent or more of the outstanding capital stock or capital of a company holding 100-percent control of an air carrier should be required to file reports as if they were stockholders of the wholly owned subsidiary air carrier.

ACAP's suggestion will strengthen our stock disclosure rules considerably, and we will adopt it. Although the parent of a wholly-owned subsidiary air carrier might not itself be an "air carrier" as defined in section 101(3) of the Act, section 407(e) of the Act provides, in relevant part: "The provisions of this section shall apply to the extent found by the Board to be reasonably necessary for the administration of the Act, to persons having control over any air carrier, or affiliated with any air carrier within the meaning of section 5(8) of the Interstate Commerce Act, as amended." The regulatory problem which prompted Congress to enact the shareholder reporting amendments to section 407(b)—i.e., that persons representing other interests could covertly acquire 10 percent of an air carrier's stock, which constitutes presumptive control under section 408(f) of the Act—is obviously present where control is acquired of a holding company owning substantially all of the voting stock of an air carrier.

Accordingly, we find that it is necessary, to enable the Board to administer the stock disclosure system prescribed by Congress in section 407 of the Act, to treat a company owning an air carrier as if it were itself the air carrier for the purpose of applying the reporting requirements which section 407(b) imposes on air carriers and their 5-percent shareholders. We do not at this time find it necessary to apply these reporting requirements to every parent company which has control of an air carrier through ownership of a simple majority interest, and we shall therefore limit our finding under section 407(e) only to companies which own at least 95 percent of an air carrier's voting stock. Such companies may reasonably be considered as virtual alter egos of the air carrier. Subpart B of Part 245 of the Board's regulations will thus apply also to persons owning, beneficially or as trustee, 5 percent or more of the capital stock or capital of a company owning 95 percent of the voting stock of an air carrier.

By the same token, we also find it necessary under section 407(e) to apply the reporting requirements of section 407(c) of the Act (reports of officers and directors) to officers and directors of a holding company owning 95 percent or more of the voting stock of an air carrier. Accordingly, we are now amending the definition of "air carrier" in Subpart A of Part 245, implementing section 407(c) of the Act, in the same manner as we are amending the definition of "air carrier" in Subpart B, in order to reflect the aforementioned modifications.

Our determination to apply the foregoing reporting requirements to 95-percent holding companies of air carriers does not rest solely on our findings pursuant to section 407(e) of the Act. Thus, the Board has held, in connection with applying other sections of the Act to holding companies, that in appropriate situation it will disregard the separate corporate entities where failure to do so might defeat the legislative purpose behind the statute.[15] We think this long-standing precedent also provides ample authority for the Board to require reports of stock ownership from shareholders and officers and directors of entities which have gained control of all or substantially all of the voting stock of an air carrier.

However, since application of the Part 245 reporting requirements to shareholders, officers, and directors of air carrier parent companies obviously imposes a burden on such persons, and since this change was not proposed in EDR–216, we shall allow petitions for reconsideration of the aforedescribed amendments to §§ 245.1 and 245.11. Twelve copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, on or before December 29, 1972. Copies of any petition filed will be available for examination by interested persons in the Docket Section.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 245 of the Economic Regulations (14 CFR Part 245) effective December 29, 1972, as follows:

1. Amend the table of contents to Subpart B to read as follows:

Subpart B—Reports of Owners of More Than 5 Per Centum of Any Class of Capital Stock or Capital of an Air Carrier

Sec.
245.11 Definitions.
245.12 Annual report.
245.13 Report of acquisition.
245.14 Quarterly report by banks and brokers.
245.15 Report of security transactions.
245.16 Responsibility of carriers.

AUTHORITY: The provisions of this Subpart B issued under sections 204(a), and 407, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377. Interpret or apply section 101(3) of the Federal Aviation Act of 1958, as amended, 72 Stat.; 49 U.S.C. 1301.

2. Amend § 245.1 to read as follows:

§ 245.1 Reports required.

At the times and in the manner provided in this subpart, each officer and each director of each air carrier shall transmit to the Board (Attention Director, Bureau of Operating Rights) a report describing the shares of stock or other interests held by him in any air carrier, any person engaged in any phase of aeronautics, or any common carrier, and in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, air carriers,

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[12] It is suggested by NYCH that, to avoid duplicate reporting, the Board adopt a provision stating that if one person files a report under Subpart B concerning a particular block of carrier stock, no other person need file a report with respect to such stock. This suggestion will not be adopted and indeed could not be adopted since section 407(b) of the Act mandates the establishment of a dual reporting system under which reports are required to be filed by both trustees and beneficial owners of air carrier securities.

[13] ACAP also proposes amendments to Part 246 which would (1) broaden the definition of "control" to include 5-percent owners of any class of the capital stock or capital of an air carrier, and (2) apply the exemption for brokerage firms in § 246.1 only when the broker has complied with Part 245 by reporting beneficial ownership of the shares in question. These proposals are clearly beyond the scope of this proceeding.

[14] "'Air carrier' means any citizens of the United States who undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in air transportation * * *."

[15] See, *e.g.*, Studebaker Corp., et al., Order E–19014, Nov. 15, 1962, and Vernon Stouffer and United Air Lines, Inc., Order 70–10–33, Oct. 6, 1970.

other persons engaged in any phase of aeronautics, or common carriers. For the purpose of this subpart, "air carrier" means air carrier as defined in section 101(3) of the Act, and includes any person who owns 95 percent or more of the outstanding voting securities of any such air carrier, but does not include air carriers relieved or exempted from section 407(b) of the Act. "Persons" means any individual, firm, partnership, corporation, company, association, or any two or more persons acting in concert or under common control or direction.

3. Amend the footnote to § 245.1 to read as follows:

[8] See, *e.g.*, § 29811(f) of Part 298, § 373.3 of Part 373 and § 378.3 of Part 378 of this chapter exempting air taxi operators, study group charterers, and inclusive tour operators, respectively.

4. Amend Subpart B to read as follows:

Subpart B—Reports of Owners of More Than 5 Per Centum of Any Class of Capital Stock or Capital of an Air Carrier

§ 245.11 Definitions.

As used in this subpart, unless the context otherwise requires;

"Air carrier" means air carrier as defined in section 101(3) of the Act, and includes any person who own 95 percent or more of the outstanding voting securities of any such air carrier, but does not include air carriers relieved or exempted from section 407(b) of the Act.[10]

"Bank" means any person primarily engaged in business as a commercial bank or trust company, or both, and subject to regulation or examination under the laws of the United States or of any State.

"Broker" means any person engaged in the business of effecting transactions in securities for the account of others, but not a bank.

"Person" means an individual, firm, partnership, corporation, company, association, or any two or more persons acting in concert or under common control or direction.

"Shares" and "Shareholdings," or "stock" and "stockholdings" shall include any interest in the capital or capital stock of an air carrier.

"Trustee" means any person, other than a beneficial owner, who holds record ownership of shares: *Provided, however,* That, where a nominee of a bank or broker holds record ownership of shares, then the bank or broker, rather than its nominee, shall be deemed to be the trustee hereunder.

§ 245.12 Annual report.

(a) *Time for reporting.* On or before April 1 of each year, every person owning, either beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall file with the Board (Attention, Director, Bureau of Operating Rights) a report covering such shares or other interest owned as of December 31 of the preceding year: *Provided, however,* That this section shall not apply to a bank or broker insofar as it is a trustee, nor to an officer or director of an air carrier who has complied with the reporting requirement of Subpart A of this part.

(b) *Contents of annual report.* The reports required by this section shall include the following:

(1) Name of air carrier in which stockholdings are being reported.

(2) Name and address of person reporting.

(3) Number and class of shares covered and percentage of such shares to total outstanding capital, or a description of any other interest held, as of December 31 of the preceding year.

(4) Maximum number of each class of shares covered and percentage of such shares of each class to total outstanding capital during the preceding year.

(5) (i) If the person reporting is the beneficial owner, state the name and address of each person who was a trustee of any such shares and the number and class of shares of which he was trustee, during the preceding year. The reporting beneficial owner shall also state the name and address of each person (e.g., the reporting beneficial owner himself, the trustee and/or any third person or persons), who had or exercised (*a*) the power to issue instructions as to how any such voting shares should be voted; (*b*) the power to vote any such shares in the event that no instructions were issued; or (*c*) the right to sell, prevent sale or otherwise dispose of any such shares, during the preceding year. The number and class of shares so reported shall be stated.

(ii) If the person reporting is a trustee, state the name and address of each individual beneficial owner of any such shares, and the number and class of shares of which he was beneficial owner, during the preceding year: *Provided, however,* That if the trustee is reporting with respect to shares held in a retirement, pension or profit sharing trust or fund, then he need state only the name and address of the person(s) who established the trust or fund, and the name of the trustees thereof, and describe the class of persons who were the beneficiaries (e.g., "Employees of XYZ Corporation" or "Members of XYZ Union"). The reporting trustee shall also state the name and address of each person (e.g., the reporting trustee himself, the beneficial owner, and/or third person or persons) who was known by him to have had or exercised (*a*) the power to issue instructions as to how any of such voting shares should be voted; (*b*) the power to vote any such shares in the event that no instructions were issued; (*c*) the power to vote any such shares pursuant to issued instructions; (*d*) the power to sell, prevent sale or otherwise dispose of any such shares, during the preceding year. The number and class of any shares so reported shall be stated.

(6) (i) If the person reporting is itself a corporation, set forth the name and address of each person holding more than 5 percent of the beneficial or record ownership of any class of the capital stock of the reporting corporation, and a description of the percentage of its shares of any class held by each such shareholder, indicating whether such class is voting, nonvoting, common or preferred.

(ii) If the person reporting is a partnership, association or a joint venture, set forth the names and addresses of all partners, associates or joint venturers and a description of their respective interests in the person reporting.

(7) A description of the principal occupation or business activity of each person named in the report, including the person reporting. Such description shall include, with respect to any named person performing common carrier service, the geographical area authorized to be served, and the nature of any license held by such person to perform such service.

§ 245.13 Report of acquisition.

(a) *Time for reporting.* Every person acquiring ownership, either beneficially or as trustee, of more than 5 percent, in the aggregate, of any class of the capital stock or capital of an air carrier, shall within 10 days after acquiring such ownership, file with the Board (Attention, Director, Bureau of Operating Rights) a report covering the share or the interest so acquired.

(b) *Contents of report of acquisition.* A report filed under this section shall contain the information specified in § 245.12(b), except that the information required by paragraph (b)(3) thereof shall be computed as of the date of acquisition.

(c) *Exceptions.* (1) A bank or broker, to the extent that it acquires stock as a trustee, need not file a report of acquisition.

(2) A person who owns, either beneficially or as trustee, more than 5 percent of any class of the capital stock or capital of an air carrier and has filed a report of acquisition under this section, or an annual report under § 245.12, need not file an additional report under this section with respect to an acquisition of additional shares of such carrier.

§ 245.14 Quarterly report by banks and brokers.

(a) *Time for reporting.* A bank or broker which holds as trustee more than 5 percent of any class of the capital stock or capital of an air carrier shall file with the Board (Attention, Director, Bureau of Operating Rights), within 30 days after the last day of each calendar quarter (i.e., March 31, June 30, September 30, and December 31), a report covering the shares so held on the last day of such quarter.

(b) *Contents of quarterly report.* The report required by this section shall include the following:

(1) Name of air carrier in which stockholdings are being reported.

[10] See footnote 6.

(2) Name and address of bank or broker reporting.

(3) Number and class of shares held as trustee.

(4) Number of accounts for which it holds such shares.

(5) Name and address of each person, if any, holding such shares as nominee for the bank or broker reporting and the number and class of shares so held by such nominee.

(6) As to any account for which it holds shares amounting to 1 percent or more of any class of the capital stock of the air carrier covered by the report, there shall also be stated:

(i) The name and address of each person for which such account is held: *Provided, however,* That if the shares covered by the report required in this subparagraph (6) are held in a retirement, pension or profit-sharing trust or fund, then the reporting trustee need state only the name and address of the person(s) who established the trust or fund and the names of the trustees thereof, and describe the class of persons who were beneficiaries (e.g., "Employees of XYZ Corporation" or "Members of XYZ Union").

(ii) The number and class of shares held for each such account and the percentage of such shares to the total outstanding capital stock of the air carrier as of the last day of the quarter covered by the report.

(iii) Each person (e.g., the reporting trustee, the beneficial owner and/or any third person or persons) who was known by said trustee to have had or exercised (*a*) the power to issue instructions as to how any of such voting shares should be voted; (*b*) the power to vote any such shares in the event that no instructions were issued; (*c*) the power to vote any such shares pursuant to issued instructions; (*d*) the power to sell, prevent sale or otherwise dispose of any such shares during the preceding quarter. The number and class of any shares so reported shall also be stated.

§ 245.15 **Report of security transactions.**

Any person subject to this subpart who has granted, pledged, assigned, hypothecated or otherwise transferred a security interest in more than 5 percent of any class of the capital stock or capital of an air carrier to another person shall, within 30 days after such transaction, file with the Board (Attention, Director, Bureau of Operating Rights) a report containing the following information:

(a) The name and address of the person to whom the security interest was granted.

(b) The term of the security agreement.

(c) A brief description of the rights accruing to the holder of the security interest, including the remedies available to him in the event of a default by the person reporting.

§ 245.16 **Responsibility of carriers.**

It shall be the responsibility of every air carrier, as defined in § 245.11:

(a) To notify each shareholder of record owning more than 1 percent of any class of its capital stock, or capital, of the requirements of this part by mailing to such persons a copy of this subpart on or before March 1 of each year; and

(b) To include in its annual report to shareholders a notice that: (1) Any person who either owns, as of December 31, of the year preceding issuance of such annual report, or subsequently acquires, beneficially or as trustee, more than 5 percent, in the aggregate, of any class of the capital stock or capital of the air carrier, shall file with the Board a report containing the information required by § 245.12, on or before April 1, as to the capital stock or capital owned as of December 31, of the preceding year, and, in the case of stock subsequently acquired, a report under § 245.13, within 10 days after such acquisition, unless such person has otherwise filed with the Board a report covering such acquisition or ownership; (2) any bank or broker covered by (i), to the extent that it holds shares as trustee on the last day of any quarter of a calendar year, shall file with the Board, within 30 days after the end of the quarter, a report in accordance with the provisions of § 245.14; and (3) any person required to report under this subpart who grants a security interest in more than 5 percent of any class of the capital stock or capital of the air carrier shall within 30 days after granting such security interest file with the Board a report containing the information required in § 245.15. The notice shall also state that any shareholder who believes that he may be required to file such a report may obtain further information by writing to the Director, Bureau of Operating Rights, Civil Aeronautics Board, Washington, D.C. 20428.

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72-20395 Filed 11-27-72;8:50 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5331, 34-9862, 35-17765, 39-327, IC-7501, IA-350.]

PART 200—ORGANIZATION; CONDUCT AND ETHICS: AND INFORMATION AND REQUESTS

PART 203—RULES RELATING TO INVESTIGATIONS

Right of Witness To Obtain Copy of Transcript of His Testimony Taken in a Nonpublic Investigation

The Commission has amended Rule 6 of its rules relating to investigations 17 CFR 203.6 relating to the right of a witness to obtain a copy of the transcript of his testimony taken in a nonpublic investigation. Under the amended rule the witness shall continue to have an absolute right to inspect his testimony, but the Commission may for good cause deny his request for a copy of his testimony.

The change has been effected by amending the second sentence in Rule 6 of the Commission's rules relating to investigations.

In making this change the Commission is returning to the practice followed in its private investigations prior to November 27, 1970. That practice was specifically authorized by the Administrative Procedure Act (5 U.S.C. section 555(c)) and upheld in Commercial Capital Corp., et al. v. Securities and Exchange Commission, 360 F. 2d 856 (C.A. 7, 1966). The exception to a witness's right to procure a copy of his transcript had been added to an earlier draft of the Administrative Procedure Act after this Commission has advised the congressional committees that "the furnishing of transcripts of testimony taken * * * [in private hearings] is a matter which should depend upon the likelihood of the transcript being used to defeat the discovery of facts essential to administration of the congressional policy laid down in the statutes authorizing the investigation."[1] The Commission pointed out, "Where transcripts are made available to witnesses, there is no way of guarding against their being made available to the persons whose activities are the principal subject of investigation." (*Ibid.*) In this connection it noted:

> In cases where the investigation involves examination of employees of the suspected law violator, the employees may be under considerable pressure from the employer, who may demand that they request, ostensibly on their own account, and turn over to it transcripts of their testimony. If a witness subject to such intimidation is entitled to a transcript of his testimony as a matter of law, he may be unwilling to testify fully and truthfully.
>
> Id. at p. 17.

On October 16, 1962, the Administrative Conference of the United States recommended that agencies should afford all persons the opportunity to procure a copy of any transcript made of their evidence. At that time the Commission declined to implement that recommendation, but did so on November 27, 1970. In its subsequent experience the Commission has found that its previous fears were justified.

Technical amendments necessitated by the foregoing action have also been made to the rules delegating certain authority to the Director of the Division of Corporation Finance, the Director of the Division of Enforcement, the Director of the Division of Market Regulation, the Director of the Division of

[1] Comments of the Securities and Exchange Commission on S. 7 (Appendix p. 16), submitted on July 25, 1945, to the Senate and House Committees on the Judiciary, 79th Cong., first session.

Investment Company Regulation, and the Regional Administrators, as indicated below. The effect of these amendments is to delegate to such officials the authority to grant requests for copies of transcripts of testimony.

Commission Action: Pursuant to authority set forth in section 19 of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20 of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 of the Investment Company Act of 1940, section 211 of the Investment Advisers Act of 1940, and section 1 of Public Law 87–592, the Commission hereby amends §§ 200.30–1(i), 200.30–2(b)(2), 200.30–3(c), 200.30–4(a)(2), 200.30–5(d), 200.30–6(d), and 203.6 of Chapter II of Title 17 of the Code of Federal Regulations, as follows:

§§ 200.30–1—200.30–5 [Amended]

I. Paragraph (i) of § 200.30–1, subparagraph (2) of paragraph (b) of § 200.30–2, paragraph (c) of § 200.30–3, subparagraph (2) of paragraph (a) of § 200.30–4, and paragraph (d) of § 200.30–5 are amended by deleting certain language, and by adding new language reading "or Deputy Director" immediately after the word "Director" and by adding new language reading "subsequent to November 16, 1972 [17 CFR 203.6]" immediately after the word "effect" so that as amended each shall read as follows:

In nonpublic investigatory proceedings, within the responsibility of the Director or Deputy Director to grant requests of persons to procure copies of the transcript of their testimony given pursuant to Rule 6 of the Commission's rules relating to investigations as in effect subsequent to November 16, 1972 [17 CFR 203.6].

II. In § 200.30–6, present paragraph (d) is redesignated as paragraph (e); and a new paragraph (d) is inserted reading as follows:

§ 200.30–6 Delegation of authority to Regional Administrators.

* * * * *

(d) In nonpublic investigatory proceedings within the responsibility of the Regional Administrator, to grant requests of persons to procure copies of the transcript of their testimony given pursuant to Rule 6 of the Commission's rules relating to investigations as in effect subsequent to November 16, 1972 [17 CFR 203.6].

(e) Notwithstanding anything in the foregoing, in any case in which the Regional Administrator believes it appropriate, he may submit the matter to the Commission.

III. The second sentence in § 203.6 is amended, and as so amended § 203.6 reads as follows:

§ 203.6 Transcripts.

Transcripts, if any, of formal investigative proceedings shall be recorded solely by the official reporter, or by any other person or means designated by the officer conducting the investigation. A person who has submitted documentary evidence or testimony in a formal investigative proceeding shall be entitled, upon written request, to procure a copy of his documentary evidence or a transcript of his testimony on payment of the appropriate fees: *Provided, however,* That in a nonpublic formal investigative proceeding the Commission may for good cause deny such request. In any event, any witness, upon proper identification, shall have the right to inspect the official transcript of the witness' own testimony.

(Sec. 4(b), 48 Stat. 885, sec. 1106(a), 63 Stat. 972, 15 U.S.C. 78d(b); sec. 1, 76 Stat. 394, 15 U.S.C. 78d–1; secs. 19, 209, 48 Stat. 85, 908, 15 U.S.C. 77s; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w(a); sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38, 54 Stat. 841, 15 U.S.C. 80a–37; sec. 211, 54 Stat. 855, sec. 14, 74 Stat. 888, 15 U.S.C. 80b–11)

The Commission finds that the foregoing amendments relate only to rules of agency organization, procedure and practice and, therefore, the provisions of 5 U.S.C. 553 relating to notice and procedures are not applicable. The foregoing amendments are declared to be effective with respect to all testimony given in private investigations commencing on or after the date this rule is published in the FEDERAL REGISTER, but shall not be applicable with respect to any testimony given before that date in any private investigation.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

NOVEMBER 16, 1972.

[FR Doc.72–20329 Filed 11–27–72;8:46 am]

[Release No. 34–9865]

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

Exemption of Certain Mortgages and Interests in Mortgages

The Securities and Exchange Commission today announced the adoption of Rule 3a–12–1 (17 CFR 240.3a–12–1) under the Securities Exchange Act of 1934. Under the new rule mortgages and interests in mortgages (as defined in section 302(d) of the Emergency Home Finance Act of 1970) sold by the Federal Home Loan Mortgage Corporation [1] (hereinafter referred to as "FHLMC") will become "exempt securities" under section 3(a)(12) of the Securities Exchange Act.

The Emergency Home Finance Act of 1970 was enacted by Congress after determining that the nation needed more capital in mortgages and that this could be best accomplished by the establishment of a liquid market in residential mortgages. FHLMC was established by this Act with the power "to make and enforce such bylaws, rules and regulations as may be necessary or appropriate to carry out the purposes or provisions of this title." [2]

FHLMC has designed and is ready to implement at this time two programs ("group programs" and "whole loan programs") to expand the secondary market in conventional (not guaranteed or insured by a Federal or State agency) mortgages on residential property. In both programs FHLMC will purchase mortgages that have been originated by a financial institution whose deposits or accounts are insured by an agency of the United States, and which meet generally the purchase standards imposed by private institutional mortgage investors.[3] These mortgages will then be sold by FHLMC according to one of the two programs. FHLMC contemplates that under both these programs a minimum purchase of $100,000 will be required so that the buyers will tend to be institutional investors, such as pension funds and insurance companies.

The "group programs" would involve the formation by FHLMC of groups of the mortgages, and then the sale by FHLMC of undivided interests in these groups. The minimum size group would contain mortgages with an initial aggregate unpaid principal balance of $5 million. The mortgages in each group would be serviced by the originators, although FHLMC would supervise the servicing and would collect from the servicers and remit to the purchaser all principal and interest payments on the mortgages (less servicing costs) in the group, and would also act as transfer agent.

Under the "whole loan programs" the mortgages would not be grouped but, rather, sold on a whole loan basis. These programs would be designed for institutional investors with particular requirements.

The Commission has decided to adopt Rule 3a–12–1, in view of the congressionally determined public need for more capital in mortgages, FHLMC's abilities and desire to regulate this field to the extent necessary and the probable lack of small investor participation. The principal impact of the new rule is that broker-dealers dealing solely in these

[1] FHLMC was established by title III of the Emergency Home Finance Act of 1970, cited as the "Federal Home Loan Mortgage Corporation Act," Public Law 91–351, 84 Stat. 451–458, 12 U.S.C. § 1451–1459. Its capital stock consists solely of nonvoting common stock held by the 12 Federal Home Loan Banks and its Board of Directors is composed of the three members of the Federal Home Loan Bank Board. It is an integral part of the Federal Home Loan Bank System.

[2] 12 U.S.C. section 1452(b)(3).

[3] Section 305(a)(1) of the Federal Home Loan Mortgage Corporation Act states that FHLMC can purchase only those mortgages that meet both requirements. FHLMC has determined that the private institutional mortgage investors standards at this time include the requirement that the originator warrant to FHLMC and to subsequent purchasers that the mortgages are valid first mortgages not in default.

mortgages and other exempt securities will not be subject to the registration and net capital requirements and other provisions of the Securities Exchange Act of 1934, which are not by their terms applicable to "exempt securities."

It should be borne in mind that transactions in the securities exempted by section 3(a)(12) or Commission rules adopted under that section are still subject to the antifraud provisions of the Act and implementing Commission rules under those provisions.

The new rule was adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Exchange Act of 1934, particularly sections 3(a)(12) and 23(a) thereof.

Because the effect of the above described amendment would be to relax certain of the requirements of the Securities Exchange Act of 1934, the Commission finds that, for good cause the notice and procedure specified in the Administrative Procedure Act, 5 U.S.C. 553, is unnecessary, and accordingly it adopts Rule 3a-12-1 effective November 17, 1972.

Commission action. The Securities and Exchange Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, and more particularly section 3(a)(12) thereof, hereby amends Part 240 of Chapter II of Title 16 of the Code of Federal Regulations by adopting § 240.3a-12-1 as set forth below.

§ 240.3a-12-1 Exemption of certain mortgages and interests in mortgages.

Mortgages, as defined in section 302(d) of the Emergency Home Finance Act of 1970, which are or have been sold by the Federal Home Loan Mortgage Corporation are hereby exempted from the operation of such provisions of the Act as by their terms do not apply to an "exempted security" or to "exempted securities".

(Sec. 3(a)(12), 48 Stat. 882, 15 U.S.C. 78(c))

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-20328 Filed 11-27-72;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGD 72-207 R]

PART 1—GENERAL PROVISIONS

Fees and Charges for Certain Records and for Duplicate Documents, Certificates, or Licenses

The purpose of this amendment to the user fee regulations is to reflect the current costs for the replacement of medals awarded by the Coast Guard.

Section 501 of title 14, United States Code, provides the following:

In those cases where a medal, or a bar, emblem, or insignia in lieu thereof, awarded pursuant to this chapter (13) has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, such medal, or bar, emblem, or insignia in lieu thereof, shall be replaced without charge, or in the discretion of the Secretary, upon condition that the Government is reimbursed for the cost thereof.

To implement this statute, the Coast Guard promulgated in the August 2, 1967, issue of the FEDERAL REGISTER (32 F.R. 11211), regulations which provide for a medal, or a bar, emblem, or insignia in lieu thereof, that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded by the Coast Guard, to be replaced without charge. For situations not meeting this criterion, costs for replacement of a medal, bar, emblem, and insignia were published.

Since first issued, these costs have not been updated and do not reflect current charges. The amendment in this document changes the costs to reflect current charges. In addition, textual material has been changed for clarification without any change in substance.

Since the amendment in this document relates to general statements of policy, it is exempted from notice of proposed rule making and may be made effective in less than 30 days.

In consideration of the foregoing, Subpart 1.26 of title 33, Code of Federal Regulations is amended as follows:

1. By revising § 1.26-5 to read as follows:

§ 1.26-5 Replacement of medals.

(a) A medal, or a bar, emblem, or insignia in lieu thereof, that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded by the Coast Guard is replaced without charge by the Coast Guard as authorized in 14 U.S.C. 501.

(b) A medal, or a bar, emblem, or insignia in lieu thereof, that is lost, destroyed, or rendered unfit for use due to the fault or neglect of the person to whom it was awarded, is replaced after the Coast Guard is reimbursed for its cost, as contained in Table 1.26-5(b).

TABLE 1.26-5(b)

COST OF A REPLACEMENT MEDAL

Item	*Cost*
(1) Cost Guard Distinguished Service Medal	$33.00
(i) Miniature	23.50
(ii) Hinged-lid case	1.78
(2) Legion of Merit (Degree of Legionnaire) with case	12.50
(3) Distinguished Flying Cross and case	6.25
(4) Coast Guard Medal (for heroism)	17.00
(i) Miniature	12.50
(ii) Hinged-lid case	1.78
(5) Meritorious Service Medal and case	6.00
(6) Air Medal and case	5.75
(7) Coast Guard Commendation Medal	18.00
(i) Miniature	18.00
(ii) Hinged-lid case	1.78
(8) Coast Guard Achievement Medal	10.50
(i) Miniature	6.50
(ii) Hinged-lid case	1.78
(9) Gold Lifesaving Medal	178.00
(i) Miniature	73.00
(ii) Hinged-lid case with red lining	11.00
(10) Silver Lifesaving Medal	73.00
(i) Miniature	58.00
(ii) Hinged-lid case with blue lining	11.00
(11) Coast Guard Unit Commendation Ribbon	2.50
(12) Coast Guard Good Conduct Medal	3.75
(13) World War I Victory Medal	2.50
(14) American Area Campaign Medal	2.50
(15) European-African Middle Eastern Area Campaign Medal	2.50
(16) Asiatic-Pacific Area Campaign Medal	2.50
(17) American Defense Service Medal—Fleet, Sea, and Base Clasps	2.50
(18) World War II Victory Medal	2.50
(19) Navy Occupation Service Medal—Europe or Asia Clasps	3.25
(20) China Service Medal (1945-1957)	2.50
(21) National Defense Service Medal	2.50
(22) Korean Service Medal	2.50
(23) Antarctic Service Medal	3.00
(24) Armed Forces Expeditionary Medal	2.50
(25) Coast Guard Armed Forces Reserve Medal	3.00
(26) Coast Guard Expert Rifleman Medal	5.00
(27) Expert Pistol Shot Medal	5.00
(28) Coast Guard Distinguished Marksman Badge, Gold	63.00
(i) Ribbon attachment	1.00
(29) Coast Guard Excellence-In-Competition Badge:	
(i) Rifle or Pistol, Silver	21.00
(ii) Rifle or Pistol, Bronze	17.00
(iii) Ribbon Attachment, Silver or Bronze Medallion	1.00
(30) R. R. Waesche Rifle Team Trophy, Bronze Medallion	10.00
(31) F. C. Billard Pistol Team Trophy, Bronze Medallion	10.00
(32) United Nations Service Medal	2.50
(33) Vietnam Service Medal	2.50

(Sec. 1, 63 Stat. 537, 545, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 501, 633, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date. This amendment shall become effective on November 30, 1972.

Dated: November 21, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.72-20366 Filed 11-27-72;8:48 am]

[CGD 72-227R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Humble Canal, La.

This amendment adds regulations for the State Highway 55 drawbridge across

the Humble Canal, mile 0.0 near Point Barre to allow the draw to remain closed for the passage of vessels from January 29, 1973, through March 11, 1973, while essential maintenance is performed.

This rule is issued without notice of proposed rule making. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding § 117.545 immediately after § 117.535 to read as follows:

§ 117.545 Humble Canal, Point Barre, La.

The draw of this bridge shall operate in accordance with § 117.240 except that from January 29, 1973, through March 11, 1973, the draw need not be opened for the passage of vessels while necessary repairs to the bridge are being performed.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall be effective from January 29, 1973, through March 11, 1973.

Dated: November 15, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-20289 Filed 11-24-72;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19511; FCC 72-1025]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Vallejo-Fairfield and Sacramento, Calif.

Second report and order. In the matter of amendment of § 73.606(b), *Table of assignments,* Television Broadcast Stations (Vallejo-Fairfield and Sacramento, Calif.), Docket No. 19511, RM-1839.

1. On September 19, 1972, the Commission released the first report and order (FCC 72-821) in this proceeding that provided for the shifting of Channel 31 from Stockton, Calif., to Sacramento, Calif., and the assignment of Channel 64 to Stockton. This was our disposition of the Grayson Television Company, Inc., proposal (RM-1948). In the notice of proposed rule making (FCC 72-428, released May 22, 1972), it was proposed that Channel 15 which is assigned to Sacramento (but could not be utilized for television broadcasting because of the land mobile rules and policies) be "frozen" at Sacramento for television use until further action of the Commission. Camellia City Telecasters, Inc., licensee of Station KTXL(TV), Sacramento filed comments in the nature of a counterproposal requesting that Channel 15 not be "frozen" at Sacramento, but assigned to Merced, Calif., by shifting certain other UHF television assignments. No action was taken on this counterproposal in the first report and order. Because of incomplete data, we also did not act on the proposed assignment of Channel 66 to Vallejo-Fairfield, Calif., that was requested by Daniel C. McGrath doing business as NorCal Telecasters (RM-1839). It is these two matters that will be disposed of in this proceeding.

THE VALLEJO-FAIRFIELD ASSIGNMENT

2. The petitioner, Daniel C. McGrath did not file any additional material in support of the proposal to assign Channel 66 to Vallejo-Fairfield, Calif., but did file a letter stating that he does intend to apply for a construction permit and that the application is 80 percent complete and he is awaiting final action on the assignment. No other comments, pro or con, were filed as to the Vallejo-Fairfield proposed assignment.

3. As set out in the notice, a television station operating on Channel 66 would provide a first local service to Vallejo-Fairfield and would also serve Vacaville, Napa, Dixon, Davis and other small communities in the counties of Solano, Yolo, Napa and southeastern Sonoma County. Mare Island Naval Shipyard and Travis Air Force Base are located in or near the communities of Vallejo and Fairfield, and Mr. McGrath claims that those installations have a combined population in excess of 100,000 persons. The San Francisco and Sacramento television stations provide a Grade A signal to the communities of Vallejo and Fairfield, but it is claimed that those stations provide little or no local area information.

4. Vallejo is located approximately 30 miles from San Francisco and 50 miles from Sacramento; Fairfield is approximately 40 miles from San Francisco and Sacramento. The "1970 U.S. Census Advance Report" shows the population of Vallejo and Fairfield to be 66,733 and 44,146 respectively. The proposed assignment meets the mileage separations of § 73.610 of the Commission's rules. We have considered the assignment proposed in the notice and find it to be in the public interest. It is hereby adopted. It will bring a first local service to the communities of Vallejo-Fairfield, California which is consistent with the priorities and policies of the Commission.

THE KTXL PROPOSAL

5. In the first report and order, the Commission shifted Channel 31 to Sacramento, Calif. from Stockton, Calif., and substituted Channel 64 at Stockton, as proposed in the notice of proposed rule making. In the notice, because of the decision in the "land mobile" proceeding, it was proposed to "freeze" Channel 15 at Sacramento so that it would not be available for television use until further action by the Commission. Camellia City Telecasters, Inc., licensee of Station KTXL (TV), Sacramento, in its comments, requested that Channel 15 be assigned to Merced for television use. To permit such an assignment, KTXL (TV) proposes a realignment of channels including substitution of Channel *60 for Channel *15 at San Luis Obispo, Calif., and requests that the Commission grant a rule making petition (RM-1964) of Capital Cities Broadcasting Corp. to substitute Channel 34 for Channel 30 at Fresno and consolidate that proposal in this proceeding.

6. Reply pleadings filed in connection with the KTXL request are opposition comments, variously titled, of Grayson Television Company, Inc., the holder of a UHF construction permit (KMUV (TV)) on Channel 31 (Channel 15 prior to the first report and order), at Sacramento; Pappas Television Inc., permittee of UHF Station KMPH, Tulare, Calif.; McClatchy Newspapers, licensee of VHF Station KOVR(TV), Stockton, and UHF Station KMJ-TV, Fresno; Capital Cities Broadcasting Corp., licensee of UHF Station KFSN-TV, Fresno; and Retlaw Enterprises, Inc., licensee of UHF Station KJEO(TV), Fresno. KTXL also filed a comment in reply. Grayson filed a motion to strike the KTXL reply comment.

7. The KTXL proposal outlined above, claims that Channel 15 can be used at Merced, located over 90 miles from San Francisco-Oakland, without restricting land mobile operations in the San Francisco-Oakland area, and that such use will be in compliance with § 91.114(b) of the Commission's rules. It is contended that the "freezing" of Channel 15 at Sacramento is an inefficient use of the frequency and that use at Merced would be more efficient. KTXL asserts that there is a potential demand for use of Channel 15 at Merced. Jack F. Matranga, the president of KTXL states in an affidavit:

> In the event that the Federal Communications Commission assigns Channel 15 to Merced, Calif., Camellia City Telecasters, Inc., will give serious consideration to applying for a satellite of Station KTXL in Merced, Calif.

KTXL also contends the use of Channel 15 at Merced, and the proposed realignment at San Luis Obispo and Fresno comply with the technical rules of the Commission. In support of this technical claim, an engineering affidavit was submitted.

8. The primary concern of Grayson in these pleadings was that its proposal to assign Channel 31 to Sacramento not be consolidated with the Camellia proposal to assign Channel 15 to Merced. Since we assigned Channel 31 to Sacramento by our first report and order in this proceeding (FCC 72-821, released September 19, 1972), we have already disposed of the Grayson request. Insofar as the pleadings support the Camellia proposal, they are dealt with herein on the merits.

9. The Pappas comments set forth that a television satellite station in Merced would serve an area overlapping the service area of KMPH. KMPH, Tulare, claims it places a predicted Grade B signal up to a point just outside Merced and that its actual Grade B contour, based on a filed affidavit of its consulting engineer appears to encompass all of Merced and the

majority of Merced County. Pappas claims that such a satellite would compete with KMPH and two other independent UHF stations (one in Fresno and one in Modesto) as well as the three network affiliated UHF stations in Fresno, so that there is no lack of service in the area. Pappas claims that KTXL has not shown "one fact" which would indicate a need for another service, and that this is especially significant because only a satellite is proposed. KMPH states that would aggravate an already economically tenuous television market. Its sets forth that UHF stations in Tulare, Visalia, and Hanford have failed for economic reasons. Pappas also asserts that the KTXL proposal is properly the subject matter of a separate petition for rule making rather than a proper counterproposal, so that appropriate notice could be given to interested parties such as KMPH. Pappas further points out that there is a question that the KTXL proposal can be made because of the "land mobile" decision.

10. McClatchy in its opposition, does not comment on substantive merits of the KTXL proposal, but is of the opinion that any action on the KTXL proposal would not comply with the notice requirements of the Administrative Procedure Act and the Commission's rules. McClatchy claims that it is defective as a counterproposal because no public interest reasons have been presented why the channel should be assigned to Merced, but only presents a private reason in support of the move, and no showing has been made as to the preclusionary effect of the assignment or its effect on existing independent UHF stations.

11. Capital Cities states that the Commission's freeze of Channel 15 at Sacramento is consistent with the "land mobile" decision. Capital Cities has a pending petition (RM–1964) to substitute Channel 34 for Channel 30 for the operation of its UHF Station KFSN at Fresno. KFSN reaffirms its request as to that shift. It then points out that Merced is a part of the Fresno market and that there is a real question of the need for another service to the Fresno market. KFSN contends there has been no showing as to the need for a local service to Merced and that there has been no commitment to apply for the channel if it is assigned to Merced and that no preclusion study was submitted.

12. Retlaw, in its opposition, contends that the KTXL proposal must be rejected because of the Commission's policy of not assigning UHF channels to communities of less than 25,000 population in the absence of a specific showing of need and a commitment to build the station. It is claimed that KTXL has not met this burden. Retlaw claims that there is a plethora of service to Merced, both by off-the-air and cable television service. Retlaw also claims that no showing of impact on UHF stations has been made, and that this is especially important because of new or recently revived stations in the Fresno area which should be given an opportunity to develop without further damaging competition. Retlaw also points out that the "freeze" on Channel 15 is consistent with other cases involving the "land mobile" decision.

13. All the parties filing opposing comments, except Capital Cities, have raised the threshold question that the KTXL proposal is not a true counterproposal that can be handled in this proceeding, but must be handled in a separate rule making proceeding in order to comply with the notice provisions set forth in section 553(b) of the Administrative Procedure Act (5 U.S.C. section 553(b)). KTXL, in its reply comments, contends that it has the right to file its counterproposal in this proceeding, because it involves an alternative proposal for the disposition of a television channel for which a proposed disposition was made in the Notice, citing "FM Table of Assignments, Docket No. 16212 (Southbridge, Massachusetts)", 4 F.C.C. 2d 521, 525 (1966) at paragraph 11. The Commission agrees that the KTXL proposal which was first presented in timely filed comments in response to the Notice of Proposed Rule Making in this proceeding is a proper counterproposal. It was proposed to "freeze" Channel 15 for television use at Sacramento. KTXL proposes to utilize Channel 15 at Merced. The purpose of a notice of proposed rule making is to give general notice of the subject matter of the proceeding—here, the "freezing" of Channel 15 for television use at Sacramento—so that parties may furnish relevant views and data which will be of assistance to the Commission in reaching an appropriate resolution of the matter. Counterproposals, such as other uses of the channel involved, advanced in timely comments, will be considered because other parties have an opportunity to comment thereon in reply comments. See, for example, "FM Table of Assignments, Docket No. 15935 (Oxford, Mississippi)", 1 F.C.C. 2d 639 (1965). This follows the procedural requirements for notice set forth in "Owensboro on the Air, Inc. et al. v. U.S.", 262 F. 2d 702 (1958). Therefore, the KTXL alternative proposal for the disposition of Channel 15 will be considered on the merits herein.

14. According to "1970 U.S. Census Advance Report," the population of Merced is 22,670; it is located in Merced County with a population of 104,629. Merced is approximately 50 miles from Fresno, 80 miles from Monterey-Salinas, and 70 miles from San Jose. According to the 1971–72 edition of "Television Factbook," the city of Merced receives a Grade A signal and over half of Merced County receives a Grade B signal from UHF Station KFSN–TV, Fresno; the city of Merced and approximately half of Merced County receives a Grade B signal from UHF Station KJEO(TV), Fresno; VHF Station KSBW–TV, Salinas and UHF Station KMST(TV), Monterey furnish a Grade B signal to Merced and to substantially all of Merced County; and VHF Station KNTV(TV) furnishes a Grade B signal to Merced and to over three quarters of Merced County. UHF Station KMPH(TV), Tulare, in its comments, states in an engineering affidavit, that it provides a Grade B or better signal to approximately three-fourths of Merced County including Merced. The "Factbook" indicates that the cable system operating in Merced which serves Merced and also Atwater also holds the franchise to serve the unincorporated areas of Merced County. It carries the signals of KMJ–TV, KFSN–TV, and KJEO, Fresno; KNTV, San Jose, KLOC–TV, Modesto, KTVU, Oakland, KICU–TV, Visalia and KGO–TV, KRON–TV, KPIX and KQED, San Francisco.

15. In Docket No. 14229, the Commission in the Fourth Report and Order in "Fostering the Expanded Use of UHF Television Channels," 41 F.C.C. 1082, at 1088, in order to retain flexibility, adopted an "unsaturated" plan for UHF channels by not making assignments to cities with less than 25,000 population until a specific need arises. This was affirmed in the "Fifth Report," 2 F.C.C. 2d 527 (1966) and in a "Memorandum Opinion and Order," FCC 66–609, 7 R.R. 2d 1704 (1966). In the latter document, the Commission said that the decision on an assignment to small communities would not be made "until an actual demand is indicated." KTXL has submitted no information as to an "actual demand" for a station in Merced as required by the "Memorandum Opinion and Order, supra." Thus we will deny the KTXL counterproposal to assign Channel 15 to Merced, and will retain it at Sacramento marked to show that it is not available for television use without further action by the Commission.

16. We also note that the use of Channel 15 at Merced would still be detrimental to the use of Channel 16 at San Francisco-Oakland for land mobile operations because operation of a television station on Channel 15 in Merced would result in substantially comparable operating limits as the limits which would have been created by the Sacramento Channel 15 operation for which the construction permit was initially issued in 1968.

17. Grayson filed a motion to strike the reply comments by KTXL, relying on § 1.415(c) of the rules, because they are not directed solely to the Grayson comments, the only initial comments filed in this proceeding other than KTXL's comments, but rather to Grayson's reply comments and other matters. Portions of the KTXL reply comments do deal with Grayson's comments as to material incorporated therein from its petition for rule making. The KTXL reply comments contained no additional facts concerning its counterproposal, but rather deals primarily with the legal question of its right to file a counterproposal. The motion to strike will be denied.

18. KTXL, in its reply comments, stated that certain statements in Grayson's reply comments and other Grayson pleadings impute an intent by KTXL to complicate or delay the Grayson proposal. The counterproposal of KTXL (which it had the legal right to file in this proceeding) probably did cause a slight time delay in handling the Grayson request because of time extensions to file reply pleadings, granted to other parties interested in KTXL's proposal. The

Grayson statements were no more than hard-hitting verbiage directed at a potential competitor in the Sacramento market and did indicate its continuing interest in effectuating its proposal to construct and operate its station. However, since KTXL only suggested that the Commission should strike the Grayson statements, no action is required and none will be taken with respect to the Grayson statements.

19. In view of the foregoing: *It is ordered,* That, effective December 28, 1972, pursuant to authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Commission's rules, the Television Table of Assignments, is amended to read as follows:

City	*Channel No.*
Vallejo-Fairfield, Calif	66

20. *It is further ordered,* That the action taken in the first report and order (FCC 72-821) whereby a footnote was added to the Channel 31 assignment at Sacramento, is reaffirmed, and that the Television Table of Assignments shall continue to read as follows:

City	*Channel No.*
Sacramento, Calif	3, *6, 10, 15[1], 31, 40

[1] Channel 15 will not be available for television use until further action by the Commission.

21. *It is further ordered,* That the proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: November 15, 1972.

Released: November 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-20374 Filed 11-27-72;8:49 am]

[Docket No. 19543; FCC 72-1013]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Requirement for Two Receivers on Board Vessels

Report and order. In the matter of amendment of Part 83 concerning requirements for two receivers on board vessels licensed in the 156-162MHz band, Docket No. 19543.

1. A notice of proposed rule making in the above captioned matter was adopted on July 12, 1972, and was published in the FEDERAL REGISTER on July 20, 1972 (37 F.R. 14409). The dates for filing comments and reply comments have passed.

2. In that notice, we proposed to amend Part 83 by deleting the requirement for ship stations to maintain a "watch" on the distress, safety and calling frequency 156.800 MHz when the station is being used for transmission on that frequency, or for communications on another channel in the 156-162 MHz band.

3. Comments were filed by: North Pacific Marine Radio Council; Southern California Marine Radio Council; the Dillinham Corp.; and the Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee).

4. All of the above parties fully supported the proposal as set forth below to our notice and urged its adoption.

5. The Central Committee, in addition to supporting our proposal, has suggested that the Commission should at a later date consider a similar amendment of § 81.191(d) which requires that the operator of a coast station stand an effective "watch" on the frequency 156.800 MHz even while simultaneously exchanging communications on another frequency in the VHF band. We believe the operational circumstances of coast stations are substantially different from ship stations which operate on the high seas, in a more noisy environment, often in severely adverse weather and usually with restricted numbers of operators. Coast stations ordinarily are permanently located in weatherized shore installations chosen by the licensee and in times of emergency or peak traffic can more easily have station operating personnel augmented. We also believe that it is especially desirable for a coast station to maintain a watch on the distress frequency at least while receiving on a working frequency because the coast station is more likely to engage in extensive and protracted exchanges of communications on a working frequency during which time without our present requirements there would be no watch at all on the distress frequency. For these reasons we are not considering comparable rule changes for limited coast stations.

6. As an ancillary matter, the term continuous and efficient watch as used in § 83.207 needs clarification. Accordingly, an explanatory note has been added to this section to the effect that the requirement for a continuous and efficient watch is not violated when the receiver being used for the watch is temporarily rendered inoperative due to transmissions by the ship station.

7. In view of the foregoing: *It is ordered,* That pursuant to the authority contained in sections 4(i), and 303 (f) and (r) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules is amended, effective December 28, 1972, as set forth below.

8. *It is further ordered,* That the preceeding in Docket 19543 is terminated.

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

Adopted: November 15, 1972.

Released: November 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 83 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

§ 83.207 [Amended]

1. Section 83.207 is amended by adding a note to read as follows:

NOTE: Automatic muting of the watch receiver during the brief periods when the VHF equipment is transmitting authorized traffic is not considered as interrupting the continuity or lowering the efficiency of the required watch.

2. Section 83.224 is amended, and the footnote deleted to read as follows:

§ 83.224 Watch on 156.800 MHz.

Each ship station, or, if more than one maritime mobile station is being operated from a vessel, then at least one station licensed to transmit by telephony on one or more frequencies within the band 156-162 MHz shall, during its hours of service for telephony in this band, maintain an efficient watch for the reception of F3 emissions on the frequency 156.800 MHz whenever such station is not being used for transmission on that frequency, or for communication on other frequencies in this band: *Provided, however,* That ship stations operating under the provisions of § 83.106(b)(5) or the note to § 83.106 of the rules are exempt from the watch requirements on 156.800 MHz.

[FR Doc.72-20375 Filed 11-27-72;8:49 am]

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[1] Commissioners Johnson and Wiley concurring in the result. Commissioner Reid absent.

[1] Commissioner H. Rex Lee concurring in the result; Commissioner Reid absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 818]

SWEETENED CHOCOLATE, CANDY, AND CONFECTIONERY

Proposed Import Quotas for Calendar Year 1973

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended by Public Law 92–138 approved October 14, 1971, is considering the issuance of Sugar Regulation 818 which will establish import quotas on sweetened chocolate (other than in bars or blocks of 10 pounds or more each), candy and confectionery for the calendar year 1973.

In accordance with the rule making requirements of 5 U.S.C. 553 (80 Stat. 378), all persons who desire to submit data, views, or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than December 20, 1972.

The proposed regulation to establish import quotas on sweetened chocolate, candy, and confectionery for the calendar year 1973 is set forth essentially in form and language appropriate for issuance, if adopted by the Secretary, as follows:

Purpose and basis. The purpose of this regulation is to implement the limitation on the importation of sweetened chocolate, candy, and confectionery pursuant to paragraph (d) of section 206 of the Sugar Act which was added by Public Law 92–138 and which reads in pertinent part as follows:

> * * * the Secretary shall each year, beginning with the calendar year 1972, limit the quantity of sweetened chocolate, candy, and confectionery provided for in Items 156.30 and 157.10 of Part 10, Schedule 1, of the Tariff Schedules of the United States which may be entered or withdrawn from warehouse, for consumption in the United States as hereinafter provided. The quantity which may be so entered or withdrawn during any calendar year shall be determined in the fourth quarter of the preceding calendar year and the total amount thereof shall be equivalent to the larger of (1) the average annual quantity of products entered, or withdrawn from warehouse, for consumption under the foregoing items of the Tariff Schedules of the United States for the 3 calendar years immediately preceding the year in which each such quantity is determined or (2) a quantity equal to 5 percent of the amount of sweetened chocolate and confectionery of the same description of United States manufacture sold in the United States during the most recent calendar year for which data are available. The total quantity to be imported under this subsection may be allocated to countries on such basis as the Secretary determines to be fair and reasonable, taking into consideration the past importations or entries from such countries. For purposes of this subsection the Secretary shall accept statistical data of the U.S. Department of Commerce as to the quantity of sweetened chocolate and confectionery of United States manufacture sold in the United States.

Bases and considerations. The average annual quantity of products entered, or withdrawn from warehouse, for consumption under the Tariff Schedules of the United States (TSUS) Items 156.30 and 157.10 for the calendar years 1969, 1970, and 1971 amounted to 143,772,997 pounds. That quantity was determined from data published by the Bureau of Census, U.S. Department of Commerce, in the annual reports FT 246 under the TSUSA reporting Nos. 156.3000, 156.3020, 156.3040, 157.1020, and 157.1040.

The quantity of sweetened chocolate and confectionery of U.S. manufacture sold in the United States in 1971 amounted to 3,974,618,000 pounds as shown in "Confectionery Manufacturers' Sales and Distribution 1971" published by the Bureau of Domestic Commerce, U.S. Department of Commerce. Five percent of that quantity amounts to 198,730,900 pounds.

Accordingly, the quantity of sweetened chocolate, candy, and confectionery which may be imported for consumption under TSUS items 156.30 and 157.10 during the calendar year 1973 shall be limited to 198,730,900 pounds which is the larger of the two alternatives as provided in sec. 206(d) of the Sugar Act, i.e., the 1969–71 average imports or 5 percent of 1971 confectionery sales.

Pursuant to section 206(d) of the Act the total quantity permitted to be imported may be allocated to countries on such basis as the Secretary determines to be fair and reasonable taking into consideration the past importations or entries from such countries. This regulation does not establish import quotas for any individual countries but makes the total quota available for all countries as a group on a first come, first served basis. The import limitations for 1973 are about 30 percent greater than imports in 1971 and 28 percent greater than the average annual imports from 1968 through 1971. A global quota has been in effect for 1972, the initial year of confectionery quotas, and through October 28, just under 106 million pounds has been imported. This is only 60 percent of the 1972 quota with 82 percent of the year gone. This compares with 104 and 106 million pounds imported through October in 1970 and 1971, respectively. In 1970 and 1971 the annual imports were 127 and 120 million pounds, respectively. The quantities referred to in this paragraph include only confectionery imports for consumption at retail to which this proposal applies and excludes items imported under Tariff Schedules of the United States (TSUSA), items 156.3000 and 156.3040, which are not for consumption at retail and imports of which are limited under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624).

In view of 1972 imports thus far and imports in past years, it is likely that total 1973 import limits will not be approached by actual imports. On the assumption that imports will not reach the liberal import limits, a global quota will provide the least impediment to commerce and to the play of economic factors and the least burden on Customs Service. A global quota will also eliminate the possibility of limiting imports from some countries when there is little likelihood that the total quota will be filled.

In the remote event that the global quota is filled and countries which ship late in the year are prevented from shipping their normal amounts, a portion of the global quota, representing 30 percent is reserved for entry during the last quarter of the year. Recent import history indicates about 30 percent of such imports normally occur during the last quarter of each year.

The provision to exempt each shipment of articles with an aggregate value of not more than $25 from import quotas is necessary so that tourists will be able to bring in small quantities of candy and confectionery for personal use.

The regulation provides that a quantity of the quota equivalent to the quota for "chocolate crumb" established pursuant to Section 22 of the Agricultural Adjustment Act, as amended, shall be reserved solely for the importation subject to the section 22 quota under licenses issued pursuant to regulations of the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture.

Sec.

AUTHORITY: The provisions of these §§ 818.10 to 818.14 issued under Sec. 206, 403; 61 Stat. 927, as amended, 932, as amended; 7 U.S.C. 1116, 1153.

§ 818.10 Confectionery quotas for foreign countries, 1973.

(a) For the calendar year 1973, the quantity of sweetened chocolate, candy and confectionary provided for in Items 156.30 and 157.10 of Part 10, Schedule 1,

of Tariff Schedules of the United States which may be entered or withdrawn from warehouse, for consumption in the United States and Puerto Rico is 198,730,900 pounds. Of the total quota 21,680,000 pounds are reserved solely for the importation of sweetened chocolate for other than consumption at retail as candy or confectionery (TSUSA Item 156.3040). This quantity is subject to quotas established pursuant to section 22 of the Agricultural Adjustment Act, as amended, and as set forth in Items 950.15 and 950.16 of Part 3 of the Appendix to TSUS, which may be imported only under licenses issued pursuant to regulations of the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture as follows: Ireland—13,200,000 (9,450,000 under TSUS 950.15 and 3,750,000 under TSUS 95.16); United Kingdom—8,380,000 (7,450,000 under TSUS 950.15 and 930,000 under TSUS 950.16) and Netherlands—100,000 (all under TSUS 950.15). Of the remaining quantity of 177,050,900 pounds (198,730,900–21,680,000) a quantity not to exceed 123,935,630 pounds may be entered or withdrawn from warehouse for consumption in the United States and Puerto Rico on or before September 30, 1972.

(b) The quota established by paragraph (a) of this section shall not apply to articles with an aggregate value of $25 or less in any shipment.

§ 818.11 Import requirements.

Articles subject to quota limitations pursuant to § 818.10 shall be entered on a first-come, first-served basis under the control of the Bureau of Customs, except articles subject to quotas established pursuant to section 22 of the Agricultural Adjustment Act, as amended.

§ 818.12 Restrictions on importations.

Subject to the exception in paragraph (b) of § 818.10 all persons are prohibited from entering or withdrawing from warehouse, for consumption into the United States and Puerto Rico any article provided for in TSUS Items 156.30 and 157.10 after the applicable quotas set forth in paragraph (a) of § 818.10 have been filled.

§ 818.13 Revision of quotas.

The quota established under this order may be revised to reflect the substitution of revised or corrected data used in the quota determination.

§ 818.14 Delegation of authority.

The Director of the Sugar Division (or any person in such division designated by the Director), Agricultural Stabilization and Conservation Service of the Department is hereby authorized to act on behalf of the Secretary in administering §§ 818.10 through 818.12 except as otherwise provided for in §§ 818.10 and 818.11.

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

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

[FR Doc.72-20484 Filed 11-27-72;8:52 am]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

IMPLEMENTATION OF INVENTOR'S CERTIFICATE LEGISLATION

Serial Number and Filing Date

Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), as amended October 5, 1971, Public Law 92-132, 85 Stat. 364, the Patent Office proposes to add a new paragraph (c) to § 1.55 (37 CFR 1.55(c)) to read as set forth below.

All persons are invited to present their views, objections, recommendations, or suggestions in connection with the proposed changes to the Commissioner of Patents, Washington, D.C. 20231, on or before February 12, 1973. No oral hearings will be held. Any written comments or suggestions may be inspected by any person, upon written request, a reasonable time after the closing date for submitting comments.

The proposed rule change is intended to implement Public Law 92-358, dated July 28, 1972, reprinted below,[1] which accords rights of priority to applications where the claims for priority are based on earlier filed applications for inventor's certificates under certain conditions. This legislation now enables the United States to complete its ratification of the Stockholm Revision of the Paris Convention.

By the terms of the new legislation, inventor's certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate may form the basis for rights of priority.

The new paragraph proposed below would insure that the right of priority would be granted for inventor's certificates involving subject matter for which an applicant in the country of earlier filing has an option to file for either a patent or inventor's certificate, as required by the new legislation. It should be noted that in certain countries which grant both patents and inventor's certificates to reward inventors, applicants may only be able to apply for inventor's certificates as to certain subject matter, generally pharmaceuticals, foodstuffs, and cosmetics.

The text of the proposed new paragraph is as follows:

§ 1.55 Serial number and filing date of application.

* * * * *

(c) An applicant may under certain circumstances claim priority on the basis of an application for an inventor's certificate in a country granting both inventor's certificates and patents. When an applicant wishes to claim the right of priority as to a claim or claims of the application on the basis of an application for an inventor's certificate in such a country under 35 U.S.C. 119, last paragraph (as amended July 28, 1972), the applicant or his attorney or agent, when submitting a claim for such right as specified in paragraph (b) of this section, shall include an affidavit or declaration including a specific statement that, upon an investigation, he has satisfied himself that to the best of his knowledge the applicant, when filing his application for the inventor's certificate, had the option to file an application either for a patent or an inventor's certificate as to the subject matter of the identified claim or claims forming the basis for the claim of priority.

ROBERT GOTTSCHALK,
Commissioner of Patents.

Approved: November 21, 1972.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.72-20359 Filed 11-27-72;8:47 am]

[1] Filed as part of the original document.

[37 CFR Part 1]

RESTRICTION PRACTICE

Notice of Change in Date of Hearing

On October 20, 1972, the Patent Office published a notice of proposed rule making on restriction practice in patent cases (37 F.R. 22625). The notice proposed to amend Title 37 of the Code of Federal Regulations by revising §§ 1.141, 1.142, 1.144, 1.145, and 1.146. In the notice, it was stated that a hearing would be held at 9:30 a.m. on December 12, 1972, in Room 11 C 24, Building 3, 2021 Jefferson Davis Highway, Arlington, VA.

The Patent Office has received requests from interested persons that the hearing be postponed to a later date to allow ample opportunity to consider the proposed amendments. The hearing, accordingly, will not be held at the time originally set but has been rescheduled for 2:30 p.m. on January 16, 1973, in Room 11 C 24, Building 3, 2021 Jefferson Davis Highway, Arlington, VA. Written views, objections, recommendations or suggestions will be considered if submitted on or before the date of the hearing.

ROBERT GOTTSCHALK,
Commissioner of Patents.

Approved: November 22, 1972.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Sicence and Technology.

[FR Doc.72-20380 Filed 11-27-72;8:49 am]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 615]

EXTENDED UNEMPLOYMENT COMPENSATION

Notice of Proposed Rule Making

I hereby propose to amend Part 615 of Chapter V of Title 20 of the Code of Federal Regulations by (1) adding to

§ 615.2(g)(2) the word "applicable" before the term "benefit year" the first time it appears in the paragraph; (2) adding to § 615.2 a new paragraph (h) defining the term "applicable benefit year"; (3) deleting from § 615.4(b) (1) and (2) the word "current"; (4) deleting from 615.4(b)(4) reference to the Automotive Trade Products Act which is no longer in effect; (5) deleting from § 615.4(c) the word "current" and by inserting in lieu thereof the word "applicable"; (6) deleting from § 615.5(a)(1) the words "current benefit year, or if he has no current benefit year, his most recent benefit year" and by inserting in lieu thereof the words "applicable benefit year"; (7) adding to § 615.5(b)(3) the parenthetical phrase "(or less)" after the word "more" in two places in the paragraph; (8) revising the title of § 615.6, lettering the present § 615.6 as (a) and adding a new paragraph (b) relating to cases where a decision on appeal reduces regular compensation and, as a consequence, reduces extended compensation; and (9) changing § 615.14(b)(3) to provide a formula based on principles of the perpetual calendar for establishing in the two preceding calendar years a corresponding week to each week constituting a 13-week period; the amendments to read as set forth below.

Interested persons may submit written data, views, or arguments regarding the proposal by mailing them to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, Attention of Robert C. Goodwin, Associate Manpower Administrator for Unemployment Insurance, within 15 days after this notice is published in the FEDERAL REGISTER. Persons interested in inspecting or copying submissions received pursuant to this notice should call 202-961-2701 and necessary arrangements will be made.

1. As proposed § 615.2 would be amended by amending paragraph (g)(2) and by adding paragraph (h) to read as follows:

§ 615.2 Definitions.

* * * * *

(g) The term "sharable compensation" is described in the Act to include—

* * * * *

(2) Regular compensation paid to an individual for weeks of unemployment in his eligibility period to the extent that the sum of such compensation, plus the regular compensation paid (or deemed paid) to him with respect to prior weeks of unemployment in the applicable benefit year exceeds 26 times (and does not exceed 39 times) the average weekly benefit amount (including allowances for dependents) for weeks of total unemployment payable to such individual during such benefit year.

(h) The term "applicable benefit year" means, with respect to an individual, his current benefit year if at the time he files a claim for extended compensation he has an unexpired benefit year only in the State in which he files such claim or, in any other case, his most recent benefit year. For this purpose his most recent benefit year, if he has unexpired benefit years in more than one State when he files a claim for extended compensation, is the benefit year with the latest ending date or, if such benefit years have the same ending date, the benefit year in which his latest continued claim for regular compensation was filed.

2. As proposed § 615.4 would be amended by amending paragraph (b) (1), (2) and (4) and the introductory sentence of paragraph (c) to read as follows:

§ 615.4 Entitlement; exhaustee.

* * * * *

(b) Exhaustee: An individual is an exhaustee with respect to a week of unemployment in his eligibility period if—

(1) He has received, prior to such week, all the regular compensation payable to him according to the monetary determination for his benefit year that includes such week under the unemployment compensation law of the State in which he files a claim for extended compensation or the unemployment compensation law of any otner State; or

(2) He has received, prior to such week, all the regular compensation available to him in his benefit year that includes such week under the unemployment compensation law of the State in which he files a claim for extended compensation or the unemployment compensation law of any other State after a cancellation of some or all of his wage credits or the partial or total reduction of his right to regular compensation; or

* * * * *

(4) He has no right to unemployment compensation or allowances, as the case may be, under the following Federal laws: The Railroad Unemployment Insurance Act, and the Trade Expansion Act; and

* * * * *

(c) For the purposes of paragraphs (b) (1) and (2) of this section, an individual shall be deemed to have received in his applicable benefit year all of the regular compensation payable to him according to the monetary determination or available to him, as the case may be, even though—

* * * * *

3. As proposed to be amended § 615.5 (a)(1) and (b)(3) would read:

§ 615.5 Amount of extended compensation.

(a) *Weekly amount*—(1) *Total unemployment.* The State law shall specify that the weekly amount of extended compensation payable to an individual for a week of total unemployment in his eligibility period shall be the amount of regular compensation payable to him for a week of total unemployment during his applicable benefit year. If the individual had more than one weekly amount of regular compensation for total unemployment during such benefit year, the weekly amount of extended compensation for total unemployment shall be any one of the following specified in the State law:

* * * * *

(b) *Individual's extended compensation account.* * * *

(3) If an individual is entitled to more (or less) extended compensation as a result of an appeal which afforded him more (or less) regular compensation, an appropriate change shall be made in the individual's extended compensation account.

4. As proposed to be amended, the title of § 615.6 would be as amended, the present § 615.6 would be lettered (a) and a new paragraph (b) would be added to read:

§ 615.6 Changes in amount of extended compensation resulting from changes in amount of regular compensation awarded on appeal.

* * * * *

(b) If an individual who has received extended compensation for week(s) of unemployment is determined to be entitled to less regular compensation as the result of an appeal, and as a consequence is entitled to less extended compensation, any extended compensation he has been paid in excess of the amount he is determined to be entitled to after the decision on appeal shall be considered an overpayment which the individual shall have to repay on the same basis and in the same manner that he has to repay the regular compensation he has been paid which is in excess of the amount payable to him pursuant to the decision on appeal. If such decision reduces the duration of his regular compensation, his claim for extended compensation shall be backdated to the earliest date, subsequent to the date when the redetermined regular compensation was exhausted and within the extended benefit period, that the individual was eligible to file a claim for extended compensation. An amended determination shall be made of his entitlement to extended compensation and a notice of such determinati on shall be given to the individual and, if appropriate under the State law, to his employer(s), as provided in § 615.9(a)(3).

5. As proposed to be amended § 615.14 (b)(3) would read:

§ 615.14 Computation of total rate of insured unemployment.

* * * * *

(b) *State "on" and "off" indicators.* * * *

(3) For the purpose of determining the corresponding 13-week period ending in each of the preceding two calendar years:

(i) Each calendar week shall be identified by the date (calendar month and day of the month) on which it ends;

(ii) For any specific calendar week, the date of the comparable week in the immediately preceding calendar year shall be determined by adding (1) to the date of the end of such specific week or by adding two (2) if:

(*a*) The date of the end of the specific week is February 29; or

(*b*) A February 29 intervenes between,

(*1*) The beginning date of the week in which occurs the date established by

the addition of one (1) to the ending date of the specific week, and

(2) The ending date of the specific week.

(iii) For any specific calendar week, the ending date of the comparable week in the second preceding calendar year shall be determined by adding two (2) to the end date of the specific week or by adding three (3) if:

(*a*) The ending date of the specific week is February 29; or

(*b*) A February 29 intervenes between,

(*1*) The beginning date of the week in which occurs the date established by the addition of two (2) to the ending date of the specific week, and

(2) The ending date of the specific week.

* * * * *

Signed at Washington, D.C., this 22d day of November 1972.

M. R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.72-20411 Filed 11-27-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 72-230P]

BISCAYNE BAY, FLA.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Venetian Causeway drawbridges, both east and west spans, to provide that these regulations exclude Saturdays, Sundays and holidays from November 1 through April 30. The regulations presently apply 7 days a week during this period. This change is being considered because of reduced vehicular traffic during these days. The requirement for Officers of the Police Departments of Miami and Miami Beach to be stationed at the draws and causeways is no longer considered necessary and is therefore deleted.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW 1st Avenue, Miami, Fla. 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before January 2, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.447 to read as follows:

§ 117.447 Biscayne Bay, Fla., MacArthur Causeway, and East and West spans of the Venetian Causeway; bridges.

(a) MacArthur Causeway: The draws shall open promptly on signal however from November 1 through April 30 from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. the draw need open only on the hour and half hour if any vessels are waiting to pass.

(b) West span Venetian Causeway: The draws shall open promptly on signal however from November 1 through April 30, from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, the draws need open only on the hour and half hour if any vessels are waiting to pass. The draws shall open promptly on signal on Thanksgiving, Christmas, New Years, and Washington's Birthday.

(c) East span Venetian Causeway: The draw shall open promptly on signal however the draw need not open from November 1 through April 30, from 7:15 a.m. to 8:45 a.m. and 4:45 p.m. to 6:15 p.m., Monday through Friday, except that the draw shall open at 7:45 a.m., 8:15 a.m., 5:15 p.m. and 5:45 p.m., if any vessels are waiting to pass during this period. The draw shall open promptly on signal on Thanksgiving, Christmas, New Years, and Washington's Birthday.

(d) The draws of these bridges shall open at any time for passage of public vessels of the United States, tugs with tows, regularly scheduled cruise boats and vessels in distress. The opening signal from these vessels shall be 4 blasts of a whistle, horn, other sound producing device or by shouting.

(e) The owner of or agency controlling the bridges shall post notices containing the substance of these regulations, both upstream and downstream, on the bridges or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: November 21, 1972.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72-20367 Filed 11-27-72;8:48 am]

[33 CFR Part 117]

[CGD 72-231P]

DRAWBRIDGES IN THE STATE OF OREGON WHERE CONSTANT ATTENDANCE IS NOT REQUIRED

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the drawbridges in the State of Oregon where constant attendance is not required to include the Burlington Northern (Spokane, Portland, and Seattle) Railway bridges across the John Day River near Astoria and the Blind Slough and Clatskanie River near Clatskanie. These drawbridges are presently required to open on signal. The proposed change would require that these drawbridges open on signal if at least 1 hour notice has been given. The reason for this proposed change is limited use of the waterways by vessels that require openings of these drawbridges.

Also under consideration are amendments for Oregon State Highway Division bridges that also require infrequent openings. The U.S. 101 drawbridges across the Coquille River at Bandon and the U.S. 101 drawbridge across the Siuslaw River at Florence are presently required to open on signal. The proposed change would require at least 2 hours notice at all times for both bridges. The Coos River secondary highway drawbridge across Isthmus Slough at Coos Bay is presently required to open on signal. The proposed change would require at least 4 hours notice at all times. The Coos River secondary highway drawbridge across the Coos River at Coos Bay is presently required to open on signal. The proposed change would require at least 12 hours notice at all times. The Coos River secondary highway drawbridge across Catching Slough at Coos Bay and the Nehalem secondary highway drawbridge across the Walluski River at Astoria are presently required to open on signal, and the Lower Columbia River highway drawbridge across the John Day River at Astoria is required if at least 12 hours notice has been given. The proposed change affecting these three drawbridges would require at least 48 hours notice at all times. The Oregon Coast highway drawbridges across Coalbank Slough at Coos Bay is presently required to open if at least 24 hours notice has been given. The proposed change would allow the draw to remain closed to vessels but would provide for reactivation of the draws upon notification by the Commandant, U.S. Coast Guard to the bridge owner to take such action. Reference to several of these bridges would be deleted from § 117.740 and added to § 117.759b to assure greater clarity.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan) Thirteenth Coast Guard District, 618 Second Avenue, Seattle, WA 98104. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before January 2, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on

this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Revoking § 117.740(a), (3), (6), (7), (8), and (9); (b) and the note at end of the section.

2. Revising § 117.740 to read as follows:

§ 117.740 Youngs Bay, Lewis and Clark River and Skipanon River, Oreg.; bridges.

(a) The drawbridges across Youngs Bay, Lewis and Clark River and Skipanon River, all in Clatsop County, and the bridge across the Skipanon River in Columbia County shall open on signal for the passage of vessels. The signals which may be made by a whistle, horn, siren, trumpet or by shouting for each bridge are:

(1) Highway bridge across Youngs Bay at Smith Point—Two long blasts followed by two short blasts.

(2) Burlington Northern (Spokane, Portland, and Seattle) railroad bridge across Youngs Bay at Smith Point—one long blast followed by one short blast.

(3) Youngs Bay highway bridge at the foot of Fifth Street, Astoria—two long blasts followed by one short blast.

(4) Lewis and Clark River highway bridge, near the mouth—one long blast followed by one short blast.

(5) Skipanon River railroad and highway bridges at Warrenton—one long blast followed by one short blast.

3. Amending subparagraph (4) of paragraph (f) of § 117.759b and adding subparagraphs (10) through (15) to § 117.759b(f) to read as follows:

§ 117.759b Drawbridges in the State of Oregon where constant attendance is not required.

* * * * *

(f) * * *

(4) Highway bridge across John Day River. The draw shall open on signal if at least 48 hours notice is given.

* * * * *

(10) Burlington Northern (Spokane, Portland, and Seattle) railroad bridges across the John Day River near Astoria, Blind Slough and the Clatskanie River near Clatskanie. The draws shall open on signal if at least 1 hour notice is given.

(11) Oregon Coast U.S. 101 drawbridges across the Siuslaw River at Florence and the Coquille River at Bandon. The draws shall open on signal if at least 2 hours notice is given. This notice may be given by marine radio, telephone, radio telephone via the marine operator, or any other suitable means to the Coos Bay South Slough Bridge attendant.

(12) Coos River secondary highway drawbridge across the Isthmus Slough at Coos Bay. The draw shall open on signal if at least 3 hours notice is given.

(13) Coos River secondary highway drawbridge across the Coos River at Coos Bay. The draw shall open on signal if at least 12 hours notice is given.

(14) Coos River secondary highway drawbridge across Catching Slough at Coos Bay, Lower Columbia River highway drawbridge across the John Day River at Astoria and the Nehalem secondary highway drawbridge across the Walluski River at Astoria. The draws shall open on signal if at least 48 hours notice is given.

(15) Oregon Coast highway drawbridge across Coalbank Slough at Coos Bay. The draw need not open for the passage of vessels and the machinery for the draw need not be maintained in operable condition. However, the draw shall be returned to operable condition by the owner of the bridge within 6 months after notification by the Commandant, U.S. Coast Guard to take such action.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated November 21, 1972.

J. D. McCann,
Captain, U.S. Coast Guard, Acting Chief Office of Marine Environment and Systems.

[F.R. Doc.72-20368 Filed 11-27-72;8:48 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-EA-112]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Philipsburg, Pa., control zone (37 F.R. 2118) and transition area (37 F.R. 2262).

A review of the Philipsburg, Pa., terminal area establishes a need to alter the subject area in conformance with the criteria of the Terminal Instrument Procedures (TERP's).

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

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

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

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

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

Within a 6-mile radius of the center, 40°53'00" N., 78°05'15" W. of Mid-State Airport, Philipsburg, Pa.; within 4 miles each side of a 327° bearing from a point 40°53'09" N., 78°05'06" W., extending from said point to a point 8.5 miles northwest.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Philipsburg, Pa., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°53'00" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., extending clockwise from a 270° bearing to a 300° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 300° bearing to a 180° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 180° bearing to a 210° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 210° bearing to a 270° bearing from the airport; within 3.5 miles each side of a 340° bearing from the Ginter RBN, extending from the RBN to 10 miles north of the RBN; within 3.5 miles each side of the Philipsburg VORTAC 067° radial, extending from the VORTAC to 11.5 miles northeast of the VORTAC; within 4 miles each side of a 327° bearing from a point 40°53'09" N., 78°05'06" W., extending from said point to a point 8.5 miles northwest.

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

Issued in Jamaica, N.Y., on November 14, 1972.

Robert H. Stanton,
Acting Director, Eastern Region.

[FR Doc.72-20343 Filed 11-27-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 19547; FCC 72-629]

SPACE TELECOMMUNICATION

Proposed Frequency Allocations and Radio Treaty Matters

Correction

In F.R. Doc. 72-11900 appearing at page 15714 of the issue for Friday, August 4, 1972, the following material was inadvertently omitted from the table in §2.106. It should be added immediately following the table which appears on page 15724.

Worldwide		Region 2		United States		Federal Communications Commission				
Band(MHz)	Service	Band(MHz)	Service	Band (MHz)	Allocation	Band(MHz)	Service	Class of station	Frequency (MHz)	Nature {of services / of stations}
1	2	3	4	5	6	7	8	9	10	11
149.9–150.05 (285B) (285C)	RADIONAVIGATION-SATELLITE.			* * *	* * *	* * *	* * *	* * *		* * *
150.05–174		150.05–174	FIXED. MOBILE.	* * *	* * *	* * *	* * *	* * *	* * *	* * *
						152.855–153.7325	* * *	* * *		* * *
						* * *	* * *	* * *	* * *	* * *
					(US77)	156.250–157.0375	* * *	* * *	* * *	* * *
									156.550	MARITIME MOBILE. (NG24).
									156.575	MARITIME MOBILE.
									156.600	Do.
									156.625	Do.
									156.650	Do.
									156.675	Do.
									156.700	Do.
									156.725	Do.
									156.750	Do.
(201A) (287)					(US106) (US107)				156.800	MARITIME MOBILE (distress, safety, and calling).
									156.850	MARITIME MOBILE.
									* * *	* * *
				157.0375–157.1875	G.					
				157.1875–162.0125	NG. (US77) (US200)	* * *	* * *	* * *	* * *	* * *
(287A)		(287A)								
		(233A)		162.0125–173.2	* * *	* * *	* * *	* * *	* * *	* * *
				* * *	* * *	* * *	* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
225–235		225–235	FIXED. MOBILE.	225–328.6 (308A) (310) (US98)	G.					
235–267	FIXED. MOBILE. (201A) (305) (305A) (308A) (309)								243	Survival craft and equipment.
267–272	FIXED. MOBILE. Space operation (Telemetering). (308A) (309A) (309B)									
272–273	FIXED. MOBILE. SPACE OPERATION (Telemetering). (308A) (309A)									
273–328.6	FIXED. MOBILE. (308A) (310) (310A)									

[47 CFR Part 73]

[Docket No. 19638; FCC 72-1024]

TV BROADCAST STATIONS IN HOUSTON, MISSISSIPPI

Proposed Television Table of Assignments

In the matter of amendment of § 73.606(b) Television table of assignments, TV Broadcast Stations (Houston, Mississippi) Docket No. 19638, RM-1986.

1. On June 12, 1972, John D. Dyer filed a petition (RM-1986) requesting the assignment of Channel 45 to Houston, Miss.

2. Houston, population 2,720[1], is located in Chickasaw County in northeastern Mississippi. There are no television broadcast channels assigned to Houston, and no assignments in the area are available for use under the provisions of the 15-mile rule.

3. If his request is granted, petitioner states that he will apply for authority to construct and operate a station on Channel 45 at Houston with a view to providing (1) a first local service to Houston and to a number of communities around it, (2) an additional local service to the northeastern section of Mississippi, and (3) the ABC network service to a substantial area and population which presently does not receive these services.

4. Petitioner further states the facility he contemplates would (1) provide a new television service to 555,705 persons in an area of 14,519 square miles; (2) provide a first ABC television service to 388,401 persons in 9,225 square miles; (3) provide a second commercial television service to 88,203 persons in 2,150 square miles and (4) provide a third commercial television service to 363,605 persons in 8,880 square miles.

5. We have investigated the assignment area with the aid of our Univac III computer and find that Channel 45 can be assigned at the Houston reference point and at the transmitter site proposed in the petition in accordance with the technical requirements of the Commission's rules.

6. In view of the above, we believe that a rule making proceeding looking toward the assignment of Channel 45 to Houston, Miss., is warranted. Authority for the action proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before December 28, 1972, and reply comments on or before January 8, 1973. All submissions by parties to this proceeding or persons action on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

9. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: November 15, 1972.

Released: November 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-20376 Filed 11-27-72;8:49 am]

[1] Population according to the 1970 U.S. Census.

[1] Commissioner Reid absent.

FEDERAL RESERVE SYSTEM

[12 CFR Part 201]

[Reg. A]

ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Extension of Credit

The Board of Governors proposes to amend Part 201 by changing the heading to read "Extensions of Credit by Federal Reserve Banks"; deleting § 201.0; amending §§ 201.1, 201.2, 201.3, 201.4, 201.5, and 201.6; and by adding §§ 201.7 and 201.8 as set forth below.

The principal purposes of the proposed revision of the Board's Regulation A are (1) to make specific provision for extensions of seasonal credit; (2) to eliminate certain restrictions with respect to the eligibility of paper as collateral for Federal Reserve credit; and (3) to condense and simplify technical provisions of the regulation. Short-term Federal Reserve credit would continue to be provided in accordance with present rules. No change in the posture of monetary policy in the short or long run would result from the adoption of the proposals.

The major impact of the new rules would be to improve the ability of banks to meet strong seasonal credit needs of their communities. Such seasonal credit would be provided to banks to accommodate intermediate-term recurring needs for funds over and above a threshold amount, for such amounts and duration as the applying member bank is able to demonstrate a need.

The new rules would include certain changes as to the eligibility of paper for discount or as security for Federal Reserve advances. The present regulation makes ineligible any paper the proceeds of which are used for "permanent or fixed investments of any kind, such as land, buildings, or machinery, or for any other fixed capital purpose." This provision, which is not statutory, would be omitted, so that paper given for such purposes would be eligible for discount or as collateral for advances if it meets the 90-day maturity requirement of the law and if the funds are not used merely for investment purposes. The revision would also make it clear that paper given for the purchase of services, as well as tangible goods, would be eligible for discount and as collateral for advances.

Finally, the revision would condense, simplify, or clarify a number of technical provisions of the regulation. For example, detailed limitations and conditions with respect to the discounting of bankers' acceptances would be replaced by a general paraphrasing of statutory requirements regarding the types of bankers' acceptances eligible for discount; it would be made clear that the limitation on the amount of paper of one borrower that may be discounted applies in the same manner to both national and State member banks and to Reserve Bank advances at the discount rate as well as to discounts; detailed provisions regarding financial statements and other information would be eliminated; and there would be included a new section regarding the circumstances under which advances would be made to individuals, partnerships, and corporations other than member banks.

The revised rules would reaffirm the System's readiness to supply credit assistance to its member banks in general or isolated emergency situations. In addition, it would recognize that in its role as lender of last resort the Federal Reserve should be prepared, under emergency liquidity conditions, to provide certain types of credit assistance to financial institutions other than member banks.

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

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 28, 1973.

Following receipt of these comments, the Board will weigh them in arriving at a final decision regarding the adoption of the proposed amendments.

By order of the Board of Governors, November 20, 1972.

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

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Sec.

AUTHORITY: The provisions of this Part 201 issued under 12 U.S.C. 84, 248, 301, 330, 343–347, 347b, 347c, 348, 349, 351, 352, 361, 371, 372, 373, 374.

§ 201.1 Authority and scope.

This part is issued under section 13 and other provisions of the Federal Reserve Act and relates to extensions of credit by Federal Reserve Banks.

§ 201.2 General principles.

(a) Extending credit to member banks to accommodate commerce, industry, and agriculture is a principal function of Reserve Banks. While open market operations and changes in member bank reserve requirements are important means of affecting the overall supply of bank reserves, the lending function of the Reserve Banks is an effective method of supplying reserves to meet the particular needs of individual member banks.

(b) The lending functions of the Federal Reserve System are conducted with due regard to the basic objectives of the Employment Act of 1946 and the maintenance of a sound and orderly financial system. These basic objectives are promoted by influencing the overall volume and cost of credit through actions affecting the volume and cost of reserves to member banks. Borrowing by individual member banks, at a rate of interest adjusted from time to time in accordance with general economic and money market conditions, has a direct impact on the reserve position of the borrowing banks and thus on their ability to meet the needs of their customers. However, the effects of such borrowing do not remain localized but have an important bearing on overall monetary and credit conditions.

(c) Federal Reserve credit is available on a short-term basis to assist member banks in meeting temporary requirements for funds and in meeting more persistent outflows pending an orderly adjustment of a member bank's asset and liability structure. Federal Reserve credit is also available for longer periods in order to assist member banks in meeting significant seasonal needs. Federal Reserve credit is available to assist member banks in meeting emergency or unusual situations, such as may result from national, regional, or local difficulties or from exceptional circumstances involving only particular member banks. Emergency credit assistance may also be made available in exigent circumstances to other than member banks under such terms and conditions as may be specified. Federal Reserve credit is not a substitute for capital and ordinarily is not available for extended periods.

(d) Each Reserve Bank is required by law (1) to keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue use is being made of bank credit for the speculative carrying of or trading in securities, real estate, or commodities or for any other purpose inconsistent with the maintenance of sound credit conditions, and (2) to give consideration to such information in determining whether to extend credit.

§ 201.3 Policy guidelines.

In conformity with the foregoing principles and the requirements and limitations of the Federal Reserve Act and this part, Reserve Banks will ordinarily extend credit as follows:

(a) *Adjustment credit.* A Reserve Bank may, under such rules as may be prescribed, extend credit to a member bank to such extent as may be appropriate to assist in meeting temporary requirements for funds or to cushion more persistent outflows of funds pending an orderly adjustment of the member bank's assets and liabilities.

(b) *Seasonal borrowing privilege.* (1) Credit will also be extended to a member bank that lacks reasonably reliable access to national money markets to assist in meeting seasonal needs for funds arising from a combination of expected patterns of movement in its deposits and loans. Such seasonal credit will ordinarily be limited to the amount by which the member bank's seasonal needs exceed 5 percent of its average total deposits in the preceding calendar year. It will be available if (i) the member bank has arranged in advance for such seasonal credit for the full period, as far as possible, for which the credit is expected to be required, and (ii) the Reserve Bank is satisfied that the member bank's qualifying need for funds is seasonal and will persist for at least 8 consecutive weeks.

(2) In making such arrangements for seasonal credit, a Reserve Bank may agree to extend such credit for a period of up to 90 days,[1] subject to compliance with applicable requirements of law at the time such credit is extended. However, in the event that a member bank's seasonal needs should persist beyond such period, the Reserve Bank will normally be prepared to entertain a request by the member bank for further credit extensions under the seasonal credit arrangement.

(c) *Emergency credit.* A Reserve Bank may also extend credit (1) to any of its member banks in unusual or emergency circumstances, and (2) to individuals, partnerships, and corporations that are not member banks in emergency circumstances in accordance with § 201.8 of this Part if in its judgment credit is not practicably available from other sources and failure to obtain such credit would adversely affect the economy.

§ 201.4 Advances to member banks.

(a) *Advances on obligations or eligible paper.* Reserve Banks may make advances to member banks for not more than 90 days if secured by obligations or other paper eligible under the Federal Reserve Act for discount or purchase by Reserve Banks.

(b) *Advances on other security.* A Reserve Bank may make advances to a member bank for not more than 4 months if secured to the satisfaction of the Reserve Bank, whether or not secured in conformity with § 201.4(a), but the rate on such advances shall be at least one-half of 1 percent per annum higher than the rate applicable to advances made under § 201.4(a).

§ 201.5 Discounts for member banks.

If a Reserve Bank should conclude that a member bank would be better accommodated by the discount of paper than by an advance on the security thereof, it may discount for such member bank any paper endorsed by the member bank and meeting the following requirements:

(a) *Commercial or agricultural paper.* A note, draft, or bill of exchange issued or drawn or the proceeds of which have been or are to be used (1) in producing, purchasing, carrying, or marketing goods in the process of production, manufacture, or distribution, (2) for the purchase of services, (3) in meeting current operating expenses of a commercial, agricultural, or industrial business, or (4) for the purpose of carrying or trading in direct obligations of the United States; provided that (i) such paper has a period remaining to maturity of not more than 90 days, except that agricultural paper (including paper of cooperative marketing associations) may have a period remaining to maturity of not more than 9 months, and (ii) the proceeds of such paper have not been and are not to be used merely for the purpose of investment, speculation, or dealing in stocks, bonds, or other such securities, except direct obligations of the United States.

(b) *Bankers' acceptances.* A banker's acceptance (1) arising out of an importation or exportation or domestic shipment of goods or the storage of readily marketable staples or (2) drawn by a bank in a foreign country or dependency or insular possession of the United States for the purpose of furnishing dollar exchange; provided that such acceptance complies with applicable requirements of section 13 of the Federal Reserve Act.

(c) *Construction paper.* A note representing a loan made to finance construction of a residential or farm building, whether or not secured by a lien upon real estate, which matures not more than 9 months from the date the loan was made and has a period remaining to maturity of not more than 90 days, if accompanied by an agreement requiring some person acceptable to the Reserve Bank to advance the full amount of the loan upon completion of such construction.

§ 201.6 General requirements.

(a) *Information.* A Reserve Bank shall require such information as it deems necessary to insure that paper tendered as collateral or for discount is acceptable and meets any pertinent eligibility requirements and that the credit granted is used consistently with this part.

(b) *Amount of collateral.* A Reserve Bank shall require only such amount

[1] As provided in the law and in this part, the maturity of advances to member banks is limited to 90 days, except as provided in § 201.4(b) of this part.

of collateral as it deems necessary or advisable.

(c) *Indirect credit for nonmember banks.* Except with the permission of the Board of Governors, no member bank shall act as the medium or agent of a nonmember bank (other than a Federal Intermediate Credit bank) in receiving credit from a Reserve Bank and, in the absence of such permission, a member bank applying for credit shall be deemed to represent and guarantee that it is not so acting.

(d) *Limitation as to one obligor.* Except as to credit granted under §201.4 (b), a member bank applying for credit shall be deemed to certify or guarantee that as long as the credit is outstanding no obligor on paper tendered as collateral or for discount will be indebted to it in an amount exceeding the limitations in section 5200 of the Revised Statutes (12 U.S.C. 84), which for this purpose shall be deemed to apply to State member as well as national banks.

§ 201.7 Federal intermediate credit banks.

A Reserve Bany may discount for any Federal Intermediate Credit bank (a) agricultural paper, or (b) notes payable to and bearing the endorsement of such Federal Intermediate Credit bank covering loans or advances made under section 202(a) of Title II of the Federal Farm Loan Act which are secured by paper eligible for discount by Reserve Banks. Any paper so discounted shall not have a period remaining to maturity of more than 9 months or bear the endorsement of a nonmember State bank.

§ 201.8 Emergency credit for others.

In emergency circumstances a Reserve Bank may extend credit for periods of not more than 90 days to individuals, partnerships, and corporations (other than member banks) on the security of direct obligations of the United States or any obligations which are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, at such rate in excess of the rate in effect at the Reserve Bank for advances under § 201.4(a) as its board of directors may establish subject to review and determination of the Board of Governors.

[FR Doc.72-20360 Filed 11-27-72;8:47 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1621, 1622, 1623, 1631]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These regulations implement the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and forward them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435. Comments received within 30 days following the publication of this notice in the FEDERAL REGISTER will be considered.

The proposed amendments follow:

Section 1621.14 is amended to read as follows:

§ 1621.14 Securing information from welfare and governmental agencies.

The local board is authorized to request and receive information from welfare and governmental agencies whenever such information will assist it in determining the proper classification of a registrant.

Section 1622.30 is amended to read as follows:

§ 1622.30 Class 3–A: Registrant deferred by reason of hardship to dependents.

(a) In Class 3–A shall be placed any registrant:

(1) Whose induction would result in extreme hardship to his wife when she is his only dependent;

(2) Whose induction would result in undue and genuine hardship to his child, parent, grandparent, brother or sister who is dependent upon him for support;

(3) Who has been separated from active military service by reason of dependency or hardship; or

(4) Who prior to April 23, 1970, submitted to his local board information establishing his eligibility for deferment on the grounds of fatherhood under regulations in effect prior to such date.

(b) Any registrant classified prior to April 23, 1970, in Class 3–A on the grounds of fatherhood and who continues to maintain a bona fide relationship in their home with his child or children may be retained in Class 3–A.

(c) The local board will reopen and consider anew the classification of each registrant in Class 3–A not later than 365 days after he was last classified in Class 3–A.

(d) As used in this section:

(1) The term "child" shall include any person under 18 years of age who is a legitimate or an illegitimate child from the date of its conception, a stepchild, a foster child, or a child legally adopted;

(2) Dependency. Dependency exists when by reason of death or disability of a member of the registrant's family, other members of his family become principally dependent upon him for care or support;

(3) Hardship. Hardship exists when in circumstances not involving death or disability of a member of the registrant's family, his induction will materially affect the care or support of his family by aggravating or causing undue and genuine hardship.

(4) The term "parent" shall include any person who has stood in the place of a parent to the registrant for at least 5 years preceding the 18th anniversary of the registrant's date of birth.

Section 1623.1(b) is amended to read as follows:

§ 1623.1 Commencement of classification.

* * * * *

(b) The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and other written information in his file, oral statements by the registrant at his personal appearance before the local board, appeal board, or National Selective Service Appeal Board, and oral statements by the registrant's witnesses at his personal appearance before the local board. No information in any written summary of the oral information presented at a registrant's personal appearance that was prepared by an official or employee of the Selective Service System will be considered or placed in the registrant's file unless a copy of it has been furnished to the registrant by the Selective Service System. No information in any other document in the registrant's file shall be considered in classifying the registrant unless that document was supplied by the registrant or a copy of it or a fair resume of its contents has been furnished to him by the Selective Service System.

Section 1631.6(b)(2) is amended to read as follows:

§ 1631.6 Action by local board upon receipt of allocation.

* * * * *

(b) * * *

(2) Nonvolunteers in the Extended Priority Selection Group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1: *Provided,* That, in the calendar year 1973, no registrant who first entered this group before December 31, 1972, shall be inducted.

* * * * *

BYRON V. PEPITONE,
Acting Director.

NOVEMBER 22, 1972.

[FR Doc.72-20363 Filed 11-27-72;8:48 am]

[32 CFR Part 1660]

ALTERNATE SERVICE

Selection of Nonvolunteer

Pursuant to sections 6(j) and 13(b) of the Military Selective Service Act, as amended (50 App. U.S. Code, sections 451 et seq.), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These

regulations implement section 6(j) of the Military Selective Service Act, as amended (50 App. U.S. Code, 456(j)).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and forward them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC, 20435. Comments received within 30 days following the publication of this notice in the FEDERAL REGISTER will be considered.

The proposed amendments follow:

Section 1660.4(c) is amended to read as follows:

§ 1660.4 Selection of nonvolunteer for alternate service.

* * * * *

(c) A registrant in Class 1–A–0 or 1–0 who would be eligible for Class 1–AM were he not in Class 1–A0 or 10 will be ordered to alternate service in lieu of induction at the time that he would be ordered for induction if he were in Class 1–AM.

* * * * *

BYRON V. PEPITONE,
Acting Director.

NOVEMBER 22, 1972.

[FR Doc.72–20365 Filed 11–27–72;8:48 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

SURVIVOR BENEFIT PLAN ANNUITIES

Character of Income; Exclusion and Estates

Correction

In F.R. Doc. 72–19438 appearing on page 24049 in the issue for Saturday, November 11, 1972, the table under § 3.261 should read as set forth below:

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows, and children)	Pension; Public Law 86–211 (veterans, widows, and children)	See—
(a) *Income:*					
* * *	* * *	* * *	* * *	* * *	
(14) Retired Serviceman's Family Protection Plan; Survivor Benefit Plan (10 U.S.C. ch. 73):					
Retired Serviceman's Family Protection Plan (Subch. I):					
Annuities	Excluded	Excluded	Excluded	Excluded	
Refund (10 U.S.C. 1446)	Included	Included	Included	Included	
Survivor Benefit Plan (Subch. II).	do	do	do	do	§ 3.262(e).
(Public Law 92–425; 86 Stat. 706)					
* * *	* * *	* * *	* * *	* * *	

Notices

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

STATEMENT OF ORGANIZATION, FUNCTIONS, AND PUBLIC INFORMATION PROCEDURES

In compliance with the provisions of 5 U.S.C. 552, this notice provides a description for the guidance of the public of the Bureau of Engraving and Printing's organization, including a statement of the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests, or obtain decisions. The prior statements of organization, functions, and procedures of the Bureau of Engraving and Printing are revoked.

Sec.

SECTION 1. *Statement of functions and responsibilities.* (a) The Bureau of Engraving and Printing designs, engraves, and prints all major items of a financial character issued by the United States. It produces paper currency; Treasury bonds (except the series E savings bonds), bills, notes, and certificates; postage, revenue, customs, and documentary stamps; food coupons; and military payment certificates. In addition, the Bureau prints commissions, certificates of award, permits, and a wide variety of other miscellaneous items for the various territories administered by the United States.

(b) The Bureau conducts its operations under a revolving fund method of financing. All agencies served reimburse the Bureau, out of funds available to them, for all costs incidental to the performance of work or services requisitioned.

SEC. 2. *Statement of organization.* (a) The affairs of the Bureau are administered by a Director, appointed by the Secretary of the Treasury, and a Deputy Director.

(b) The major organizational components of the Bureau are the Internal Audit Staff, the Product Control Division, and the Offices of—

Administrative Services:
  Management Services Division.
  Materials Management Division.
  Plant Services Division.
Currency and Stamp Printing:
  Plate Printing Division.
  Surface Printing Division.
Engineering:
  Construction and Maintenance Division.
  Engineering Division.
Engraving.
Financial Management.
Industrial Relations.
Research and Technical Services:
  Research Division.
  Technical Services Division.
Securities Processing:
  Examining Division.
  Postage Stamp Division.
Security:
  Security Division.

SEC. 3. *Location of principal activity.* All Bureau activities are conducted in its plant in Washington, D.C.

SEC. 4. *Procedures governing availability of records and information.* (a) The records of the Bureau of Engraving and Printing required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, and other provisions of the regulations on the disclosure of records of the Office of the Secretary and other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

(b) Any person desiring to review or copy any record maintained by the Bureau concerning the agency operations or any of its products, or obtain information or decisions or make submittals or requests, should communicate either orally or in writing with the Superintendent, Management Services Division, Office of Administrative Services, Room 602-13, Bureau of Engraving and Printing Annex Building, 14th and C Streets SW., Washington, D.C. 20226.

(c) Facilities are available in the Management Services Division where the public may review, copy from, or have copies made of Bureau records which are not exempt from disclosure. These accommodations are open to the public from 9 a.m. to 5 p.m. each Monday through Friday, except legal holidays.

(d) Use of the facilities is subject to all security regulations governing admission of the public to the Bureau buildings.

(e) If a record is not available from the files maintained by the Management Services Division, the superintendent of that division will arrange to secure the record from the appropriate Bureau component.

(f) A requested record will be made available as promptly as is reasonable under the particular circumstances.

(g) If the record is not readily available and it is necessary to perform research to locate a particular document, a basic charge of $5.80 will be made; thereafter, at one-fourth that rate for increments of 15 minutes, or any part thereof.

Before such a search is instituted, the inquirer may be required to make an advance payment of a specified estimated cost of the work involved.

(h) A charge of 25 cents per copy will be made for each photocopy furnished, up to and including 8½ inches by 14 inches in size. The price for making photoprint copies of any size which require preparation of a negative will be based on the actual processing cost at the time the work is performed, including, labor, materials, and overhead expenses.

(i) Denial to a requester of any record classified as exempt from disclosure under 5 U.S.C. 552 will be determined by the Director of the Bureau. Appeals of denials are to be made to the Assistant Secretary of the Treasury for Enforcement, Tariff and Trade Affairs, and Operations as specified in 31 CFR, Subtitle A, Part 1, section 1.7(a).

Effective date. This notice shall be effective on the date of its publication in the FEDERAL REGISTER (11–28–72).

Dated: November 20, 1972.

[SEAL] JAMES A. CONLON,
Director, Bureau of Engraving and Printing.

[FR Doc.72–20370 Filed 11–27–72;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

COLVILLE RESERVATION, WASHINGTON

Notice of Tobacco Ordinance

NOVEMBER 22, 1972.

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

Notice is hereby given that the Colville Business Council of the Confederated Tribes of the Colville Reservation, Wash., duly enacted the Colville Tobacco Ordinance on June 23, 1972, under authority contained in Article V, section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation which was ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938. The Colville Tobacco Ordinance reads as follows:

AN ORDINANCE

GOVERNING SALE, DISTRIBUTION AND TAXATION OF TOBACCO PRODUCTS WITHIN THE COLVILLE INDIAN RESERVATION

Section 1. *Title.* This ordinance shall be known as the Colville Tobacco Ordinance.

Sec. 2. *Definitions.* As used in this ordinance, the following words and phrases shall each have the designated meaning unless a different meaning is expressly provided or the context is clearly indicated:

(1) "Tribes" shall mean the Confederated Tribes of the Colville Indian Reservation.

(2) "Council" shall mean the Colville Business Council.

(3) "Cigarettes" shall mean any roll for smoking made wholly or in part of tobacco, irrespective of size or shape irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state.

(4) "Tobacco products" shall mean cigarettes, cigars, smoking tobacco, snuff, chewing tobacco, and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking.

(5) "Retail selling price" shall mean the ordinary, customary, or usual price paid by the consumer for each tobacco product less the tax levied by this ordinance.

(6) "Wholesale distribution price" shall mean the price paid for each tobacco product by the Tribes together with all freight charges and other expenses incurred by the Tribes in their receipt and distribution.

(7) "Tobacco outlet" shall mean a licensed tribal retail sales business selling tobacco products on trust land in the Colville Indian Reservation.

(8) "Operator" shall mean an enrolled member of the Colville Confederated Tribes licensed by the Tribes to manage a tobacco outlet.

Sec. 3. Establishment of tobacco outlets. The Council shall establish one or more tobacco outlets within the Colville Indian Reservation as the Council in its sole discretion deems necessary to provide adequate service to consumers of cigarettes and tobacco products.

Sec. 4. *Nature of outlet.* Each tobacco outlet established hereunder shall be a tribal tobacco outlet and shall be managed for the Tribes by an operator pursuant to a license granted by the Council hereunder, and shall also be managed pursuant to a Federal Indian Trader's License as provided in section 7 hereof.

Sec. 5. *Application for tobacco outlet license.* Any enrolled member of the Colville Confederated Tribes may apply upon an application form provided by the Council for a tobacco outlet license. The application shall state the name and address of the applicant and shall be signed by the applicant, under oath.

Sec. 6. *Tobacco outlet license.* Upon approval of an application, the Council shall issue the applicant a tobacco outlet license for a 1-year period which shall entitle the operator to establish and maintain tobacco outlet on the Colville Indian Reservation. The license shall be renewable in such manner as the Council shall prescribe and shall be nontransferable.

Sec. 7. *Traders license.* No tobacco outlet license shall be issued to an operator until he has obtained a Federal Indian Trader's License from the Superintendent of the Colville Indian Agency. Revocation of the Federal Indian Trader's License shall be grounds for revocation of the operator's tobacco outlet license.

Sec. 8. *Excise tax imposed.* There is levied and there shall be collected as hereinafter provided, a tax upon the distribution of all cigarettes sold or distributed hereunder in the amount of 3 cents per package. The Council may levy an additional tax upon the distribution of cigarettes and other tobacco products as it deems desirable. The excise tax levied hereunder shall be a tax upon distribution of cigarettes and other tobacco products by the Tribes only and shall not constitute an assessment or license fee upon enrolled members of the Tribes doing business within the reservation or obtaining special rights or privileges. The excise tax levied hereunder shall be added to the retail selling price of tobacco products sold to the ultimate consumer.

Sec. 9. *Purchase by Tribes.* All tobacco products purchased by the Tribes pursuant hereto shall be purchased with federally restricted tribal funds.

Sec. 10. *Wholesale distribution.* Wholesale distribution of tobacco products by the Tribes to a tobacco outlet shall be upon a cash basis for the wholesale distribution price which shall have added to it the excise tax levied in section 8 hereof.

Sec. 11. *Tobacco products federally restricted tribal property.* The entire stock of tobacco products distributed hereunder shall remain federally restricted tribal property owned and possessed by the Tribes until sale to the ultimate consumer. Payment by the operator of the wholesale distribution price as provided in section 10 hereof shall entitle the operator to custody of distributed tobacco products for sale to the ultimate consumer, at the operator's sole risk in the event of any loss whatsoever.

Sec. 12. *Remuneration to operator.* As remuneration for managing a tobacco outlet, an operator shall be entitled to the gross revenue derived from sale of tobacco products distributed hereunder in excess of the wholesale distribution price and the excise tax levied hereunder.

Sec. 13. *Restricted sales to non-Indians.* An operator may not sell more than two cartons of cigarettes per sale to a non-Indian. The Council may restrict sales of other tobacco products to non-Indians as it deems necessary.

Sec. 14. *Restricted sales to minors.* An operator may not sell any tobacco products to any person under the age of 18 years.

Sec. 15. *Other business by operator.* An operator may conduct another business simultaneously with managing a tobacco outlet for the Tribes. The other business may be conducted on the same premises and the operator shall not be required to maintain separate books of account for the other business.

Sec. 16. *Tribal immunity—liability—credit.* An operator shall not attempt or be authorized to waive the sovereign immunity of the Tribes from suit, nor shall such operator attempt or be authorized to create any liability on behalf of the Tribes or to utilize tribal credit.

Sec. 17. *Operating without license.* No person shall operate a tobacco outlet on the Colville Indian Reservation without having in effect a valid tobacco outlet license issued pursuant hereto.

Sec. 18. *Purchases.* An operator shall purchase all tobacco products sold in his tobacco outlet from the Tribes.

Sec. 19. *Liability insurance.* An operator shall maintain liability insurance upon his premises in the sum of not less than $25,000.

Sec. 20. *Revocation of tobacco outlet license.* Failure of an operator to abide by the requirements of this ordinance and any additional requirement imposed by the Council will constitute grounds for revocation of the operator's tobacco outlet license as well as enforcement of the penalties provided in section 21 below.

Sec. 21. *Violation—penalties.* Any person violating the provisions of this ordinance shall be guilty of an offense and subject to a fine in Tribal Court of not less than $50 nor more than $250 and forfeiture of all of the Tribes' remaining stock of tobacco products distributed hereunder and situated in his tobacco outlet. The tribal law enforcement officers shall be empowered to seize forfeited tobacco products.

Sec. 22. *Separability.* If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances is not affected.

On October 25, 1972, the Colville Tobacco Ordinance was conditionally approved by the Area Director, Portland Area Office, Bureau of Indian Affairs, under authority delegated to the Commissioner of Indian Affairs in section 18 of Secretarial Order 2508 and redelegated to the Area Director in 10 BIAM 3. The Area Director's approval was subject to the following comments:

We have received Colville Tribal Resolution 1972–125, enacted March 10, 1972, Resolution 1972–279, enacted May 25, 1972, Resolution 1972–375, enacted June 23, 1972, and Resolution 1972–376, Amendment No. 1, enacted June 23, 1972, concerning the sale, distribution and taxation of tobacco products on trust land within the Colville Indian Reservation.

We have reviewed the ordinance enacted on March 10, 1972, and the amendments thereto, and note that section 7 of the ordinance requires that an operator obtain a Federal Indian Trader's License from the Superintendent. The provision of the ordinance does not recognize the provision of the law as well as the Secretarial regulations which permit trading by an Indian of the full blood within an Indian reservation without obtaining a Federal Trader's License (25 U.S.C. § 264, 25 CFR 251.3). Should an Indian of the full blood of the Colville Tribes otherwise comply with the provisions of the ordinance governing the sale, distribution and taxation of tobacco products, he cannot be required to obtain a Trader's License as none would be issued to him by the superintendent and he cannot be denied an operator's license under the ordinance for such reason. Subject to the above paragraph, we approve the ordinance and the amendments thereto pursuant to authority delegated by Secretarial Order 2508 and 10 BIAM 3.1.

JOHN O. CROW,
Deputy Commissioner.

[FR Doc.72–20486 Filed 11–27–72;8:53 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL RICE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of a meeting of the

National Rice Advisory Committee at 1 pm on November 28, 1972, and at 9 am on November 29, 1972, in Room 218–A of the Administration Building, U.S. Department of Agriculture, Washington, D.C. The purpose of this meeting is to discuss the supply and demand situation for the 1972 rice crop and the requirements for the 1973 rice crop. The meeting will be open to the public.

The names of Committee members, agenda, summary of the meeting, and other information pertaining to the meeting may be obtained from Harlan H. Holleman, Director, Oilseeds and Special Crops Division, ASCS, South Building, Room 5768, Washington, D.C. Telephone: 202—44–77973.

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

NOVEMBER 22, 1972.

[FR Doc.72–20491 Filed 11–27–72;8:54 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–313]

ACADEMY TANKERS, INC., ET AL.

Notice of Multiple Applications

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

Applicant's name and address	Type of ship	Name of ship
Academy Tankers, Inc., Americana Bldg., 811 Dallas Ave., Houston, TX 77002.	Tanker	SS Thomas A.
	do	SS Thomas Q.
Marine Carriers Corp., 17 Battery Pl., New York, NY 10004.	Bulk carrier.	SS Commander.
American Trading Transportation Company, Inc., 555 5th Ave., New York, NY 10017.	Tanker	SS Maryland Trader.
	do	SS Virginia Trader.
	do	SS Washington Trader.
Penn Tanker Co., 405 Park Ave., New York, NY 10022.	do	SS Penn Champion.
	do	SS Penn Challenger.
Mount Vernon Tanker Co., 888 7th Ave., New York, NY 10019.	do	SS Mount Vernon Victory.
Do	do	SS Mount Washington.
World Wide Tankers, Inc., 1 New York Plaza, New York, NY 10004.	do	SS Barbara Jane.
Vancor Steamship Corp., 11 Broadway, New York, NY 10004.	do	SS Vantage Horizon.

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

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

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 F.R. 24349).

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

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before December 4, 1972, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

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

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

Dated: November 22, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72–20447 Filed 11–27–72;8:51 am]

CONSTRUCTION OF LIQUEFIED NATURAL GAS (LNG) VESSELS WITH CONCH SELF-SUPPORTING TANK DESIGN

Notice of Intent To Compute Estimated Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of 125,000 cubic meter liquefied natural gas (LNG) vessels with Conch self-supporting tank design.

Any person, firm, or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on December 8, 1972, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Dated: November 24, 1972.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72–20512 Filed 11–27–72;8:55 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10971; Docket No. FDC–D–561; NDA 10–971 etc.]

AYERST LABORATORIES AND WALLACE LABORATORIES

Conjugated Estrogens With Meprobamate; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In an announcement (DESI 10971) published in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13607), the Commissioner of Food and Drugs an-

nounced his conclusions pursuant to the evaluation of two reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs containing conjugated estrogens with meprobamate:

NDA 10-971; PMB-200 and PMB-400 tablets, marketed by Ayerst Laboratories, Division of American Home Products Corporation, 685 Third Avenue, New York, N.Y. 10017.

NDA 11-045; Milprem-200 and Milprem-400 tablets, marketed by Wallace Laboratories, Division of Carter-Wallace Inc., Half Acre Road, Cranbury, N.J. 08512.

The announcement stated that the Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes there is a lack of substantial evidence that such fixed combination drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of the combination drug contributes to the total effects claimed, and that the Commissioner of Food and Drugs intended to initiate proceedings to withdraw approval of the new drug applications. Interested persons were invited to submit pertinent data bearing on the proposal within 30 days following publication of the announcements. No data providing substantial evidence of effectiveness were received pursuant to the announcement.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-20345 Filed 11-27-72;8:47 am]

[DESI 9414; Docket No. FDC-D-528; NDA 9-414 etc.]

CERTAIN STEROID COMBINATION PREPARATIONS FOR ORAL USE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In an announcement (DESI 9414) published in the FEDERAL REGISTER of July 11, 1972 (37 F.R. 13566), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

A. PREDNISONE IN COMBINATION WITH OTHER ACTIVE COMPONENTS

1. Co-Deltra Tablets containing 2.5 mg. or 5.0 mg. prednisone, magnesium trisilicate, and dried aluminum hydroxide gel; Merck Sharp & Dohme, Division Merck and Co., Inc., West Point, Pa. 19486 (NDA 10-371).

B. PREDNISOLONE IN COMBINATION WITH OTHER ACTIVE COMPONENTS

1. Ataraxoid Tablets containing 2.5 mg. or 5.0 mg. prednisolone and hydroxyzine hydrochloride; Chas. Pfizer and Co., Inc., 235 East 42d Street, New York, NY 10017 (NDA 10-636).

2. Cordex Tablets and Cordex-Forte Tablets containing prednisolone and aspirin (NDA 10-185); and

3. Cordex (Buffered) Tablets and Cordex-Forte (Buffered) Tablets containing prednisolone, aspirin, and calcium carbonate (NDA 10-185); The Upjohn Co., 7171 Portage Road, Kalamazoo, MI 49002.

4. Deltacortril-APC Tablets containing prednisolone, aspirin, phenacetin,

and caffeine; Chas. Pfizer and Co., Inc. (NDA 10-774).

C. Methylprednisolone in Combination With Other Active Components

1. Medaprin Tablets and Medadent Tablets containing methylprednisolone, aspirin, and calcium carbonate (NDA 11-632); and

2. Cordex Improved Tablets and Cordex-Forte Improved Tablets containing methylprednisolone and aspirin (NDA 11-455); The Upjohn Co.

D. Dexamethasone in Combination With Other Active Components

1. Decagesic Tablets containing dexamethasone, aspirin, and dried aluminum hydroxide gel; Merck Sharp & Dohme (NDA 12-187).

2. Delenar Tablets containing dexamethasone, orphenadrine hydrochloride, and aluminum aspirin; Schering Corp., 1011 Morris Avenue, Union, NJ 07083 (NDA 12-092).

3. Dronactin Tablets containing dexamethasone and cyproheptadine hydrochloride, Merck Sharp & Dohme (NDA 13-084).

E. Cortisone Acetate in Combination With Other Active Components

1. Salcort Tablets containing cortisone acetate, sodium salicylate, dried aluminum hydroxide gel, calcium ascorbate, and calcium carbonate; The S. E. Massengill Co. (NDA 9-414).

In addition to the drugs listed above, the following preparation, although not reviewed by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, is regarded to be affected by the announcement of July 11, 1972:

Stero-Darvon with A.S.A. Tablets containing paramethasone acetate, propoxyphene hydrochloride, and aspirin; Eli Lilly and Co., Post Office Box 618, Indianapolis, IN 46206 (NDA 14-768).

The announcement stated that there is a lack of substantial evidence that these fixed combination drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such drugs contributes to the total effects claimed and that the Commissioner of Food and Drugs intended to initiate proceedings to withdraw approval of the new drug applications for the drugs. Interested persons were invited to submit pertinent data bearing on the proposal within 30 days following publication of the announcement. Data submitted by Merck Sharp & Dohme concerning Decagesic Tablets (NDA 12-187) were evaluated and found not to provide substantial evidence of effectiveness. No other data were received.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

Within 30 days after publication hereof in the Federal Register the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, within 30 days after publication of this notice in the Federal Register, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 14, 1972.

Sam D. Fine,
Associate Commissioner for Compliance.

[FR Doc.72-20346 Filed 11-27-72;8:47 am]

[DESI 5597; Docket No. FDC-D-562; NDA No. 8-240]

PREPARATION CONTAINING ACETAMINOPHEN, SALICYLAMIDE, AMPHETAMINE PHOSPHATE, AND METHYLATROPINE NITRATE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 5597) published in the Federal Register of January 10,

1970 (35 F.R. 396), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the combination drug described below stating that the drug is regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibility effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted pursuant to the notice:

NDA 8–240; Strascogesic Tablets, containing 300 milligrams acetaminophen, 200 milligrams salicylamide, 2 milligrams amphetamine phosphate, and 0.5 milligram methylatropine nitrate per tablet; Strasenburgh Pharmaceutical Division, Pennwalt Corp., Post Office Box 1766, Rochester, N.Y. 14623.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 19, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–20347 Filed 11–27–72;8:47 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON AUTOMATED PERSONAL DATA SYSTEMS

Notice of Meeting

A meeting of the Secretary's Advisory Committee on Automated Personal Data Systems will be held from 9 a.m. to 6 p.m. on Friday, December 15, 1972, and from 9 a.m. to 3 p.m. on Saturday, December 16, 1972 in Room 3169, HEW North Building, 330 Independence Avenue SW., Washington, DC.

(1) *Purposes.* The Committee was appointed to advise and assist the Department of Health, Education, and Welfare in the preparation of analyses and recommendations which the Secretary determines will help the Department to take initiative in seeking to assure that the use of automated personal data systems will be managed to maximize their benefits and minimize their potential for harmful consequences.

(2) *Membership.* The Committee is chaired by Frances Grommers, M.D., and is composed of the following other members: Layman Allen, Juan Anglero, Stanley Aronoff, William Bagley, Philip Burgess, Gertrude Cox, Patricia Cross, Gerald Davey, Taylor DeWeese, Guy Dobbs, Robert Gallati, Florence Gaynor, John Gentile, Jane Hardaway, James Impara, Patricia Lanphere, Arthur Miller, Don Muchmore, Jane Noreen, Roy Siemiller, Ruth Silver, Sheila Smythe, Willis Ware, and Joseph Weizenbaum.

(3) *Agenda for meeting.* The meeting will be devoted exclusively to the purpose of considering and formulating advice to be included in the Committee's report to the Secretary. Accordingly, the Committee will meet in executive session, closed to the public.

Any persons desiring information about the Committee's work may telephone (202—963–3003) or write to the Office of the Executive Director, Room 5517, HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.

DAVID B. H. MARTIN,
Executive Director.

NOVEMBER 16, 1972.

[FR Doc.72–20362 Filed 11–27–72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

VOR/VORTAC SYSTEMS

Notice of Policy Change Regarding Discontinuance of Criteria in Utilization of VFR

On September 2, 1971, a notice of proposed policy change was published in the FEDERAL REGISTER concerning the consideration of VFR utilization of VOR/VORTAC's during any specific decommissioning process. This proposal was the result of an analysis indicating that regardless of a change in the IFR requirement for a specific VOR/VORTAC, no such NAVAID should be decommissioned without a thorough investigation into the effect the discontinuance of the facility would have on the flow of VFR air traffic.

At the time this notice was published, written FAA policy concerning discontinuance of a specific VOR/VORTAC for which there was no further IFR requirement made no reference to consideration of VFR use of the navigational aid. The notice advised of the intention to change FAA planning standards and requested comments from the public as to the proposal.

As a result of analysis of the comments received and further internal coordination, the FAA has amended its airway planning standards to incorporate consideration of VFR air traffic into the decommissioning process for VOR/VORTAC's. As now stated, Airway Planning Standard No. 2 reads in part:

3. *Criteria.* * * *

b. VOR/VORTAC's. * * *

(3) Discontinuance. * * *

An en route navigational facility is a candidate for decommissioning when there is no longer an IFR or a VFR requirement for the navigational capability provided by the facility.

(a) The VFR requirement is considered as satisfied and the facility may be discontinued if there is navigational guidance available from other facilities at and above 3,500 feet above ground level along the routes or flyways normally used by VFR aircraft.

(b) If there is no navigational guidance above 3,500 feet, possible retention of the aid for VFR purposes shall be based upon an estimate of the effect the deletion would have on the flow and safety of VFR air traffic. Consideration shall be given to the numbers of based aircraft in the vicinity, the number of VFR flight plans and VFR radio contacts generated in the area and the nature of the surrounding terrain.

(c) If retained for VFR purposes, a VORTAC could normally be downgraded to a VOR or a TVOR. If DME is required, the TACAN portion could be modified to or replaced with a single channel DME.

This notice is published in accordance with the Department of Transportation policy of regular consultation with the entire aviation community and the general public. Having requested comment on a specific proposal from those interested in aviation, it is deemed appropriate to advise of the action taken.

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

ROBERT F. BACON,
Director, Office of Aviation Policy and Plans.

[FR Doc.72-20344 Filed 11-27-72;8:47 am]

Office of the Secretary

OFFICE OF CONSUMER AFFAIRS

Notice of Open Meeting

On December 4 and 5, 1972, the Office of Consumer Affairs has invited the Citizens' Advisory Committee on Transportation Quality to participate in a Workshop on Consumer Involvement in the Development of Rules, Regulations, and Procedures in the Department of Transportation. The workshop will be held on both days in Rooms 2230-32 of the Nassif Building at 400 Seventh Street SW., Washington, DC. The hours are from 9:30 a.m. on December 4 to 4:30 p.m. and from 9 a.m. on December 5 to 12:30 p.m.

There will be six task force groups, organized by modal administrations. These will meet at 2 p.m. on December 4 and at 9 a.m. on December 5 as indicated below:

	Room
U.S. Coast Guard	3200
Federal Aviation Administration	3202
Federal Highway Administration	3304
Federal Railroad Administration	4436
National Highway Traffic Safety Administration	4038
Urban Mass Transportation Administration	4040

Background and purpose. Encouraged by the White House Office of Consumer Affairs, Secretary Volpe has asked for a complete review of how consumers are involved in the rule making processes of DOT. The Administration is concerned that consumer involvement be furthered.

The workshop will seek to discover new and better ways of bringing consumers into the rule making process, particularly at the initial stages.

It will attempt to set forth recommendations within DOT that will encourage the further development of consumer involvement in rule making throughout the Department.

AGENDA MONDAY, DECEMBER 4

Opening remarks.

Presentation by the Director of the Office of Consumer Affairs on "Making our Rule Making Process Consumer-Responsive."

Explanation of the current practices in six modal administrations in the Department of Transportation.

Task force discussion groups organized by modal administrations.

TUESDAY, DECEMBER 5

Formulation of recommendations in the task force groups.

Report on the findings of each task force group.

Closing remarks.

Since this will be an open meeting, members of the public who plan to attend are invited to write or telephone the Office of Consumer Affairs in advance so that they can be registered for the workshop and assigned to an appropriate task force discussion group. Write to the Office of Consumer Affairs, Department of Transportation, Washington, D.C. 20590, or telephone 202—426-4518.

THE CITIZENS' ADVISORY COMMITTEE ON TRANSPORTATION QUALITY

The Committee is made up of 21 members who are principally private citizens. They are appointed for terms of 3 years from various sections of the United States. The Committee recommends transportation initiatives and assesses transportation policies from the consumers' viewpoint. It acts as a citizens' sounding board and provides advice to the Secretary in order to assist the Department in its formulations of transportation policy affecting citizens.

This notice is given pursuant to section 13 of Executive Order 11671 dated June 5, 1972.

Issued on November 16, 1972.

BENJAMIN O. DAVIS, Jr.,
Assistant Secretary for Safety and Consumer Affairs.

[FR Doc.72-20340 Filed 11-27-72;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-245]

CONNECTICUT LIGHT & POWER CO., ET AL.

Notice of Consideration of Conversion of Provisional Operating License to Full-Term Operating License; and Opportunity for Hearing

The Atomic Energy Commission (the Commission) will consider the issuance of a full-term facility operating license to the Millstone Point Co. (acting for itself and as agent for the Connecticut Light & Power Co., the Hartford Electric Light Co., and the Western Massachusetts Electric Co.) (the licensee) which would authorize the licensee to possess, use, and operate the Millstone Nuclear Power Station Unit No. 1 (the facility), located in the town of Waterford, Conn., at its presently licensed, steady-state power level of up to 2,011 megawatts (thermal) for a period of 40 years from May 19, 1966, the issuance date of the construction permit (CPPR-20) in accordance with the provisions of the license and the technical specifications appended thereto, upon the completion of a favorable safety evaluation of the

application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, the receipt of a report on the application from the Advisory Committee on Reactor Safeguards (ACRS), and a finding by the Commission that the application for the full-term facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I. The facility is presently being operated in accordance with Provisional Operating License No. DPR–21 issued by the Commission on October 7, 1970.

The full-term license will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The licensee has satisfied its obligation concerning indemnification as required by section 170 of the act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period of January 1, 1970, through September 9, 1971. Notice is hereby given, pursuant to 10 CFR Part 2, "Rules of Practice," and Appendix D of 10 CFR Part 50, "Implementation of the National Environmental Policy Act of 1969," that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the existing provisional operating license in the captioned proceeding should be continued, modified, terminated or appropriately conditioned to protect environmental values.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing with respect to the issuance of a full-term facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene (1) with respect to the issuance of a full-term facility operating license and (2) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the existing provisional operating license should be continued, modified, terminated, or appropriately conditioned to protect environmental values. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention Chief, Public Proceedings Staff not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. Such requests or petitions within the same 30-day period may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A petition for leave to intervene which is not timely will not be granted unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Commission has considered those factors specified in 10 CFR 2.714(a).

For further details with respect to the matters under consideration, see the licensee's application for conversion of Provisional Operating License No. DPR–21 to a full-term operating license dated September 1, 1972, and the licensee's environmental report dated November 15, 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, CT 06385. As they become available, the following documents will also be availabe at the above locations: (1) The Safety Evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for a full-term facility operating license; (5) the proposed full-term operating license, and (6) the proposed technical specifications, which will be attached to the proposed full-term facility operating license.

Copies of Items (1), (3), (4), and (5) may be obtained when they become available by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md. this 22d day of November, 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72–20454 Filed 11–27–72;8:52 am]

[Docket No. 50–412]

DUQUESNE LIGHT CO. ET AL.

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., the Cleveland Electric Illuminating Co., and the Toledo Edison Co. (the applicants), for a construction permit for a pressurized water nuclear reactor designated as the Beaver Valley Power Station, Unit No. 2 (the facility), which is designed for initial operation at approximately 2,660 thermal megawatts with a net electrical output of approximately 852 megawatts. The proposed facility is to be located on the south bank of the Ohio River in Shippingport Borough, Beaver County, Pa. The hearing will be scheduled to begin in the vicinity of the site of the proposed facility.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicants:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facility including,

but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested the Board will convene a prehearing conference of the parties within sixty (60) days after this Notice of Hearing or such other time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permit should be issued to the applicants.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for a construction permit which was docketed October 20, 1972, and amendments thereto, and the applicants' environmental report dated November 6, 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, between the hours of 8:30 a.m. and 5 p.m., on weekdays. Copies of those documents will also be made available at the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009, for inspection by members of the public between the hours of 1 p.m. and 9 p.m., Monday through Thursday, between 9 a.m. and 9 p.m., on Friday, and between 9 a.m. and 5 p.m., on Saturday. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation, the Commission's final detailed statement on environmental considerations, the proposed construction permit, and the ACRS report, may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance but who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to

each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 22d day of November 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.72-20455 Filed 11-27-72;8:52 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Consideration of Conversion of Provisional Operating License to Full-Term Operating License and Opportunity for Hearing

The Atomic Energy Commission (the Commission) will consider the issuance of a full-term facility operating license to the Jersey Central Power & Light Co. (the licensee) which would authorize the licensee to possess, use and operate the Oyster Creek Nuclear Power Plant Unit No. 1 (the facility), located in Lacey Township, Ocean County, N.J., at its presently licensed steady state power level of up to 1930 megawatts (thermal) for a period of 40 years from December 15, 1964, the issuance date of the construction permit (CPPR-15) in accordance with the provisions of the license and the Technical Specifications appended thereto, upon the completion of a favorable safety evaluation of the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, the receipt of a report on the application from the Advisory Committee on Reactor Safeguards (ACRS), and a finding by the Commission that the application for the full-term facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Ch. I. The facility is presently being operated in accordance with Provisional Operating License No. DPR-16 issued by the Commission on April 9, 1969.

The full-term license will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The licensee has satisfied its obligation concerning indemnification as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions of Section A of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to the issuance of a full-term facility operating license. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, hoy that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention Chief, Public Proceedings Staff not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. Such requests or petitions within the same 30-day period may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A petition for leave to intervene which is not timely will not be granted unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Commission has considered those factors specified in 10 CFR 2.714(a).

For further details with respect to the matters under consideration, see the licensee's application for conversion of Provisional Operating License No. DPR-16 to a full-term operating license dated March 6, 1972, and the licensee's environmental report dated March 6, 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Ocean County Library, 15 Hooper Avenue, Toms River, NJ 08750. As they become available, the following documents will also be available at the above locations: (1) The safety evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's

final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for a full-term facility operating license; (5) the proposed full-term operating license, and (6) the proposed technical specifications, which will be attached to the proposed full-term facility operating license.

Copies of Items (1), (3), (4), and (5) may be obtained when they become available by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 22d day of November 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-20453 Filed 11-27-72;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24248; Order 72-11-97]

AEROLINEAS ARGENTINAS

Order Regarding Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of November 1972.

On September 25, 1972, the Board, pursuant to Part 213 of the Board's Economic Regulations, adopted Order 72-10-19 disapproving certain of the schedules as filed by Aerolineas Argentinas (Aerolineas) on March 2, 1972, and amended on April 10, 1972. The order stated that the Board would consider an application for approval of a proposed schedule pursuant to § 213.3(e) of the Economic Regulations to enable Aerolineas to provide turnaround service at Miami by changing the day of operation of the then existing Flights 390 and 361. On October 27, 1972, Aerolineas filed an application with the Board requesting reinstatement of its entire existing schedule, or alternatively, approval of a proposed schedule. This proposed schedule provided for changes in the days of operation of Flights 390, 361, 370, and 371 and for the inclusion of Lima as an intermediate point on Flights 370, 371, and 361 without traffic rights between Lima and the United States.

On November 10, 1972, the Board adopted Order 72-11-39 approving that part of Aerolineas' application which related to changing the days of operation of Flights 390 and 361. All other issues raised in the application were denied. On November 17, 1972, Aerolineas filed an application requesting the Board to reconsider its denial of that portion of its proposed schedule which provided for changes in the days of operation of Flights 370 and 371 and the inclusion of Lima as an intermediate point on Flights 361, 370, and 371 without traffic rights between Lima and the United States.

Since the proposed changes do not involve any increases in the frequency or the capacity of Aerolineas' services to the United States, the Board has decided to grant the request.

Accordingly, it is ordered, That:

1. Aerolineas shall be authorized to operate Flight 370 departing Buenos Aires on Monday, Wednesday, and Saturday and Flight 371 departing Los Angeles on Monday, Wednesday, and Saturday.

2. Aerolineas shall be authorized to add Lima as an intermediate point on Flights 361, 370, and 371 without traffic rights between Lima and the United States.

3. This order shall be effective on the day of adoption and shall remain in effect until December 31, 1972, unless otherwise ordered by the Board.

4. This order shall be served on Aerolineas Argentinas and the Ambassador of Argentina in Washington, D.C.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-20397 Filed 11-27-72;8:50 am]

[Docket No. 24488; Order 72-11-92]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Currency Matters

Issued under delegated authority November 21, 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 Joint Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above-designated agreement number.

The agreement would amend resolutions governing various North and Central Pacific promotional fares by specifying these fares in Japanese yen from Japan/Okinawa to points in the United States and Canada. We are approving the agreement to the extent that it involves transportation to and from U.S. points, thus having direct application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutions, incorporated in Agreement CAB 23372, R-1 through R-4, insofar as they apply to air transportation within the meaning of the Act, are adverse to the public interest or in violation of the Act.

CAB Agreement	IATA No.	Title	Application
23372			
R-1	070u	North and Central Pacific 21 Day Excursion Fares (Amending)	3/1.
R-2	083c	North and Central Pacific 35 Day Individual Inclusive Tour Fares (Amending).	3/1.
R-3	076j	North and Central Pacific Own Use and Affinity Group Fares (Amending).	3/1.
R-4	084b	North and Central Pacific Group Inclusive Tour Fares (Amending).	3/1.

Accordingly, it is ordered, That:

Agreement CAB 23372, R-1 through R-4 be and hereby is approved.

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.72-20396 Filed 11-27-72;8:50 am]

DEPARTMENT OF LABOR

Office of the Secretary

BENEFITS REVIEW BOARD

Designation of Acting Clerk

On October 27, 1972, the President approved the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972 (Public Law 92-576, 86 Stat. 1251). Section 15(a) of Public Law 92-576 provided for the establishment of a Benefits Review Board consisting of three members appointed by the Secretary of Labor "to hear and determine appeals raising a substantial question of law or fact taken by any party in interest from decisions with respect to claims of employees under this Act and the extensions thereof."

The effective date of the above-quoted section is 30 days after the enactment, or November 26, 1972. Appropriate orders creating the Benefits Review Board are currently being prepared for promulgation.

All applications for review by the Benefits Review Board shall, in the meantime, be filed with Frances O. Coghill, who is hereby designated as the Acting Clerk of the Benefits Review Board, Suite 720, Vanguard Building, 1111 20th Street NW., U.S. Department of Labor, Washington, DC 20210.

Signed at Washington, D.C., this 24th day of November 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-20517 Filed 11-27-72;9:10 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19632–19634; FCC 72–1018]

G AND G BROADCASTING, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of G and G Broadcasting, Inc., Sioux City, Iowa, Docket No. 19632, File No. BPH–7732, Requests: 95.5 MHz, No. 238; 28.5 kw. (H & V); 138 feet; John L. Breece, Sioux City, Iowa, Docket No. 19633, File No. BPH–7840, Requests: 95.5 MHz, No. 238; 100 kw. (H & V); 742 feet; Jim and Tom Hassenger Broadcasting Co., Sioux City, Iowa, Docket No. 19634, File No. BPH–7861, Requests: 95.5 MHz, No. 238; 100 kw. (H & V); 898 feet; for construction permits.

1. The Commission has before it the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore, a comparative hearing must be held.

2. According to cost estimates contained in its application, G and G Broadcasting, Inc. (G and G), will require $64,350 to construct and operate its proposed station for 1 year.[1] To meet this requirement, G and G relies on $9,000 in cash; $20,000 in profits from existing operations; a $30,000 loan from The Toy National Bank, Sioux City, Iowa; a $15,000 loan from Raymond W. Grandle; and a $5,000 loan from Wilmer W. Grabau. However, G and G has shown the availability of only $9,000 in cash and $20,000 in profits from existing operations to meet its first-year costs of $64,350. Specifically, the commitment from The Toy National Bank does not adequately describe the security required for the $30,000 loan, as required by paragraph 4(e), section III, FCC Form 301, which raises the question of whether G and G can meet all of the bank's security requirements. Moreover, the letter which expresses the bank's willingness to lend $30,000 to G and G expired under its own terms on May 12, 1972, and G and G has not submitted an updated bank commitment. Thus, G and G has not established the availability of the bank loan. In addition, Mr. Grandle has not submitted a balance sheet which shows sufficient current and liquid assets in excess of current liabilities to loan any money to G and G, under the standards delineated in paragraph 4(b), section III, FCC Form 301. Moreover, the balance sheets of G and G and of Mr. Grabau must be updated since they are about 1 year old. Further, the loan commitments of Messrs. Grandle and Grabau are no longer current, and they do not state the security required for their loans. Paragraph 4(a), section III, FCC Form 301, requires a lender to make a definite statement with respect to the security required; if no security is required, it must be so stated. In view of the foregoing, appropriate financial issues will be specified against G and G.

3. Data submitted by the applicants indicate that there would be a significant disparity between the G and G proposal and that of the other applicants in the size of the areas and populations which would receive service. Therefore, the areas and populations which would receive FM service of 1 mv./m or greater intensity, together with the availability of other primary (1 mv./m. or better for FM) aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

4. John L. Breece and the Jim and Tom Hassenger Broadcasting Co. propose independent programing, while G and G Broadcasting, Inc., proposes to duplicate the programing of its AM station, KSCJ, during at least 50 percent of its broadcast time. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specified programing inquiry. "Jones T. Sudbury," 8 FCC 2d 360 (1967).

5. John L. Breece and the Jim and Tom Hassenger Broadcasting Co. are qualified to construct, own, and operate the proposed new FM facility and, except as indicated by the issues set forth below, G and G Broadcasting, Inc., is qualified to construct, own and operate the proposed new facility. The applications are, however, mutually exclusive and the Commission is thus unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

6. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, with respect to the application of G and G Broadcasting, Inc.:

(a) Whether the Toy National Bank, Sioux City, Iowa, is willing to loan $30,000 to the applicant, and if so, on what terms;

(b) Whether Raymond W. Grandle has sufficient current and liquid assets in excess of current liabilities to loan $15,000 to the applicant, and if so, on what terms;

(c) Whether the applicant currently has sufficient current and liquid assets in excess of current liabilities to provide $9,000 to its proposed FM facility;

(d) Whether Wilmer W. Grabau has sufficient current and liquid assets in excess of current liabilities to loan $5,000 to the applicant, and if so, on what terms;

(e) Whether, in light of the evidence adduced under the preceding issues, the applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permits should be granted.

7. *It is further ordered,* That each of the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of our rules.

8. *It is further ordered,* That the applicants shall give notice of the hearing, within the time and in the manner specified in § 1.594 of our rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: November 15, 1972.

Released: November 21, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
BEN F. WAPLE,
Secretary.

[FR Doc.72–20378 Filed 11–27–72;8:49 am]

[1] G and G's first-year costs consist of the following: Down payment on equipment, $10,800; first-year payments on equipment, including interest, $11,820; building expenses, $2,000; miscellaneous expenses, $6,000; payments on bank loan, including interest, $12,250; and working capital, $21,480.

[Docket No. 19635; FCC, 72–1021]

MEDIA ENTERPRISES, INC. (KQXI)

Memorandum Opinion and Order Designating Application for Consolidated Hearing on Stated Issues

In regard application of Media Enterprizes, Inc. (KQXI), Arvada, Colo., Docket No. 19635, File No. BML–2320, requests: Change in station location to Denver, Colo., for modification of license.

1. The Commission has before it for consideration (i) the above-captioned application; (ii) a petition for acceptance, waiver, and grant filed by the applicant; (iii) a petition for reconsideration filed by KLIR, Inc., licensee of Station KLIR, Denver, Colo.; (iv) a petition to deny filed by Lakewood Broadcasting Service, Inc., licensee of Station KLAK, Lakewood, Colo.; (v) a petition to deny filed by KLIR, Inc.; and (vi) opposition and reply pleadings to the petitions to deny.

[2] Commissioner Reid absent.

2. KLIR has filed a petition for reconsideration of the Commission action (Order FCC 70-566 adopted May 27, 1970), waiving § 1.571, Note 2, of the rules (AM "freeze") and accepting the KQXI application for filing. Procedurally, KLIR argues that its petition should be accepted although it is allegedly untimely according to § 1.106(f) of the rules, which provides for the filing of a petition for reconsideration within 30 days of the release of the full text of the action taken. It contends that it filed the petition within 30 days of the release of the public notice of the adoption of the order and that the rule should be interpreted to allow the filing of a petition for reconsideration within 30 days from either the release or the full text of the order or the release of the public notice of the action taken.

3. Substantively, the petitioner claims that the application seeks to change an AM assignment on a demand basis, and that the change would have a significant effect on the radio allocations in the Denver area. It states that Arvada would be precluded from having a local broadcast facility due to the AM freeze, and that the absence of any technical changes in the proposal is incidental to the purposes of the freeze which should not have been waived to accept the KQXI application for filing. In addition, the petitioner alleges that the applicant showed no extraordinary circumstances to justify its waiver request, and that the application should be returned since it is substantially incomplete for failing to conduct a survey of community needs.

4. The petition for reconsideration was not timely filed and, therefore, cannot be considered. In any event the petitioner's contentions, in support of a reconsideration of our earlier action are unpersuasive. As stated in the order being challenged, a grant of the proposal would have no effect on allocations since there are no engineering changes proposed and, therefore, it is not the type of proposal for which the "freeze" was designed. Furthermore, the application will not be returned as being substantially incomplete since the necessity of conducting a community needs survey, as noted below, is an essential point of contention. The applicant, in good faith, contends that a survey is not necessary, and the application is as complete as the applicant believes it should be. Accordingly, the petition for reconsideration will be dismissed, and the merits of the KQXI proposal will be considered.

5. Lakewood Broadcasting Service, Inc., licensee of Station KLAK, Lakewood, Colo., claims standing by arguing that a grant of the application will enhance KQXI's opportunities to compete effectively with KLAK for program sources, listeners, and advertising revenues. KLAK states that both Lakewood and Arvada are separate suburban communities of the Denver metropolitan area; that KLAK and KQXI occupy adjacent channels and have sufficiently high power to be heard throughout the Denver urban area; that KQXI's move to Denver would confer additional commercial competitive advantages on KQXI; and that, therefore, KLAK has standing to object to a grant of the application. KLIR, Inc., licensee of Station KLIR, Denver, Colo., also claims standing. It argues that it is assigned to Denver, programs to the needs of Denver, draws advertising revenue from Denver, and that the reassignment of KQXI to Denver would have a direct adverse economic impact on KLIR.

6. The applicant claims that neither petitioner has standing as a party in interest. It states that KLAK cannot claim economic injury since the only licensed standard broadcast stations in suburban Jefferson County are KLAK and KQXI, and that KLAK would gain rather than lose listeners and advertisers by the removal to Denver of its only local competition. It argues that KLAK previously characterized KQXI as another Denver station and it cannot claim that a modification of KQXI's license to conform to that fact operates to KLAK's injury. In addition, the applicant contends that KLIR's case for standing is unsupported by any facts or affidavits and that it cannot be presumed that a modification of KQXI's license would cause economic injury to KLIR.

7. The Commission finds that the petitioners have standing as parties in interest within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission rules. A change in city of designation from a suburb to the larger city could affect the competitive position of the stations licensed either to the surrounding suburbs or the large city, and, accordingly, the petitioners have standing as parties in interest within the meaning of "Federal Communications Commission v. Sanders Brothers Radio Station," 309 US 470, 9 RR 2008 (1940).

8. The KQXI application has been filed on the basis of the applicant's interpretation of prior Commission actions involving applications previously submitted by KQXI. To gain perspective on the proposal some background information, therefore, is necessary. In September 1961, KQXI requested authority to change transmitter site, increase daytime power, add nighttime, and make additional engineering changes. The application was designated for hearing to determine, inter alia, whether, for purposes of § 73.28(d)(3) of the rules (the "10 percent rule"), Arvada is a separate community from Denver, Colo., and whether the nighttime proposal would be consistent with the Commission's coverage and separation requirements. The application was denied in a decision ("Denver Area Broadcasters," 38 FCC 583, 4 RR 895 (1965)), that concluded it was unnecessary to determine whether Arvada was a separate community entitling KQXI to the exception to the "10 percent rule." KQXI, however, was permitted to amend its application and return it to the processing line. As amended, the application sought authority to operate nighttime from a different site than that used for the daytime operation. Once again it was designated for hearing to determine whether, for purposes of § 73.28(d)(3), Arvada was a separate community from Denver and whether, as a consequence, the applicant met appropriate Commission requirements. In an initial decision, "Radio Station KQXI," 13 FCC 2d 184 (1967), the Hearing Examiner favored a grant of the application and stated that Arvada was a separate community entitling KQXI to the first local nighttime service exception to the "10 percent rule" and that a grant of the application would be consistent with Commission requirements. The Review Board, however, modified this finding and denied the application ("Radio Station KQXI," 13 FCC 2d 171, 13 RR 2d 363 (1968)). It held that, for the purposes of the "10 percent rule," Arvada was not a separate community from Denver and that the proposal would violate the rules. On January 19, 1969, FCC 69-36, the Commission denied, without opinion, KQXI's application for review of the Review Board's decision. In response, the applicant submitted an application to modify its license to specify Denver as its principal community, or, alternatively, reconsideration of the action denying its application for review of the Review Board's decision. By Order (FCC 69-304), the Commission dismissed the applicant's request. Since the tendered application, however, was still before the Commission, KQXI submitted a petition for acceptance, waiver, and grant in which it sought waiver of the "freeze" and change in its city of designation. The Commission waived the "freeze" and accepted the application for filing. Now before the Commission is the KQXI application to change its city of designation from the suburban community of Arvada to the larger city of Denver and opposition and supplemental pleadings.

9. The petitioners, KLAK and KLIR, argue that the application be denied or designated for hearing on the basis of section 307(b) of the Communications Act of 1934, as amended. They argue that Arvada, a suburb of Denver, has grown in 10 years from a population of 19,242 to 46,814 according to the recent census; that KQXI is the only standard broadcast station located in Arvada; that Commission rules do not provide for an FM or TV allocation for Arvada; that Denver has 12 standard broadcast facilities, 10 FM, six television, one VHF educational television and one educational standard broadcast station; and that, therefore, section 307(b) of the Act requires an assessment, in hearing, of the relative needs of the two cities for locally originated radio service. The petitioners also claim that the Commission's Review Board ruling denying KQXI's earlier requests for authority to extend its operating hours from daytime to fulltime is not determinative of the questions posed by the current proposal. They state that the Review Board concluded that KQXI failed to establish that Arvada is a separate community from Denver within the meaning of the

"10% rule" and that the Board was not confronted with a 307(b) determination. KLAK asserts that the Commission did not find that Arvada lacks the characteristics of a separate community for licensing purposes under § 73.30 of the rules or that Arvada does not have separate characteristics to warrant provisions in the Commission's allocation scheme for a separate local daytime broadcast station in the community. It contends, therefore, that KQXI cannot maintain that its proposal is required or justified by prior Commission action. KLIR argues that the Commission, for allocation purposes, continues to recognize former town and city limits and small suburban communities where there has been a merger or annexation by a large community of a smaller political entity, and, accordingly, since Arvada has not been merged or annexed by Denver, it remains a recognized entity for Commission purposes.

10. In submitting its application, KQXI states that it proposes to change its city of designation without altering its technical operation.[1] It contends that it seeks to conform the KQXI license to the Commission's recent action in which it affirmed the Review Board's decision that Arvada lacks separate programing needs. In response to the petitioners, the applicant asserts that its proposal is not contrary to section 307(b) of the Communications Act. It states that in 1960, the Commission authorized the facilities of KQXI and denied an application for Denver on the basis of the contingent comparative issue and not 307(b) since both applicants proposed wide area coverage to virtually the same area. At that time, according to KQXI, the Commission wrote that "the existing Denver stations or a station operating on the facilities here in contest * * * could effectively meet such distinctly local needs as exist in Arvada." "Denver Broadcasting Co.," 28 FCC 662 at 676 (1960).[2] In addition, the applicant states that in 1969, the Commission refused to review the Review Board's decision that "KQXI failed to establish that Arvada is a separate community from Denver within the meaning of the 10 percent rule." On the basis of these two actions, KQXI asserts that it is in the anomalous position of being licensed to serve a "community which had been held—not once, but twice—to have no need for local service." The applicant states that it, therefore, submitted the instant application in order to conform its license to the Denver metropolitan area, the community which the Commission has twice found that it realistically serves. It adds that no change in the geographic emphasis of KQXI's programing is proposed in the light of the Board's conclusion in 1967 that "programing directed specifically toward Arvada residents on a regular basis is unimpressive, and * * * (that) the vast bulk of the programs described * * * are designed for * * * wide area appeal * * *" "Radio Station KQXI," 13 FCC 2d at 178, 13 RR 2d 363 at 372 (1968). In response to KLAK's objections, KQXI argues that KLAK is bound by its contentions in Docket No. 14817 where it successfully contended that Arvada is a bedroom community dependent upon Denver for essential services, and that its destiny "is inextricably tied to that of Denver and the whole metropolitan area." In response to KLIR's contentions regarding the merger of separate political entities, KQXI alleges that the petitioner's reliance on these cases is misplaced since the Commission has found on two occasions that the needs of Arvada and Denver are common rather than separate and distinct.

11. A grant of KQXI's request would bring a 12th local standard broadcast outlet to Denver while removing the only station licensed to serve Arvada, a city with a population of 46,814. There is, therefore, a substantial question as to whether a grant of this request would result in a fair, efficient, and equitable distribution of facilities within the meaning of section 307(b) of the Communications Act of 1934, as amended. "WKYR, Inc.," 24 RR 1097 (1963), "Radio San Juan, Inc.," 20 FCC 2d 92 (1969). The applicant argues that because the Commission has twice before held that Arvada was not a community, first in the original comparative proceeding, and later in a hearing on an application for nighttime service, we are now bound by those findings in this proceeding. That argument must be rejected. In the first proceeding the Commission held only that for the purpose of choosing between two applicants, one for Arvada and the other for Denver, the proposals were so similar in most respects that section 307(b) of the Act should not be controlling. In the second proceeding, although the issue was framed in terms of whether Arvada was a community for purposes of the 10-percent rule, the Review Board's conclusion was based on findings that KQXI was really trying to serve Denver nighttime, and, therefore, applied the criteria set forth in the Commission's "Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities," 2 FCC 2d 190 (1965). Thus, neither of these earlier findings are controlling here, because different considerations are involved when, as here, the question is simply whether the only station licensed to Arvada should be allowed to be licensed to Denver, which already has 11 standard broadcast stations. See, for example, the special emphasis placed upon the city of license in the "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1507 (1971). Therefore, an issue with respect to this matter will be specified.

12. KLIR argues also that KQXI violated section 1.65 of the rules by misrepresenting its program format to the Commission. It claims that KQXI's information on file at the Commission and that being distributed to potential advertisers are irreconcilable and that these misrepresentations are the basis for an issue.[3] Specifically, the petitioner states that in June 1969 KQXI informed the Commission that it was changing its music format to country and western and in May 1970 that it was changing from country and western to gospel music. In July 1970, however, the petitioner states that KQXI distributed advertising promotions that claimed it was celebrating its first full year of broadcasting 100 percent religious music.

13. In reply, KQXI argues that, its assignment application filed July 14, 1969, and subsequent amendments state that there would be a "higher percentage of talk programs, including programs of a religious nature," that the station was "devoting as much as 40 percent of its weekly schedule to programing of a religious nature," and that the station had recently changed its music format to country and western. In a supplementary pleading, KQXI implies that there is no inconsistency between having a religious program format and a country and western music format, and states that the Commission was satisfied with its changes and explanation for them since the Commission subsequently granted its assignment application on September 24, 1969. It argues also that it notified the Commission by letter on May 28, 1970, that it changed its music format from country and western to gospel, and that, currently, it features both gospel and country and western music.

14. Upon consideration of the allegations of misrepresentation and the applicant's response thereto, we conclude that the petitioner has not alleged sufficient facts to warrant specifying an issue with respect to violation of § 1.65 of the rules. However, the contradictions between what KQXI reported to the Commission and what the station told potential advertisers are such as to raise a substantial question of misrepresentation. Therefore, we will specify an issue concerning the matter.

15. KLIR also contends that the applicant has failed to comply with the "Primer"[4] by not submitting a current community needs survey that includes the leaders and general public of Denver and by not justifying its 100 percent religious format. KXXI argues that a sur-

[1] The present KQXI operation provides coverage to the city of Denver in accordance with Commission rules.

[2] The Commission did not find, however, that section 307(b) was not applicable, only that the decision should not be made on the basis of 307(b) considerations.

[3] On the basis of statements made in these promotional fliers distributed by KQXI, KLIR claims that KQXI has completed the transfer of its identity to Denver and that there has been a de facto abandonment of Arvada. The statements made by KQXI for advertising purposes are insufficient to justify charging KQXI with unauthorized abandonment of Arvada, and an issue on that matter has not been specified.

vey is not necessary since Arvada and Denver are indistinguishable broadcast entities and a survey of the people of Denver is irrelevant to the applicant's awareness of the needs of Denver and the surrounding area.

16. A survey of community needs was conducted by KQXI on December 8, 1970, and filed with its recent renewal application (BR-4102). KQXI satisfactorily explained the changes in its broadcast format, and the station's renewal was granted. The petitioner's objections, therefore, relating to KQXI's past programing practices will not be considered further. The contention, however, that KQXI failed to comply with the "Primer" is well taken. The "Primer" states specifically that a community needs survey must be submitted with an application for modification of license to change station location. Since KQXI intends to be responsive primarily to Denver, with service to communities outside the city of license, it must be aware of the current problems, needs, and interests of the residents of its community of license and the other areas it undertakes to serve. Accordingly, KQXI's response that it is aware of the needs of Arvada and that a survey of the people of Denver is irrelevant is inadequate, and an appropriate issue will be specified.

17. Finally, KLAK claims that a substantial question exists as to whether the applicant complied with the Commission's publication requirements. It asserts that KQXI published a notice in a newspaper in Denver but not in Arvada, and stated in the notice that the purpose of its application was to change the city of license to Denver, but failed to state that the main studio also would be moved to Denver. In response, the applicant argues that it was not necessary for it to publish in a newspaper and that the relocation of the main studio, which is a necessary consequence of the modification of license, was implicit in the notice that it published.

18. The Commission finds that the applicant complied with section 1.580 of the rules by broadcasting the notice as provided by the rules. The applicant, by also publishing the notice in a Denver newspaper, demonstrated its intention to fully apprise the public of the filing of its application, and the mere fact that KQXI failed to state that the main studio would be moved is not sufficient to raise a question as to whether the applicant has complied with § 1.580 of the rules.

19. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. In view of the foregoing, however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

20. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the aplication is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether a grant of the application would provide a fair, efficient, and equitable distribution of radio service.

2. To determine whether Station KQXI misrepresented its program format to the Commission or in promotional material to potential advertisers, and, if so, whether such misrepresentation reflects adversely on its qualifications to be a broadcast licensee.

3. To determine the efforts made by Station KQXI to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

21. *It is further ordered,* That the petition for reconsideration filed by KLIR, Inc., licensee of station KLIR, Denver, Colo., is dismissed.

22. *It is further ordered,* That the petitions to deny filed by KLIR, Inc., licensee of station KLIR, Denver, Colo., and Lakewood Broadcasting Service, Inc., licensee of station KLAK, Lakewood, Colo., are granted to the extent indicated above and are denied in all other respects.

23. *It is further ordered,* That KLIR, Inc., and Lakewood Broadcasting Service, Inc., are made parties to the proceeding.

24. *It is further ordered,* That, in the event of a grant of the application, the construction permit shall contain the following condition:

> The authority granted herein is subject to the condition that the licensee shall take whatever measures are necessary to prevent objectionable reradiation effects or cross-modulation with station KLZ, Denver, Colo.

25. *It is further ordered,* That, to avail itself of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

26. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 15, 1972.

Released: November 21, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-20377 Filed 11-27-72;8:49 am]

[4] Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971).

FEDERAL MARITIME COMMISSION

COMPANIA SUD AMERICANA DE VAPORES AND PRUDENTIAL-GRACE LINES, INC.

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:

Stuart S. Dye, Esq., Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, DC 20006.

Agreement No. 9941-1, between Compania Sud Americana De Vapores and Prudential-Grace Lines, Inc., covers a petition by the parties to extend the termination date of their agreement from December 31, 1972 to December 31, 1975.

[5] Commissioner Reid absent.

The basic agreement between the parties covers a pooling, sailing and equal access to government-controlled cargo arrangement in the southbound trade on all cargo, with certain exceptions moving from U.S. Atlantic Coast ports to ports on the Chilean Coast, as far south as and including the ports of Talcahuano and San Vicente.

By order of the Federal Maritime Commission.

Dated: November 21, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 72-20325 Filed 11-27-72;8:45 am]

HAPAG-LLOYD AG

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-91 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,087.

Hapag-Lloyd AG c/o North German Lloyd Passenger Agency, Inc., 277 Park Avenue, New York, NY 10017.

Whereas, Hapag-Lloyd AG has ceased to operate the passenger vessel TS BREMEN; and

Whereas, Hapag-Lloyd AG has returned certificate (Performance) No. P-91 and certificate (Casualty) No. C-1,087 for revocation.

It is ordered, That certificate (Performance) No. P-91 and certificate (Casualty) No. C-1,087 covering the TS BREMEN be and are hereby revoked effective November 17, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the Certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-20324 Filed 11-27-72;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01011	Aktieselskabet Det Ostasiatiske Kompagni: Sumbawa. Panama.
01034	Graff-Wang & Ev Jen: Seahawk.
01106	N.V. Stoomvaart-Maatschappij "Oostzee": Woltersum.
01248	Dampskibs A/S Avenir et al: Beau. Beau Geste.
01255	Skjelbreds Rederi A/S: Egero.
01256	Skibsaktieselskapet Orenor: Free State.
01271	Holland America Lijn: Rydam.
01305	Royal Mail Lines, Ltd.: Pizarro.
01320	Friedrich A. Detjen: Amazonas.
01334	American President Lines: President Madison. President Hoover.
01343	Eggert & Amsinck: Santa Rita.
01427	The Pacific Steam Navigation Co.: Oroya.
01452	Rowland & Marwood's Steamship Co., Ltd.: Runswick.
01478	Atlantic Sunrise Shipping Co., Ltd.: Southern Sunrise.
01513	Rederiaktiebolaget Dalen: Robert Kabelac.
01559	Rederiaktiebolaget Fraternitas: Avanti.
01561	Lubeck Linie Aktiengesellschaft: Lubeck.
01854	Southern Towing Co.: Laguna.
01857	Ohg. I. Fa. Bernhard Schulte: Esther Charlotte Schulte. Lissy Schulte.
01861	BP Tankers Co., Ltd.: British Soldier. British Sergeant.
01909	Gulf Division Lone Star Industries, Inc.: Dredge No. 9.
01917	Casa Blanca Shipping Corp.: Desert Queen.
02197	Matson Navigation Co.: Pacific Banker. Pacific Trader.
02202	Humble Oil & Refining Co.: Esso Lima.
02209	Flota Mercante Grancolombiana: Ciudad De Ibague.
02244	Transmaritima Del Plata: Pampamar.
02258	Bruusgaard Kolsteruds: Hamlet.
02292	Pacific Marine Transport Co., Inc.: Hong Kong Dignity.
02293	China Marine Invest Co., Ltd.: Liberty Trader. Singapore Trader.
02341	Koninklijke Nederlandsche Stoomboot-Maatschappij: Themis. Adonis. Artemis.
02364	Breaux Oil Co., Inc.: Barge N.B.C. 409.
02452	Dover Navigation Co., Ltd.: Freja.
02498	Chevron Oil Co.: S-45.
02562	Marcima Compania Naviera S.A.: Doros.
03054	H. Schuldt: Augustenburg.
03214	Salenrederierna Aktiebolag: Ballade. Barcarolle. Antigua.
03255	Port Line, Ltd.: Port Albany. Port Adelaide. Port Montreal.
03397	Hilmar Reksten: Majorian.
03452	Kyoei Tanker K.K.: Atami Maru. Koei Maru.
03459	Meiji Kaiun K.K.: Marquis.
03479	Okada Shosen K.K.: Seiun Maru.
03506	Taiheiyo Kaiun K.K.: Heiwa Maru.
03516	Toko Kaiun K.K.: Tosei Maru.
03578	Dabinovic S.A.: Marie. Armelle. Natalia.
03600	Bahamas Line, S.A.: Johnny Express. Layla Express.
03623	Smith-Rice Derrick Barges, Inc.: Barge 23.
03665	Cyrus Tanker Corp., Liberia: Aquarius.
03971	Korea Shipping Corp., Ltd.: Po Hang.
04002	Compagnie Des Messageries Maritimes: Pasteur.
04004	Koninklijke Java-China-Paketvaart Lijnen N.V.: Houtman.
04007	Egon Oldendorff: Caroline Oldendorff. Elisabeth Oldendorff. Gerdt Oldendorff. Maria Oldendorff.
04100	N.V. Reederij Nautiek: Daje Bohmer.
04128	J. Brunvall: Brunvard. Brunhild. Rumba. Jenka. Samba. Bruni.
04276	Rivtow Straits, Ltd.: Straits Logger. Rivtow Viking. Rivtow Lion. Crown Zellerbach No. 4. Rayonier No. 4. Alberni Carrier. Powell Carrier. Gibraltar Straits.
04357	Koninklijke Nedlloyd N.V.: Karachi.
04388	Franco Shipping & Managing Co., Ltd.: Azalea.
04398	Hapag-Lloyd: Wiesbaden.
04399	Armement Deppe S.A.: Mineral Ougree.
04435	Gateway Barge Lines, Inc.: Ace 101.
04502	Kotoshiro Gyogyo K.K.: Kotoshiromaru No. 58.
04682	Emil Hemmersam: Guldensand.
04823	Oriole Shipping Corp.: Golar Obo.
05492	Nuffield Shipping, Inc.: Independent Trader.
06442	Dampskibsaktieselskabet Den Norske Afrika-Og Australielinie: Tysla.

Certificate No.	Owner/Operator and Vessels
06485---	Minibulk Shipping K.M. Kaalstad: Baltus.
06673---	Konrad Shipping Co., Ltd. Panama: Lahnstein.
06723---	Garth Shipping Co., Ltd.: Cluden.
07033---	Heiner Braasch Kauffahrtei Rederei gesellschaft MS "Hamburger Senator" KG: Hamburger Senator.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-20323 Filed 11-27-72;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHETIC GAS-COAL

Notice of Meeting and Agenda

Agenda, meeting, Supply-Technical Advisory Task Force-Synthetic Gas-Coal—Conference Room 4454-B of the Federal Power Commission, 441 G Street NW., Washington, DC, December 19 and 20, 1972—10 a.m. Presiding: Dr. Paul J. Root, FPC Survey Coordinating Representative and Secretary.

1—Call to order and introductory remarks, Dr. Root.
2—Review of developments since the meeting of June 13, 1972, Mr. James R. Garvey, Director, Supply-Technical Advisory Task Force-Synthetic Gas-Coal.
3—Review of individual assignments for drafting sections of the final report, Mr. Garvey.
4—Discussion of Coverage of Environmental Aspects of Task Force Work Programs, Mr. Garvey.
5—Status of assigned work programs and estimated date for completion, Mr. Garvey.
6—Other business.
7—Adjournment, Dr. Root.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-20407 Filed 11-27-72;8:51 am]

[Docket No. CI73-337]

CHAMPLIN PETROLEUM CO.

Notice of Application; Correction

NOVEMBER 20, 1972.

In the Notice of Application, issued November 14, 1972, and published in the FEDERAL REGISTER November 17, 1972, 37 F.R. 24459: 2d paragraph, lines 3 and 4: Delete ", subject to upward and downward Btu adjustment,"

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-20405 Filed 11-27-72;8:51 am]

[Dockets Nos. E-7754, E-7772]

GREEN MOUNTAIN POWER CORP.

Order Providing for Hearing, Suspending Superseding Rate Schedule, and Consolidating Proceedings

NOVEMBER 17, 1972.

Green Mountain Power Corp. (Green Mountain) on August 31, 1972, tendered for filing a new Tranmission Contract, dated August 28, 1972 (designated as Green Mountain's FPC Rate Schedule No. 46) superseding its FPC Rate Schedules No. 24 and No. 25, which are applicable to transmission service to Vermont Electric Cooperative, Inc. (Co-op). The new agreement is proposed to become effective on November 1, 1972. In response to the Commission Secretary's notification of filing deficiencies, Green Mountain on October 18, 1972, submitted additional data and payment of the filing fee.

Under its FPC Rate Schedule No. 24, Green Mountain provides transmission service of up to 1,000 kw. of power and energy from Vermont Electric Power Co.'s (VELCO) substation in Essex, Vt., via Green Mountain's 34.5 kv. No. 3314 transmission line to pole No. 11 in Williston, Vt., a distance of 3 miles, at which point delivery is made to Co-op. Under its FPC Rate Schedule No. 25, Green Mountain provides transmission service of up to 1,000 kw. of power and energy from VELCO's Essex substation via Green Mountain's 34.5 kv. No. 3302 transmission line to tower No. 87 in Richmond, Vt., a distance of 8.5 miles, at which point delivery is made to Co-op. Under Rate Schedules 24 and 25, the charges to Co-op are $38.50 per month ($462 per annum) and $135.03 per month ($1,620.36 per annum), respectively. The total combined charges to Co-op are $173.53 per month or $2,082.36 per annum.

The proposed superseding agreement provides for the continuation of the transmission services presently provided under Rate Schedules 24 and 25. The transmission distances will remain the same as existing distances except that the terminus in Richmond has been changed to Green Mountain's substation, thus increasing the distance for service under Rate Schedule No. 25 from 8.5 miles to about 9.5 miles for that section of line. The amount of power and energy to be delivered to Co-op at appropriate points will be increased from 2,000 kw. to a total of 2,500 kw. For such services and wheeling services provided, Co-op shall pay Green Mountain a monthly charge of $266.39 ($3,196.68 per annum). Deliveries of power and energy to Co-op shall be adjusted for any losses which may be incurred therefor. Thus, the proposed increase in charges over those under Rate Schedules 24 and 25 is $1,114.32 per annum (53.5 percent).

In support of the proposed increased charges, Green Mountain states that the charges under Rate Schedules 24 and 25 were based upon utilization of an annual charge rate of 15 percent applied to an allocated portion of the original cost of facilities dedicated to Co-op's use. The 15 percent rate was intended to cover operating and maintenance expense, depreciation, taxes, and cost of capital. Under the proposed new agreement, the charges have been based upon the annual charge rate of 20.86 percent, derived from costs for the year 1971.

Green Mountain's proposed increased rates and charges in Docket No. E-7754, were suspended until February 12, 1973, and made subject to hearing by order issued September 7, 1972. A review of the Rate Schedule No. 46 and the data and material tendered for filing therewith, indicates that the proposed new agreement and the proposed increased rates and charges, raise issues which require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

In view of the fact that similar issues have been raised and are pending in Green Mountain's rate proceedings in Docket No. E-7754, the proceedings in Docket No. E-7772 will be consolidated as provided below. All persons or parties permitted to intervene in Docket No. E-7754, will be deemed by virtue of the consolidation to have been permitted to intervene in Docket No. E-7772.[1]

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Green Mountain's proposed new FPC Rate Schedule No. 46 tendered for filing on August 31 and supplemented on October 18, 1972, and that such rate schedule be suspended and its use deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held commencing with a prehearing conference, on February 1, 1973, as fixed in Commission order issued herein on September 7, 1972, concerning the lawfulness of the rates, charges classifications, and services contained in Green Mountain's FPC Electric Rate Schedules, as proposed to be amended by the new Rate Schedule No. 46.

(B) Pending hearing and decision thereon, Green Mountain's proposed new

[1] Vermont Electric Cooperative, Inc., was permitted to intervene in Docket No. E-7754, by Commission order issued Sept. 7, 1972.

Rate Schedule No. 46 and the rates and charges therein contained, as filed on August 31 and supplemented on October 18, 1972, are hereby suspended and the use thereof deferred until April 18, 1973.[2]

(C) The proceedings in Docket No. E-7772 are consolidated for purpose of hearing and decision with those in Docket No. E-7754, and the procedure prescribed in our order issued September 7, 1972, in Docket No. E-7754 shall apply to the proceedings in Docket No. E-7772.

(D) Petitions to intervene in this proceeding may be filed on or before November 27, 1972.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.72-20404 Filed 11-27-72;8:51 am]

[Docket No. E-7806]

ILLINOIS POWER CO.

Notice of Proposed Change in Rates and Charges

NOVEMBER 21, 1972.

Take notice that on November 6, 1972, Illinois Power Co. (Illinois Power) tendered for filing proposed changes in its rates and charges applicable to nine electric cooperatives to be effective as of January 1, 1973. The tendered contracts are proposed to supersede Illinois Power's FPC Rate Schedules Nos. 36, 37, 38, 39, 40, 41, 42, 43, and 44. The changes include (1) an increase in the demand charge from $1.32 to 1.40 per kv.-a. of maximum demand, (2) an increase in the energy charge from 0.50 to .57¢ per kw.-hr. delivered, (3) a modification in the fuel adjustment provision, and (4) a revision of the low voltage metering charge. The company estimates the increase in revenue resulting therefrom to approximate $26,000 per annum based upon 1971 calendar year sales.

Illinois Power asserts that the increased rates are necessary because of "sharply increased construction and capital costs and operating expenses."

Any person desiring to be heard or to make any protest with any reference to said application should on or before December 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission rules and 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 or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commisison and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-20356 Filed 11-27-72;8:47 am]

[Docket No. CP73-124]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

NOVEMBER 20, 1972.

Take notice that on November 10, 1972, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), 300 North St. Joseph Avenue, Hastings, NE 68901, filed in Docket No. CP73-124 a budget-type application pursuant to sections 7(c) and 7(b) of the Natural Gas Act, implemented by § 157.7 (b) and (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 purchase facilities, and for permission and approval to abandon, during the calendar year 1973, certain service and direct sales measuring, regulating and minor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in producing areas generally coextensive with its system and in abandoning and removing direct sales measuring, regulating, and minor facilities.

The total cost of the proposed facilities will not exceed $3,600,000, with no single project to exceed $900,000. Applicant plans to finance this cost out of working capital or by interim bank loans which at a later date will be funded by a security issue.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 11, 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.72-20403 Filed 11-27-72;8:51 am]

[Docket No. CP73-126]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 21, 1972.

Take notice that on November 10, 1972, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP73-126 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 a satellite sales station and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to establish a satellite sales station near Sloan, Iowa, for the delivery of natural gas, on an interruptible basis, to Iowa Public Service Co. (IPS) for resale service to the George MacClure alfalfa and hay dehydration plant. The estimated requirements of this consumer are 480 Mcf per day and 85,800 Mcf annually (April through October).

Applicant estimates the cost of the proposed delivery station at $6,600, which it plans to finance from cash on hand. IPS will reimburse Applicant for the actual cost of construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1972, file with the Federal Power Commission, Washington, D.C. 20416, 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

[2] Five months suspension from Nov. 18, 1972 (30 days after filing was completed, Oct. 18, 1972, in accordance with regulations, § 35.13).

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.72-20400 Filed 11-27-72;8:50 am]

[Docket No. CP73-128]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 21, 1972.

Take notice that on November 13, 1972, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP73-128 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities in St. Louis County, Minn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to abandon by removal approximately 1.33 miles of its 6-inch Chisholm branch line and by sale to Inter City Gas Ltd., Inc. (Inter City), its Chisholm No. 1 and No. 2 sales metering stations and a 0.31-mile segment of its Chisholm branch line. Applicant states that United States Steel Corp. (U.S. Steel), in order to permit the expansion of its mining operations, has canceled the right-of-way easements for the 1.33-mile segment and by special request consented to extend until July 1, 1973, the easement privileges for the 0.31-mile segment.

The facilities to be abandoned have been used to sell and deliver natural gas to Inter City for initial service to the community of Chisholm, Minn., and for interruptible service to Mesabi Tool & Drill Co. (Mesabi). Applicant states that it has constructed pursuant to § 2.55 of the Commission's general policy and interpretations (18 CFR 2.55), a new 2.45-mile segment of 4-inch branch line and a sales measuring station outside the ultimate pit limits of U.S. Steel's mining operation to connect its facilities with the distribution system of Inter City in order to assure maintenance of adequate service to the community of Chisholm. Applicant further states that the sale of the subject facilities to Inter City will allow Inter City to continue service to Mesabi.

Applicant estimates the cost of the proposed removal at $15,000, which it plans to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-20399 Filed 11-27-72;8:50 am]

[Docket No. E-7796]

PACIFIC POWER & LIGHT CO. ET AL.

Order Instituting Investigation and Hearing, Denying Certain Administrative Remedies, Denying Motion To Reject, Providing for Notice, and Permitting Intervention

NOVEMBER 20, 1972.

On July 3, 1972, Pacific Power & Light Co., on behalf of itself and six other public utilities, submitted an agreement entitled "The Seven Party Agreement," together with certificates of concurrence, providing for the sale over the Pacific Interties transmission system of surplus energy between the four Northwest companies (Pacific Power & Light Co., Portland General Electric Co., Puget Sound Power & Light Co., and the Washington Water Power Co.) and the three California companies (Pacific Gas & Electric Co., San Diego Gas & Electric Co., and Southern California Edison Co.). The subject seven party agreement is for a period of 20 years, and provides for the sale by the Northwest companies of excess energy to the California companies and the sale of excess energy by the California companies to the Northwest companies. The rates proposed for this service are the same or similar to those being offered by the companies to other wholesale customers in the area.

The Commission, by letter of the Secretary dated September 19, 1972, accepted the agreement for filing, to become effective on August 3, 1972, 30 days after the filing date.

On October 19, 1972, the city of Santa Clara, Calif., filed a petition to intervene herein and an application for rehearing of the Commission's action accepting for filing and making effective the seven party agreement. Santa Clara raises a number of technical as well as substantive objections to the seven party agreement and the Commission's action with respect thereto. These objections are (1) that the Commission erred in failing to determine whether the seven party agreement is an initial rate or a changed rate, (2) that in either case the sponsoring parties did not meet the necessary filing requirements, (3) that the Commission erred in failing to issue notice of the filing, (4) that the Commission erred in permitting the agreement to go into effect without opportunity for hearings, and (5) that the agreement is unlawful because it does not provide an opportunity for Santa Clara, other California utilities, or the U.S. Bureau of Reclamation to participate on an equal basis. Based on its stated objections, Santa Clara requests the Commission to enter an order granting rehearing and rejecting the seven party agreement. In the alternative, Santa Clara requests the Commission (1) to require the submission of additional information, (2) to condition any acceptance of the agreement upon modification thereof to include all electric utilities and to eliminate so-called "anticompetitve restrictions," (3) to issue a public notice of the filing, and (4) to suspend operation of the agreement for 5 months, enter into an investigation and hearings concerning the lawfulness of the agreement, and to permit the agreement to become effective subject to modification and refund.

For reasons hereinafter stated we do not believe the seven party agreement should be rejected. Santa Clara's filing of October 19, 1972, will be treated as a complaint pursuant to § 1.6 of the rules of practice and procedure. On the basis of the complaint, we find that good cause exists for the institution of an investigation and hearing pursuant to section 206 of the Federal Power Act for the purpose of determining the justness and reasonableness of the proposed seven party agreement.

The seven party agreement here involved is an initial rate filing governed by § 35.12 of the Commission's regulations under the Federal Power Act. With respect to the question of whether the agreement was filed in compliance with the regulations, the application for rehearing at page 21 states:

4. If an initial rate, the submittal does not comply with § 35.12(a). The submittal letter fails to give the date on which service is expected to commence, if operations under the Agreement have not already commenced. The Agreement is an interchange arrangement in the nature of a power pooling transaction, but no supporting data has been filed by either applicant or concurring systems. There are no estimates of quantities and revenues of services; and the purported explanation for the absence of such estimates will not hold water, i.e., that it depends on the "availability of power surplus to the needs of one party coincident requirement for such power by another party." It is believed that the large investments in the inter-tie transmission lines were justified in large part by the economies of surplus power transactions, and therefore the companies must in fact have made estimates with sufficient "relative accuracy" to provide some information necessary to evaluate this filing (§ 35.12(b)(1)). This is an important regional transaction, with severe restrictions on its face; and the order of magnitude of transactions must be known if there is to be any serious evaluation made thereof (§ 35.12(b)(2)). There is no showing of the basis of the rate or how it was derived (id.). Is is a "standard" or "special rate arrived through negotiations"? Were "unusual customer requirements or competitive factors involved"? Is it designed to produce a return, or is it incremental? Were special cost of service studies prepared, and, if so, why aren't they submitted? (id.). There is no summary statement of all cost computations involved in arriving at the derivation of the levels of the rate (§ 35.12(a)(ii)). There is no comparison between the proposed rates and other rates of the companies for other surplus power or energy sales (id.).

It is true that the transmittal letter fails to give the date when service is to commence; however, it states that "[s]ince the transactions under this agreement will depend both upon the availability of power surplus to the needs of one party, and the coincident requirement for such power by another party, no estimate can be made of the approximate transactions to be made on a yearly basis under this agreement." This explanation is equally true for determining the time when the transactions will commence as it is for determining the amounts of such transactions for the year. Since no date was specified in the letter of transmittal and since it is assumed that the parties by filing wished to have a filed rate schedule available in the event that the operable conditions arose to permit the transaction, an effective date of 30 days after filing was assigned, in accordance with § 35.2(e) of the regulations.

Section 35.12(b)(1) of the regulations specifically states that estimates of the transactions or revenue are not required where they "cannot be made with relative accuracy as, for example, in cases of interconnection arrangements containing schedules of rates for emergency energy, spinning reserve or economy energy or in cases of coordination and integration of hydroelectric generating resources whose outputs cannot be predicted quantitatively due to water conditions." It is clear that the transactions contemplated by this filing are of the same nature as those cited in the regulations.

The transmittal letter indicates that the pricing provisions for the sale of surplus hydroenergy by the Northwest companies are similar to the intercompany pool agreement on file as Pacific Power & Light Co.'s FPC Rate Schedule No. 36, Supplement No. 6, and that such price is the same as the price established by rate schedules of Bonneville Power Administration for the sale of the same class of service. The transmittal letter also indicates that the pricing provisions for the sale of excess energy by the California companies are substantially identical to similar provisions in contracts filed with the Commission for sales by the California companies to Bonneville Power Administration.[1] These are therefore standard rates within the meaning of § 35.12(b)(2)(i) of the regulations.

Section 35.12(b)(2)(ii) of the regulations does not require a summary statement of cost computations in arriving at the derivation of the levels of the rate where the filing includes nothing more than service to one or more added customers at an established rate of the utility for a particular class of service. This is substantially the situation here since service is at the standard rate although more than one selling utility is involved.

Based on the foregoing considerations, we find that the filing of the seven party agreement complies with the applicable provisions of our regulations, and that no basis exists for rejecting the filing or requiring, at this time, the submission of additional information.

With respect to Santa Clara's request for modification of the seven party agreement, we find that no proper basis exists for any such attempted modification. Further action with respect to the filed agreement should not be taken prior to the investigation and hearing initiated by this order.

Since the subject agreement is an initial rate filing, it is not subject to suspension or refund. Section 2.4 of the Commission's general policy and interpretations specifically provides that initial rate schedules cannot be suspended. It follows that Santa Clara's requests for suspension of the seven party agreement should be denied. With respect to Santa Clara's request for refund requirements, it is clear that Santa Clara will be neither a purchaser nor seller under the provisions of the seven party agreement as filed and permitted to become effective. As such, it would not be in a position to either pay or receive refunds resulting from the excess energy exchange transactions contemplated by the agreement. None of the participating companies has requested the imposition of refund requirements, and there does not appear to be any basis for such requirements under the present circumstances. Santa Clara's request for refund requirements will therefore be denied.

On November 2, 1972, Pacific Gas & Electric Co. moved to reject Santa Clara's petition to intervene and application for rehearing. PG&E claims that Santa Clara has not demonstrated that its interests are presently affected by the seven party agreement. We do not agree. Santa Clara's petition and application shows that it is a customer of PG&E, and that it may be affected by the seven party agreement to a degree sufficient to warrant intervention. Accordingly, Santa Clara will be permitted to intervene, and PG&E's motion will be denied.

The Commission orders:

(A) Pursuant to the provisions of section 206 of the Federal Power Act, an investigation and hearing is hereby instituted for the purpose of determining the justness and reasonableness of the proposed seven party agreement filed in this docket on July 3, 1972.

(B) A prehearing conference shall be held on January 9, 1973, for the purpose of establishing necessary hearing procedures, including a schedule for the submission of evidence, if any, by the parties to the proceeding, and for the expeditious resolution of other related matters as may be required.

(C) Santa Clara's request for rejection of the seven party agreement is denied.

(D) Santa Clara's request for the submission of further information, for modification of the seven party agreement, for suspension of the seven party agreement, and for refund requirements are all severally denied.

(E) The motion to reject filed by Pacific Gas & Electric Company on November 2, 1972, is denied.

(F) Any person desiring to intervene in this proceeding should file a petition to intervene with the Federal Power Commission, Washington, D.C. 20426, in accordance with § 1.8 of the rules of practice and procedure. (18 CFR 1.8). All such petitions to intervene should be filed on or before December 18, 1972.

(G) Santa Clara is permitted to intervene in this proceeding, subject to the Commission's rules and regulations.

(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.72-20406 Filed 11-27-72;8:51 am]

[1] Pacific Gas & Electric Co., FPC Rate Schedule No. 32; Southern California Edison Co., FPC Rate Schedule No. 35; San Diego Gas & Electric Co., FPC Rate Schedule No. 15.

[Docket No. CI73-368]

PATRICK PETROLEUM CORP.

Notice of Application

NOVEMBER 24, 1972.

Take notice that on November 20, 1972, Patrick Petroleum Corp. (Applicant),

744 West Michigan Avenue, Jackson, MI 49201, filed in Docket No. CI73-368 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. from the East Taft Field Area, San Patricio County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on November 6, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 Mcf of gas per day, plus any additional gas which may be available and which the purchaser has capacity to handle, at 35 cents per Mcf at 14.65 p.s.i.a., subject to downward B.t.u. adjustment.

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 December 4, 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 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.72-20441 Filed 11-27-72;8:51 am]

[Docket No. RP73-57]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Order Rejecting PGA Clause, Suspending Proposed Increased Rates, Providing for Hearing Procedures, and Permitting Interventions

NOVEMBER 16, 1972.

On October 17, 1972, South Texas Natural Gas Gathering Co. (South Texas) tendered for filing a $2.8 million annual rate increase for its sales to Transcontinental Gas Pipe Line Corp. (Transco), under its FPC Gas Rate Schedule No. 2, based on an overall rate of return of 10 percent increased purchased gas costs, and decreased annual sales, among other things. South Texas contends that the reasons for such an increase are contained in an amendatory agreement filed at the same time as the proposed rate increase. South Texas says that under this agreement it will be allowed to collect its gathering costs and to pass on its purchased gas costs. The effect of this agreement is that it may result in more frequent rate increases than now provided under South Texas' present rate schedule.

South Texas requests that the Commission waive notice requirements to permit the filed increase to become effective on a date to coincide with the Commission approval of the conditional settlement in the Docket No. RI72-240, or November 15, 1972, whichever is earlier.

Notice of the proposed increase and PGA clause was issued on October 26, 1972, with petitions to intervene or protests due on or before November 8, 1972. Petitions to intervene were timely filed by Natural Gas Pipeline Co. of America (Natural), Consolidated Edison Co. of New York, Inc. (Consolidated), and Transco. A notice of intervention was timely filed by the Public Service Commission for the State of New York.

South Texas filed an answer to Natural's petition to intervene arguing that it should be rejected since the instant proceeding in no way affects Natural, and that Natural's rights are being protected in pending Docket No. RP73-7. In view of our action herein granting petitions to intervene of other similarly situated parties, we shall grant Natural's petition to intervene.

Review of the proposed PGA clause reveals that it is unacceptable. The base price should be adjusted to eliminate the increase in rates provided in the aforementioned Docket No. RI72-240. South Texas must also furnish appropriate data which would reconcile this adjustment to the filing. In addition, paragraph B.1. of the proposed PGA clause should be modified explicitly to provide for the adjustment to recover the balance in South Texas' Unrecovered Purchased Gas Cost Account at no less than 6-month intervals. We shall therefore reject the PGA clause without prejudice to its resubmittal in a form consistent with § 154.38(d)(4) of our regulations.

Review of the rate filing raises issues which require development in an evidentiary hearing. The proposed increases in rates and changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

The Commission finds:

(1) The Commission should accept South Texas' increased rates for filing as herein conditioned except for the PGA clause.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rates and charges contained in FPC Gas Rate Schedule No. 2, as proposed to be amended in this docket, and that the tariff sheets be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) The proposed PGA clause should be rejected.

(5) The proposed increased rates should be suspended for the full statutory 5 months, until April 17, 1973.

(6) In the event this proceeding is not concluded prior to the termination of the 5 months suspension period herein ordered, the placing of the increased rates applied for this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(7) Participation of the above-named persons in this proceeding may be in the public interest.

The Commission orders:

(A) South Texas' proposed increased rates are accepted for filing as hereinafter conditioned.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 14 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held, commencing with a prehearing conference on March 16, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in South Texas' FPC Gas Rate Schedule No. 2, as proposed to be amended herein.

(C) At the prehearing conference on March 16, 1973, prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference.

(D) On or before March 2, 1973, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before March 23, 1973. Any rebuttal evidence by South Texas shall be served on or

before April 6, 1973. The public hearing herein ordered shall convene on April 17, 1973, at 10 a.m. e.s.t.

(E) A Presiding Administrative Law Judge to be designated by the Chief Presiding Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) South Texas' proposed PGA clause is rejected without prejudice to its resubmittal in a form consistent with § 154.38(d)(4) of our regulations.

(G) Pending hearing and a decision thereon, South Texas' FPC Gas Rate Schedule No. 2 is suspended and the use thereof deferred as herein provided, and until such further time as it is made effective in the manner provided in the Natural Gas Act.

(H) Each of the petitioners for intervention listed above is hereby entitled to intervene in this proceeding subject to the Commission's rules of practice and procedure: *Provided however*, The participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their respective petitions to intervene: *And provided further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-20402 Filed 11-27-72;8:50 am]

[Docket No. CP73-129]

TENNESSEE GAS PIPELINE CO.

Notice of Application

NOVEMBER 21, 1972.

Take notice that on November 14, 1972, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP73-129 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1973, and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

Applicant requests a waiver of § 157.7 (b) of said regulations so that the total cost of the proposed facilities will not exceed $10 million, with no single onshore project to exceed $1,750,000 and no single offshore project to exceed $2,500,000. In justification for the waiver, Applicant states that because of great increases in costs of construction, it would have to burden the Commission with additional applications if it is restricted to the cost limits imposed by § 157.7(b). Applicant proposes to finance these costs from general funds or revolving credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 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.72-20398 Filed 11-27-72;8:50 am]

[Project No. 175, etc.]

PACIFIC GAS & ELECTRIC CO. ET AL.

Notice of Expiration

NOVEMBER 28, 1972.

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licenses, to take over the projects under section 14 of the Federal Power Act, as amended (16 U.S.C. 807), and that the licensees for the projects and others may have adequate notice and opportunity to file timely applications for new licenses under section 15 of the act, as amended (16 U.S.C. 808), public notice is hereby given that the licenses issued for the designated and described projects on the appended list will expire on the dates specified.

KENNETH F. PLUMB,
Secretary.

PROJECTS FOR WHICH LICENSES WILL EXPIRE BETWEEN JULY 1, 1972 AND JUNE 30, 1978 WHICH ARE SUBJECT TO TAKEOVER OR RELICENSING

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kw.)	Facilities under license	Period of license (years)
July 27, 1972	Pacific Gas & Electric Co	175	California	Fresno	North Fork, Kings River.	128,200	Diversion dam, afterbay dam, conduit, powerhouse, transmission line.	50
Sept. 26, 1972	Portland General Electric Co	135	Oregon	Clackamas	Clackamas River and Oak Grove River.	51,000	Storage reservoir, diversion dam, forebay reservoir, conduit, powerhouse, and transmission line.	50
Oct. 12, 1972	Pennsylvania Electric Co	309	Pennsylvania	Clarion	Clarion River	28,800	Dam and powerhouse	50
Oct. 31, 1972	Jesse I. Smith	719	Washington	Chelan	James and Phelps Creeks.	318	2 diversion dams, 2 conduits and power house.	20
Dec. 1, 1972	Pacific Gas & Electric Co	96	California	Madera and Fresno	San Joaquin River	34,100	Dam, conduit, powerhouse, transmission lines.	50
Feb. 6, 1973	Arkansas Power & Light Co	271	Arkansas	Montgomery, Garland, and Hot Springs.	Ouachita River	65,300	2 dams, 2 reservoirs, 2 powerhouses	50
Apr. 26, 1973	Southern California Edison Co	344	California	Riverside and San Bernardino.	San Gorgonio River	2,300	2 diversion dams, 2 canals, 2 forebay tanks, 2 penstocks, 2 powerhouses, and transmission line.	50
June 6, 1973	Ford Motor Co	362	Minnesota	Hennepin and Ramsey	Mississippi River	14,400	Powerhouse	50
June 8, 1973	Alabama Power Co	349	Alabama	Elmore, Tallapoosa, and Coosa.	Tallapoosa River	154,200	Dam, reservoir, powerhouse	50
June 30, 1973	Owens-Illinois Inc	2180	Wisconsin	Lincoln	Wisconsin River	3,000	Dam, integral powerhouse, transmission line.	35½
July 4, 1973	Utah Power & Light Co	20	Idaho	Bannock and Caribou	Bear River	14,000	Dam and integral powerhouse, reservoir	50
Aug. 24, 1973	Minnesota Power & Light Co	346	Minnesota	Morrison	Mississippi River	12,000	Dam and integral powerhouse	50
Sept. 18, 1973	Michigan Gas & Electric Co	401	Michigan	St. Joseph	St. Joseph River	1,700	do	50
Oct. 23, 1973	Pacific Gas & Electric Co	233	California	Shasta	Pit River	292,250	3 dams, 3 powerhouses, 3 reservoirs, penstocks, pressure tunnels, surge tanks, transmission lines.	50
Oct. 26, 1973	Minnesota Power & Light Co	469	Minnesota	St. Louis and Lake	Kawishiwi River	4,000	Dam, reservoir, penstocks, powerhouse, and transmission line.	49½
Apr. 10, 1974	North Counties Hydro-Electric Co.	287	Illinois	La Salle	Fox	3,689	Dam, reservoir, headrace and powerhouse	50
June 24, 1974	Escondido Mutual Water Co	176	California	San Diego	San Luis Rey	700	Diversion dam, conduit dam, reservoir, 2 powerplants and transmission lines.	50
June 26, 1974	Pacific Power & Light Co	308	Oregon	Wallowa	East Fork Wallowa River and Royal Purple Creek.	800	2 diversion dams, 2 pipe conduits and powerhouse.	50
June 30, 1974	Wisconsin Public Service Corp	1979	Wisconsin	Lincoln	Wisconsin	4,200	Dam, reservoir and powerhouse	36½
June 30, 1974	Wisconsin Michigan Power Co	2131	Wisconsin and Michigan	Florence, Wis. and Dickinson, Mich.	Menominee	7,200	Dam, reservoir, powerhouse and transmission line.	36½
Sept. 28, 1974	Pennsylvania Power & Light Co	487	Pennsylvania	Wayne and Pike	Wallenpaupack	40,000	Dam, dike, reservoir, conduits and powerhouse.	50
Dec. 14, 1974	Georgia Power Co	485	Alabama and Georgia	Chambers and Lee, Ala., Harris, Ga.	Chattahoochee	65,000	Dam, reservoir, powerhouse and transmission line.	50
Dec. 31, 1974	Mosinee Paper Mills Co	2207	Wisconsin	Mosinee	Wisconsin	3,050	Dam, reservoir, two powerhouses and two transmission lines.	37
Feb. 27, 1975	Southern California Edison Co	382	California	Kern	Kern	9,200	Diversion dam, conduit, powerhouse, and transmission line.	50
Apr. 29, 1975	Pacific Gas & Electric Co	178	do	do	do	8,500	Diversion dam, conduit, powerhouse, and transmission line.	50
Nov. 6, 1975	Alabama Power Co	618	Alabama	Elmore, Chilton, and Coosa.	Coosa	100,000	Dam, powerhouse, storage reservoir, and transmission line.	50
Nov. 10, 1975	Louisville Gas & Electric Co	289	Kentucky	Jefferson	Ohio	80,320	Powerhouse and appurtenant facilities	50
Nov. 23, 1975	Pacific Gas & Electric Co	137	California	Amador and Calaveras	North Fork Mokelumne.	192,800	6 dams and storage reservoirs, forebays, diversion facilities, water conduits, 5 powerhouses, transmission lines.	50
Dec. 31, 1975	The Montana Power Co	1869	Montana	Sanders	Clark Fork	30,000	Dam, powerhouse, reservoir, and transmission line.	38
Dec. 31, 1975	Public Service Co. of New Hampshire.	2140	New Hampshire	Merrimack	Merrimack	7,200	Dam, reservoir, and powerhouse	38
Feb. 19, 1976	The Susquehanna Power Co. and Philadelphia Electric Power Co.	405	Maryland and Pennsylvania.	Cecil, Harford, Md., York, Lancaster, Pa.	Susquehanna	474,500	Dam, reservoir, powerhouse, and transmission line.	50
Feb. 24, 1976	Union Electric Co	459	Missouri	Miller, Morgan, and Camden.	Osage	172,000	Dams, reservoir, powerhouse and transmission line.	50
June 3, 1976	Crown Zellerbach Corp	588	Washington	Clallam	Elwha	12,000	Dam, reservoir, powerhouse, and transmission line.	50
June 7, 1976	The Washington Water Power Co	621	Idaho	Nez Perce	Clearwater	10,000	Dam, reservoir, powerhouse, and 3 transmission lines.	50
Aug. 18, 1976	Kentucky Utilities Co	539	Kentucky	Mercer	Kentucky	2,040	Powerhouse and transmission line	50
Nov. 22, 1976	Carolina Power & Light Co	432	North Carolina	Haywood	Big Pigeon	108,600	Dam, reservoir, and powerhouse	50
Aug. 4, 1977	South Carolina Electric & Gas Co	516	South Carolina	Lexington, Richland, Newberry & Saluda Counties.	Saluda River	200,000	Dam, reservoir, powerhouse	50
July 19, 1977	Wisconsin Power & Light Co	710	Wisconsin	Shawno County	Wolf River	700	Dam, reservoir, powerhouse & transmission line.	50
Oct. 7, 1977	New England Fish Company	2251	Alaska	Evans Island	San Juan Lake & stream.	100	3 dams, reservoir	20

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807), reserving the right to the United States to take over the project works upon expiration of the license at a price to be determined under that Section, but may be waived pursuant to Sec. 10(l) to the Act (16 U.S.C. 803(l)). Sec. 14 is not applicable to any project owned by a State or municipality, pursuant to Act of Aug. 15, 1953 (67 Stat. 587)

[FR Doc.72-20354 Filed 11-27-72;8:45 am]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Grandfather Privileges

Notice was published in the FEDERAL REGISTER on October 19, 1972 (37 F.R. 22414; F.R. Doc. 72-17851), that the Board of Governors of the Federal Reserve System was reviewing, pursuant to section 4(a)(2) of the Bank Holding Company Act (12 U.S.C. 1843(a)(2)), the grandfather privileges of each of 44 listed companies that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. It appears that some of the companies listed in that notice were engaged in on, and have continuously engaged in since, June 30, 1968, additional activities that were not included in the aforementioned notice. Listed below are the names of companies in question and the additional activities that were not included in the Board's earlier notice.

Bank Holding Company	*Activities engaged in on, and continuously since, June 30, 1968*
Cameron Financial Corp. (formerly First Union National Bancorporation), Charlotte, N.C.	Insurance agency activities, real estate activities, reinsurance.
D. H. Baldwin, Cincinnati, Ohio	Data processing and related financial services, manufactures musical instruments, operates music schools.
Republic National Bank of Dallas, Dallas, Tex.	Leasing real estate.
Memphis Trust Co., Memphis, Tenn	Writes all forms of life insurance, general insurance agency business, bookkeeping and accounting services, sale of office furniture and equipment, holding real estate for bank premises, construction and maintenance services for holding company and subsidiaries.
Zions Utah Bancorporation, Salt Lake City, Utah.	Finance company and industrial bank activities.
First Oklahoma Bancorporation, Inc., Oklahoma City, Okla.	Issuing commercial paper, auditing and business advisory services, writes life insurance, small business loans and investments.
C.I.T. Financial Corp., New York, N.Y	Owning securities and exercising control over wide variety of activities.
First Railroad & Banking Co. of Georgia, Augusta, Ga.	Providing service personnel for banking subsidiary.

To aid the Board in making its determinations, interested persons are hereby afforded an opportunity to submit relevant data, views, and arguments relating to the continuation of grandfather privileges of the subject companies with respect to the listed activities. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than December 7, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Board of Governors of the Federal Reserve System, November 21, 1972.

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

[FR Doc.72-20361 Filed 11-27-72;8:48 am]

CORPUS CHRISTI BANK AND TRUST CO.

Termination of Proceeding

By order appearing in the FEDERAL REGISTER of July 13, 1971, the Board of Governors of the Federal Reserve System gave notice that it had been requested, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)), by the Corpus Christi Bank and Trust Co., Corpus Christi, Tex. (Corpus Christi Bank), to determine that, with respect to certain sales of shares of First National Bank of Taft, Taft, Tex. (Taft Bank) to certain individuals, Corpus Christi Bank is not in fact capable of controlling the transferees, all of whose purchases of Taft Bank stock were financed by Corpus Christi Bank. Pursuant to section 2(g)(3), the Board's order provided an opportunity for filing a request for a hearing or written comments on the application filed by Corpus Christi Bank.

In view of steps taken by Corpus Christi Bank to remove itself from applicability of the rebuttable presumption of section 2(g)(3), by transferring to the Frost National Bank of San Antonio, San Antonio, Tex., loans made by Corpus Christi Bank in connection with the sale of shares of Taft Bank, further consideration of the requested determination is no longer warranted.

By order of the Board of Governors, November 20, 1972.

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

[FR Doc.72-20384 Filed 11-27-72;8:49 am]

UNITED CAROLINA BANCSHARES CORP.

Order Approving Acquisition of First Credit Corporation

United Carolina Bancshares Corp., Whiteville, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of First Credit Corporation, with offices in Wilmington and Shallotte, N.C. (First Credit), a company that engages in the activities of making loans with a cash advance of $900 or less and acting as agent with respect to credit life, accident, and health insurance directly related to an extension of credit. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 F.R. 16998). The time for filing comments and views has expired, and none have been timely received.

Applicant controls three banks with aggregate deposits of approximately $222 million, representing 2.7 percent of the total commercial bank deposits in the State, and is the ninth largest banking organization in North Carolina. (All banking and consumer loan data are as of December 31, 1971, and unless otherwise noted, adjusted to reflect bank holding company formations and acquisitions approved by the Board through September 30, 1972.)

First Credit is a consumer finance company licensed under State law to make consumer loans with cash advances not exceeding $900. First Credit also acts as agent with respect to the sale of credit life, accident, and health insurance in connection with its own extensions of credit.

First Credit of Shallotte was organized in January of 1970 as the Confidential Loan Corp. (Confidential). Applicant, through its lead bank, The Waccamaw Bank and Trust Co., Whiteville, N.C. (Bank), was instrumental in the formation of Confidential and loaned funds for its original working capital. Subsequently, Confidential defaulted on its loans from Bank. On March 20, 1971, Bank exercised its rights under the loan agreement and took possession of all of the capital stock of Confidential in satisfaction of the debt previously contracted. This resulted in applicant's indirect acquisition of Confidential. Thereafter, Confidential was reorganized and its name changed to First Credit Corporation. On April 4, 1972, applicant indirectly acquired through First Credit certain assets of the Atlantic Loan Co., Wilmington, N.C. (Atlantic). Using the accounts acquired from Atlantic as a base, applicant now operates an office of First Credit in Wilmington.

The Board has previously stated that when a bank holding company indirectly acquires a nonbanking company through a subsidiary bank and subsequently applies to retain the nonbanking company under authority of section 4(c)(8), the Board must consider the transaction as if the nonbanking company was being acquired initially from an independent third party (1972 Federal Reserve Bulletin 936). Accordingly, in such circumstances, the Board is required to find that

neither the original acquisition, nor retention thereof, of the nonbanking company would result in an undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Applicant's retention of First Credit of Shallotte, together with First Credit of Wilmington, is therefore considered on this basis.

The relevant geographic market for the consumer loan activities engaged in by both offices of First Credit appears to be the Wilmington SMSA, which includes the counties of Brunswick and New Hanover. On the basis of aggregate consumer loans outstanding of about $502 thousand, First Credit is the eighth largest of 19 consumer loan companies in that market conducting a similar business, controlling about 5 percent of consumer loans outstanding.

Applicant, through Bank, operates eight banking offices in Brunswick County. First Credit is the sole consumer loan company in Shallotte. Due to differing rates of interest and lengths of time that credit is extended by Bank and First Credit of Shallotte, it does not appear that the respective institutions presently compete with one another to any significant degree. Further, it does not appear that significant potential competition for consumer loans would develop between Bank and First Credit. Accordingly, no significant existing or potential competition would be eliminated through the retention by applicant of First Credit's Shallotte office.

First Credit of Wilmington, with consumer loans outstanding of approximately $94,000, is the 18th largest of 19 offices located in Wilmington, N.C. Bank operates two offices in Wilmington, where it engages, to a limited degree, in making consumer loans. For the same reasons as discussed in connection with First Credit's Shallotte office, it does not appear that Bank and First Credit of Wilmington are engaged in significant competition for consumer loans, nor does it seem that the respective institutions would likely compete for consumer loans in the future. Accordingly, it is the Board's judgment that no significant existing or potential competition would be eliminated upon approval of applicant's retention of First Credit's Wilmington office.

First Credit's two offices also sell credit life insurance and accident and health insurance in connection with loans it originates. Due to the limited nature of its insurance activities it does not appear that applicant's retention of First Credit's insurance activities would have any significant effect on either existing or potential competition.

The financial and managerial resources of applicant and its subsidiary banks are considered satisfactory in view of applicant's commitment to provide additional capital for its two largest subsidiary banks, and projected growth and earnings for the group appear favorable. The financial condition of First Credit is, at present, inadequate. If the application to acquire First Credit is approved, applicant proposes to supply additional funds to First Credit as its operations require. First Credit's management is essentially the same as Bank's, and is considered experienced and capable. Considerations relating to the financial and managerial resources of applicant, its subsidiary banks, and First Credit are, therefore, consistent with approval of the application.

First Credit's Shallotte office is the only consumer finance company in Brunswick County and, therefore, adds materially to the convenience and needs of that area. Although the Wilmington office of First Credit is one of 19 consumer loan companies serving that city, it serves as an additional competitive alternative for such services. Accordingly, convenience and needs factors are consistent with, and lend some weight toward approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company of any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective November 20, 1972.

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

[FR Doc.72-20385 Filed 11-27-72;8:49 am]

GENERAL SERVICES ADMINISTRATION

AUTOMATIC DATA PROCESSING EQUIPMENT (ADPE) PROCUREMENTS

Liability for Consequential Damages

On October 17, 1972, the General Services Administration distributed the following clause to all Federal agencies for use in solicitations and contracts for ADPE, unless the agency determines that it is in the best interest of the Government to require a greater degree of liability protection than that afforded by the clause.

CONSEQUENTIAL DAMAGES

This clause may be used until April 15, 1973, unless sooner rescinded or superseded.

GEORGE W. DODSON, Jr.,
Assistant Commissioner for Automated Data Management Services.

NOVEMBER 20, 1972.

The contractor shall not be liable by reason of this clause, nor by reason of implied or statutory warranties for consequential damages suffered by the Government as a result of a failure of the supplies or services furnished to the Government to conform to the specification requirements of the contract. Nothing in this limitation shall serve to release the contractor or any subcontractor from liability for the negligence of the contractor or that of any subcontractor which results in liability of the Government to third persons.

[FR Doc.72-20383 Filed 11-27-72;8:49 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

PEERLESS EAGLE COAL CO.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Electric Face Equipment Standard specified in the Federal Coal Mine Health and Safety Act of 1969 has been received as follows:

ICP Docket No. 3062 000, Peerless Eagle Coal Co., Mine No. 2A, USBM ID NO. 46 01616 0, Summersville, Nicholas County, W.Va., ICP Permit No. 3062 003-R-3 (Joy Coal Cutter, Ser. No. 15360).

In accordance with the provisions of section 305(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Eighth Floor, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 21, 1972.

[FR Doc.72-20369 Filed 11-27-72;8:48 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-27]

HISTORICAL ADVISORY COMMITTEE

Notice of Meeting

The NASA Historical Advisory Committee will meet on December 1 and 2, 1972, at the headquarters of the National Aeronautics and Space Administration, Washington, D.C. 20546. The meeting will be held in Room 5026 of Federal Office

Building 6, 400 Maryland Avenue SW., Washington, DC 20546. Members of the public will be admitted to the open portion of the meeting beginning at 10:30 a.m. on the agenda below on a first-come-first-served basis up to the seating capacity of the room, which is about 40 persons.

The NASA Historical Advisory Committee serves in an advisory capacity only. In this capacity it is concerned with all activities which the agency undertakes in the preservation, compilation, writing, and publication of the historical record of aeronautics and space activities. The current Chairman is Prof. Louis Morton. There are five members. The following list sets forth the approved agenda and schedule for the December 1 and 2, 1972, meeting of the Historical Advisory Committee. For further information, please contact Mr. James Nolan: Area code 202—755–8383.

FRIDAY, DECEMBER 1, 1972

Time	Topic
9 a.m.	*Executive session:* To exchange views on matters relating to the selection of candidates for authorship of NASA Historical Projects and internal management relationships of the agency. (Closed to the public.)
10:30 a.m.	*Introductory session:* To review with the Associate Administrator trends in NASA and to discuss the conduct of the meeting.
11 a.m.	*Review of NASA historical activities:* The NASA historian and his staff will highlight and answer questions on NASA historical activities including: Status of Committee Recomendations of 1971, Headquarters-Center Relationships, Current Historical Projects, Historical Publications & NASA's Role as Publisher, Projected Priority Projects, Archives and Records Activities, Summer Seminary, 1972. Relationships with Federal and Other Historical Activities, and NASA Chronology, Library of Congress. *Purpose:* To bring the Committee up to date on Results and Plans for Historical Activities with the objective of obtaining committee recommendations.
12:30 p.m.	Recess for lunch
1:30 p.m.	*Artifacts* Mr. Durant of the National Air and Space Museum will review with the Committee the role of the Smithsonian Institution in the inventory, preservation, and management of artifacts of space activity. Purpose: To inform the Committee of the status of this activity, should they choose to make recommendations.
2:30 p.m.	*Discussion period* The members will review among themselves the status and plans of the NASA historical program and their recommendations to the agency.

SATURDAY, DECEMBER 2, 1972

Time	Topic
9:00 a.m.	*Executive session:* to develop recommendations on candidates for selection as authors for NASA Historical Projects. (Closed to the public.)

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72–20386 Filed 11–27–72;8:49 am]

[Notice 72–26]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICS

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Aeronautics will meet on December 7 and 8, 1972, at the NASA Langley Research Center, Hampton, Va. 23365. The meeting will be held in Room 225 of Building 1219. Members of the public will be admitted to the open portion of the meeting beginning at 9:45 a.m. on the agenda below on a first come first served basis up to the seating capacity of the room, which is about 40 persons. All visitors must report to the Langley Research Center receptionist in Building 1219.

The NASA Research and Technology Advisory Council, Committee on Aeronautics serves in an advisory capacity only. In this capacity, the Committee is concerned with aerodynamics and aircraft vehicle systems. The current chairman is Mr. E. S. Carter. There are 12 members. The following list sets forth the approved agenda for the December 7 and 8, 1972, meeting of the Aeronautics Committee. For further information, please contact Mr. J. Lloyd Jones, area code 202—755–2397.

DECEMBER 7, 1972

Time	Topic
9 a.m.	*Executive session* (*Purpose.* To discuss organization of the committee and to be briefed on status of relevant budget considerations.) Closed to public.
9:45 a.m.	Welcome—Deputy Director, Langley Research Center.
9:45 a.m.	*Chairman and Executive Secretary's Reports* (*Purpose.* To review results of RTAC meeting, recent developments of interest and NASA policies, programs and organizational changes.)
10 a.m.	Review of NASA's VTOL Research Program a. Systems Studies. b. Lift Fan Research. c. Tilt Rotor Research. d. Helicopter Research. e. Overview of VTOL Noise.
12:30 p.m.	Lunch.
1:30 p.m.	Tour V/STOL Tunnel.
2 p.m.	Discussion of NASA's VTOL Research Program. (*Purpose.* To review NASA's ongoing research on VTOL systems with a view to offering recommendations as to gaps in the progress and the relative emphasis applied to the various systems. NOTE: A detailed presentation will be made of the helicopter research with brief summaries of the lift fan and tilt rotor research as they were presented in detail to the Committee at its last meeting.)
4 p.m.	Review of the Langley Research Center's Airfoil Research. (*Purpose.* To review and comment on Langley's current airfoil research program.)

DECEMBER 8, 1972

Time	Topic
8:30 a.m.	Review of NASA's Hypersonic Research Program (*Purpose.* To review and comment on NASA's current hypersonic research program.)
10 a.m.	*Executive session.* (*Purpose* To consider final Committee action and recommendations on agenda items previously listed. Both classified and unclassified technology with relevant budget considerations.) Closed to public.
12:30 p.m.	Lunch.
2:30 p.m.	Adjournment.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

NOVEMBER 21, 1972.

[FR Doc.72–20371 Filed 11–27–72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–4313]

CONTINENTAL ILLINOIS REALTY

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1972.

In the matter of application of the PBW stock exchange, for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and

Rule 12f–1 thereunder, for unlisted trading privileges in the shares of beneficial interest of the following company, which security is listed and registered on one or more other national securities exchanges:

	File No.
Continental Illinois Realty	7–4313

Upon receipt of a request, on or before December 3, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72–20333 Filed 11–27–72;8:46 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 17, 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 Corp., and the 6 percent convertible subordinated debentures due September 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 from November 21, 1972, through November 30, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72–20335 Filed 11–26–72;8:46 am]

[File Nos. 7–4312 etc.]

CNA FINANCIAL CORP., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1972.

In the matter of applications of the PBW stock exchange, for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
CNA Financial Corp	7–4312
MPS International Corp	7–4314
Merrill Lynch, Pierce, Fenner & Smith Inc	7–4315
Southland Corp	7–4316

Upon receipt of a request, on or before December 3, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72–20332 Filed 11–27–72;8:46 am]

[File No. 500–1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

NOVEMBER 17, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from November 20, 1972, through November 29, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc. 72–20336 Filed 11–27–72;8:46 am]

[Filed No. 500–1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

NOVEMBER 17, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from November 20, 1972, through November 29, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72–20337 Filed 11–27–72;8:46 am]

[File No. 500–1]

NORTH AMERICAN PLANNING CORP.

Order Amending Order Suspending Trading

NOVEMBER 16, 1972.

The Commission having determined to amend its order of November 10, 1972, summarily suspending trading in the securities of North American Planning Corp. for the period from November 11, 1972, through November 20, 1972:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, the 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 be summarily suspended, this order to be effective for the period from November 11, 1972, through 10 a.m., e.s.t., on November 20, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72–20338 Filed 11–27–72;8:47 am]

[File No. 7–4311]

HARTZ MOUNTAIN PET FOODS, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1972.

In the matter of application of the PBW Stock Exchange, Inc., for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trad-

ing privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

	File No.
Hartz Mountain Pet Foods, Inc.	7-4311

Upon receipt of a request, on or before December 3, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-20331 Filed 11-27-72;8:46 am]

[Files Nos. 7-4328, 7-4329]

MICROWAVE ASSOCIATES, INC., AND WARNACO, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1972.

In the matter of applications of the Boston Stock Exchange, for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Microwave Associates, Inc.	7-4328
Warnaco, Inc.	7-4329

Upon receipt of a request, on or before December 3, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-20330 Filed 11-27-72;8:46 am]

[812-3266]

SYNCRO INCOME FUND, INC., ET AL.

Notice of Application for an Order Exempting Applicants

NOVEMBER 17, 1972.

Notice is hereby given that Syncro Income Fund, Inc., and Syncro Growth Fund, Inc. (funds), both diversified, open-end management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Safeco Securities, Inc. (Safeco), 4347 Brooklyn Avenue NE., Seattle, WA 98105, principal underwriter for each of the Funds (hereinafter collectively referred to as "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from Section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, 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. The prospectuses of the Funds state that a sales commission is included in the offering price of the shares of such Funds.

Applicants request an exemption from section 22(d) of the Act and Rule 22d-1 thereunder to enable each of the Funds to sell its shares at the net asset value per share, i.e., without any sales charge, to persons who have caused their shares in such Fund to be redeemed within the previous 15 days. Investors will be permitted to reinvest up to the exact amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased) without any sales charges.

Applicants state that Safeco may, at its expense, probably by a statement included with the redemption check, advise eligible shareholders of the right to reinvest the proceeds at net asset value. To be effective, notice from such persons of the exercise of the privilege must be received by Applicants, or be postmarked, within 15 days after the date the request for redemption is received. Applicants also state that the proposed repurchases will be made at the net asset value per share next determined after receipt of the order and that no sales commission will be received by management or any sales representative on such repurchases.

Applicants further state that the privilege of reinvesting the proceeds of a redemption at net asset value will be limited to persons who have not previously exercised such privilege as to either of the Funds, and that because of this limitation, the proposed privilege will not afford an opportunity for speculative short-term trading in shares of the Funds.

Applicants contend that the proposed privilege will enable investors to be reminded of features of their investment which they may have overlooked or of which they may have been unsure at the time they redeemed.

Section 6(c) of the Act provides that the Commission may, upon application, 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 14, 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 shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-20339 Filed 11-27-72;8:47 am]

[File No. 7-4327]

WHEELABRATOR-FRYE, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1972.

In the matter of application of the PBW Stock Exchange, Inc., for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

	File No.
Wheelabrator-Frye, Inc	7-4327

Upon receipt of a request, on or before December 3, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-20334 Filed 11-27-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 124]

ASSIGNMENT OF HEARINGS

NOVEMBER 22, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 136460, Murphy Rigging & Erecting, Inc., now being assigned hearing February 21, 1973 (3 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 117119 Sub 459, Willis Shaw Frozen Express, Inc., now being assigned hearing February 26, 1973 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

AB 1 Sub 2, Chicago & North Western Transportation Co., abandonment between Conover and Philps, Vilas County, Wis., now being assigned hearing March 1, 1973 (2 days), at Rhinelander, Wis., in a hearing room to be later designated.

MC 136163, Jerome Kelly Jr., doing business as Jerome Kelly & Son, now assigned November 27, 1972, at Washington, D.C., is canceled and the application is dismissed.

MC 136884, James J. Hamilton, doing business as Hamilton's Towing Service, now being assigned hearing January 15, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 136596 Sub 1, Norman H. Davis, doing business as Davis Service Co., now being assigned hearing January 22, 1973 (1 week), at Philadelphia, Pa., in a hearing room to be later designated.

MC 109633 Sub 17, Arbet Truck Lines, Inc., now assigned February 9, 1973, at Chicago, Ill., canceled and the application is dismissed.

MC 126305 Sub 44, Boyd Bros. Transportation Co., Inc., now assigned November 27, 1972, at Birmingham, Ala., hearing is canceled and application dismissed.

MC 107743 Sub 17, System Transport, Inc., now assigned January 15, 1973, at Chicago, Ill., is postponed indefinitely.

MC 123407 Sub 107, Sawyer Transport, Inc., now being assigned hearing February 9, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 111504 Sub 9, Starr Transit Co., Inc., now being assigned hearing January 15, 1973 (1 week), at Philadelphia, Pa., in a hearing room to be later designated.

No. 35719, TOFC freight all kinds in trainloads, between Chicago, and Kearny, now assigned December 11, 1972, at Washington, D.C., hearing is postponed indefinitely.

No. 35596, Wyoming Intrastate Freight Rates and Charges—1972, now being assigned hearing March 5, 1973 (3 days), at Cheyenne, Wyo., in hearing room to be later designated.

AB-19 Sub 1, Baltimore & Ohio Railroad Co. and the Pittsburgh & Western Railroad Co. abandonment between Bruin and Mount Jewett in Butler, Armstrong, Clarion, Forest, Elk, and McKean Counties, Pa., now being assigned hearing January 22, 1973 (1 week), at Kane, Pa., in a hearing room to be later designated.

AB-18 Sub 3, Chesapeake & Ohio Railway Co., abandonment between Kinde and Port Austin, in Huron County, Mich., now being assigned hearing February 12, 1973 (2 days), at Bad Axe, Mich., in a hearing room to be later designated.

AB 5 Sub 40, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment Bellefonte secondary track, between Lemont and Coburn, in Centre County, Pa., now being assigned hearing January 16, 1973 (3 days), at Bellefonte, Pa., in a hearing room to be later designated.

MC-126278 Sub 7, Frigid Way Cartage Co., now being assigned hearing February 5, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC-111545 Sub 172, Home Transportation Co., Inc., now being assigned hearing February 6, 1973 (1 day) at Columbus, Ohio, in a hearing room to be later designated.

MC-123476 Sub 15, Curtis Transport, Inc., now being assigned hearing February 7, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC-134599 Sub 52 and 53, Interstate Contract Carrier Corp., now being assigned hearing February 8, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

I&S No. 8720. Icing Service, U.S. Railroads, I&S No. 8707, Refrigeration Provisions, Florida East Coast Railway, hearing continued to December 11, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-123613 Sub 9, Claremont Motor Lines, Inc., now being assigned hearing January 22, 1973 (2 weeks), at Charlotte, N.C., in a hearing room to be later designated.

MC-133565 Sub 6, True Transport, Inc., now being assigned hearing February 5, 1973 (1 week), at New York, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-20389 Filed 11-27-72;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 22, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42574—*Joint water-rail container rates—Kawasaki Kisen Kaisha, Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd. (No. 4), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and gulf seaboard, on the other.

Grounds for relief—water competition.

Tariffs—Kawasaki Kisen Kaisha, Ltd., tariffs ICC Nos. 1, 2, and 3. Rates are published to become effective on December 27, 1972.

FSA No. 42575—*Joint water-rail container rates—Phoenix Container Liners Ltd.* Filed by Phoenix Container Liners Ltd. (No. 4), for itself and interested rail carriers. Rates on general commodities, between ports in Japan and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf seaboard, on the other.

Grounds for relief—water competition.

Tariffs—Phoenix Container Liners Ltd., tariffs ICC Nos. 1 and 2. Rates are published to become effective on December 27, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-20390 Filed 11-27-72;8:45 am]

[Notice 157]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 21, 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 128217 (Sub-No. 7 TA), filed November 3, 1972. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* for the account of Clark Equipment Co., Melroe Division, from Burns Harbor, Ind., and Joliet, Ill., to Cooperstown and Gwinner, N. Dak., for 180 days. Supporting shipper: Clark Equipment Co., Melroe Division, Gwinner, N. Dak. 58040. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 128270 (Sub-No. 7 TA), filed October 31, 1972. Applicant: REDIEHS INTERSTATE, INC., Office, 7869 Milton Road, Mailing, 8607 West Cermak Road, North Riverside, IL 60546, Gary, Ind. 46403. Applicant's representative: James C. Hardman, Suite 1133, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal plate*, from the plantsite of Midwest Steel Division of National Steel Corp., at Portage, Ind., to the plant and warehouse sites of Continental Can Co., Inc., at St. Joseph, Mo., for 180 days. Supporting shipper: Midwest Steel, Division of National Steel Corp., Portage, Ind. 46368. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 128383 (Sub-No. 21 TA), filed November 2, 1972. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Applicant's representative: James W. Paterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and commodities the transportation of which, because of size or weight requires the use of special equipment), between Weir Cook Airport near Indianapolis, Ind., and Chicago-O'Hara International Airport, Chicago, Ill., for 180 days. Supporting shipper: Pan American World Airways, 144 North Pennsylvania Avenue, Indianapolis, IN 46204. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 128527 (Sub-No. 30 TA) (Correction), filed October 13, 1972, published in the FEDERAL REGISTER issue of November 4, 1972, corrected and republished as corrected this issue. Applicant: MAY TRUCKING COMPANY, Post Office Box 389, Payette, ID 83661. Applicant's representative: Gatchel & Batt, Professional Building, Payette, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet in coils and/or plates, pipe, or tubing; aluminum siding, roofing, and other component parts and accessories; rejected or damaged shipments of the same material; and scrap aluminum and pallets on a return movement;* authority is also sought to provide mixed loads of the aforementioned commodities between the points set forth. Material will be supplied for mobile homes, modular and assembled buildings, recreational vehicles and campers, from plantsite of AMAX Building Products, a division of AMAX Aluminum Mill Products, Inc. (Post Office Box 418, East Highway 30, Boise, ID 83701), to plantsites located in or near the cities of Calgary and Red Deer, in the Province of Alberta, Canada, for 180 days. NOTE: Applicant does not intend to tack authority or to interline with any other carrier. Supporting shipper: AMAX Building Products, Post Office Box 418, East Highway 30, Boise, ID 83701. Send protests to: C. W. Campbell, Bureau of Operations, Interstate Commerce Commission, 550 West Fort, Box 07, Boise, ID 83702. NOTE: The purpose of this republication is to broaden the authority sought.

No. MC 128772 (Sub-No. 7 TA), filed November 1, 1972. Applicant: STAR BULK TRANSPORT, INC., 821 North Front Street, New Ulm, MN 56073. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Rochester, Minn., to Charleston, W. Va., Salem, Va., Kansas City, Mo., Memphis, Tenn., North Little Rock, Ark., Houston and Irving, Tex., for 90 days. Supporting shipper: Pace Dairy Foods Co., Rochester, Minn. 55901. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134278 (Sub-No. 5 TA), filed November 1, 1972. Applicant: CHARLES R. GOODMAN, doing business as C. R. GOODMAN TRUCKING CO., 4255 South Second West Street, Murray, UT 84107. Applicant's representative: Irene Warr, Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766, from the plantsite of Wilson Beef & Lamb Co. at Ogden, Utah, to points in California, for 180 days. Supporting shipper: Wilson Beef & Lamb Co., Post Office Box 1189, Ogden, UT 84402 (J. A. Lane, Manager, Lamb Department). 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.

No. MC 138151 TA, filed October 30, 1972. Applicant: OREGON RUBBER CO. (A Corporation), 390 West 11th Avenue, Eugene, OR 97401. Applicant's representative: J. W. McCracken, Jr., 858 Pearl Street, Eugene, OR 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Lane County, Oreg., to points in New Mexico (except Rio Arriba and San Juan Counties), for 180 days. Supporting shipper: Cone Lumber Co., Goshen, Oreg. 97401. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 138159 TA, filed November 1, 1972. Applicant: DANIEL J. LEONARD, doing business as LEONARD TRUCKING, 1878 Delameter Road, Castle Rock, WA 98611. Applicant's representative: Daniel J. Leonard (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, beer, and malt beverages*, from Madera, Modesto, San Francisco, Van Nuys, and Azuza, Calif., to Chehalis and Longview, Wash., for 180 days. Supporting shipper: Cowlitz Distributing Co., 1156 12th Avenue, Longview, WA 98632; Peterson Distributing Co., 1024 Prindle Street, Chehalis, WA 98532. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-20393 Filed 11-27-72;8:45 am]

[Notice 169]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission

[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.

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–74026. By order of November 9, 1972, the Motor Carrier Board approved the transfer to Dressing Transport, Inc., Wilson, N.Y., of the operating rights in Permit No. MC–135124 (Sub-No. 1), issued March 23, 1972, to Charles Murray, Freemont, Ohio, authorizing the transportation of various commodities from and to points in New York, New Hampshire, Massachusetts, Connecticut, Pennsylvania, New Jersey, Maryland, Ohio, Michigan, Illinois, Florida, Georgia, South Carolina, Maine, Vermont, Rhode Island, West Virginia, Kentucky, Wisconsin, North Carolina, and the District of Columbia. Ronald W. Malin, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701, attorney for applicants.

No. MC–FC–74030. By order entered November 9, 1972, the Motor Carrier Board approved the transfer to Leo Montgomery and Norma Montgomery, doing business as A–1 Montgomery Van Lines, Vallejo, Calif., of the operating rights set forth in Certificate No. MC–127360 (Sub-No. 2), issued February 12, 1970, to John W. Roy, Jr., doing business as American Moving & Storage Co., Oakland, Calif., authorizing the transportation of used household goods, between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Solano Counties, Calif., with certain specified restrictions. Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006, attorney for applicants.

No. MC–FC–73974. By order entered November 10, 1972, the Motor Carrier Board approved the transfer to Transport Express, Inc., Holly, Colo., of the operating rights set forth in certificates Nos. MC–107799 (Sub-No. 4), and MC–107799 (Sub-No. 6), issued by the Commission October 22, 1968, and December 2, 1969, respectively, to J. O. Ringgenberg, Inc., Dodge City, Kans., authorizing the transportation of: Anhydrous ammonia, from specified points in Kansas, Texas, Nebraska, and Iowa, to points in Colorado, Wyoming, Texas, Oklahoma, Missouri, Nebraska, Iowa, Kansas, South Dakota, Illinois, Minnesota, and North Dakota. Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101, attorney for applicants.

No. MC–FC–73975. By order of November 13, 1972, the Motor Carrier Board approved the transfer to Pat's Transfer, Inc., Hershey, Nebr., of certificate No. MC–18352 issued to Howard McConnell, Hershey, Nebr., authoring the transportation of: Commodities of a general commodity nature, between specified points and areas in Nebraska, Colorado, Iowa, and Wyoming. Robert E. Roeder, attorney, Post Office Box 908, North Platte, NE 69101.

No. MC–FC–74021. By order of November 22, 1972, the Motor Carrier Board approved the transfer to Bob's Delivery Service, Inc., Santa Fe Springs, Calif., of certificate of registration No. MC–120590 (Sub-No. 1) issued July 23, 1968, to Mildred C. O'Donell, doing business as Bob's Delivery Service, Los Angeles, Calif., evidencing a right to engage in transportation in interstate commerce as described in certificate granted in decision No. 60069, dated May 9, 1960, transferred and reissued pursuant to decision No. 73016 dated September 6, 1967, by public Utilities Commission of California. Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Glendale Federal Building, Beverly Hills, CA 90212, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–20391 Filed 11–27–72;8:45 am]

[Notice 168]

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–73697 (Corrected).[1] By order entered November 6, 1972, Division 3, acting as an Appellate Division, approved the transfer to C & R Transfer Co., Sioux Falls, S. Dak., of the operating rights set forth in Permit No. MC–124576 (Sub-No. 6), issued May 21, 1968, to Williams Transportation, Inc., Belle Fourche, S. Dak., authorizing the transportation of: Posts, poles, pilings, and lumber, from points in Lawrence County, S. Dak., and Crook County, Wyo., to points in Iowa, Minnesota, Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, limited to a transportation service to be performed under a continuing contract, or contracts, with Whitewood Post and Pole Co., Whitewood, S. Dak. Dual operations authorized. James R. Becker, 412 West Ninth Street, Sioux Falls, SD 57104, attorney for applicants.

No. MC–FC–73957. By order of November 9, 1972, the Motor Carrier Board approved the transfer to Fairall Detroit Rubbish, Inc., Wyandotte, Mich., of permits Nos. MC–29883 issued June 13, 1966, and MC–29883 (Sub-No. 6) issued December 16, 1968, to Fairall Trucking Co., Wyandotte, Mich., authorizing the transportation of automobile parts, paper and paper products, mattresses, beds, bed springs, bed rails, and studio couches, such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, specified products and supplies used in the conduct of a creamery or butter warehouse or packaging plant, brickote products, brick and stone surfaced aluminum entryways, aluminum, stone, and brick siding, rain carrying equipment, shutters, and drugs, medicines, and packaging materials, from, to and between points as specified in Michigan, Indiana, Illinois, and Ohio. Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226, applicants' attorney.

No. MC–FC–74006. By order of November 20, 1972, the Motor Carrier Board approved the transfer to Hanson M. Savage, doing business as H. M. Savage, Chester Depot, Vt., of the operating rights in permit No. MC–124545 issued April 12, 1971, to Savage Trucking Co., Inc., Chester Depot, Vt., authorizing the transportation of mined and ground talc, in bags, in shipper-owned trailers, from Chester, Vt., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Vermont Talc Company. Martin Werner, 2 West 45th Street, New York, NY 10036, attorney for applicants.

No. MC–FC–74011. By order of November 8, 1972, the Motor Carrier Board approved the transfer to Rayford Sadberry, Holliday, Tex., of certificate No. MC–55981 (Sub No. 3) and MC–55981 (Sub No. 4) issued to Gilbert L. Finnell, doing business as Gilbert L. Finnell Trucking Co., Holliday, Tex., authorizing the transportation of: Machinery, materials, supplies, and equipment, used in the natural gas and petroleum industry, and earth drilling machinery and equipment, pipe, etc., used in the well drilling industry, between points in Oklahoma and Texas. Hugh T. Matthews, attorney, 630 Fidelity Union Tower, Dallas, Tex. 75201.

[SEAL] ROBERT L OSWALD,
Secretary.

[FR Doc.72–20306 Filed 11–24–72;8:52 am]

[1] Issued to correct date of order entered.

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