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### PROCLAMATION 4173

## Bill of Rights Day and Human Rights Day and Week

*By the President of the United States of America*

### A Proclamation

The ink was barely dry on the Constitution of the United States of America in the autumn of 1787 when leading patriots and statesmen of the young Republic took up the cry for amendments affording written guarantees of basic human freedoms under the proposed national government. "A bill of rights is what the people are entitled to against every government on earth . . ." Thomas Jefferson wrote, "and what no just government should refuse or rest on inference."

The idea that every individual was endowed by his Creator with rights no sovereign or majority could take away was thought dangerous and radical over much of the globe in those days, but it ran deep in the American grain even then. The very first Congress proposed a Bill of Rights, and by 1791 its proposals had become the first ten amendments to our Constitution.

Since that time, exactly as James Madison predicted to Jefferson that they would do, "the political truths declared in that solemn manner (have acquired) by degrees the character of fundamental maxims of free government." They have inspired our own Nation's accelerating efforts to assure every American full equality and dignity before the law, and they have shone as a beacon for the rising aspirations of peoples around the world.

Finally in 1948, a little more than a century and a half after American freedoms were enshrined in the supreme law of this land, the Universal Declaration of Human Rights was approved by the United Nations General Assembly to assert the inalienable liberties of all men and women in every land.

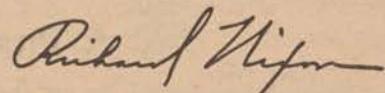
Symbolic of the common principles and shared spirit which link these two great charters is the fact that the anniversaries of their adoption occur less than one week apart each December. As we observe those anniversaries once again this year, let us gratefully take stock of the

## THE PRESIDENT

progress made in realizing the full promise of freedom for America and the world, and let us renew our commitment to continuing that progress during 1973.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim December 15, 1972, as Bill of Rights Day, and December 10, 1972, as Human Rights Day, and I call upon the American people to observe the week beginning December 10, 1972, as Human Rights Week. I ask every American to make this observance a time of rededication to the cherished values embodied in our Bill of Rights and in the Universal Declaration of Human Rights.

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



[FR Doc.72-21498 Filed 12-11-72;11:01 am]

## PROCLAMATION 4174

## Wright Brothers Day, 1972

*By the President of the United States of America*

## A Proclamation

In the spring of 1900, a bicycle maker named Wilbur Wright wrote to a friend: "For some years I have been afflicted with the belief that flight is possible for man. My disease has increased in severity and I feel that it will soon cost me an increased amount of money if not my life."

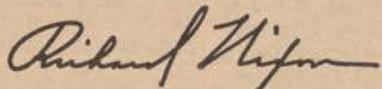
Orville and Wilbur Wright followed their belief "that flight is possible for man", in spite of ridicule, danger, hardship, and failure, to a thin strip of sand on the edge of the Atlantic Ocean. There, on December 17, 1903, Wilbur tossed a coin with his brother, lost the toss, and watched as Orville made the first successful flight in a mechanically-propelled airplane. Through the courage, the genius, and the tenacity of the Wright brothers, man was no longer earth-bound.

That epic flight sixty-nine years ago made the world a smaller place, brought men and nations into closer proximity through trade and travel, and opened the doors to the Universe.

To commemorate the historic achievements of the Wright brothers, the Congress, by a joint resolution of December 17, 1963 (77 Stat. 402), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon the people of this Nation, and the local and national government officials, to observe Wright Brothers Day, December 17, 1972, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide a stimulus to aviation in this country and throughout the world.

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



[FR Doc. 72-21499 Filed 12-11-72; 11:02 am]



# Rules and Regulations

## Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

[Docket No. 72-590]

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined

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

1. In § 76.1, a new paragraph (hh) is added to read:

##### § 76.1 Definitions.

(hh) *Vectors.* Any swine which have been in contact with animals known to be or suspected of being affected with hog cholera and which are or have been introduced into, marketed, or maintained in any State for purposes other than immediate slaughter and therefore may disseminate hog cholera.

2. In § 76.2, the heading, paragraph (a), and the introductory portion of paragraph (e) are amended, and a new paragraph (e) (11) relating to the State of Pennsylvania is added to read:

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; Eradication States; Free States.

(a) Notice is hereby given that the contagion or vectors of hog cholera exist in each area specified in paragraph (e) of this section and that the contagion of hog cholera and other communicable diseases of swine may exist in each State.

(e) Notice of quarantine: Notice is hereby given that because of the existence of the contagion of hog cholera and the nature and extent of such contagion

or the existence of vectors, the following areas are quarantined:

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

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

The amendments provide for the quarantine of a State or portion thereof because of the existence of vectors of hog cholera. In order to accomplish this, the amendments add a definition of "vector" to § 76.1, amend § 76.2(a) to give notice that the contagion or vectors of hog cholera exist in each area specified in § 76.2(e), and make a correlative amendment to § 76.2(e), reflecting the fact that the existence in a State of vectors of hog cholera subjects that State to quarantine. The amendments also quarantine the entire State of Pennsylvania because of the existence of vectors of hog cholera.

Swine which have been in contact with animals known to be or suspected of being affected with hog cholera and which are, or have been introduced into, marketed, or maintained in any State for purposes other than immediate slaughter are vectors which may disseminate hog cholera. For this reason it is essential that these amendments to 9 CFR Part 76, be made to permit quarantine of any State or portion thereof where such vectors are found.

Recently, it was discovered that swine presently located in the State of Pennsylvania had been in contact with swine in New Jersey which are known to be or suspected of being affected with hog cholera. Efforts are presently being made to trace the movement of these vectors throughout Pennsylvania. Not all vectors have been located. Therefore, the amendments quarantine the entire State of Pennsylvania.

This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

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

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553,

it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 6th day of December 1972.

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

[FR Doc. 72-21370 Filed 12-11-72; 8:48 am]

[Docket No. 72-591]

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined and Released

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

1. In § 76.2, paragraph (e) (1) relating to the State of Georgia is amended to read:

(e) \* \* \*

(1) *Georgia.* The adjacent portions of Johnson, Washington, and Jefferson Counties bounded by a line beginning at the junction of State Highway 231 and State Highway 15 in Washington County; thence, following State Highway 15 in a southeasterly direction to Secondary Road 2124 in Johnson County; thence, following Secondary Road 2124 in a southeasterly direction to Secondary Road 1474; thence, following Secondary Road 1474 in a southeasterly direction to Secondary Road 2124; thence, following Secondary Road 2124 in a southeasterly direction to the Johnson-Emanuel County line; thence, following the Johnson-Emanuel County line in a generally northeasterly direction to the junction of the Johnson-Emanuel-Jefferson County lines; thence, following the Jefferson-Emanuel County line in a generally northeasterly direction to the junction of the Jefferson-Emanuel-Burke County lines; thence, following the Jefferson-Burke County line in a northeasterly, then northwesterly direction to State Highway 24 in Jefferson County; thence, following State Highway 24 in a southwesterly direction to the Jefferson-Washington County line;

## RULES AND REGULATIONS

thence, following the Jefferson-Washington County line in a southeasterly, then southwesterly direction to State Highway 242; thence, following State Highway 242 in a northwesterly direction to State Highway 231 in Washington County; thence, following State Highway 231 in a generally southwesterly direction to its junction with State Highway 15 in Washington County.

2. In § 76.2, in paragraph (e)(2) relating to the State of Indiana, subdivisions (ii) relating to Randolph County and (iii) relating to Delaware and Randolph Counties are deleted.

3. In § 76.2, in paragraph (e)(7) relating to the State of Ohio, subdivision (iv) relating to Darke County is deleted. (Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505.)

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

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

The amendments exclude portions of Randolph and Delaware Counties in Indiana and a portion of Darke County in Ohio from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions presently imposed, they are no longer deemed necessary to prevent the spread of hog cholera, and they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 6th day of December 1972.

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

[FR Doc. 72-21371 Filed 12-11-72; 8:48 am]

#### Chapter IV—Agricultural Research Service, Department of Agriculture

##### PART 400—AVAILABILITY OF INFORMATION

Part 400, issued at 37 F.R. 135, dated January 6, 1972, and corrected at 37 F.R. 435, dated January 12, 1972, was erroneously codified under Subchapter A—Public Information. Subchapter A had already been utilized for Poultry Improvement. It has been determined that Part 400 is no longer needed since the regulations are already published as Part 510 of Title 7, CFR. Part 400 of Title 9, CFR, is therefore canceled.

Done at Washington, D.C., this 28th day of November 1972.

T. W. EDMINSTER,  
Administrator,

Agricultural Research Service.

[FR Doc. 72-21372 Filed 12-11-72; 8:48 am]

## Title 12—BANKS AND BANKING

#### Chapter V—Federal Home Loan Bank Board

##### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEMS

[No. 72-1414]

##### PART 545—OPERATIONS

###### Permission for Federal Associations To Close Books on a Fiscal Year Basis

NOVEMBER 30, 1972.

The present language of § 545.20 of the rules and regulations for the Federal Savings and Loan System requires each Federal savings and loan association to close its books as of December 31 of each year. It has been pointed out to the Board that this requirement causes a problem with respect to audits of such associations. As a practical matter, it is difficult to arrange for an audit of the association's books at the end of a calendar year, with the result that most Federal associations have their audit at the end of a calendar quarter other than yearend. The Board considers it desirable to have Federal associations audited at the end of their fiscal years. To achieve this result, it is necessary to revise § 545.20 to permit Federal associations to adopt a fiscal year other than a calendar year. Accordingly, on the basis of such considerations, the Board, on November 30, 1972, amended said § 545.20 by revising it to read as set forth below.

The first sentence of § 545.20 is split into two sentences and revised to require a Federal association to "close its books at least annually, as of the end of such month or months as may be designated by the association's board of directors." The new language also makes it clear that a Federal association may, if it so

chooses, close its books more frequently than once a year.

Since the amendment relieves restriction, the Board found that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would, in the opinion of the Board, not be required for the same reason, the Board provided that said amendment will become effective on December 12, 1972.

(a) *Accounting practices.* Each Federal association shall use such forms and follow such accounting practices as the Board may from time to time require. Each Federal association shall close its books at least annually, as of the end of such month or months as may be designated by the association's board of directors.

(b) *Maintenance of records.* Each Federal association shall maintain a complete record of all business transacted by it, and shall maintain either at its home office, or at a branch or service office located within 100 miles of the home office, all general accounting records, including all control records, of all business transacted by such association at each of its offices and agencies. Neither the general accounting or control records nor the maintenance thereof shall be transferred by a Federal association from its home office to a branch or service office, or from a branch or service office to its home office or to another branch or service office unless and until: (1) The board of directors of the association has by resolution authorized such transfer or maintenance, and (2) the association has sent a certified copy of such resolution to the Chief Examiner of the Federal Home Loan Bank district in which the home office of the association is located. A Federal association which determines to maintain any of its records by means of data processing services shall so notify the Chief Examiner of the Federal Home Loan Bank district in which the home office of such association is located, in writing, at least 90 days prior to the date on which such maintenance of records will begin. Such notification shall include identification of the records to be maintained by data processing services and a statement as to the location at which such records will be maintained. Any contract, agreement, or arrangement made by a Federal association pursuant to which data processing services are to be performed for such association shall be in writing and shall expressly provide that the records to be maintained by such services shall at all times be available for examination and audit.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,  
Secretary.

[FR Doc. 72-21291 Filed 12-11-72; 8:46 am]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

Part 213 is revised to read as follows:

#### Subpart A—General Provisions

Sec. 213.101 Definitions.  
213.102 Identification of positions in Schedule A, B, or C.

#### Subpart B—[Reserved]

#### Subpart C—Excepted Schedules

##### SCHEDULE A

213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.  
213.3102 Entire executive civil service.  
213.3103 Executive Office of the President.  
213.3104 Department of State.  
213.3105 Treasury Department.  
213.3106 Department of Defense.  
213.3107 Department of the Army.  
213.3108 Department of the Navy.  
213.3109 Department of the Air Force.  
213.3110 Department of Justice.  
213.3112 Department of the Interior.  
213.3113 Department of Agriculture.  
213.3114 Department of Commerce.  
213.3115 Department of Labor.  
213.3116 Department of Health, Education and Welfare.  
213.3118 Environmental Protection Agency.  
213.3121 National Security Council.  
213.3123 Cabinet Committee on Opportunities for Spanish-Speaking People.  
213.3124 Board of Governors, Federal Reserve System.  
213.3126 Office of Emergency Preparedness.  
213.3127 Veterans Administration.  
213.3128 U.S. Information Agency.  
213.3129 Federal Power Commission.  
213.3130 Securities and Exchange Commission.  
213.3132 Small Business Administration.  
213.3133 Federal Deposit Insurance Corporation.  
213.3135 National Capital Housing Authority.  
213.3136 U.S. Soldiers' and Airmen's Home.  
213.3137 General Services Administration.  
213.3138 Federal Communications Commission.  
213.3139 U.S. Tariff Commission.  
213.3141 National Labor Relations Board.  
213.3142 Export-Import Bank of the United States.  
213.3143 Farm Credit Administration.  
213.3146 Selective Service System.  
213.3147 Federal Mediation and Conciliation Service.  
213.3148 National Aeronautics and Space Administration.  
213.3149 Panama Canal Company.  
213.3152 U.S. Government Printing Office.  
213.3153 District of Columbia Government.  
213.3154 Federal Home Loan Bank Board.  
213.3156 Commission on Civil Rights.  
213.3157 National Credit Union Administration.  
213.3158 Franklin Delano Roosevelt Memorial Commission.  
213.3161 James Madison Memorial Commission.  
213.3162 National Aeronautics and Space Council.  
213.3165 President's Advisory Committee on Labor-Management Policy.  
213.3170 Civil Service Commission.  
213.3172 Administrative Office of the U.S. Courts.

Sec.		Sec.	
213.3178	[Reserved]	213.3343	Farm Credit Administration.
213.3182	National Foundation on the Arts and the Humanities.	213.3344	Occupational Safety and Health Review Commission.
213.3184	Department of Housing and Urban Development.	213.3345	Indian Claims Commission.
213.3187	District of Columbia Redevelopment Land Agency.	213.3346	Selective Service System.
213.3190	[Reserved]	213.3348	National Aeronautics and Space Administration.
213.3194	Department of Transportation.	213.3349	Panama Canal Company.
213.3195	President's Temporary Commission on Pennsylvania Avenue.	213.3350	Foreign Claims Settlement Commission of the United States.
213.3199	Temporary boards and commissions.	213.3351	Subversive Activities Control Board.
		213.3354	Federal Home Loan Bank Board.
		213.3355	The Renegotiation Board.
		213.3356	Commission on Civil Rights.
		213.3359	ACTION.
		213.3364	U.S. Arms Control and Disarmament Agency.
		213.3367	Federal Maritime Commission.
		213.3368	Agency for International Development.
		213.3371	Office of Consumer Affairs.
		213.3372	Administrative Office of the U.S. Courts.
		213.3373	Office of Economic Opportunity.
		213.3374	Smithsonian Institution.
		213.3376	Appalachian Regional Commission.
		213.3377	Equal Employment Opportunity Commission.
		213.3382	National Foundation on the Arts and the Humanities.
		213.3384	Department of Housing and Urban Development.
		213.3386	Regional Commissions, Public Works and Economic Development Act of 1965.
		213.3394	Department of Transportation.
		213.3399	Temporary Boards and Commissions.
			AUTHORITY: The provisions of this Part 213 issued under 5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-1958 Comp. p. 218.
			Subpart A—General Provisions
			§ 213.101 Definitions.
			In this chapter:
			(a) Excepted service has the meaning given that term by section 2103 of title 5, United States Code, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Commission under § 6.1 or § 9.20 of the civil service rules (Subchapter A of this chapter).
			(b) "Excepted position" means a position in the excepted service.
			§ 213.102 Identification of positions in Schedule A, B, or C.
			The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.
			Subpart B—[Reserved]
			Subpart C—Excepted Schedules
			SCHEDULE A
			§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
			(a) The positions enumerated in §§ 213.3102 to 213.3199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

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(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for summer or student employment within the United States. This prohibition does not apply to the appointment of persons (1) who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program, (2) who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property, or (3) who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by the Commission and published in the Federal Personnel Manual.

(c) An agency may appoint for summer employment within the United States in positions listed in Schedule A only in accordance with the terms of the Commission's summer employment program. This restriction does not apply to positions that are excepted only when filled by particular types of individuals.

(d) In this section "summer employment" means any employment beginning after May 12 which will end before October 1 of the same year. "Student employment" means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning; a resident student, for this purpose, is a student in actual physical attendance at a school as distinguished from a correspondence student.

#### **S 213.3102 Entire executive civil service.**

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS-3. This limitation on compensation includes any premium pay such as for overtime,

night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the metropolitan area of Washington, D.C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) [Reserved]

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (l) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(o) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(q) Positions at GS-7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be: (1) Bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision: (i) In a position of a routine clerical type; or (ii) in excess of 1,040 working hours a year; except that the 1,040-working-hours-a-year limitation shall not apply to persons employed under this provision in positions at GS-5 and below which are established in connection with an organized work-study program involving alternating periods of work experience and related study at an accredited college or university in a cooperative curriculum in which the work experience is a prerequisite to the award of a degree. Appointments under this authority may be made only to positions for which qualification standards established under Part 302 of this chapter are consistent with the education and experience standards established for comparable positions in the competitive service.

(r) All positions of a project nature when filled by individuals the salaries for whom are paid out of funds allocated by the President under authority of Public Law 87-658, approved September 14, 1962, the Public Works Acceleration Act. Employment under this authority shall be for a temporary period not to exceed one year.

(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual.

(u) Subject to prior approval of the Commission, positions when filled by severely handicapped persons who (1) under temporary appointment, have demonstrated their ability to perform the

duties satisfactorily; or (2) are certified by counselors of State Vocational Rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties.

(v) Temporary Summer Aid positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledges or skills, when filled by youths appointed for summer employment under such economic or educational needs standards as the Commission may prescribe. A person may not be appointed unless he has reached his 16th but not his 22d birthday, or employed for more than 700 hours under this paragraph. This paragraph shall apply only to positions whose pay is fixed at the equivalent of the minimum wage rate established by the Fair Labor Standards Amendments of 1966 (currently \$1.60 an hour), at the equivalent of an applicable State or municipal minimum wage rate if that is higher, or by prior agreement with the Commission, at some other rate, when an agency is precluded by law from fixing pay at one of the foregoing rates.

(w) Part-time or intermittent positions the duties of which involve work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Stay-in-School Campaign and when the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body; (2) employment does not exceed 16 hours in any calendar week (40 hours in any calendar week which falls within a vacation period); (3) while employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer; (4) appointees need the earnings from the employment to continue in school; and (5) salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance. Appointments under this authority may not extend beyond 1 year: Provided, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. A person may not be appointed under this authority unless he has reached his 16th but not his 22d birthday. No new appointments may be made under this authority between May 1 and August 31, inclusive.

(x) Subject to prior approval of the Commission, positions for which a local recruiting shortage exists when filled by inmates of Federal and District of Columbia penal and correctional institutions under work release programs authorized by the Prisoner Rehabilitation Act of 1965 and the District of Columbia Work Release Act. Initial appointments under this authority may not exceed one year. An initial appointment may be extended for one or more periods not to exceed one additional year each with the prior approval of the Commission upon a finding that the inmate is still in a

work release status and that a local recruiting shortage still exists. No person may serve under this authority longer than one year beyond the date he is released from custody.

(y) Positions at grade GS-2 and below for summer employment, as defined in § 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests under hiring programs approved by the Commission.

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS-11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its postdoctoral research associate program and may be made initially for 1 year only. An agency may extend an appointment made under this authority for up to 1 additional year when the program committee at the laboratory concerned determines that extension will benefit both the associate and the laboratory.

(bb) Subject to prior approval of the Commission, positions when filled by aliens in the absence of qualified citizens.

(cc) Positions at GS-15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

(dd) Positions at the grade GS-12 through GS-15 levels when filled by persons designated as Fellows under the Brookings Institution's Economic Policy Fellowship Program. Appointments made under this authority may not exceed 2 years in duration and no appointment may extend beyond June 30, 1974.

(ee) Positions in research and development facilities when filled for not to exceed 1 year by scientists and engineers appointed under a program of Presidential internships. No new appointments may be made under authority after December 31, 1973.

#### § 213.3103 Executive Office of the President.

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

(b) [Reserved]

(c) *Council on Environmental Quality.* (1) Professional and technical positions in grades GS-13 through 15 on the staff of the Council.

(d) [Reserved]

(e) *Office of Telecommunications Policy.* (1) Professional positions in grades GS-13 through 15 on the staff of the Office.

#### § 213.3104 Department of State.

(a) *Office of the Secretary.* (1) Six physical science administration officers at GS-14 and above in International Scientific and Technological Affairs.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Reports and Operations Staff, Executive Secretariat.

(4) Four Assistants to the Executive Secretary, Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(b) *Bureau of Intelligence and Research.* (1) Not to exceed 35 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or 6 months within any 1 calendar year.

(e) *Office of the Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) One Special Assistant to the Chief, News Division.

(5) One Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

(f) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

#### § 213.3105 Treasury Department.

(a) [Reserved]

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Positions of part-time, intermittent, or temporary Customs Inspectors, and Port Directors in Alaska paid at a rate not above GS-9 and for not more than 130 working days in a service year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at GS-9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer,

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Customs Aid (sampling), Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7) [Reserved]

(8) Staff assistant positions established to aid in the reorganization of the Bureau of Customs under Reorganization Plan No. 1 of 1965, when filled by persons with 1 year or more of current service as a Presidential appointee in a key position in the Bureau. No person may be employed under this paragraph in excess of 3 years.

(c) [Reserved]

(d) [Reserved]

(e) Internal Revenue Service. (1) Fifty positions of investigator for special assignments.

(f) Office of the Assistant Secretary for International Affairs. (1) Not to exceed 10 positions in the Research and Planning Office at the equivalent of GS-13 through GS-17 to supplement the permanent staff in the study of complex problems relating to international financial and economic policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

#### § 213.3106 Department of Defense.

(a) Office of the Secretary. (1) Five Special Advisers in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(5) Director, Intelligence Resources and Programs, OASD (Administration)

(b) Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force). (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the Department resident in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor: *Provided*, That (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to 1 additional year when the military department concerned finds the additional employment is in the interest of management.

(c) Interdepartmental Activities. (1) Positions in support of National Security Programs and Space Council Activities.

(d) General. (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

#### § 213.3107 Department of the Army.

(a) General. (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(3) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of 3 months' training and a maximum of 12 months' training, depending upon the individual's previous clinical training.

(4) [Reserved]

(5) Positions assigned exclusively to Army Communications Intelligence Activities.

(6) Trainee student medical technologist (intern) positions at the Rodriguez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose

compensation is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(7) [Reserved]

(8) Not to exceed 350 positions of members of treatment and counseling teams and related positions, such as those of ward attendants and occupational therapy assistants, to assist in the implementation of an alcohol and drug abuse prevention and control program, when filled by persons who have a history of alcoholism or drug addiction and who have been successfully treated.

(9) Positions of civilian technicians in an Army Reserve unit designated by the Department to participate in a special CONARC test program, when filled on a temporary basis by members of Reserve components who have military occupational specialties required for test purposes. No appointment may extend beyond September 30, 1974.

(b) Transportation Corps. (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) Corps of Engineers. (1) Land appraisers employed on a temporary basis for a period not to exceed 1 year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U.S. Military Academy Preparatory School, Fort Belvoir, Va.

(d) U.S. Military Academy, West Point, N.Y. (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) National War College, Washington, D.C. (1) Civilian directors of studies for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(f) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(g) *Defense Language Institute.* (1) Positions of instructors whose duties require proficiency in the teaching of a foreign language, and supervisory instructors whose duties require a background in language teaching.

(2) Clerk-Typist positions at the West Coast foreign language school and the Systems Development Agency whose incumbents are required to have a foreign language knowledge and whose duties require rapid and accurate typing of foreign language materials in foreign language script and proofreading of the materials typed.

(3) [Reserved]

(4) Foreign language instructor positions at local Army language training facilities established pursuant to the Defense Language Program.

(5) Positions at the Systems Development Agency which require a native proficiency in a given foreign language and whose incumbents serve as foreign language subject matter specialists to assist in the development and evaluation of instructional material and methods directly related to the teaching of foreign languages. Appointments under this authority are made initially for not to exceed 1 year, but may be extended for no more than 1 additional year with the prior approval of the Director, Defense Language Institute.

(h) *Army War College, Carlisle Barracks, Pa.* (1) One position of Educational Specialist for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(i) *Defense Systems Management School, Fort Belvoir, Va.* (1) The Deputy Commandant and professors in grades GS-13 through 15.

#### § 213.3103 Department of the Navy.

(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities and positions assigned to Naval Security Group Activities/Functions.

(2) [Reserved]

(3) Positions of teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(4) Not to exceed 50 positions of Resident-in-Training at U.S. Naval hospitals which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments to these positions shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be only to positions excepted from the Classification Act under the provisions of Public Law 80-330.

(5) One Staff Assistant to the Naval Aide to the President.

(6) [Reserved]

(7) Positions of Student Social Worker for temporary, part-time, or intermittent

employment in Navy hospitals when filled by bona fide students enrolled in academic institutions: *Provided*, That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(8) Positions of Student Practical Nurse for temporary, part-time, or intermittent employment in Naval Hospitals and Station Hospitals, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of Medical Technology Intern in Naval and station hospitals when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be on a full-time, part-time or intermittent basis but may not exceed 1 year. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(11) Positions of Medical Intern at U.S. Naval Hospitals when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351-5356. Employment under this authority may not exceed 1 year.

(12) Positions of Student Speech Pathologist at U.S. Naval Hospitals when filled by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351-5356. Employment under this authority may not exceed 1 year.

(13) Positions of Student Dental Assistant in Naval dental departments when filled by students who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351 and 5352. Employment under this authority may not exceed 1 year.

(14) Not to exceed 100 positions of rehabilitation counselors and therapists in grades GS-3 through 11 to assist in the implementation of a drug rehabilitation program when filled by persons who have a history of drug addiction and who have been successfully treated. No new appointments may be made under this authority after July 31, 1973.

(15) Marine positions assigned to a coastal or seagoing vessel operated by a naval activity for research or training purposes.

(b) *U.S. Naval Academy.* (1) Professors, instructors, and teachers in the U.S. Naval Academy, the U.S. Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, and the Dean of Admissions at the U.S. Naval Academy, and social counselors.

(c) *U.S. Naval Home.* (1) Positions of Orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e) [Reserved]

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, Calif.* (1) Scientific and professional research positions at GS-12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed six positions at any one time. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed 1 additional year.

(g) *Office of Naval Research.* (1) Not to exceed 5 positions of Liaison Scientist, GS-13/15, in the office of Naval Research Branch Office in Japan, when filled by research scientists who have specialized experience in scientific disciplines of current interest to the Department and who have a demonstrated ability to deal with the Japanese scientific community in their disciplines. An appointment under this authority may be made initially for a period not to exceed 2 years. With the prior approval of the Commission, total employment under this authority may be for as long as 3 years.

#### § 213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) Three Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General.* (1) Positions on the cable ship operated by the Air Force Communication Service.

(c) [Reserved]

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

(e) *Air Force Systems Command.* (1) Not to exceed 12 positions of engineer, GS-14-15, at the Aeronautical Systems Division, Wright-Patterson Air Force Base, when filled on a temporary basis by persons serving under an agreement with aerospace contractors. Employment under this authority is limited to 4 years.

#### § 213.3110 Department of Justice.

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

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(2) Positions of temporary deputy marshals in lieu of bailiff in the U.S. courts when employed on an intermittent basis.

(3) U.S. Marshal in the Virgin Islands.  
(4) [Reserved]

(5) Thirty positions of Field Representative, GS-9 through GS-14, in the Community Relations Service for temporary or intermittent employment for not to exceed 130 working days a year.

(6) Not to exceed 20 positions of Field Representative Trainee, GS-5-7, in the Community Relations Service, for employment on college campuses for not to exceed 130 working days a year. Employment under this authority is limited to 1 year: *Provided*, That an appointment may be extended for one additional year with the prior approval of the Commission.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

(c) *Bureau of Narcotics and Dangerous Drugs.* (1) 154 special agent positions for undercover work.

#### S 213.3112 Department of the Interior.

(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS-5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS-4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided*, That an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situa-

tions involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS-7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators; and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS-4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(2) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS-4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.*

(1) Five Area Managers.

(e) *Office of Territories.* (1) The Clerk of the High Court of American Samoa.

(2) and (3) [Reserved]

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS-5 or GS-4 and those equivalent to grade GS-7 or GS-6 in which the duties are

supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. (The total number of Park Ranger and Park Technician positions at salaries equivalent to GS-7 and GS-6 excepted under this subparagraph and subparagraph (2) of this paragraph shall not exceed 200.) Employment under this subparagraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Ranger at a salary equivalent to the next lower grade:

(i) For IGS-7: Two seasons at IGS-6 level.

(ii) For IGS-6: Two seasons at IGS-5 level.

(iii) For IGS-5: One season at IGS-4 level.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) Park Aid and Park Technician positions at salaries equivalent to GS-2 through GS-5 to perform technical and practical work supporting the management, conservation, interpretation, development, and use of park areas and resources; and positions at salaries equivalent to GS-7 and GS-6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career resources management, interpretive or visitor service personnel of the National Park Service. (The total number of Park Technician and Park Ranger positions at salaries equivalent to GS-7 and GS-6 excepted under this subparagraph and subparagraph (1) of this paragraph shall not exceed 200.) Employment under this subparagraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Aid or Park Technician equivalent to the next lower grade:

(i) For IGS-7: Two seasons at IGS-6 level.

(ii) For IGS-6: Two seasons at IGS-5 level.

(iii) For IGS-5: One season at IGS-4 level.

(iv) For IGS-4: One season at IGS-3 level or its equivalent in experience.

(v) For IGS-3: One season at IGS-2 level or its equivalent in experience.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this subparagraph or a combination

tion of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrance-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, That such employment may, with prior approval of the Commission, be extended for not to exceed an additional 50 working days in any single year.

**§ 213.3113 Department of Agriculture.**

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agriculture Research Service, the Animal and Plant Health Inspection Service, or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural Commodity grader (grain) and (meat), agricultural commodity aid (grain), and tobacco inspection positions.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS-7 or higher to be filled on an exchange basis by qualified employees on the rolls of State governments, colleges, or universities, for a limited period not to exceed 1 year.

(4) Local Agents, except veterinarians, employed temporarily outside Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS-7 and WG-10 in the following types of positions: Field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; agricultural commodity aids (cotton) in the Agricultural Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research and the Animal and Plant Health Inspection Service; and, subject to prior Commission approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and

manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided*, That an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of § 213.3102.

(6) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 81-875, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(7) [Reserved]

(8) Not to exceed 10 positions directly concerned with programs of the Department for employment of Cuban refugees possessing college-level training appropriate for such positions. No new appointments may be made under this authority after December 31, 1968.

(9) Not to exceed 15 positions of Program Assistant GS-12 through 15 when filled by persons whose current service in agricultural programs of the Department at the State level has provided specialized knowledge and experience needed by the Department for the more efficient administration of its programs. No new appointments may be made under this authority after June 30, 1970.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(2) The positions of the two members and two alternate members of the Board of Forest Appeals which must be filled under departmental regulation by persons who have not been Federal employees for 2 years before appointment. Employment under this exception shall be on a when-actually-employed basis.

(c) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) Six Area Directors above GS-14.

(2) Members of State Committees.

(3) State Executive Directors.

(4) Farmer fieldmen and farmer field-women to interpret and explain and supervise farm programs.

(e) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to current statutes authorizing emergency loans. Appointments under this provision shall not exceed 1 year unless extended with the prior approval of the Commission for additional periods not to exceed 1 year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior Commission approval for not to exceed 1 additional year.

(f) *Agricultural Marketing Service.* (1) Positions of cotton classers GS-9 and below, clerks GS-2, supervisory clerks GS-3, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 1,280 hours a year in the case of cotton classers and laborers, and 1,040 hours a year in the case of clerks; except that a GS-5 cotton classer may be employed as a trainee during his first appointment for an initial period of 6 months for training purposes without regard to the above time limitation.

(2) [Reserved]

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(5) Positions of agricultural commodity graders (processed fruits and vegetables), GS-9 and below, and of graders' aides (processed fruits and vegetables), GS-3 and 4, for temporary employment on a part-time or intermittent basis for not to exceed 1,280 hours a year.

(6) Temporary positions at GS-9 and below of agricultural commodity graders (poultry) who inspect egg products. Employment under this authority may not exceed 1,280 hours a year.

(g) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40-percent contribution by each of the cooperators.

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(h) *Foreign Agricultural Service.* (1) Agricultural Attaché positions at grade GS-16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(i) [Reserved]

(j) *Food and Nutrition Service.* (1) Temporary positions in grade GS-4 and below, and the wage system equivalents, whose principal duties involve the distribution of food to needy families at Federal Commodity Distribution Centers. After June 30, 1971, appointments under this authority may be made only to replace employees on the rolls as of that date, or their successors.

(k) *Animal and Plant Health Inspection Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40-percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Animal and Plant Health Inspection Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(3) Positions of meat and poultry inspectors (veterinarians at GS-11 and below and nonveterinarians at appropriate grades below GS-11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

#### § 213.3114 Department of Commerce.

(a) *General.* (1) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part-time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided*, That the number of observations shall not exceed a daily average of 12 during any calendar month.

(2) Employment of individuals, firms, or corporations for not to exceed 1 year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the Act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for

periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) [Reserved]

(2) One Civil Aviation Specialist.

(3) One Adviser on Equal Employment Opportunity.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service, other than Current Program Interviewers, for temporary, part-time, or intermittent employment for not to exceed 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each; but that prior Commission approval is required for extension for longer than 1 year.

(2) Current Program Interviewers employed on an intermittent basis in the field service.

(3) Not to exceed 25 positions of Field Agent to compile data on taxable property values, governmental finance, and governmental employment in connection with the 1972 Census of Governments. Employment under this authority may not exceed December 31, 1973.

(e)-(g) [Reserved]

(h) *Maritime Administration.* (1) Public Information Officer.

(2)-(4) [Reserved]

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(7) [Reserved]

(8) One Special Assistant to the Administrator (Tanker Adviser).

(9) Two Special Assistants to the Deputy Administrator.

(10) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including heads of the Departments of Physical Training and Athletics, Ships, Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; the Regimental Officer; the Drill and Activities Officers; the Band and Activities Officer; six Company Officers; and the Assistant Commandant of Cadets.

(11) U.S. Merchant Marine Academy, positions of: The Superintendent; the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; Librarian; the Special Assistant to the Superintendent; three Academy Training Representatives; and one Shipboard Training Assistant.

(i) *Office of the Assistant Secretary*

for Domestic and International Business.

(1) Ten positions at GS-13 and above in specialized fields relating to International trade or commerce in the Bureau of International Commerce or in other units under the jurisdiction of the Assistant Secretary for Domestic and International Business. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for any individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(3) Not to exceed 30 positions in grades GS-12 through 15, to be filled by persons qualified as industrial or marketing specialists, who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distributions channels and costs, or business financing and credit practices applicable to one or more of the current segments of industry served by the Bureau of Domestic Commerce, the Office of Textiles, and the Office of Import Programs. Appointments under this authority may be made for a period of not to exceed 2 years and may, with prior approval of the Commission, be extended for an additional period of 2 years.

(j) *Environmental Science Services Administration.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Cook positions on Swan Island.

#### § 213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two members, Employees' Compensation Appeals Board.

(b) *Bureau of Labor Statistics.* (1) Part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS-5 and below. Employment within the Bureau of Labor Statistics under this authority, or a combination of this authority and any other authorities for excepted appointment, shall not exceed:

(i) 180 working days a year for positions at GS-5;

(ii) 130 working days a year for positions at GS-4 and below.

The total number of appointments at GS-5 shall not exceed 75. Appointments at the GS-3 and GS-4 grade levels are not limited in number.

(c) *Office of Federal Contract Compliance.* (1) All positions at GS-15 and below involving performance of the func-

tions of the program known as "Plans for Progress."

**§ 213.3116 Department of Health, Education, and Welfare.**

(a) *National Center for Mental Health Services, Training and Research.* (1) Three Medical Officers (Surgical Resident).

(2) Student Medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving 12 weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(4) Three positions of Medical Officers (Radiology Resident): *Provided*, That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident.

(5) Eight positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed 2 years' employment in the case of any one individual.

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed 3 months' employment in the case of any one individual.

(8) Four positions of Medical Officer (Physical Medicine and Rehabilitation Resident): *Provided*, That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident. Initial appointments may be made at any level within the 3-year residency as approved by the American Medical Association.

(9) Positions of Chaplain Residents: *Provided*, That employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of 5 U.S.C. sections 5351 and 5352.

(10) One position of Medical Officer (Ophthalmology Resident) when filled by persons whose compensation is fixed under 5 U.S.C. 5351-5356. Employment under this authority may not exceed 4 months.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided*, That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further*, That appropriate exclusions of the positions under the authority of Public Law 80-330 have been approved by the Civil Service Commission.

(7) Student Dieticians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(d) *Social Security Administration.* (1) Six positions of social insurance representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(2) Seven positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico when filled by

the appointment of persons of one-fourth or more Indian blood.

(3) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointment of persons of one-fourth or more Alaskan Native blood (Eskimos, Indians, or Aleuts).

(e) *General.* (1) Not to exceed 40 positions in medical and related occupations for employment under the Cuban refugee program. No new appointments may be made after December 31, 1968.

(f) *The President's Council on Physical Fitness.* (1) Three staff assistants, The President's Council on Physical Fitness.

(g) *Social and Rehabilitation Administration.* (1) Not to exceed 195 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That new appointments shall be limited to Cuban refugees.

(h) *National Institute of Mental Health—Health Services and Mental Health Administration.* (1) Positions in the National Institute of Mental Health involving performance of various therapeutic and service assignments under a rehabilitation program concerned with the treatment of drug addicts, when filled by persons who have a history of drug addiction and who have been successfully treated.

(i) *National Center for Health Statistics.* (1) Not to exceed 20 positions of Health Examination Representative, grades GS 7 and 9, serving on Health and Nutrition Examination Survey teams of the Division of Health Examination Statistics.

**§ 213.3118 Environmental Protection Agency.**

(a) Not to exceed 12 positions of Sanitation Facility Trainees, WG-1 through 5, to implement the Alaska Village Demonstration Projects under the Water Quality Improvement Act of 1970. Employment under this authority may not exceed 2 years.

**§ 213.3121 National Security Council.**

(a) All positions on the staff of the Council.

**§ 213.3123 Cabinet Committee on Opportunities for Spanish-Speaking People.**

(a) All positions on the committee staff.

**§ 213.3124 Board of Governors, Federal Reserve System.**

(a) All positions.

**§ 213.3126 Office of Emergency Preparedness.**

(a) One Field Representative, Resource Readiness Office.

**§ 213.3127 Veterans Administration.**

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 200 positions of Rehabilitation Counselors, GS-3 through

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GS-11, in drug and alcoholic treatment units when filled by former patients.

**§ 213.3128 U.S. Information Agency.**

(a) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(b) One Chief of Religious Information.

**§ 213.3129 Federal Power Commission.**

(a) Three special assistants to the Commission.

**§ 213.3130 Securities and Exchange Commission.**

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulation; Director, Division of Trading and Markets.

(b) Nine positions of Regional Administrator.

(c) Positions of accountant and auditor, GS-13 through 15, when filled by persons selected under the SEC accounting fellow program. No more than two positions may be filled under this authority at any one time. An employee may not serve under this authority longer than 2 years.

**§ 213.3132 Small Business Administration.**

(a) When the President under 42 U.S.C. 1855-1855g, or the Secretary of Agriculture under 7 U.S.C. 1961, declares an area to be a disaster area, positions filled by the temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended, for the duration of the disaster. Original appointments may not exceed 2 years and no employee may serve under this authority for longer than 2 years without the Commission's prior approval.

(b) [Reserved]

(c) Position of Community Economic-Industrial Planner, GS-7 through 12, when filled by local residents who represent the interest of the groups to be served by the Minority Entrepreneurship Teams of which they are members.

**§ 213.3133 Federal Deposit Insurance Corporation.**

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, P.R., office.

**§ 213.3135 National Capital Housing Authority.**

(a) Executive Director.

(b) Positions of teachers engaged on a part-time or intermittent basis in the instruction of trainees enrolled in training programs on the maintenance and repair of buildings and grounds.

(c) Until December 31, 1975, one position of Chairman, Resident Involvement Workgroup, with responsibility for encouraging tenant participation in the development of a management system.

**§ 213.3136 U.S. Soldiers' and Airmen's Home.**

(a) All positions.

**§ 213.3137 General Services Administration.**

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(b) *Public Buildings Service.* (1) One Receptionist—Guide, Region 9.

**§ 213.3138 Federal Communications Commission.**

(a) The Chief of each of the following Bureaus: Common Carrier and Safety and Special Radio Services.

**§ 213.3139 U.S. Tariff Commission.**

(a) The Secretary of the Commission.

**§ 213.3141 National Labor Relations Board.**

(a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

**§ 213.3142 Export-Import Bank of the United States.**

(a) Three Special Assistants to the Board of Directors, grade GS-14 and above, with responsibility for carrying out special overseas assignments for the Board.

**§ 213.3143 Farm Credit Administration.**

(a) Federal Land Bank Association receivers and conservators.

(b) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS-13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided*, That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

**§ 213.3146 Selective Service System.**

(a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) [Reserved]

(d) Executive Secretary, National Selective Service Appeal Board.

**§ 213.3147 Federal Mediation and Conciliation Service.**

(a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

**§ 213.3148 National Aeronautics and Space Administration.**

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by

the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Forty scientific specialists to be engaged on special research projects.

(c) [Reserved]

(d) Ten medical officer positions for employment of third year medical residents in the field of aerospace medicine. An individual may not be employed more than one year under this exception.

**§ 213.3149 Panama Canal Company.**

(a) All positions on vessels operated by the Panama Canal Company.

**§ 213.3152 U.S. Government Printing Office.**

(a) One Umpire.

(b) Positions in the printing trades when filled by students majoring in printing technology employed under a cooperative education agreement with the Washington Technical Institute.

**§ 213.3153 District of Columbia Government.**

(a) Positions of noneducational employees of the Board of Higher Education, the Board of Vocational Education, the Federal City College, and the Washington Technical Institute.

**§ 213.3154 Federal Home Loan Bank Board.**

(a) One Secretary, Federal Home Loan Bank Board.

(b) [Reserved]

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

**§ 213.3156 Commission on Civil Rights.**

(a) Until January 31, 1973, 15 positions at grade GS-11 and above of employees who collect, study, and appraise civil rights information and use that information to carry out the national clearinghouse responsibilities of the Commission under Public Law 88-352, as amended.

**§ 213.3157 National Credit Union Administration.**

(a) Liquidation Agents employed on a temporary or intermittent basis in the field.

**§ 213.3158 Franklin Delano Roosevelt Memorial Commission.**

(a) All positions on the staff of the Commission.

**§ 213.3161 James Madison Memorial Commission.**

(a) One Executive Secretary.

**§ 213.3162 National Aeronautics and Space Council.**

(a) All positions.

§ 213.3165 President's Advisory Committee on Labor-Management Policy.

(a) One Assistant Executive Director.

§ 213.3170 Civil Service Commission.

(a) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

(b) Chairman, Federal Prevailing Rate Advisory Committee.

§ 213.3172 Administrative Office of the U.S. courts.

(a) Not to exceed four positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal probation officers on active service in the U.S. courts.

§ 213.3178 [Reserved]

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*

(1) Until June 30, 1973, one Special Assistant to the Chairman.

(2) Until June 30, 1973, Director of State and Community Operations, when filled at GS-15 or below.

(3) Until June 30, 1973, eight Program Directors.

(4)-(10) [Reserved]

(11) Until June 30, 1973, four Project Evaluators.

(12) Until June 30, 1973, one Director of Museum Programs.

(13) Until June 30, 1973, two Assistant Directors for State and Community Operations.

(14) Until June 30, 1973, one Assistant Director of Music Programs.

(15) Until June 30, 1973, one Director of Developing Arts Programs.

(16) Until June 30, 1973, one Director for Public Media Programs.

(17) Until June 30, 1973, one Assistant to the Chairman.

(18) Until June 30, 1973, one Director of Planning and Management.

(b) *National Endowment for the Humanities.* (1) and (2) [Reserved]

(3) Until June 30, 1973, Director of Planning and Analysis, when filled at GS-15 or below.

(4) Until June 30, 1973, Director, Division of Fellowships and Stipends.

(5) Until June 30, 1973, Director, Division of Research and Grants.

(6) Until June 30, 1973, one Special Assistant to the Chairman.

(7) Until June 30, 1973, two Program Officers, Division of Education Programs.

(8) Until June 30, 1973, two Program Officers, Division of Fellowships and Stipends.

(9) Until June 30, 1973, Program Officer, Division of Research and Grants.

(10) Until June 30, 1973, one Assistant to the Director of Planning and Analysis.

(11) Until June 30, 1973, Director, Division of Education Programs.

(12) Until June 30, 1973, Program Officer, Division of Public Programs.

(13) Until June 30, 1973, Director, Division of Public Programs.

(14) Until June 30, 1973, three Program Officers, State-Based Programs, Division of Public Programs.

(15) [Reserved]

(16) [Reserved]

(17) Until June 30, 1973, one Program Officer, Special Projects, Division of Public Programs.

(18) Until June 30, 1973, one Museum Programs Officer, Division of Public Programs.

§ 213.3184 Department of Housing and Urban Development.

(a) and (b) [Reserved]

(c) *Interdepartmental Programs.* (1) Two Program Assistants.

§ 213.3187 District of Columbia Redevelopment Land Agency.

(a) Neighborhood Aide (Urban Renewal) positions when filled by residents of the urban renewal project area in which the Aides will serve. Employment under this authority may not exceed 2 years.

§ 213.3190 [Reserved]

§ 213.3194 Department of Transportation.

(a) *Coast Guard.* (1) Continuing positions at grade GS-9 and below whose incumbents are engaged in the admeasurement or documentation of merchant vessels on a part-time or intermittent basis not exceeding 700 hours in a service year. A person appointed under this authority may not be employed in the Coast Guard under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) *The Alaska Railroad.* (1) Temporary, part-time, or intermittent positions of nonsupervisory laborers in Alaska, involving railroad construction or repair work at locations outside the Fairbanks and Anchorage commuting areas when there are no local housing facilities available except crew cars and examination is impracticable because of the mobility of the work site, the short-term nature of a maintenance project, or the immediate need for a temporary work force to cope with unexpected turnover or unexpected situations requiring augmentation of the regular work crew in remote or isolated locations. Employment under this authority shall not exceed 180 working days a year.

(2) The General Manager.

(3) The Assistant General Manager.

(c) *Federal Highway Administration.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS-5 for subprofessional engineering aide work on the highway surveys and constructions projects, for not to exceed 180 working days a year, when in the opinion of the Commission

appointment through competitive examination is impracticable.

(d) *Federal Aviation Administration.*

(1) Caretakers and Light Attendants employed on emergency fields and other air navigation facilities who are paid on a fee basis.

(2) Medical Officer positions on Wake Island.

(3) Laborer positions on Swan Island.

(e) *St. Lawrence Seaway Development Corporation.* (1) Assistant Manager, Seaway International Bridge.

§ 213.3195 President's Temporary Commission on Pennsylvania Avenue.

(a) Not to exceed six positions on the Temporary Commission staff.

§ 213.3199 Temporary boards and commissions.

(a)-(f) [Reserved]

(g) *The National Council on Indian Opportunity.* (1) Positions at GS-15 and below on the staff of the Council when filled by Indians who are of one-fourth or more Indian blood.

(h) *The Cabinet Committee on Education.* (1) Until December 31, 1972, not to exceed 30 positions at GS-15 and below on the staff of the committee.

(i)-(j) [Reserved]

(k) *American Revolution Bicentennial Commission.* (1) Positions in grades GS-11 through 15, other than those primarily concerned with administrative and internal management matters.

(l) *Commission on American Shipbuilding.* (1) Until December 31, 1973, positions at GS-15 and below on the staff of the Commission.

(m) *Cost of Living Council and Related Organizations.* (1) Until November 30, 1973, not to exceed 50 positions in grades GS-12 and above when it is determined that existing registers are not appropriate or do not permit appointment expeditiously.

(n) *National Commission on Productivity.* (1) Until April 30, 1973, positions in grade GS-15 and below on the staff of the Commission.

## SCHEDULE B

§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 213-3202 to 213.3299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions are subject to such noncompetitive examination as may be prescribed by the Commission.

§ 213.3202 Entire executive civil service.

(a) Student Trainee positions established in connection with an organized preprofessional undergraduate work-study program involving alternating periods of planned work experience (including at least 6 months in the agency)

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and related study at an accredited college or university in either (1) a cooperative curriculum in which the work experience is a prerequisite to the award of a degree, or (2) a curriculum where formal arrangements are made with the college or university for selecting and retaining program participants, and for scheduling and coordinating work experience and academic study. Appointments under this paragraph may be made only to Student Trainee positions which are preparatory to professional work which the Commission determines to be in a shortage occupation for this purpose. The Commission's determinations in this respect and other requirements relating to appointments under this paragraph will be published in the Federal Personnel Manual. Except for the requirement of competitive selection from a register, appointments under this paragraph are subject to all the requirements and conditions governing career-conditional appointment, including investigation by the Commission to establish the appointee's qualifications and suitability. Appointees may not continue to serve in Student Trainee positions more than 90 days after they complete or are separated from the work-study program.

## § 213.3204 Department of State.

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS-9 and above.

(b) Technical cryptographic positions in the Communications Security Division, Office of Communications.

(c) Director and Deputy Director, Foreign Buildings Operations.

## § 213.3205 Treasury Department.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Chief National Bank Examiner, Deputy Regional Chief National Bank Examiner, Senior National Bank Examiner, National Bank Examiner, Senior Assistant National Bank Examiner, Assistant National Bank Examiner, Deputy to the Comptroller of the Currency for Trusts, Representatives in Trusts, Associates in Trusts, Assistants in Trusts and one Administrative Assistant to the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(b) [Reserved]

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS-13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employment under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law.

when filled in accordance with special appointment procedures approved by the Commission. Service under this authority may not exceed (1) a total of 4 years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

## § 213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) Professional members of Policy Planning Staff in positions at grades GS-16 and above and two Special Projects Directors, GS-15, Office of Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense (International Security Affairs).

(2) Professional positions at GS-11 and above involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Systems Analysis); and in the Operations Analysis Group and in the Office of the Deputy Assistant Secretary (Management Systems Development), both in the Office of the Assistant Secretary (Comptroller).

(3) Professional positions at grades GS-16 and above in the Directorate for Special Studies, Office of the Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

(4) One Assistant for Counter-Insurgency, Office of the Assistant Secretary (International Security Affairs).

## § 213.3209 Department of the Air Force.

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

## § 213.3210 Department of Justice.

(a) [Reserved]

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

## § 213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

## § 213.3214 Department of Commerce.

(a) *Bureau of Census.* (1) Not to exceed 100 positions of interviewers, supervisors, and data collection specialists in the Census Bureau who conduct interviews in the hard-core poverty areas of large cities or who supervise the conduct of these interviews, when filled by residents of the areas served.

(b) *Economic Development Administration.* (1) Four Area Supervisors.

(2) Four Assistant Area Supervisors.

(c) *Office of Minority Business Enterprise.* (1) Until December 31, 1973, not to exceed 35 positions of Minority Business Opportunity Specialist at grades GS-9 through GS-15.

(d) *Office of Telecommunications.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS-11 through 15. Employment under this authority may not exceed 2 years.

## § 213.3215 Department of Labor.

(a) and (b) [Reserved]

(c) Not to exceed 35 positions of Manpower Development Specialist at grades GS-9 through GS-15 in the Manpower Administration. This authority may not be used after June 30, 1973.

## § 213.3216 Department of Health, Education, and Welfare.

(a) *Office of Education.* (1) Fifty positions, GS-7 through GS-11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Civil Service Commission, be extended for an additional period of 1 year.

(b) [Reserved]

(c) Not to exceed 10 positions of HEW Fellows in grades GS-11 through 15. Employment under this authority may not extend beyond 1 year.

## § 213.3228 U.S. Information Agency.

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS-9 and above.

## § 213.3229 Federal Power Commission.

(a) A Chief Engineer.

## § 213.3242 Export-Import Bank of the United States.

(a) Not to exceed 24 positions of Loan Specialist GS-7 through 14 when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months.

## § 213.3246 Selective Service System.

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the Armed Forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

## § 213.3253 District of Columbia Government.

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

## § 213.3259 Action.

(a) *Office of Domestic and Anti-Poverty Operations.* (1) Not to exceed 25

positions of Program Specialist at grades GS-9 through GS-15.

(2) Until December 31, 1973, not to exceed 10 positions of Regional Director, GS-15. Employment under this authority may not exceed 2 years.

**§ 213.3268 Agency for International Development.**

(a) Not to exceed 30 positions at GS-9 and above when filled by persons who have served overseas with the Agency for International Development for not less than 2 years.

**§ 213.3273 Office of Economic Opportunity.**

(a) Seven Regional Directors.  
(b) Not to exceed 35 positions at GS-9 through GS-15 in new, experimental programs or special projects when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after June 30, 1973.

(c) One Chief, Research and Plans Division.

**§ 213.3276 Appalachian Regional Commission.**

(a) Two Program Coordinators.

**SCHEDULE C**

**§ 213.3301 Positions of a confidential or policy-determining character.**

The positions enumerated in §§ 213.3302 to 213.3399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

**§ 213.3301a Special revocation of exceptions.**

The exception from the competitive service for each position in the executive branch listed in Schedule C which is classified in grade GS-16, GS-17, or GS-18, and is covered by Civil Service Rule IX (§ 9.1 of Subchapter A of this chapter) is revoked effective November 17, 1967. Each such position is removed from Schedule C effective November 17, 1967.

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

(a) *Office of Management and Budget.*  
(1) Five Secretaries to the Director.  
(2) One Special Assistant to the Deputy Director.

(3) One Private Secretary to the Deputy Director.  
(4) Associate Director.

(5) One Special Assistant to the Associate Director.

(6) One Secretary to the Associate Director.

(7) Four Assistant Directors.

(8) One Private Secretary to each of the four Assistant Directors.

(9) One Executive Assistant to the Director.

(b) *Council of Economic Advisers.*

(1) Three Private Secretaries to the Chairman and one to each of the other two members.

(c) *Office of Science and Technology.*  
(1) One Confidential and Secretarial Assistant to the Director.

(2) One Confidential and Secretarial Assistant to the Deputy Director.

(3) [Reserved]  
(4) One Staff Assistant.  
(5) [Reserved]

(6) One Confidential Secretary to the Director.

(d) *Office of the Special Representative for Trade Negotiations.* (1) One Confidential Assistant to the Deputy Special Representative.

(2) [Reserved]  
(4) One confidential assistant to the Special Representative.

(5) One Confidential Staff Assistant to the Special Representative.

(e) *President's Commission on Personnel Interchange.* (1) The Executive Director.

(f) *President's Commission on White House Fellows.* (1) The Executive Director.

(2) The Associate Executive Director.

(g) *Council on Environmental Quality.*  
(1) One Special Assistant to the Chairman.

(2) One Confidential Assistant to each Member of the Council.

(h) [Reserved]  
(i) *Office of Telecommunications Policy.* (1) One Special Assistant to the Director.

(2) One Confidential Assistant to the Director.

(3) One Confidential Assistant to the Deputy Director.

(4) One Courier.

(5) One Congressional Liaison Officer.

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

(2) One Confidential Secretary to the Deputy Director.

(3) One Confidential Assistant to the Director.

**§ 213.3304 Department of State.**

(a) *Office of the Secretary.* (1) [Reserved]

(2) Four Private Secretaries to the Secretary.

(3)-(8) [Reserved]

(9) The Chief of Protocol.

(10) [Reserved]

(11) One Personal Assistant to the Under Secretary for Coordinating Security Assistance Programs.

(12) One Personal Assistant to the Ambassador at Large and Chief of Mission to the North Atlantic Treaty Organization.

(b) [Reserved]

(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Confidential Assistant to the Assistant Secretary.

(2) [Reserved]

(3) One Legislative Management Officer.

(4) One Legislative Officer.

(d) [Reserved]

(e) *Bureau of Economic Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) One Special Assistant to the Assistant Secretary.

(f) *Bureau of Intelligence and Research.* (1) One Private Secretary.

(2) Director of Intelligence and Research.

(g) [Reserved]  
(h) *Bureau of International Organization Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) [Reserved]  
(i) *Bureau of European Affairs.* (1) One Private Secretary to the Assistant Secretary.

(j) [Reserved]  
(k) *Bureau of Inter-American Affairs.*  
(1) One Private Secretary to the Assistant Secretary.

(l) *Office of the Legal Adviser.* (1) One Private Secretary to the Legal Adviser.

(m) *Executive Secretariat.* [Reserved]

(n)-(p) [Reserved]  
(q) *Office of the Deputy Under Secretary for Economic or Political Affairs.*

(1) [Reserved]

(2) One Confidential Assistant to the Deputy Under Secretary.

(r) [Reserved]  
(s) *Bureau of Educational and Cultural Affairs.* (1) One Private Secretary to the Assistant Secretary for Educational and Cultural Affairs.

(2) [Reserved]

(t) *Office of the Inspector General, Foreign Assistance.* (1) [Reserved]

(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.

(u) *Office of the Counselor.* (1) One Private Secretary to the Counselor.

(v) *Bureau of Politico-Military Affairs.* (1) One Private Secretary to the Director.

(w) *Planning and Coordination Staff.* (1) One Personal Assistant to the Director.

**§ 213.3305 Treasury Department.**

(a) *Office of the Secretary.* (1) One Deputy Assistant to the Secretary (Director, Executive Secretariat).

(2) Special Assistant to the Secretary (National Security Affairs).

(3) [Reserved]

(4) One Public Affairs Specialist.

(5) One Deputy Under Secretary for Monetary Affairs.

(6) One Staff Assistant to the Special Assistant to the Secretary (National Security Affairs).

(7) [Reserved]

(8) One Confidential Assistant to the Special Assistant to the Secretary (Public Affairs).

(9) One Staff Assistant to the Deputy Secretary.

(10) One Deputy Special Assistant to the Secretary (National Security Affairs).

(11) One Special Assistant to the Secretary (Organized Crime).

(12) One Staff Assistant to the Assistant Secretary (International Affairs).

(13) Three Secretaries to the Secretary.

(14) [Reserved]

(15) One Confidential Assistant to the Deputy Secretary.

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(16) One Confidential Secretary to the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).

(17) One Confidential Assistant to the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).

(18) One Confidential Secretary to the Assistant Secretary (Economic Policy).

(19) and (20) [Reserved]

(21) One Assistant to the Assistant Secretary (Economic Policy).

(22) One Confidential Staff Assistant to the Assistant Secretary for International Affairs.

(23) Special Assistant to the Secretary (Congressional Relations).

(24) Two Liaison Officers.

(25) One Secretary to the Special Assistant to the Secretary (Public Affairs).

(26) One Staff Assistant to the General Counsel.

(27) Two Staff Assistants to the Secretary.

(28) One Special Assistant to the Assistant Secretary (International Affairs).

(29) One Deputy Assistant Secretary for Industrial Nations Finance (International Affairs).

(30) One Deputy Assistant Secretary for Trade and Investment Policy (International Affairs).

(31) One Deputy Assistant Secretary for Research and/or Director of Research (International Affairs).

(32) One Deputy Assistant Secretary for Development Finance (International Affairs).

(33) One Legislative Liaison Officer.

(34) [Reserved]

(35) One Special Assistant to the Under Secretary.

(b) [Reserved]

(c) *Bureau of Customs.* (1) Commissioner of Customs.

(2) [Reserved]

(3) Two Special Assistants to the Commissioner of Customs (Organized Crime and Smuggling).

(4) One Confidential Staff Assistant to the Commissioner of Customs.

(d) [Reserved]

(e) *Office of the Treasurer of the United States.* (1) One Confidential Administrative Assistant.

(f) *Bureau of the Mint.* (1) [Reserved]

(2) One Confidential Assistant to the Director of the Mint.

(3) One Confidential Secretary to the Director of the Mint.

#### § 213.3306 Department of Defense.

(a) *Office of the Secretary.* (1) One Special Assistant, and two Private Secretaries to the Secretary.

(2) One Private Secretary to the Deputy Secretary of Defense and one Private Secretary to each of the following: the Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic Systems), (Research and Technology), (Electronics and Information Systems); the Director, Advanced Research Projects Agency; the Assistant Secretaries of Defense (Manpower and Reserve Affairs),

(International Security Affairs), (Public Affairs), (Installations and Logistics), (Comptroller), (Systems Analysis), (Intelligence), and (Telecommunications); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

(3) Two Chauffeurs to the Secretary and one Chauffeur to the Deputy Secretary.

(4) Two Confidential Assistants to the Assistant Secretary of Defense (International Security Affairs).

(5) The Defense Advisor to USNATO in Brussels, Belgium.

(6) Two Private Secretaries to the Defense Advisor to USNATO in Brussels, Belgium.

(7) One Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(8) One Assistant to the Secretary of Defense (Legislative Affairs).

(9) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).

(10) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).

(11) One Personal Secretary to the Deputy Secretary of Defense.

(12) One Private Secretary to the Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(13) Two Private Secretaries to the Special Assistant to the Secretary of Defense.

(14) [Reserved]

(15) One Staff Assistant to the Special Assistant to the Secretary of Defense.

(16) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).

(17)–(18) [Reserved]

(19) [Reserved]

(20) [Reserved]

(21) [Reserved]

(22) [Reserved]

(23) Five Deputy Directors of Defense Research and Engineering and the Director, Advanced Research Projects Agency.

(24) [Reserved]

(25) One Principal Deputy Director of Defense Research and Engineering.

(26)–(28) [Reserved]

(29) Principal Deputy Assistant Secretary of Defense (Comptroller).

(30) [Reserved]

(31) One Private Secretary to the Deputy Assistant Secretary (Reserve Affairs).

(32) [Reserved]

(33) One Private Secretary and Confidential Assistant to the Assistant to the Secretary.

(34) Assistant to the Secretary and Deputy Secretary of Defense.

(35) One Private Secretary to the Assistant Secretary (Health and Environment).

(36) [Reserved]

(37) One Personal Security Assistant to the Secretary.

(38) [Reserved]

(39) One Private Secretary to the Principal Deputy Assistant Secretary (Systems Analysis).

(40) One Confidential Assistant to the Deputy Director of Defense Research and Engineering (Test and Evaluation).

(41) One Personal and Confidential Assistant to the Assistant to the Secretary of Defense for Strategic Arms Limitation Talks.

(42) Special Assistant for Congressional Relations, Office of the Principal Deputy, Office of the Assistant Secretary of Defense (International Security Affairs).

(43) Special Assistant to the Principal Deputy, Office of the Assistant Secretary of Defense (International Security Affairs).

(44) One Confidential Assistant to the Deputy Secretary of Defense.

(45) One Private Secretary to the Principal Deputy Assistant Secretary (Manpower and Reserve Affairs).

(b) *Court of Military Appeals.* (1) One Private Secretary and one Technical Assistant to each Judge of the Court.

(c) *Interdepartmental Programs.* (1) [Reserved]

(2) Five Private Secretaries engaged in interdepartmental activities of the Office of the Secretary of Defense.

(3) [Reserved]

(4) [Reserved]

(d) [Reserved]

(e) *Defense Civil Preparedness Agency.*

(1) The Director.

(2) One Special Assistant to the Director.

(3) One Labor Liaison Advisor to the Director.

#### § 213.3307 Department of the Army.

(a) *Office of the Secretary.* (1) One Private Secretary or Confidential Assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.

(2) The General Counsel.

(3) [Reserved]

(4)–(7) [Reserved]

(b) [Reserved]

#### § 213.3308 Department of the Navy.

(a) *Office of the Secretary.* (1) One Civilian Aide or Executive Assistant to the Secretary.

(2) Two Private or Confidential Secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.

(3) One Chauffeur for the Secretary of the Navy.

(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.

(5) One Private Secretary to the Naval Aide to the President.

(6) Four Civilian Aides or Executive Assistants to the Assistant Secretary (Installations and Logistics).

(7) Two Civilian Aides or Executive Assistants each to the Assistant Secretary (Research and Development) and the Assistant Secretary (Financial Management).

(8) [Reserved]

(9) Two Special Assistants to the Military Assistant to the President.

(10) One Special Assistant (Administrative) to the Under Secretary.

(11) One Special Assistant to the Secretary of the Navy.

(12) General Counsel.

**§ 213.3309 Department of the Air Force.**

(a) *Office of the Secretary.* (1) One Private Secretary to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Air Force.

(2) The General Counsel.

(3) One Private Secretary to the General Counsel.

(4) [Reserved]

(5) Six Private Secretaries engaged in the interdepartmental activities of the Department.

(6) One Administrative Assistant engaged in the interdepartmental activities of the Department.

(7) One Administrative Assistant and two Private Secretaries in the Office of the Military Aide to the Vice President.

(8) Two Private Secretaries in the Office of the Military Assistant to the President.

**§ 213.3310 Department of Justice.**

(a) *Office of the Attorney General.* (1) Three Private Secretaries to the Attorney General.

(2) One Chauffeur for the Attorney General.

(3) One Special Assistant for Public Relations.

(4) One Confidential Assistant to the Attorney General.

(5) Two Secretaries for the Attorney General.

(6) Two Receptionists for the Attorney General.

(7) One Confidential Assistant to the Attorney General.

(b) *Office of the Deputy Attorney General.* (1) Two Confidential Assistants (Private Secretaries) to the Deputy Attorney General.

(2) and (3) [Reserved]

(4) One Confidential Secretary to the Associate Deputy Attorney General.

(c) *Office of the Solicitor General.* (1) One Confidential Assistant (Private Secretary) to the Solicitor General.

(d) *Anti-Trust Division.* (1) Chief, Field Office (two positions).

(2) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(e) *Civil Division.* (1) Chief, Admiralty and Shipping Section, New York.

(2) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(3) [Reserved]

(4) Two Special Assistants to the Assistant Attorney General.

(f) *Criminal Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(g) *Tax Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(h) *Land and Natural Resources Division.* (1) One Confidential Assistant

(Private Secretary) to the Assistant Attorney General.

(1) [Reserved]

(j) [Reserved]

(k) *Board of Immigration Appeals.* (1) Executive Assistant.

(2) Four Members of the Board.

(i) *Office of Legal Counsel.* (1) One Confidential Assistant (Private Secretary) to the Attorney General.

(m) *Bureau of Prisons.* (1) The Director.

(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.

(o) *Office of U.S. Attorney.* (1) Secretary and Confidential Assistant to the U.S. Attorney (25 positions).

(p) *Internal Security Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(2) [Reserved]

(3) Chief, Foreign Agents Registration section.

(4) [Reserved]

(5) One Special Assistant to the Assistant Attorney General.

(q) *Civil Rights Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(2) [Reserved]

(r) *Community Relations Service.* (1) One Private Secretary to the Director.

(2) One Private Secretary to the Deputy Director.

(3) One Private Secretary to the Special Assistant and Chief Counsel to the Director.

(4) One Program Evaluation and Development Officer.

(5) Two Special Assistants to the Director.

(6) One Special Assistant to the Deputy Director.

(s) *Law Enforcement Assistance Administration.* (1) One Confidential Secretary to the Administrator.

(2) One Confidential Secretary to each of the two Associate Administrators.

(3) One Special Assistant to the Administrator.

(4) One Special Assistant to each of the two Associate Administrators.

(t) *Office for Drug Abuse Law Enforcement.* (1) One Director.

(u) *Office of National Narcotics Intelligence.*

(1) One Director.

(2) One confidential assistant and private secretary to the Director.

**§ 213.3312 Department of the Interior.**

(a) *Office of the Secretary.* (1) Six Confidential Assistants and one Private Secretary to the Secretary.

(2) Seven Special Assistants to the Secretary.

(3) Seven Confidential Assistants (Field Representatives).

(4) Chauffeur for the Secretary.

(5) Three Special Assistants to the Assistant Secretary for Fish and Wildlife and Parks and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife and Parks.

(6)–(7) [Reserved]

(8) One Private Secretary to the Under Secretary.

(9) One Secretarial Attendant to the Secretary.

(10) One Staff Assistant to the Assistant Secretary for Public Land Management.

(11) One Assistant to the Secretary (International Affairs).

(12) One Assistant and Science Adviser to the Secretary.

(13) [Reserved]

(14) Administrator, Defense Electric Power Administration.

(15) [Reserved]

(16) [Reserved]

(17)–(18) [Reserved]

(19) One Assistant to the Assistant Secretary for Water and Power Development.

(20) [Reserved]

(21) [Reserved]

(22) One Confidential Assistant to the Director, Office of Hearings and Appeals.

(23) One Confidential Assistant to the Executive Assistant to the Secretary.

(24) [Reserved]

(25) One Staff Assistant to the Assistant Secretary for Fish and Wildlife and Parks.

(26) Three Assistants to the Secretary (Congressional Liaison).

(27) One Special Assistant to the Under Secretary.

(28) One Confidential Assistant (interdepartmental activities) to the Secretary.

(29) One Special Assistant to the Assistant to the Secretary and Director of Communications.

(30) One Special Assistant to the Assistant Secretary for Management and Budget.

(31) One Confidential Assistant to the Assistant Secretary for Management and Budget.

(32) One confidential assistant to the Assistant to the Secretary and Director of Congressional Liaison.

(33) One assistant to the Assistant Secretary for Management and Budget.

(34) Two staff assistants to the Assistant Secretary for Program Policy.

(35) One Special Assistant to the Assistant to the Secretary and Director of Communications.

(36) One Confidential Assistant to the Assistant Secretary for Program Policy.

(37) One Special Assistant to the Assistant Secretary for Mineral Resources.

(38) One Staff Assistant to the Assistant Secretary for Mineral Resources.

(39) One Staff Assistant to the Assistant to the Secretary and Director of Communications.

(40) One Confidential Assistant (Administrative Assistant) to the Deputy Under Secretary (Energy).

(41) One Deputy Assistant Secretary for Fish and Wildlife and Parks.

(b) *Office of the Solicitor.* (1) One Confidential Assistant to the Solicitor.

(2) Two Special Assistants to the Solicitor.

(3) One Confidential Assistant to the Deputy Solicitor.

(c) [Reserved]

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(d) *Bureau of Mines.* (1) [Reserved]

(e) [Reserved]

(f) [Reserved]

(g) *Southeastern Power Administration.* (1) [Reserved]

(h) *National Park Service.* (1) Director.

(2) [Reserved]

(3) Two Special Assistants to the Director.

(i) *Bonneville Power Administration.*

(1) Administrator.

(2) Confidential Assistant to the Administrator.

(3) One Special Assistant to the Administrator.

(4) Two Assistants to the Administrator.

(j) *Bureau of Indian Affairs.* (1) One Assistant to the Commissioner.

(2) One Private Secretary to the Commissioner.

(k) *Southwestern Power Administration.* (1) Administrator.

(2) Deputy Administrator.

(3) One Confidential Assistant to the Administrator.

(4) One Executive Assistant to the Administrator.

(l) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) [Reserved]

(2) One Secretary of American Samoa.

(3) One Chief Justice of American Samoa.

(4)–(5) [Reserved]

(6) [Reserved]

(7) One Secretary to the Government Secretary of American Samoa.

(8)–(10) [Reserved]

(11) One Secretary to the High Commissioner of the Trust Territory.

(m) *Bureau of Outdoor Recreation.*

(1) The Director.

(2) One Confidential Assistant to the Director.

(3) [Reserved]

(4) One Associate Director for Programs.

(n) [Reserved]

(o) *Alaska Power Administration.* (1) Deputy Administrator.

**§ 213.3313 Department of Agriculture.**

(a) *Office of the Secretary.* (1) One Administrative Assistant to the Secretary.

(2) One Assistant to the Secretary for Intergovernmental Affairs.

(3)–(4) [Reserved]

(5) Four Confidential Assistants to the Secretary.

(6) One Private Secretary to the Secretary.

(7) One Chauffeur for the Secretary.

(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.

(9) One Confidential Assistant to the Assistant Secretary for Marketing and Consumers' Services.

(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(11)–(19) [Reserved]

(20) [Reserved]

(21) [Reserved]

(22) [Reserved]

(23) [Reserved]

(24) One Private Secretary to the Assistant to the Secretary for Intergovernmental Affairs.

(25) One Private Secretary to the Assistant to the Secretary for Public Affairs.

(26) One Private Secretary to the Director of Equal Opportunity.

(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.

(2)–(3) [Reserved]

(4) Three Assistants to the Administrator.

(c) *Office of the Under Secretary.*

(1) One Administrative Officer and Private Secretary to the Under Secretary.

(2) and (3) [Reserved]

(4) One Private Secretary to the Deputy Under Secretary for Congressional Liaison.

(5) One Private Secretary to the Deputy Under Secretary for Rural Development.

(d) *Office of the General Counsel.*

(1)–(2) [Reserved]

(3) One Private Secretary to the General Counsel.

(e) *Foreign Agricultural Service.* (1) [Reserved]

(2) The Administrator.

(f) *Farmers Home Administration.*

(1)–(2) [Reserved]

(3) One Assistant to the Administrator.

(4) Two Confidential Assistants to the Administrator.

(5) One Private Secretary to the Administrator.

(g) *Federal Crop Insurance Corporation.* (1) The Manager.

(2) Members of the Board of Directors.

(3) One Private Secretary to the Manager.

(4) [Reserved]

(h) *Agricultural Stabilization and Conservation Service.* (1) Administrator.

(2)–(3) [Reserved]

(4) Four Confidential Assistants to the Administrator.

(5) One Private Secretary to the Administrator.

(6) Director, Tobacco Division.

(7) Director, Livestock and Dairy Division.

(8) Director, Conservation and Land Use Programs Division.

(i) *Commodity Credit Corporation.*

(1) The President.

(2) The Executive Vice-President.

(3) The Secretary.

(j) *Federal Extension Service.* (1)–(2) [Reserved]

(3) One Private Secretary to the Administrator.

(k) *Soil Conservation Service.* (1) Administrator.

(2) [Reserved]

(3) One Confidential Assistant to the Administrator.

(4) One Private Secretary to the Administrator.

(5) One Private Secretary (interdepartmental activities) to the Associate Administrator.

(l) [Reserved]

(m) *Agricultural and Marketing Service.* (1) The Administrator.

(2) One Private Secretary to the Administrator.

(3) Three Confidential Assistants to the Administrator.

(n) *Agricultural Economics.* (1) The Director.

(2) [Reserved]

(3) One Private Secretary to the Director.

(4) [Reserved]

(o) [Reserved]

(p) *Science and Education.* (1) The Director.

(2) One Private Secretary to the Director.

(q) *Food and Nutrition Service.* (1) Two Confidential Assistants to the Administrator.

(r) *Farmer Cooperative Service.* (1) Two Confidential Assistants to the Administrator.

(s) *Packers and Stockyards Administration.* (1) One Private Secretary to the Administrator.

**§ 213.3314 Department of Commerce.**

(a) *Office of the Secretary.* (1) Six Confidential Assistants to the Secretary.

(2) Three Private Secretaries to the Secretary.

(3) Two Confidential Assistants and one Private Secretary to the Under Secretary.

(4) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Economic Affairs.

(5) One Confidential Assistant and one Private Secretary to the General Counsel.

(6) One Private Secretary to the Deputy General Counsel.

(7) One Chauffeur for the Secretary.

(8) One Confidential Assistant to the Assistant Secretary for Administration.

(9) Two Congressional Liaison Officers.

(10) [Reserved]

(11) One Special Assistant to the Assistant Secretary for Economic Affairs.

(12) One Private Secretary to the Assistant to the Under Secretary.

(13) One Special Assistant to the Under Secretary.

(14) Director, Office of Foreign Direct Investments.

(15) [Reserved]

(16) Two Confidential Assistants to the Director, Office of Foreign Direct Investments.

(17) Three Confidential Assistants to the Director, Office of Minority Business Enterprise.

(18) [Reserved]

(19) Special Assistant to the Secretary for Policy Development.

(20) [Reserved]

(21) Assistant to the Secretary.

(22) Three Confidential Assistants to the Special Assistants to the Secretary for Policy Development.

(23) One Confidential Assistant to the Special Assistant to the Secretary for Regional Economic Coordination.

(24) One Private Secretary to the Special Assistant to the Secretary for Policy Development.

(25) One Private Secretary to the Assistant Secretary for Maritime Affairs.

(b) [Reserved]

(c) [Reserved]

(d) *Bureau of the Census.* (1) During the 1970 Decennial Census period, one Confidential Assistant to the Director.

(2) During the 1970 Decennial Census period, one Confidential Research Assistant to the Director.

(3) One Special Assistant to the Director.

(e) [Reserved]

(f) *National Bureau of Standards.* (1) One Private Secretary to the Director.

(g) [Reserved]

(h) *Patent Office.* (1) One Private Secretary to the Commissioner.

(i) [Reserved]

(j) *Maritime Administration.* (1) Two Special Assistants and one Confidential Assistant to the Administrator.

(2) [Reserved]

(3) One Executive Assistant to the Administrator.

(k) [Reserved]

(l) *U.S. Travel Service.* (1) One Confidential Assistant to the Director.

(2) [Reserved]

(3) One Private Secretary to the Assistant Secretary for Tourism.

(4) One Confidential Assistant to the Assistant Secretary for Tourism.

(m) *Office of the Assistant Secretary for Domestic and International Business.*

(1) One Private Secretary and two Confidential Assistants to the Assistant Secretary for Domestic and International Business.

(2) [Reserved]

(3) One Private Secretary to the Director, Bureau of International Commerce.

(4) [Reserved]

(5) One Confidential Assistant to the Director, Bureau of International Commerce.

(6) Six Confidential Assistants to the Director, Bureau of International Commerce.

(7) *National Export Expansion Coordinator.*

(8) Director, Bureau of Domestic Commerce.

(9) Deputy Director, Bureau of Domestic Commerce.

(10) Seven Confidential Assistants to the Director, Bureau of Domestic Commerce.

(11) One Executive Assistant to the Director, Bureau of Domestic Commerce.

(12) One Confidential Assistant to the Deputy Director, Bureau of Domestic Commerce.

(13) Assistant Director, Bureau of Domestic Commerce.

(14) One Confidential Assistant to the Executive Director, National Business Council for Consumer Affairs.

(n) *Office of the Assistant Secretary for Science and Technology.* (1) Two Special Assistants to the Assistant Secretary for Science and Technology.

(2) One Special Assistant to the Director, Office of Telecommunications.

(o) [Reserved]

(p) [Reserved]

(q) *Office of the Assistant Secretary for Economic Development.* (1) One Private Secretary to the Assistant Secretary for Economic Development.

(2) [Reserved]

(3) One Special Assistant to the Deputy Assistant Secretary for Economic Development.

(4) One Assistant to the Deputy Assistant Secretary for Policy Coordination.

(5) One Executive Assistant to the Deputy Assistant Secretary for Economic Development Planning.

(6) One Special Assistant to the Deputy Assistant Secretary for Economic Development Operations.

(7) Director, Office of Congressional Relations.

(8) [Reserved]

(9) One Congressional Liaison Officer.

(10) Director, Office of Public Affairs.

(11) One Special Assistant to the Assistant Secretary.

(r) *National Oceanic and Atmospheric Administration.* (1) Two Private Secretaries to the Administrator.

(2) One Private Secretary to the Deputy Administrator.

(s) *National Advisory Committee on Oceans and Atmosphere.* (1) One Personal and Confidential Assistant to the Chairman.

#### § 213.3315 Department of Labor.

(a) *Office of the Secretary.* (1) Four Special Assistants, one Confidential Assistant, and one Confidential Assistant (Private Secretary) to the Secretary of Labor.

(2) One Private Secretary to the Under Secretary.

(3) One Private Secretary to each Assistant Secretary of Labor who is appointed by the President.

(4) [Reserved]

(5) [Reserved]

(6) One Assistant to each Assistant Secretary of Labor appointed by the President.

(7) One Private Secretary to the Executive Assistant to the Secretary.

(8) Three Assistants to the Special Assistant to the Secretary, Office of Legislative Liaison.

(9) The Manpower Administrator.

(10) [Reserved]

(11) One Private Secretary to the Manpower Administrator.

(12) One Private Secretary to the Associate Manpower Administrator for Policy, Evaluation, and Research.

(13) [Reserved]

(14) One Private Secretary to the Special Assistant to the Secretary for Communications.

(15) Deputy Under Secretary for International Labor Affairs.

(16) One Confidential Assistant to the Deputy Under Secretary for International Affairs.

(17) One Confidential Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison.

(18) One Assistant to the Special Assistant to the Secretary for Communications.

(19) [Reserved]

(20) One Management Assistant to the Under Secretary.

(21) One Private Secretary to the Deputy Under Secretary for Economic Affairs and Program Coordination.

(22) Two Special Assistants to the Assistant Secretary for Occupational Safety and Health.

(23) One Assistant to the Deputy Assistant Secretary for Occupational Safety Health.

(24) Two Special Assistants to the Director, Office of Program Operations, Occupational Safety and Health Administration.

(25) One Secretary to the Deputy Manpower Administrator.

(26) One Secretary to the Public Affairs Director.

(27) One Secretary to the Secretary.

(28) One Staff Assistant to the Secretary.

(29) One Staff Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison.

(b) *Office of the Solicitor.* (1) One Private Secretary to the Solicitor.

(2) One Special Assistant to the Solicitor.

(c) *Unemployment Insurance Service.* (1) One Secretary to the Associate Manpower Administrator.

(d) [Reserved]

(e) *Bureau of Apprenticeship and Training.* (1) One Private Secretary to the Administrator.

(f) *Women's Bureau.* (1) One Private Secretary to the Director.

(2) Three Special Assistants to the Director.

(g) [Reserved]

(h) *Wage and Hour and Public Contracts Divisions.* (1) One Management Assistant to the Administrator.

(i) *Office of Federal Contract Compliance.* (1) One Special Assistant to the Director.

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

(a) *Office of the Secretary.* (1) [Reserved]

(2) Two Confidential Assistants to the Secretary.

(3) Four Writers.

(4) One Assistant to the Secretary.

(5) One Confidential Secretary to the Under Secretary.

(6) Four Confidential Assistants to the Under Secretary.

(7) One Confidential Secretary to the Assistant to the Secretary authorized under subparagraph (7) of this paragraph.

(8) One Staff Assistant to the Secretary.

(9) One Confidential Secretary to each of the Assistants to the Secretary authorized under subparagraph (4) of this paragraph.

(10) One Confidential Secretary to the Executive Director, President's Committee on Mental Retardation.

(11) Seven Assistants to the Secretary for Special Programs.

(12) One Confidential Assistant to the Executive Director, President's Committee on Mental Retardation.

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(13) Seven Assistants to the Secretary.

(14) One Confidential Secretary to the Deputy Under Secretary.

(15) Three Private Secretaries to the Secretary.

(16) Two Confidential Assistants to the Deputy Under Secretary.

(17) Assistant to the Assistant Secretary for Public Affairs.

(18) Two Confidential Assistants for interdepartmental activities.

(19) Counselor.

(20) [Reserved]

(21) One Confidential Secretary to the Assistant Secretary for Public Affairs.

(22) One Staff Assistant to the Assistant Secretary for Public Affairs.

(23) Special Assistant to the Secretary for Health Policy.

(24) Three Confidential Assistants to the Chief, Children's Bureau.

(25) One Confidential Secretary to the Special Assistant to the Secretary for Health Policy.

(26) One Executive Assistant to the Secretary.

(b) [Reserved]

(c) *Office of Education.* (1) Five Special Assistants to the Commissioner of Education.

(2) [Reserved]

(3) One Assistant to the Deputy Commissioner.

(4) One Staff Assistant to the Deputy Commissioner.

(5) One Confidential Secretary to the Deputy Commissioner.

(6) One Private Secretary (interdepartmental activities) to the Commissioner of Education.

(7) One Executive Assistant to the Commissioner of Education.

(8) Two Confidential Assistants to the Commissioner of Education.

(9) One Confidential Secretary to the Commissioner of Education.

(10) One Confidential Assistant to the Deputy Commissioner for Planning and Management.

(11) One Confidential Assistant to the Deputy Commissioner for External Affairs.

(12) Assistant Commissioner for Public Affairs.

(d) [Reserved]

(e) [Reserved]

(f) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.

(2) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.

(3) Two Confidential Secretaries to the Assistant Secretary.

(4) Two Special Assistants to the Deputy Assistant Secretary for Legislation.

(5) One Assistant to the Assistant Secretary.

(6) [Reserved]

(7) One Special Assistant to the Deputy Assistant Secretary for Legislation (Education).

(8) [Reserved]

(9) One Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare).

(10) Three Special Assistants to the Deputy Assistant Secretary for Congressional Liaison.

(11) One Special Assistant to the Deputy Assistant Secretary for Legislation (Health).

(12) [Reserved]

(g) *Welfare Administration.* (1) The Commissioner.

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* (1) One Confidential Secretary to the Assistant Secretary.

(2) [Reserved]

(3) Two Assistants to the Assistant Secretary.

(4) Two Special Assistants to the Assistant Secretary.

(5) The Commissioner, Food and Drug Administration.

(6) Administrator, Health Services and Mental Health Administration.

(7) One Special Assistant to the Deputy Assistant Secretary for Population Affairs.

(8) One Confidential Assistant (interdepartmental activities) to the Administrator, Health Services and Mental Health Administration.

(9) One Private Secretary (interdepartmental activities) to the Commissioner, Food and Drug Administration.

(10) Director, Office of Environmental Health Affairs.

(i) *Administration on Aging.* (1) One Confidential Secretary to the Commissioner on Aging.

(2) One Special Assistant to the Commissioner on Aging.

(j) [Reserved]

(k) *Office of the Assistant Secretary for Planning and Evaluation.* (1) One Confidential Secretary to the Assistant Secretary.

(2) Two Confidential Assistants for Special Projects to the Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary for Special Initiatives.

(4) Two Special Assistants to the Assistant Secretary.

(5) One Assistant to the Assistant Secretary.

(6) [Reserved]

(7) One Special Assistant to the Deputy Assistant Secretary for Planning for Education.

(8) One Special Assistant to the Deputy Assistant Secretary for Planning for Social Services and Income Maintenance.

(9) One Special Assistant to the Deputy Assistant Secretary for Program Systems.

(10) One Special Assistant for Telecommunications.

(11) Deputy Assistant Secretary for Program Systems.

(12) Deputy Assistant Secretary for Interagency Policy Analysis.

(13) Executive Assistant to the Assistant Secretary.

(l) *Social Security Administration.* (1) One Deputy Commissioner.

(2) One Confidential Assistant to the Commissioner.

(3) One Confidential Assistant (interdepartmental activities) to the Commissioner.

(m) [Reserved]

(n) *Office of the Assistant Secretary for Community and Field Services.* (1) One Confidential Secretary to the Assistant Secretary.

(2) One Assistant and Two Special Assistants to the Assistant Secretary for Community and Field Services.

(3) One Special Assistant for Juvenile Delinquency to the Deputy Assistant Secretary for Youth and Student Affairs.

(4) [Reserved]

(5) Two Special Assistants to the Deputy Assistant Secretary for Community and Field Services.

(6) One Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs.

(7) One Special Assistant for Student Affairs to the Deputy Assistant Secretary for Youth and Student Affairs.

(8) One Special Assistant for Youth Development to the Deputy Assistant Secretary for Youth and Student Affairs.

(9) Two Assistants to the Deputy Assistant Secretary for Consumer Services.

(10) One Special Assistant for Consumer Education Programs to the Deputy Assistant Secretary for Consumer Services.

(11) One Special Assistant for Interdepartmental Affairs to the Deputy Assistant Secretary for Consumer Services.

(12) [Reserved]

(13) [Reserved]

(14) Two Special Assistants to the Deputy Assistant Secretary for Community Development and Director, Center for Community Planning.

(o) *Social and Rehabilitation Service.* (1) Administrator, Social and Rehabilitation Service.

(2) [Reserved]

(3) One Confidential Assistant to the Administrator.

(4) Commissioner of Vocational Rehabilitation.

(5) One Confidential Assistant to the Commissioner of Vocational Rehabilitation.

(6) One Confidential Assistant to the Commissioner, Medical Services Administration.

(7) One Confidential Assistant to the Director of Juvenile Delinquency.

(8) One Confidential Assistant (interdepartmental activities) to the Administrator.

(9) One Assistant Administrator for Policy Coordination.

(p) *Office of the General Counsel.* (1) One Confidential Secretary to the General Counsel.

(2) One Assistant to the General Counsel.

(3) Two Special Assistants to the General Counsel.

(4) One Special Assistant to the Deputy General Counsel.

(q) *Office of the Special Assistant to the Secretary for Civil Rights.* (1) Two Special Assistants to the Special Assistant.

(2) One Confidential Secretary to the Special Assistant.

(3) One Assistant to the Special Assistant.

(4) Five Special Assistants for Special Groups.

(5) One Special Assistant for Public Affairs.

(6) One Special Assistant for Congressional Liaison.

(7) Two Special Assistants to the Deputy Special Assistant.

**§ 213.3317 Overseas Private Investment Corporation.**

(a) One Chauffeur to the President.

(b) One Secretary to the President.

(c) [Reserved]

(d) One Secretary to the Executive Vice President.

**§ 213.3318 Environmental Protection Agency.**

(a) *Office of the Administrator.* (1) Three Special Assistants to the Administrator.

(2) One Staff Assistant to the Assistant to the Administrator.

(3) Three Secretaries to the Administrator.

(4) Two Staff Assistants to the Administrator.

(5) One Secretary to the Deputy Administrator.

(6) One Assistant to the Deputy Administrator.

(7) One Confidential Assistant to the Deputy Administrator.

(8) [Reserved]

(9) Director, Office of Regional Liaison.

(b) *Office of Legislation.* (1) One Assistant Director for Congressional Affairs.

(2) Two Congressional Liaison Representatives.

(3) Two Staff Assistants to the Director.

(4) [Reserved]

(5) One Special Assistant to the Director.

(c) *Office of Public Affairs.* (1) One Information Assistant.

(2) One Assistant to the Director.

(3) One Public Information Officer.

(d) *Office of the Assistant Administrator for Enforcement and General Counsel.* (1) One Special Assistant to the Assistant Administrator.

(2) One Secretary to the Assistant Administrator.

(e) [Reserved]

(f) *Office of the Assistant Administrator for Air and Water Programs.* (1) One Special Assistant to the Assistant Administrator.

(2) [Reserved]

(3) [Reserved]

(4) One Special Assistant to the Assistant Administrator (Intergovernmental Relations).

(g) [Reserved]

(h) *Office of the Assistant Administrator for Planning and Management.* (1) One Special Assistant to the Assistant Administrator.

(i) [Reserved]

**§ 213.3319 [Reserved]**

**§ 213.3320 Inter-American Foundation.**

(a) Three Confidential Assistants to the President.

(b) One Private Secretary to the General Counsel.

(c) One Private Secretary to the Vice President for Operations.

(d) One Private Secretary to the Director, Office of Resources and Research.

(e) One Chauffeur to the President.

**§ 213.3322 Interstate Commerce Commission.**

(a) One Confidential Assistant to each Commissioner.

(b) [Reserved]

(d) One Confidential Assistant to the Managing Director.

(e) One Confidential Assistant to the Chairman.

(f) [Reserved]

(f) One Secretary to the Congressional Liaison Officer.

**§ 213.3325 The Tax Court of the United States.**

(a) One Private Secretary and one Technical Assistant for the Chief Judge and one Private Secretary and two Technical Assistants for each Judge.

**§ 213.3326 Office of Emergency Preparedness.**

(a) *Office of the Director.* (1) Two Administrative Assistants to the Director.

(2) One Courier.

(3) Five Special Assistants to the Director.

(4) General Counsel.

(5) One Secretary to the Special Assistant to the Director (for oil and related energy problems).

(b) *Office of the Deputy Director.* (1) One Confidential Administrative Assistant to the Deputy Director.

(2) One Secretary to the Deputy Director.

(3) One Special Assistant to the Deputy Director.

(c) [Reserved]

(d) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.

(2) [Reserved]

(e) [Reserved]

(f) *Office of Liaison.* (1) The Director.

(2) Deputy Director.

(g) [m] [Reserved]

(n) *Program Planning and Evaluation Office.* (1) The Director.

(o) *National Resource Analysis Center.* (1) Director.

(p) *Field Operations Office.* (1) The Director.

**§ 213.3327 Veterans' Administration.**

(a) *Office of the Administrator.* (1) Six Confidential Assistants to the Special Assistant to the Administrator.

(2) The Deputy Administrator.

(3) The General Counsel.

(4) The Associate Deputy Administrator.

(5) [Reserved]

(b) *Department of Veterans Benefits.*

(1) The Chief Benefits Director.

**§ 213.3328 U.S. Information Agency.**

(a) Two Secretarial Assistants to the Deputy Director.

(b) [Reserved]

(c) One Secretarial Assistant to the Director.

(d) One Secretary to the Director.

(e) [Reserved]

(f) One Advisor to the Director.

(g) Deputy Director (Policy and Plans).

(h) Associate Director (Policy and Plans).

(i) [Reserved]

(j) One Special Assistant to the Assistant Director (Press and Publications).

(k) One Special Assistant to the Associate Director (Policy and Plans).

**§ 213.3329 Federal Power Commission.**

(a) Three Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary, and one Confidential Assistant to each other Commissioner.

(b) One Assistant to the Chairman.

(c)-(d) [Reserved]

(e) Two Private Secretaries to the Executive Director.

(f) Two Technical Assistants to each Commissioner.

(g)-(h) [Reserved]

(i) The Assistant Executive Director.

(j) One Secretary to the Advisor on Environmental Quality.

(k) One Private Secretary to the Assistant to the Chairman.

**§ 213.3330 Securities and Exchange Commission.**

(a)-(c) [Reserved]

(d) Two Confidential Assistants to the Chairman and one Confidential Assistant to each of the other four Members of the Commission.

(e) One Administrative Aide to the Executive Director.

**§ 213.3331 [Reserved]**

**§ 213.3332 Small Business Administration.**

(a) One Deputy Administrator, the Associate Administrator for Operations and Investment, the Associate Administrator for Financial Assistance, and the Associate Administrator for Procurement and Management Assistance.

(b) [Reserved]

(c) One Private Secretary to the Administrator.

(d) [Reserved]

(e) Three Congressional Relations Officers.

(f) Director, Office of Congressional Relations.

(g) One Advisory Councils Officer.

(h) [Reserved]

(i) One Confidential Assistant to the Deputy Administrator.

(j) One Special Assistant to the Associate Administrator for Procurement and Management Assistance.

(k) One Confidential Assistant to the Associate Administrator for Procurement and Management Assistance.

(l) [Reserved]

(m) One Executive Assistant to the Administrator.

(n) One Confidential Assistant to the Executive Assistant to the Administrator.

## RULES AND REGULATIONS

(o) One Congressional and Public Affairs Officer.  
 (p) [Reserved]  
 (q) [Reserved]  
 (r) [Reserved]  
 (s) One Confidential Assistant to the General Counsel.  
 (t) One Special Assistant to the Deputy Administrator.

§ 213.3333 Federal Deposit Insurance Corporation.  
 (a) One Assistant to each member of the Board of Directors.  
 (b) One Confidential Assistant to the Board of Directors.  
 (c) General Counsel.  
 (d) One Special Assistant to the Chairman.  
 (e) Executive Assistant and Controller.  
 (f) [Reserved]  
 (g) One Special Assistant to the Director (Appointee).

§ 213.3334 Federal Trade Commission.  
 (a) Two Secretaries to the Chairman.  
 (b) Director of Information.  
 (c) One Secretary to the Director of Information.

§ 213.3337 General Services Administration.  
 (a) *Office of the Administrator.* (1) [Reserved]  
 (2) The Deputy Administrator.  
 (3) The Assistant Administrator.  
 (4) Four Confidential Assistants to the Assistant Administrator.  
 (5) One Confidential Assistant to the Deputy Administrator.  
 (6) Two Confidential Assistants to the Administrator.  
 (7) [Reserved]  
 (8) Two Special Assistants to the Assistant Administrator.  
 (9) The Director of Congressional Affairs.  
 (10) [Reserved]  
 (11) One Confidential Assistant to the General Counsel.  
 (12) Executive Assistant to the Administrator.  
 (b) *Public Buildings Service.* (1) The Commissioner.  
 (2) Three Confidential Assistants to the Commissioner.  
 (c) *Federal Supply Service.* (1) The Commissioner.  
 (2) Three Confidential Assistants to the Commissioner.  
 (d) *National Archives and Records Service.* (1) The Archivist of the United States.  
 (2) Confidential Assistant to the Archivist of the United States.  
 (e) [Reserved]  
 (f) *Property Management and Disposal Service.* (1) Commissioner.  
 (2) Seven Confidential Assistants to the Commissioner.  
 (3) Two Special Assistants to the Commissioner.  
 (g) *National Advisory Council on Economic Opportunity.* (1) One Special Assistant to the Chairman.  
 (2) One Confidential Secretary to the Chairman.

(h) *Automated Data and Telecommunications Service.* (1) Two Confidential Assistants to the Commissioner.  
 (2) The Commissioner.

§ 213.3338 Federal Communications Commission.  
 (a) One Special Assistant to the Chairman.  
 (b) One Secretary to the Legal Assistant to the Chairman.  
 (c) One Special Assistant to a Commissioner.

§ 213.3339 U.S. Tariff Commission.  
 (a) One Confidential Assistant to each Commissioner.  
 (b) One Administrative Assistant to the Chairman.

§ 213.3340 Civil Aeronautics Board.  
 (a) One Administrative Assistant to each Member of the Board.  
 (b) One Secretary to each Member of the Board.  
 (c) Director of Information.  
 (d) One Special Assistant to the Chairman.  
 (e) One Secretary to the Special Assistant to the Chairman.

§ 213.3341 National Labor Relations Board.  
 (a) One Private Secretary to the Chairman of the Board.  
 (b) One Confidential Assistant to each Board Member.  
 (c) One Special Assistant to the General Counsel.  
 (d) One Confidential Assistant to the General Counsel.  
 (e) One Special Assistant to the Chairman.  
 (f)-(g) [Reserved]

§ 213.3342 Export-Import Bank of the United States.  
 (a) One Confidential Assistant to the President.  
 (b) One Private Secretary to the First Vice-President.  
 (c) One Private Secretary to each of the three members of the Board of Directors.  
 (d) Two Special Assistants to the President and Chairman.  
 (e) One Private Secretary to the Senior Vice President for Planning and Export Expansion.  
 (f) [Reserved]  
 (g) One Confidential Assistant to the Executive Vice President.  
 (h) [Reserved]  
 (i) One Private Secretary to the Senior Vice President for Exporter Credit, Guarantees and Insurance.  
 (j) One Administrative Assistant to the President and Chairman.

§ 213.3343 Farm Credit Administration.  
 (a) Three Directors of Credit Services.

§ 213.3344 Occupational Safety and Health Review Commission.  
 (a) One Special Assistant to the Chairman.  
 (b) [Reserved]  
 (c) One Confidential Assistant to each member of the Commission.

§ 213.3345 Indian Claims Commission.  
 (a) One Private Secretary to each Commissioner.

§ 213.3346 Selective Service System.  
 (a) One Confidential Assistant to the Director of Selective Service.  
 (b) One Private Secretary to the General Counsel.  
 (c) One Private Secretary to the Public Information Officer.  
 (d) One Private Secretary to the Deputy Director of Selective Service.  
 (e) Chief, Management Evaluation Group.

§ 213.3348 National Aeronautics and Space Administration.  
 (a) One Secretary to the Administrator.  
 (b) One Secretary to the Deputy Administrator.  
 (c) One Secretary to each of the following: The Associate Administrator for Manned Space Flight, the Associate Administrator for Advanced Research and Technology, and the Associate Administrator for Space Science and Applications.  
 (d) Associate Administrator.  
 (e) Associate Administrator for Advanced Research and Technology.  
 (f) Associate Administrator for Space Science and Applications.  
 (g) Associate Administrator for Manned Space Flight.  
 (h) Associate Deputy Administrator.  
 (i) Deputy Associate Administrator.  
 (j) General Counsel.  
 (k) and (l) [Reserved]  
 (m) One Secretary to the Associate Administrator.  
 (n) [Reserved]  
 (o) One Special Assistant to the Director of the Occupational Medicine and Environmental Health Division.

§ 213.3349 Panama Canal Company.  
 (a) Secretary.

§ 213.3350 Foreign Claims Settlement Commission of the United States.  
 (a) [Reserved]  
 (b) [Reserved]  
 (c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 213.3351 Subversive Activities Control Board.  
 (a) One Executive Secretary and Chief Clerk.  
 (b) One Private Secretary to each Member of the Board.  
 (c) One Confidential Administrative Assistant to each Member of the Board.

§ 213.3354 Federal Home Loan Bank Board.  
 (a) Two Secretaries to the Chairman of the Board.  
 (b) Two Secretaries to Board Members.  
 (c) One Assistant to the Chairman of the Board and one Assistant to the other two Board Members.  
 (d) One Private Secretary to the Assistant to each of two Board Members

(including the Chairman) and one Secretary (Administrative) to the Assistant to the third Board Member.

(e) Director, Office of Communications.

(f) Director, Office of Housing and Urban Affairs.

(g) One Special Assistant to the Chairman of the Board.

(h) One Secretary to the General Counsel.

(i) One Secretary to the Director, Office of Examinations and Supervision.

**§ 213.3355 The Renegotiation Board.**

(a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.

(b) One Secretary to the Chairman.

(c) One Secretary to each of the four Board Members.

**§ 213.3356 Commission on Civil Rights.**

(a) One Confidential Secretary to the Staff Director.

(b) [Reserved]

(c) [Reserved]

(d) One Confidential Secretary to the Deputy Staff Director.

**§ 213.3359 ACTION.**

(a) Four Special Assistants to the Associate Director for Domestic and Anti-Poverty Operations.

(b) One Chauffeur to the Director.

(c) One Deputy Associate Director for Citizens Placement.

(d) One Deputy Associate Director for SCORE/ACE.

(e) One Deputy Associate Director for Older American Programs.

(f) One Executive Assistant to the Director.

(g) One Confidential Aide to the Director.

**§ 213.3364 U.S. Arms Control and Disarmament Agency.**

(a) One Private Secretary to the Director.

(b) One Private Secretary to the Deputy Director.

(c) One Private Secretary to each Assistant Director appointed by the President (four positions).

(d) One Public Affairs Adviser.

(e) The General Counsel.

(f) One Private Secretary to the General Counsel.

(g) One Private Secretary to the Deputy Assistant Director, Economic Affairs Bureau.

**§ 213.3367 Federal Maritime Commission.**

(a) One Confidential Assistant to each Commissioner other than the Chairman.

(b) One Private Secretary to the Chairman, one Private Secretary to each Commissioner, one Private Secretary to the General Counsel, and one private Secretary to the Managing Director.

**§ 213.3368 Agency for International Development.**

(a) *Office of the Administrator.* (1) [Reserved].

(2) One Confidential Assistant (Private Secretary) to the Administrator.

(3) One Chauffeur for the Administrator.

(4) One Private Secretary to the Deputy Administrator.

(b) [Reserved]

(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.

(2) The General Counsel.

(d) [Reserved]

(e) *Office of the Assistant Administrator for Legislative Affairs.* (1) [Reserved]

(2) [Reserved]

(3) One Private Secretary to the Director, Congressional Liaison Staff.

(4) [Reserved]

(5) Two Congressional Liaison Officers.

(f) *Office of the Assistant Administrator for Administration.* (1) One Confidential Assistant to the Assistant Administrator for Administration.

**§ 213.3371 Office of Consumer Affairs.**

(a) One Confidential Assistant to the Special Assistant to the President for Consumer Affairs.

(b) and (c) [Reserved]

(d) One Public Affairs Officer.

(e) [Reserved]

(f) One Director for Consumer Education.

(g) One Director for Communications.

(h) [Reserved]

(i) [Reserved]

(j) One Writer-Editor.

**§ 213.3372 Administrative Office of the U.S. Courts.**

(a) One Assistant Director.

**§ 213.3373 Office of Economic Opportunity.**

(a) *Office of the Director.* (1) [Reserved]

(2) One Assistant Director for Research, Plans, Programs, and Evaluation.

(3) One Special Assistant to the Director and Two Confidential Assistants to the Special Assistant.

(4) Special Assistant to the Deputy Director.

(5) One Confidential Assistant to the Director.

(6) Two Confidential Secretaries and one Private Secretary to the Director.

(7) [Reserved]

(8) One Special Assistant to the Assistant Director for Planning, Research, and Evaluation.

(9) [Reserved]

(10) [Reserved]

(11) [Reserved]

(12) [Reserved]

(13) One Special Assistant to the Director and one Confidential Secretary to this Special Assistant.

(14) One Special Assistant to the General Counsel.

(15) [Reserved]

(16) Two Confidential Assistants to the Assistant Director for Planning, Research, and Evaluation.

(17) One Confidential Secretary to the Deputy Director.

(18) One Confidential Staff Assistant to the General Counsel.

(19) Not to exceed 10 positions of Policy Advisor, Policy Analyst, and Confidential Assistant in the Office of Planning and Program Analysis.

(20) [Reserved]

(21) [Reserved]

(22) Confidential Staff Assistant to the Associate Director for Human Rights.

(23) [Reserved]

(24) [Reserved]

(25) [Reserved]

(26) [Reserved]

(27) [Reserved]

(28) [Reserved]

(29) One Deputy Associate Director for Human Rights.

(30) One Confidential Secretary to the Associate Director for Human Rights.

(31) One Confidential Secretary to the Assistant Director for Planning, Research, and Evaluation.

(b) [Reserved]

(c) *Office of the Assistant Director for Operations.* (1) One Special Assistant to the Assistant Director.

(2) Three Confidential Staff Assistants to the Assistant Director.

(3) One Special Assistant to the Director, State and Local Government Division.

(4) One Confidential Secretary to the Assistant Director.

(d) *Office of the Associate Director for Program Review.* (1) One Confidential Assistant to the Associate Director.

(2) One Coordinator, Youth Affairs Program.

(3) One Coordinator, Older Persons Program.

(4) One Coordinator, Voluntary Action Program.

(5) One Coordinator, Rural Affairs Program.

(6) [Reserved]

(7) One Confidential Secretary to the Associate Director.

(8) Two Planning and Review Advisors to the Associate Director.

(9) Chief, Private Resources Division.

(10) [Reserved]

(11) One Special Assistant to the Associate Director.

(e) *Office of the Assistant Director for Congressional and Public Affairs.* (1) [Reserved]

(2) One Confidential Adviser to the Associate Director for Congressional Relations.

(3) One Special Assistant to the Associate Director for Congressional Relations.

(4) Three Confidential Assistants to the Associate Director for Congressional Relations.

(5) One Confidential Secretary to the Associate Director for Congressional Relations.

(6) [Reserved]

(7) Four Congressional Relations Specialists.

(8) [Reserved]

(9) [Reserved]

(10) Two Confidential Assistants to the Associate Director for Public Affairs.

(11) [Reserved]

(12) One Deputy Associate Director for Congressional Relations.

(f) [Reserved]

(g) *Office of the Associate Director for Legal Services.* (1) Two Confidential Staff Assistants to the Associate Director.

## RULES AND REGULATIONS

(h) *Office of the Associate Director for Health Affairs.* (1) One Confidential Secretary to the Associate Director.

**§ 213.3374 Smithsonian Institution.**

(a) One Confidential Executive Assistant to the Secretary.

**§ 213.3376 Appalachian Regional Commission.**

(a) One Special Assistant to the Federal Cochairman and one Special Assistant to his Alternate.

(b) One Private Secretary to the Federal Cochairman and one Private Secretary to his alternate.

**§ 213.3377 Equal Employment Opportunity Commission.**

(a) Four Special Assistants to the Chairman.

(b) One Special Assistant and one Secretary to each Member of the Commission.

(c) Two Secretaries to the Chairman.

(d) One Secretary to each of two Special Assistants to the Chairman.

(e) One Public Information Officer.

(f) One Special Assistant to each of two Members of the Commission.

(g) One Special Assistant to the Vice Chairman.

**§ 213.3382 National Foundation on the Arts and the Humanities.**

(a) One Executive Secretary to the Chairman, National Endowment for the Arts.

(b) One Assistant to the Chairman, National Endowment for the Arts.

(c) Two Staff Assistants to the Chairman, National Endowment for the Arts.

(d) One Assistant for Cultural Affairs (interdepartmental activities).

**§ 213.3384 Department of Housing and Urban Development.**

(a) *Office of the Secretary.* (1) One Deputy Under Secretary for Policy Analysis and Program Evaluation.

(2) One Executive Secretary to the Secretary.

(3) One Private Secretary to the Under Secretary.

(4) Special Assistant (Model Cities Program) to the Under Secretary.

(5) One Private Secretary to the Deputy Under Secretary for Policy Analysis and Program Evaluation.

(6) One Private Secretary to the General Counsel.

(7) One Executive Secretary.

(8) One Staff Assistant to the Secretary.

(9) Four Special Assistants to the Under Secretary.

(10) One Private Secretary to the Assistant to the Secretary for Congressional Relations.

(11) One Special Assistant to the Under Secretary.

(12) Three Special Assistants to the Secretary.

(13) Deputy Director of Public Affairs.

(14) One Deputy Director, Division of International Affairs.

(15) Director, Office of Industry Participation.

(16) One Private Secretary to the Director of Regional Support.

(17) Federal Insurance Administrator.

(18) One Private Secretary to the Deputy General Counsel.

(19) Two Special Assistants to the General Counsel.

(20) Deputy Assistant Secretary for Equal Opportunity.

(21) Deputy General Counsel.

(22) [Reserved]

(23) One Private Secretary to the Deputy Assistant to the Secretary for Congressional Relations.

(24) One Staff Assistant to the Under Secretary.

(25) One Staff Assistant to the Director of Public Affairs.

(26) Seven Senior Assistants for Congressional Relations.

(27) Twelve Assistants for Congressional Relations.

(28) One Special Assistant to the Director, Division of International Affairs.

(29) Four Program Assistants for interdepartmental activities.

(30) One Staff Assistant to the Special Assistant to the Secretary for Mortgage Interest Rates.

(31) One Special Assistant to the Secretary and one Staff Assistant and one Secretary to the Special Assistant.

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner.* (1) One Private Secretary to the Assistant Secretary.

(2) Deputy Assistant Secretary for Housing Production and Mortgage Credit—Deputy Federal Housing Administration Commissioner.

(3) Two Assistants to the Commissioner (Special Projects).

(4) One Special Assistant to the Assistant Secretary.

(5) [Reserved]

(6) [Reserved]

(7) One Special Assistant for Elderly Housing.

(8) One Special Assistant for Nursing Homes.

(9) President, Government National Mortgage Association.

(c) *Office of Assistant Secretary for Housing Management.* (1) One Private Secretary to the Assistant Secretary.

(2) [Reserved]

(4) Four Special Assistants to the Assistant Secretary.

(5) One Staff Assistant to the Assistant Secretary.

(6) [Reserved]

(7) [Reserved]

(8) Deputy Assistant Secretary for Housing Management.

(d) *Office of Assistant Secretary for Community Planning and Management.* (1) One Private Secretary to the Assistant Secretary.

(2) [Reserved]

(3) Five Special Assistants to the Assistant Secretary.

(4) [Reserved]

(7) One Private Secretary to the Deputy Assistant Secretary.

(8) Deputy Assistant Secretary for Community Planning and Management.

(9) Director, Office of Planning Assistance and Standards.

(10) Two Staff Assistants to the Assistant Secretary.

(e) *Office of the Assistant Secretary for Community Development.* (1) One Private Secretary to the Assistant Secretary.

(2) [Reserved]

(3) Three Special Assistants to the Assistant Secretary.

(4) [Reserved]

(5) Deputy Assistant Secretary for Community Development.

(6) One Executive Assistant to the Assistant Secretary.

(f) *Office of the Assistant Secretary for Equal Opportunity.* (1) One Private Secretary to the Assistant Secretary.

(2) One Private Secretary to the Deputy Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary.

(4) One Staff Assistant to the Deputy Assistant Secretary.

(g) *Office of the Assistant Secretary for Research and Technology.* (1) One Private Secretary to the Assistant Secretary.

(2) One Special Assistant to the Assistant Secretary.

(3) The Director of Special Projects, Operation "Breakthrough."

**§ 213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.**

(a) One Special Assistant to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(b) One Special Assistant to the Alternate Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(c) One Private Secretary to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(d) One Private Secretary to the Alternate Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

**§ 213.3394 Department of Transportation.**

(a) *Office of the Secretary.* (1) One Deputy Under Secretary.

(2) One Special Assistant to the Secretary.

(3) Two Confidential Secretaries to the Secretary.

(4) [Reserved]

(5) [Reserved]

(6) One Confidential Secretary to the General Counsel.

(7) One Confidential Secretary to the Under Secretary of Transportation.

(8) [Reserved]

(9) One Confidential Secretary to the Assistant Secretary for Systems Development and Technology.

(10) Special Assistant for Special Projects.

(11) Two Special Assistants to the Under Secretary of Transportation.

(12) One Chauffeur to the Secretary.

(13) One Chauffeur to the Under Secretary.

(14) One Special Assistant to the Assistant Secretary for Environment and Urban Systems.

(15) One Special Assistant to the Deputy Under Secretary of Transportation.

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

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

(18) Director, Office of Congressional Relations.

(19) [Reserved]

(20) One Special Assistant to the Assistant Secretary for Systems Development and Technology.

(21) Two Special Assistants to the Assistant Secretary for Policy and International Affairs.

(22) One Confidential Secretary to the Assistant Secretary for Safety and Consumer Affairs.

(23) [Reserved]

(24) One Confidential Secretary to the Assistant Secretary for Environment and Urban Systems.

(25) One Confidential Secretary to the Director for Intergovernmental Relations.

(26) One Public Information Assistant to the Director, Office of Public Affairs.

(27) One Special Assistant to the Director, Office of Congressional Relations.

(28) One Confidential Secretary to the Director, Office of Congressional Relations.

(29) Director, Office of Public Affairs.

(30) One Special Assistant to the Assistant Secretary for Safety and Consumer Affairs.

(b) *National Transportation Safety Board.* (1) One Administrative Assistant to a Board member.

(2) One Confidential Secretary to each of the five Board members.

(3) One Confidential Secretary to the General Manager.

(c) [Reserved]

(d) *Federal Highway Administration.* (1) Deputy Administrator.

(2) [Reserved]

(3) [Reserved]

(e) *Federal Railroad Administration.* (1) One Special Assistant to the Administrator.

(2) One Special Assistant to the Deputy Administrator.

(3) Deputy Administrator.

(4) One Confidential Secretary to the Administrator.

(5) One Public Information Officer.

(6) One Secretary to the Deputy Administrator.

(f) *Urban Mass Transportation Administration.* (1) One Assistant Administrator for Public Affairs.

(2) One Confidential Secretary to the Administrator.

(3) Deputy Administrator.

(4) One Secretary to the Deputy Administrator.

(g) *St. Lawrence Seaway Development Corporation.* (1) Two Special Assistants to the Administrator.

(2) One Confidential Secretary to the Administrator.

(h) *Federal Aviation Administration.* (1) One Private Secretary to the Administrator.

(2)-(5) [Reserved]

(6) One Special Assistant for Environmental Quality Problems to the Assistant Administrator for Public Affairs.

(7) General Counsel.

(1) *National Highway Traffic Safety Administration.* (1) Deputy Administrator.

(2) One Private Secretary to the Administrator.

(3) One Special Assistant to the Administrator.

**§ 213.3399 Temporary Boards and Commissions.**

(a) *Cost-of-Living Council and Related Organizations.* (1) [Reserved]

(2) [Reserved]

(3) One confidential secretary to the Chairman, Price Commission.

(4) One Special Assistant to the Director, Cost of Living Council.

(b) *American Revolution Bicentennial Commission.* (1) Director.

(2) Deputy Executive Director for Program Development and Coordination.

(3) Deputy Executive Director for Communications and Field Services.

(4) Deputy Executive Director for Finance and Administration.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 72-21366 Filed 12-11-72; 8:53 am]

## Title 24—HOUSING AND URBAN DEVELOPMENT

### Chapter V—Office of Assistant Secretary for Community Development, Department of Housing and Urban Development

[Docket No. R-72-220]

### PART 556—EVALUATION OF PRELIMINARY APPLICATIONS FOR BASIC WATER AND SEWER FACILITIES GRANTS

#### Criteria and Procedures

The Assistant Secretary for Community Development is amending 24 CFR Part 556, Evaluation of Preliminary Applications for Basic Water and Sewer Facilities Grants, by adding provisions exempting projects involving New Communities and certain other projects from the regulations and reserving to the Department the opportunity to limit the extent of the applicant's proposed undertaking and/or the amount of financial assistance being requested.

The amendment in this respect conforms the preliminary application evaluation process for the Basic Water and Sewer Facilities Grant program to the project selection systems which are now in effect for other related Community Development programs (Neighborhood Development, Open Space Land, Neighborhood Facilities and Public Facility Loans), as published by this Department at 37 F.R. 7388 on April 14, 1972. Provisions identical to those being added by

this amendment were incorporated in those systems at that time, following prior publication of notice for proposed rule making with the following explanation:

Sections 511.1(b), 541.1(b), 551.1(b), and 561.1(b) (the "Scope" provisions of the project selection systems for the foregoing four programs) have been amplified to clarify procedures used by the Area Offices in applying these project selection systems. Because there must be close coordination of the Community Development projects covered by these regulations with other Department programs, projects involving new communities or such other critical and innovative projects as the Assistant Secretary for Community Development may determine are excluded from those project selection systems.

Since those provisions were intended to be applicable to all related Community Development program project selection systems, amendatory conforming provisions are now being added for the Basic Water and Sewer Facilities Grant program to remove the confusion heretofore raised by the inconsistency between § 556.1, dealing with the scope of the preliminary application evaluation process for that program, and the comparable sections of the project selection systems for the other related Community Development programs.

Since the amendment is urgently required to expedite applications already filed and which must be processed in the immediate future, comment and public procedures are impracticable and contrary to the public interest. Moreover, since this correction imposes no new requirements, the amendment is being made effective upon publication in the *FEDERAL REGISTER*.

Accordingly, 24 CFR 556 is amended by changing § 556.1 to read as follows:

#### § 556.1 Scope.

This part sets forth the criteria and procedures used in evaluating preliminary applications for Federal grant assistance to local public bodies and agencies for basic water and sewer facilities under the Act. The evaluation of preliminary applications described in this part does not result in a final decision by the Secretary to extend grant assistance to particular projects for the construction of such facilities. The provisions of this part of the regulations do not apply to projects involving New Communities, or such other critical or innovative projects as the Assistant Secretary for Community Development may determine. The Department reserves the right to negotiate the modification of the scope of the proposed undertaking and/or the amount of financial assistance requested. Further application procedures are described in § 556.18.

(Sec. 7(d), Housing and Urban Development Act, 42 U.S.C. 3535(d); Secretary's delegation of authority, 36 F.R. 5004, March 16, 1971)

*Effective date.* This amendment shall be effective upon publication in the *FEDERAL REGISTER* (12-12-72).

FLOYD H. HYDE,  
Assistant Secretary  
for Community Development.

[FR Doc. 72-21400 Filed 12-11-72; 8:53 am]

## RULES AND REGULATIONS

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

## SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

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

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Michigan	Wayne	Grosse Pointe Park				Dec. 8, 1972.
Do.	Macomb	Harrison Township				Emergency. Do.
Do.	St. Clair	Ira Township				Do.
North Carolina	Pender	Surf City				Do.
Pennsylvania	Snyder	Middleburg				Do.
Wisconsin	Buffalo	Alma	I 55 011 0070 01 through I 55 011 0070 02	Department of Natural Resources, Post Office Box 450, Madison, WI 53701.	City Hall, City of Alma, Alma, Wis. 54610.	May 21, 1971. Emergency. Dec. 8, 1972. Regular.
Do.	Pepin	Stockholm	I 55 001 4640 01	do.	Village Hall, Village of Stockholm, Stockholm, Wis. 54769.	Apr. 23, 1971. Emergency. Dec. 8, 1972. Regular.
Do.	Trempealeau	Trempealeau	I 55 121 4860 01	do.	Village Hall, Village of Trempealeau, Trempealeau, Wis. 54661.	May 28, 1971. Emergency. Dec. 8, 1972. Regular.

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

Issued: December 5, 1972.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.72-21237 Filed 12-11-72;8:45 am]

## PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

## List of Communities With Special Hazard Areas

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

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

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Michigan	Wayne	Grosse Pointe Park				Dec. 8, 1972.
Do.	Macomb	Harrison Township				Do.
Do.	St. Clair	Ira Township				Do.
North Carolina	Pender	Surf City				Do.
Pennsylvania	Snyder	Middleburg				Do.
Wisconsin	Buffalo	Alma	H 55 011 0070 01 through H 55 011 0070 02	Department of Natural Resources, Post Office Box 450, Madison, WI 53701.	City Hall, City of Alma, Alma, Wis. 54610.	May 21, 1971.
Do.	Pepin	Stockholm	H 55 001 4640 01	do.	Village Hall, Village of Stockholm, Stockholm, Wis. 54769.	Apr. 23, 1971.
Do.	Trempealeau	Trempealeau	H 55 121 4860 01	do.	Village Hall, Village of Trempealeau, Trempealeau, Wis. 54661.	May 28, 1971.

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

Issued: December 5, 1972.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.72-21238 Filed 12-11-72;8:45 am]

## Title 6—ECONOMIC STABILIZATION

### Chapter I—Cost of Living Council

#### PART 102—PUBLIC ACCESS TO RECORDS

##### Review by the Assistant Director

Subpart A of Part 102 of Title 6 of the Code of Federal Regulations is amended in § 102.20(b) to make clear that if a request for records is denied, an applicant will receive written information of the right to appeal an adverse determination and the specific basis under Council regulations for denying access. This information is similar to that provided in letters denying a request for exemption, exception, or reclassification under Part 105 of the Council regulations.

Reference to the specific reason for denial under Council regulations is intended to provide the applicant with a reference to the reason for denial under the Freedom of Information Act. Except for a reference to 18 U.S.C. 1905 required by section 205 of the Economic Stabilization Act of 1970, as amended, § 102.4 of the Council regulations parallels the list of types of documents which are not required to be disclosed under the Freedom of Information Act (5 U.S.C. 552). The subsections of § 102.4 follow the order and wording of 5 U.S.C. 552(b).

This amendment is in response to the recommendations included in the recent report on administration of the Freedom of Information Act made by the House Committee on Government Operations (H. Rept. 92-1419).

Because this amendment affects matters of procedure, the Council finds that publication in accordance with normal rule making procedure is not necessary and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit comments regarding the above amendment. Communications should be addressed to the Office of General Council, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

This amendment will become effective when filed with the Office of Federal Register.

DONALD RUMSFELD,  
Director, Cost of Living Council.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640)

Subpart B of Part 102 of Chapter I of Title 6 of the Code of Federal Regulations is amended in § 102.20(b) to read as follows:

#### § 102.20 Review by the Assistant Director.

(b) If the Assistant Director determines that the record is identifiable but should be withheld from inspection in the public interest, he will inform the person filing the request, in writing, of his decision to deny it. The denial shall inform the applicant of:

(1) The specific subsection of § 102.4 relied on for denying the request; and

(2) The right to request a review of an adverse determination as provided in § 102.4.

[FR Doc. 72-21377 Filed 12-11-72; 8:53 am]

## Title 7—AGRICULTURE

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

#### PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

##### Visual Aid

Part 51 of Title 7 is amended as follows:

The U.S. Department of Agriculture is amending the U.S. Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140-51.1179) to reference newly developed USDA visual aids.

The U.S. Department of Agriculture is amending the U.S. Standards for Grades of Florida Grapefruit (7 CFR 51.750-51.783) to reference newly developed USDA visual aids.

The U.S. Department of Agriculture is amending the U.S. Standards for Grades of Florida Tangerines (7 CFR 51.1810-51.1834) to reference newly developed USDA visual aids. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon payment of a fee to cover the cost of such services.

*Statement of considerations leading to the amendments of the standards.* This document amends the U.S. Standards for Grades of Florida Oranges and Tangelos, Grapefruit and Tangerines by referencing a new USDA Florida Citrus Visual Aid CIT-(FL)-L-1, consisting of a booklet containing the printed standards and color photographs of Florida oranges

and tangelos, grapefruit and tangerines illustrating certain grade requirements, namely shape, texture, color, and other defects set forth in each grade standard. These visual aids were developed by the John Henry Co., Lansing, Mich., with the collaboration of and approval by the U.S. Department of Agriculture in cooperation with the Florida Department of Agriculture and Consumer Services. These visual guides are designed to promote more uniform interpretation and better understanding of the grade standards.

The Administrator has designated U.S. Department of Agriculture Florida Citrus Visual Aid CIT-(FL)-L-1, as official and has authorized its manufacture and sale by the John Henry Co.

##### Subpart—U.S. Standards for Grades of Florida Oranges and Tangelos<sup>1</sup>

The U.S. Standards for Grades of Florida Oranges and Tangelos are amended by adding a new § 51.1180 as follows:

##### VISUAL AID

##### § 51.1180 Visual Aid.

(a) USDA Visual Aid CIT-(FL)-L-1, consists of a booklet containing color reproductions of Florida oranges and tangelos illustrating certain grade requirements, namely color, texture, varietal characteristics, shape, discoloration, and other defects as set forth in these standards. This visual aid may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such service. Duplicates of this visual aid may be purchased from the John Henry Co., Post Office Box 1410, Lansing, MI 48904.

##### Subpart—U.S. Standards for Grades of Florida Grapefruit<sup>1</sup>

The U.S. Standards for Grades of Florida Grapefruit are amended by adding a new § 51.784 as follows:

##### VISUAL AID

##### § 51.784 Visual Aid.

(a) USDA Visual Aid CIT-(FL)-L-1, consists of a booklet containing color reproductions of Florida grapefruit illus-

<sup>1</sup> Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Foods, Drug, and Cosmetic Act or with applicable State laws and regulations.

## RULES AND REGULATIONS

trating certain grade requirements, namely color, shape, varietal characteristics, discoloration, and other defects as set forth in these standards. This visual aid may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such service. Duplicates of this visual aid may be purchased from the John Henry Co., Post Office Box 1410, Lansing, MI 48904.

**Subpart—U.S. Standards for Grades of Florida Tangerines<sup>1</sup>**

The U.S. Standards for Grades of Florida Tangerines are amended by adding a new § 51.1835 as follows:

**VISUAL AID**

**§ 51.1835 Visual Aid.**

(a) USDA Visual Aid CIT-(FL)-L-1, consists of a booklet containing color reproductions of Florida tangerines illustrating certain grade requirements, namely shape, texture, firmness, color, varietal characteristics, and other defects as set forth in these standards. This visual aid may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such service. Duplicates of this visual aid may be purchased from the John Henry Co., Post Office Box 1410, Lansing, MI 48904.

It is hereby found that notice of proposed rule making, and public procedure thereon is impracticable, unnecessary, and contrary to the public interest in that these amendments are necessary to reference the newly developed visual aid illustrating certain grade requirements set forth in these grade standards.

The amendments shall become effective on January 31, 1973.

(Sec. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: December 7, 1972.

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

[FR Doc. 72-21368; Filed 12-11-72; 8:54 am]

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

**PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA**

**Minimum Exemption**

Notice was published in the **FEDERAL REGISTER** on November 22, 1972 (37 F.R.

<sup>1</sup> Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Foods, Drug, and Cosmetic Act or with applicable State laws and regulations.

24827), that the Department was giving consideration to a proposed amendment of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 905.120 et seq.) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded 5 days for interested persons to submit written data, views, or arguments in connection with said proposal. None were received.

The amendment of said rules and regulations was unanimously recommended by the Growers Administrative Committee, established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof. The amendment would permit tourists to bring fresh fruit home without the expense and inconvenience of having the fruit inspected and an inspection certificate issued. The committee believes that it is not necessary to regulate these small quantities of fruits to attain the objectives of the program.

After consideration of all relevant matters presented, including that in the 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 22, 1972 (37 F.R. 24827) and no objection to this amendment was received; (2) this amendment relieves restrictions on the handling of citrus fruits regulated under marketing Order No. 905; and (3) to be of maximum benefit the provisions of this amendment should become effective on the date hereinafter specified to contribute to more effective operations under the marketing agreement and order.

Accordingly, a new § 905.141 is added to read as follows:

**§ 905.141 Minimum exemption.**

Any shipment of fruit which meets each of the following requirements may be transported from the production area during any one day by any person or by the occupants of one vehicle exempt from the requirements of §§ 905.52 and 905.53 and regulations issued thereunder:

(a) The shipment does not exceed a total of 7½ standard packed boxes (12 bushels) of fruit, either a single fruit or a combination of two or more fruits;

(b) The shipment consists of fruit not for resale; and

(c) Such exempted quantity is not included as a part of a shipment exceeding 7½ standard packed boxes (12 bushels) of fruit.

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

Dated: December 7, 1972, to become effective upon publication in the **FEDERAL REGISTER** (12-12-72).

CHARLES R. BRADER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 72-21369 Filed 12-11-72; 8:54 am]

[Lemon Reg. 562, Amdt. 1]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the **FEDERAL REGISTER** (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) **Order, as amended.** The provision in paragraph (b) (1) of § 910.862 (Lemon Regulation 562, 37 F.R. 25703) during the period December 3, 1972, through December 9, 1972, is hereby amended to read as follows:

**§ 910.862 Lemon Regulation 563.**

\* \* \* \* \*  
(b) **Order.** (1) \* \* \*  
225,000 cartons.

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

Dated: December 7, 1972.

CHARLES R. BRADER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 72-21293 Filed 12-11-72; 8:47 am]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers,  
Department of the Army

### PART 207—NAVIGATION REGULATIONS

#### Alabama River, Ala.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.180 governing the use, administration and navigation of all waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, Fla., to the Rio Grande is hereby amended revoking paragraph (d)(15) effective upon publication in the *FEDERAL REGISTER* (12-12-72) as follows:

§ 207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, Fla., to the Rio Grande; use, administration, and navigation.

\* \* \* \* \*

(d) Locks and floodgates:

\* \* \* \* \*

(15) Claiborne and Millers Ferry Locks, Alabama River. [Revoked]

\* \* \* \* \*

[Regs., November 15, 1972, 1522-01—Alabama River, Ala.—DAEN-CWO-NJ] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

E. W. GANNON,

Lieutenant Colonel, U.S. Army,  
Chief, Plans Office, TAGO.

[FR Doc. 21266 Filed 12-11-72; 8:46 am]

## Title 43—PUBLIC LANDS: INTERIOR

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

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5309]

[Colorado 014711]

#### COLORADO

##### Withdrawal for Wildlife Management

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

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby with-

drawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for management in cooperation with the State of Colorado as a part of the existing Cebolla Creek Game and Fish Management Area:

#### NEW MEXICO PRINCIPAL MERIDIAN

All lands within 300 feet, measured horizontal from the high waterline of the right and left banks of Cebolla Creek as it flows through the following subdivisions:

T. 44 N., R. 1 W.,  
Sec. 6, SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ .  
T. 44 N., R. 2 W.,  
Sec. 1, lot 1;  
Sec. 12, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ .  
T. 45 N., R. 2 W.,  
Sec. 1, lots 5 and 12, E $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
N $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ .  
Sec. 2, lot 1 (except Mineral Survey 14716),  
and lot 8;  
Sec. 13, W $\frac{1}{2}$  SW $\frac{1}{4}$ .  
T. 47 N., R. 2 W.,  
Sec. 17, W $\frac{1}{2}$  SW $\frac{1}{4}$ ;  
Sec. 18, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$ ;  
Sec. 20, N $\frac{1}{2}$  NW $\frac{1}{4}$ ;  
Sec. 29, SW $\frac{1}{4}$  SE $\frac{1}{4}$ .  
T. 49 N., R. 3 W.,  
Sec. 12, lots 5 and 6.  
T. 48 N., R. 3 W.,  
Sec. 13, W $\frac{1}{2}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
Sec. 14, lots 1, 6, 7;  
Sec. 24, W $\frac{1}{2}$  SE $\frac{1}{4}$ .

The area described aggregates approximately 395 acres in Gunnison, Hinsdale, and Saguache Counties.

2. Upon execution of a cooperative agreement with the Secretary of the Interior or his delegate, the State of Colorado is authorized to manage the lands as a wildlife refuge, public shooting grounds, or a game management area, consistent with Federal programs for the management of the lands.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, contracts, or permits will be issued only if the proposed use of the lands will not interfere with the proper management of the Cebolla Creek Game and Fish Management Area.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc. 72-21273 Filed 12-11-72; 8:46 am]

[Public Land Order 5310]

[New Mexico 13307]

#### NEW MEXICO

##### Partial Revocation of Water Power Designation No. 1 New Mexico No. 1 and Partial Revocation of Powersite Reserve No. 548; Powersite Restoration No. 716

By virtue of the authority contained in Section 24 of the Act of June 10, 1920,

as amended, 16 U.S.C. sec. 818 (1970), and pursuant to the determination of the Federal Power Commission in DA-81-New Mexico, it is ordered as follows:

1. The departmental order of August 7, 1916, creating Water Power Designation No. 1, and the Executive order of September 30, 1916, creating Powersite Reserve No. 548, are hereby revoked so far as they affect the following described land:

#### NEW MEXICO PRINCIPAL MERIDIAN

T. 24 N., R. 11 E.,  
Sec. 29, lot 10 (formerly a portion of lot 7).

The area described aggregates 1.80 acres in Taos County.

2. This revocation is in furtherance of the disposal of the described land pursuant to an application, New Mexico 11902, filed under the Color-of-Title Act of December 22, 1928, as amended, 43 U.S.C. sec. 1068 (1970).

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc. 72-21274 Filed 12-11-72; 8:46 am]

[Public Land Order 5311]

[Wyoming 30603]

#### WYOMING

##### Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, as amended, 43 U.S.C. 300 (1970), it is ordered as follows:

1. The Bureau of Land Management Order of January 29, 1952, creating Stock Driveway Withdrawal Wyoming No. 48, is hereby revoked so far as it affects the following described lands:

#### SIXTH PRINCIPAL MERIDIAN

T. 48 N., R. 90 W.,  
Sec. 5 tracts 52, 53, 54;  
Sec. 6, tract 55.  
T. 49 N., R. 90 W.,  
Sec. 32, tract 46-D.

The area described contains 161.04 acres in Big Horn and Washakie Counties.

The lands lie between Ten Sleep and Manderson, Wyo., on the Nowood River. Vegetation varies from greasewood and saltbush to sagebrush. The topography is typified by river bottomland and stream terraces.

2. At 10 a.m. on January 11, 1973, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 11, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the land should be addressed to the Chief, Branch of

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Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc. 72-21275 Filed 12-11-72; 8:46 am]

[Public Land Order 5312]

[Arizona 035725]

## ARIZONA

**Modification of Withdrawal Made by Executive Order No. 8647 and Reclamation Withdrawals To Permit Grant of Right-of-Way**

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

The Executive Order No. 8647 of January 22, 1941, establishing the Havasu (Lake) National Wildlife Refuge, as enlarged and modified by Public Land Orders Nos. 559, 4417, and 4703 of February 11, 1949, May 20, 1968, and October 1, 1969, respectively, and the departmental orders of July 2, 1902, January 31, 1903, September 8, 1903, and October 16, 1931, and any other order or orders withdrawing lands for reclamation purposes, are hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, 43 U.S.C. 932, by Mohave County, Arizona, over the following described lands, as delineated on a map entitled Job No. 1663, on file with the Bureau of Land Management in Arizona 035725, for construction of a public road:

## GILA AND SALT RIVER MERIDIAN

T. 16 N., R. 21 W.  
Sec. 3, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 17 N., R. 21 W.  
Sec. 21, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 21 N., R. 21 W.  
Sec. 20, N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 30, lot 4, E $\frac{1}{2}$ W $\frac{1}{2}$ .  
T. 19 N., R. 22 W.  
Sec. 2, lots 2 and 3, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 20 N., R. 22 W.  
Sec. 20, lots 1, 4, 5, 6.

The areas described aggregate approximately 1,025 acres in Mohave County.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc. 72-21276 Filed 12-11-72; 8:46 am]

[Public Land Order 5313]

[Wyoming 2731]

## WYOMING

**Powersite Restoration No. 660, Partial Revocation of Powersite Reserve No. 128; Reservoir Site Restoration No. 43, Partial Revocation of Reservoir Site Reserve No. 12**

By virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. sec. 818 (1970), and pursuant to the determination of the Federal Power Commission in DA-160-Wyoming, and the authority vested in the President by section 1 of the Act of June 25, 1910, as amended, 43 U.S.C. sec. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of July 2, 1910, creating Powersite Reserve No. 128, is hereby revoked so far as it affects the remaining land withdrawn thereby, described as follows:

## SIXTH PRINCIPAL MERIDIAN

T. 18 N., R. 120 W.,  
Sec. 20, S $\frac{1}{2}$ ;  
Sec. 28, NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$  (now described as lot 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$ );  
Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate 1,107.90 acres in Uinta County.

2. The Executive order of March 31, 1920, which reserved lands in Wyoming for reservoir sites (Reservoir Site Reserve No. 12), is hereby revoked so far as it affects the following described land:

## SIXTH PRINCIPAL MERIDIAN

T. 13 N., R. 121 W.,  
Sec. 10, lots 2 and 3.

The area described contains 35.46 acres in Uinta County.

3. At 10 a.m. on January 11, 1973, the lands described in paragraphs 1 and 2 shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 11, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands in paragraphs 1 and 2 have been open to applications and offers under the mineral leasing laws. The lands in paragraph 1 have also been and continue to be open to location under the U.S. mining laws. The lands in paragraph 2 have been and continue to be open to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the U.S. mining laws at 10 a.m. on January 11, 1973.

Inquiries concerning the land should be addressed to the Chief, Branch of

Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc. 72-21277 Filed 12-11-72; 8:46 am]

[Public Land Order 5314]

[Idaho 09077]

## IDAHO

**Withdrawal for National Forest Recreation Area**

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

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

## BOISE NATIONAL FOREST

## BOISE MERIDIAN

## Trail Creek Recreation Area

T. 9 N., R. 11 E.,  
Sec. 2, N $\frac{1}{2}$ NW $\frac{1}{4}$ , unsurveyed;  
Sec. 3, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , unsurveyed.

T. 10 N., R. 11 E., unsurveyed;  
Sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , that portion not included within the Grandjean Administrative Site; SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , that portion not included within the Grandjean Administrative Site; N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , that portion not included within the Grandjean Administrative Site S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described aggregates approximately 330 acres in Boise County.

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

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc. 72-21278 Filed 12-11-72; 8:46 am]

[Public Land Order 5315]

[Arizona 031726]

## ARIZONA

**Powersite Restoration No. 675; Powersite Cancellation No. 266; Partial Revocation of Powersite Reserve No. 759 and Waterpower Designation No. 4**

By virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and

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26421

pursuant to the determination of the Federal Power Commission in DA-150-Arizona, it is ordered as follows:

1. The Executive order of November 22, 1924, creating Powersite Reserve No. 759, and the Departmental Order of February 1, 1917, creating Waterpower Designation No. 4, are hereby revoked as far as they affect the following described lands:

### GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 29 E.,  
All land within 1 mile of the San Francisco River and Gila River in sections 16, 17, and 20.

T. 5 S., R. 30 E.,  
Sec. 7, NE $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
Sec. 33, S $\frac{1}{2}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ .  
T. 6 S., R. 30 E.,  
Sec. 3, lot 1.  
T. 6 S., R. 31 E.,  
Sec. 18, lot 7.

The areas described aggregate approximately 1,535 acres of public and non-public land in Greenlee County.

Of these lands, the following described lands are public lands:

T. 5 S., R. 29 E.,  
Sec. 20.  
T. 6 S., R. 30 E.,  
Sec. 3, lot 1.  
T. 6 S., R. 31 E.,  
Sec. 18, lot 7.

The land described as lot 1, sec. 3, T. 6 S., R. 30 E., is included in a withdrawal application, Arizona 030451, filed by the Corps of Engineers, Department of the Army, to which the regulations in 43 CFR 2351.3(a) are applicable.

2. At 10 a.m. on January 11, 1973, the unappropriated public land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 11, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The unappropriated public land has been and will continue to be open to the filing of applications and offers under the mineral leasing laws, and to location and entry under the U.S. mining laws.

Inquiries concerning the public lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc.72-21279 Filed 12-11-72;8:46 am]

[Public Land Order 5316]

[Arizona 3535]

### ARIZONA

#### Withdrawal for Reclamation Project

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

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby with-

drawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, and reserved for the Buttes Dam and Reservoir Site of the Central Arizona Project:

### GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 11 E.,  
Sec. 18, lots 1 to 4, incl., E $\frac{1}{2}$  W $\frac{1}{2}$ , E $\frac{1}{2}$ .  
T. 4 S., R. 13 E.,  
Sec. 9, lot 1261-B except that portion included in Mineral Patent No. 29747.

The areas described aggregate 646.60 acres in Pinal County.

The land described in section 9, T. 4 S., R. 13 E., is also included in Power-site Classification No. 438 of November 16, 1956.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc.72-21280 Filed 12-11-72;8:46 am]

[Public Land Order 5317]

[Colorado 12469, 13142]

### COLORADO

#### Correction of Public Land Order No. 5208

The description of the lands in Public Land Order 5208 of April 20, 1972, appearing in 37 F.R. 8383 of the issue of April 26, 1972, revoking certain reclamation withdrawals, is hereby corrected by changing the SW $\frac{1}{4}$ , sec. 20, T. 1 N., R. 86 W., to read the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , sec. 20, in paragraph 1, and by changing the land described as T. 1 N., R. 37 W., to read T. 1 N., R. 87 W., in paragraph 2, of said order.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc.72-21281 Filed 12-11-72;8:46 am]

[Public Land Order 5318]

[Montana 20669]

### MONTANA

#### Withdrawal for National Forest Recreation Area

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

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

### CUSTER NATIONAL FOREST

#### PRINCIPAL MERIDIAN

##### Macnab Pond Campground

T. 1 N., R. 59 E.,  
Sec. 19, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ .

##### Ekalaka Park Campground

T. 1 N., R. 58 E.,  
Sec. 33, SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ .

The areas described aggregate 140 acres in Carter County.

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

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc.72-21282 Filed 12-11-72;8:46 am]

[Public Land Order 5319]

[Arizona 030111]

### ARIZONA

#### Partial Revocation of Whipple Barracks Target Range Withdrawal

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

1. The Executive order of August 18, 1904, withdrawing lands for the use of the War Department as a target range for the troops at Whipple Barracks, Ariz., is hereby revoked so far as it affects the following described lands:

### GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 2 W.,  
Sec. 2, S $\frac{1}{2}$  SW $\frac{1}{4}$ ;  
Sec. 3, SE $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ ;  
Sec. 10, lots 1, 2, 3, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$ ;  
Sec. 11, N $\frac{1}{2}$  NW $\frac{1}{4}$ .

The areas described aggregate 640 acres in Yavapai County.

Of the lands described, 576.53 acres have been patented under the Recreation and Public Purposes Act of June 14, 1926, 44 Stat. 471, as amended, 43 U.S.C. 869 et seq. (1964), or conveyed to the State of Arizona pursuant to sections 2275 and 2276, U.S. Revised Statutes, as amended, 43 U.S.C. 851-852 (1964).

2. The remaining lands, described as the SE $\frac{1}{4}$  SW $\frac{1}{4}$  sec. 2, and lot 3 sec. 10, T. 14 N., R. 2 W., containing 63.47 acres, have been classified for disposal under the provisions of the Recreation and Public Purposes Act of June 14, 1926, supra, and section 7 of the Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. 315f (1964), pursuant to applications filed by the city of Prescott and Yavapai County, Ariz. These lands, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of a modification or revocation of such classification (43 CFR 2440.4).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc.72-21283 Filed 12-11-72;8:46 am]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

### UNDERGROUND COAL MINES

#### Proposed Mandatory Safety Standards

As a result of experience gained to date in the administration and enforcement of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 742; 30 U.S.C. 801), it is determined to be desirable to propose, pursuant to the authority contained in section 101 of the Act (83 Stat. 745; 30 U.S.C. 811(a)), new mandatory safety standards prescribing the maximum level of electric current between the frames of electric face equipment; and requirements for testing and calibration of devices for overcurrent protection of trolley wires and trolley feeder wires; movement of off-track equipment where energized trolley wires or trolley feeder wires are present; instruction in the use and location of firefighting equipment, location of escapeways, and evacuation procedures; fire drills; installation and maintenance of communication systems; location and examination of escapeway routes; escapeway maps; and escape drills.

In order to facilitate consideration of this proposal, an explanation of the reasons for, and purpose of these new mandatory safety standards is included.

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

1. In-mine observation, research, and experimentation has established that electrical arcing at current levels as low as 1.3 amperes caused by the contact of the frames of electric face equipment is capable of igniting methane. In order to prevent the occurrence of such potentially hazardous arcing, it is deemed advisable to require that a maximum current level of not more than 1 ampere be permitted to exist between the frames of electric face equipment used in the working places of a coal mine, or electric equipment used in return air outby the last open crosscut. The establishment of 1 ampere as the maximum current level will provide an adequate safety factor to insure that the current level of 1.3 amperes capable of igniting methane is not reached. To achieve this objective, it is proposed to add a new § 75.524 to Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, as follows:

**§ 75.524 Electric face equipment; electric equipment used in return air outby the last open crosscut; maximum level of alternating or direct electric current between frames of equipment.**

The maximum level of alternating or direct electric current that exists between

the frames of any two units of electric face equipment that come in contact with each other in the working places of a coal mine, or between the frames of any two units of electric equipment that come in contact with each other in return air outby the last open crosscut, shall not exceed 1 ampere as determined from the voltage measured across a 0.1 ohm resistor connected between the frames of such equipment.

2. Section 310(b) of the Act (restated as 30 CFR 75.1001), provides that trolley wires and trolley feeder wires shall be provided with overcurrent protection. The intent of this provision is to insure that trolley wires or trolley feeder wires will be deenergized in the event that a current overload should occur. In order to fully achieve the intent of this provision it is necessary that the overcurrent protection provided on trolley wires and trolley feeder wires be in proper working order. Because overcurrent protective devices are subject to malfunction if not properly adjusted, and because many overcurrent devices remain in use for long periods of time, it is proposed that § 75.1001-1 of Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, be revised as follows:

#### § 75.1001-1 Devices for overcurrent protection; testing and calibration requirements; records.

(a) Automatic circuit interrupting devices that will deenergize the affected circuit upon occurrence of a short circuit at any point in the system will meet the requirements of § 75.1001.

(b) Automatic circuit interrupting devices described in paragraph (a) of this section shall be tested and calibrated at intervals not to exceed 6 months. Testing of such devices shall include passing the necessary amount of electric current through the device to cause activation. Calibration of such devices shall include adjustment of all associated relays to  $\pm 15$  percent of the indicated value. An authorized representative of the Secretary may require additional testing or calibration of these devices.

(c) A record of the tests and calibrations required by paragraph (b) of this section shall be kept, and shall be made available, upon request, to an authorized representative of the Secretary.

3. Section 310(d) of the Act (restated as 30 CFR 75.1003) specifically provides that the Secretary or his authorized representatives shall require the use of improved methods to prevent persons from contacting energized trolley wires and trolley feeder wires. Furthermore, 30 CFR 75.1003-1 requires that adequate precaution shall be taken to insure that equipment being moved along haulageways will not come in contact with trolley wires or trolley feeder wires.

Experience has shown that the movement of off-track mining equipment in areas where energized trolley wires or trolley feeder wires are present is extremely hazardous not only for the per-

sons moving the equipment, but for all persons inby the equipment in the same ventilating current. The possibility of contact between the frame of the equipment being moved and energized trolley wires and trolley feeder wires should be eliminated. To achieve this purpose, it is proposed to add a new § 75.1003-2 to Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, as follows:

#### § 75.1003-2 Requirements for movement of off-track mining equipment in areas of active workings where energized trolley wires or trolley feeder wires are present; premovement requirements; certified and qualified persons.

(a) Prior to moving or transporting any unit of off-track mining equipment in areas of the active workings where energized trolley wires or trolley feeder wires are present:

(1) The unit of equipment shall be examined by a certified person to insure that coal dust, float coal dust, loose coal, oil, grease, and other combustible materials have been cleaned up and have not been permitted to accumulate on such unit of equipment; and,

(2) A qualified person, as specified in § 75.153, shall examine the trolley wires, trolley feeder wires, and the associated automatic circuit interrupting devices provided for short-circuit protection to insure that proper short-circuit protection exists.

(b) A record shall be kept of the examinations required by paragraphs (a) and (b) of this section, and shall be made available, upon request, to an authorized representative of the Secretary.

(c) Off-track mining equipment shall be moved or transported in areas of the active workings where energized trolley wires or trolley feeder wires are present only under the direct supervision of a certified person who shall be physically present at all times during moving or transporting operations.

(d) The frames of off-track mining equipment being moved or transported, in accordance with this section, shall be covered on the top and on the trolley wire side with fire-resistant material which has met the applicable requirements of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2G).

(e) Electrical contact shall be maintained between the mine track and the frames of off-track mining equipment being moved in track and trolley entries, except that rubber-tired equipment need not be grounded to a transporting vehicle if no metal part of such rubber-tired equipment can come into contact with the transporting vehicle.

(f) A minimum vertical clearance of 12 inches shall be maintained between the farthest projection of the unit of equipment which is being moved and the energized trolley wires or trolley feeder wires at all times during the movement or transportation of such equipment.

*Provided, however, That if the height of the coal seam does not permit 12 inches of vertical clearance to be so maintained, the following additional precautions shall be taken:*

(1) Electric power shall be supplied to the trolley wires or trolley feeder wires only from outby the unit of equipment being moved or transported;

(2) The settings of automatic circuit interrupting devices used to provide short-circuit protection for the trolley circuit shall be reduced to not more than one-half of the maximum current that could flow if the equipment being moved or transported were to come into contact with the trolley wire or trolley feeder wire;

(3) At all times the unit of equipment is being moved or transported, a miner shall be stationed at the first cutout switch outby the equipment being moved and such miner shall be: (i) In direct communication with persons actually engaged in the moving or transporting operation, and (ii) capable of communicating with the responsible person on the surface required to be on duty in accordance with § 75.1600-1;

(4) Where trolley phones are utilized to satisfy the requirements of subparagraph (3) of this paragraph, telephones or other equivalent two-way communication devices that can readily be connected with the mine communication system shall be carried by the miner stationed at the first cutout switch outby the equipment being moved and by a miner actually engaged in the moving or transporting operation; and,

(5) No person shall be permitted to be inby the unit of equipment being moved or transported, in the ventilating current of air that is passing over such equipment, except those persons directly engaged in moving such equipment.

(g) The provisions of paragraphs (a) through (f) of this section shall not apply to units of mining equipment that are transported in mine cars: *Provided, That no part of the equipment extends above or over the sides of the mine car.*

4. Section 311(a) of the Act (restated in 30 CFR 75.1100), requires that each coal mine shall be provided with suitable firefighting equipment. Such a requirement, while essential to a comprehensive program of mine safety, is incomplete without a corollary provision requiring instruction of miners in the use of such equipment. In addition, in the event of fire, the safety of miners depends largely on their knowledge of routes of travel and evacuation procedures necessary to reach the surface. To provide this necessary protection, it is proposed to add a new § 75.1101-23 to Part 75 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations, as follows:

**§ 75.1101-23 Program of instruction; location and use of firefighting equipment; location of escapeways, exits and routes of travel; evacuation procedures; fire drills.**

(a) Each operator of an underground coal mine shall adopt a program for the instruction of all miners in the location

and use of firefighting equipment, location of escapeways, exits and routes of travel to the surface, and proper evacuation procedures to be followed in the event of an emergency. Such program shall be submitted for approval to the District Manager of the Coal Mine Health and Safety District in which the mine is located no later than June 30, 1973.

(1) The approved program of instruction shall include a specific firefighting and evacuation plan designed to acquaint miners on all shifts with procedures for:

(i) Evacuation of all persons not actively engaged in firefighting activities;

(ii) Rapid assembly and transportation of necessary men, fire-suppression equipment, and rescue apparatus to the scene of the fire; and

(iii) Operation of the fire-suppression equipment available in the mine.

(2) The approved program of instruction shall be given to all miners annually, and to newly employed miners within 6 months after the date of employment.

(b) In addition to the approved program of instruction required by paragraph (a) of this section, each operator of an underground coal mine shall insure that:

(1) At least two miners in each working section on each production shift are proficient in the use of all fire suppression equipment available on such working section, and know the location of such fire suppression equipment;

(2) Each operator of attended equipment specified in § 75.1107-1(c)(1), and each miner assigned to perform job duties at the job site in the direct line of sight of attended equipment as described in § 75.1107-1(c)(2), is proficient in the use of fire suppression devices installed on such attended equipment; and,

(3) The shift foreman and at least one miner for every five miners working underground on a maintenance shift are proficient in the use of fire suppression equipment available in the mine, and know the location of such fire suppression equipment.

(c) Each operator of an underground coal mine shall require all miners to participate in fire drills, which shall be held at periods of time so as to insure that all miners participate in such a drill no later than 30 days after the effective date of this § 75.1101-23, and at intervals of not more than 90 days thereafter.

(1) A record of such fire drills shall be kept at the mine, and shall include the date on which the drill was held, the number of persons participating, the area of the mine involved in the drill, the procedures followed, and the equipment used.

(2) For purposes of this paragraph (c), a fire drill shall consist of a simulation of the actions required by the approved fire fighting and evacuation plan described in paragraph (a)(1) of this section.

5. Section 316 of the Act (restated as 30 CFR 75.1600), requires telephone or equivalent two-way communication facilities between the surface and each working section of any coal mine that is more than 100 feet from a portal. Experi-

ence has demonstrated that communication facilities located close to the working places within each working section are necessary to assure effective communication between the surface and miners working on a section; that ordinary methods of signaling an incoming call are not sufficient in the working section of a mine; and that alternative methods must be provided to power two-way communication systems in the event that the main electric power source is shut off. To insure the effectiveness of two-way communication facilities, it is proposed to add new §§ 75.1600-1 and 75.1600-2 to Part 75, Subchapter O, Chapter I, Code of Federal Regulations, as follows:

**§ 75.1600-1 Communication facilities; main portals; installation requirements.**

A telephone or equivalent two-way communication facility shall be located on the surface within 200 feet of all main portals, and shall be installed either in a building or in a box-like structure designed to protect the facilities from damage by inclement weather. At least one of these communication facilities shall be at a location where a responsible person who is always on duty when men are underground can hear the facility and respond immediately in the event of an emergency.

**§ 75.1600-2 Communication facilities; working sections; installation and maintenance requirements; audible or visual alarms.**

(a) Telephones or equivalent two-way communication facilities provided at each working section shall be located not more than 300 feet outby the last open crosscut and not more than 700 feet from the farthest point of penetration of the working places on such section.

(b) The incoming communication signal shall activate an audible alarm, distinguishable from the surrounding noise level, or a visual alarm that can be seen by a miner regularly employed on the working section.

(c) If a communication system other than telephones is used and its operation depends entirely upon power from the mine electric system, means shall be provided to permit continued communication in the event the mine electric power fails or is cut off: *Provided, however, That where trolley phones and telephones are both used, an alternate source of power for the trolley phone system is not required.*

(d) Trolley phones connected to the trolley wire shall be grounded in accordance with Subpart H of this part.

(e) Telephones or equivalent two-way communication facilities shall be maintained in good operating condition at all times. In the event of any failure in the system that results in loss of communication, repairs shall be started immediately, and the system restored to operating condition as soon as possible.

6. Section 317(f)(1) of the Act (restated as 30 CFR 75.1704), establishes the

## PROPOSED RULE MAKING

general requirements for escapeways. Because escapeways should permit rapid exit from a mine in the event of an emergency, it has been determined that the speed with which exit can be achieved will be increased if escapeways are located to follow the most direct route of travel to the nearest mine opening. Rapid exit from a mine will also be more likely if miners are familiar with escapeway routes. Consequently it is deemed desirable to require accurate, up-to-date maps of the mine escape system to be available to the miners, and to require periodic practice escapeway drills. The statutory provision also requires proper maintenance and frequent testing of escapeways. Establishment of a regular testing program will assure that escapeways are maintained in a proper condition. To provide this necessary protection it is proposed to add a new § 75.1704-2 to Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, as follows:

**§ 75.1704-2 Escapeway routes; examination; escapeway maps; drills.**

(a) In mines and working sections opened on and after the effective date of this § 75.1704-2, all travelable passageways designated as escapeways in accordance with § 75.1704 shall be located to follow the most direct route of travel to the nearest mine opening. Escapeways from working sections may be located through existing entries, rooms, or crosscuts.

(b) In mines and working sections in existence prior to the effective date of this § 75.1704-2, all travelable passageways designated as escapeways in accordance with § 75.1704 shall, no later than 6 months from the effective date of this section, be located to follow the most direct route of travel through existing entries, rooms, or crosscuts to the nearest mine opening.

(c) (1) All escapeways shall be examined in their entirety at least once each week by a certified person. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any miner other than the certified person returns to the mine. The phrase "once each week" shall mean at intervals not exceeding 7 days.

(2) The certified person making such examination shall place his initials, the date, and time at various locations along the passageways and, if any hazardous conditions are found, such conditions shall be reported promptly to the operator. The results of the examinations shall be recorded in the book specified in § 75.1801 relating to the examination of emergency escapeways. Any hazardous conditions observed shall be corrected immediately.

(d) A map of the mine, showing the escape system of the entire mine, shall be posted at a location where all miners can acquaint themselves with the proper escapeway from any part of the mine.

The map shall be kept up-to-date, and any changes made in routes of travel, locations of doors, or direction of airflow shall be promptly shown on the map when the change is made and shall be brought promptly to the attention of all miners.

(e) Practice escapeway drills shall be conducted so that all miners are kept informed of the route of escape, any necessary ventilation changes, the location of fire doors, check curtains, or smoke-retarding doors, and plans for diverting smoke from escapeways. Such practice drills shall insure that each miner travels the escapeways through his respective working section up to the main escapeways at least once every 10 weeks, and that at least two miners, including the section foreman, on each producing section travel through the main escapeways up to the portal at least once every 5 weeks.

(f) The practice escapeway drills may be utilized to satisfy the evacuation specifications of the fire drills required by § 75.1101-23.

HOLLIS M. DOLE,  
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc. 72-21374 Filed 12-11-72; 8:53 am]

**Office of the Secretary**

**[ 43 CFR Part 18 ]**

**RECREATION FEES**

**Proposed Establishment**

The Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended by the Act of July 11, 1972, restores the Golden Eagle program.

The Secretary of the Interior is authorized to prescribe rules and regulations for the collection of entrance and special recreation use fees at Designated Recreation Areas or Facilities, the sale of the Golden Eagle Passports, the issuance of the Golden Age Passports, and the use of the Golden Eagle Insignia.

A proposed revision of Part 18 prescribing the above mentioned rules and regulations is published below.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. As the Act of July 11, 1972, provides for the sale and issuance of annual permits, it is impracticable and contrary to public interest to give more than 15 days for public participation in the proposed rule making. Accordingly, interested persons may submit written comments, suggestions, or objections to the Secretary, Department of the Interior, Washington, D.C., within 15 days of the publication of this notice in the *FEDERAL REGISTER*.

Part 18 of Subtitle A of Title 43 of the Code of Federal Regulations is revised to read as follows:

Sec.

18.1 Application.

18.2 Types of Federal recreation fees.

Sec.	
18.3	Designation.
18.4	Posting.
18.5	Golden Eagle Passport.
18.6	Golden Age Passport.
18.7	Fees for single-visit permits.
18.8	Validation and display of entrance permits.
18.9	Establishment of special recreation use fees.
18.10	Special recreation use permits.
18.11	Effective dates of Federal recreation fees.
18.12	Collection of Federal recreation fees.
18.13	Enforcement.
18.14	Exceptions, exclusions, and exemptions.
18.15	Public notification.
18.16	Golden Eagle Insignia.

**AUTHORITIES:** The provisions of this Part 18 are issued under section 4 of the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended by the Act of July 11, 1972, 86 Stat. 459, 16 U.S.C. 460e-4 et seq. (1970).

**§ 18.1 Application.**

This part is promulgated pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended by the Act of July 11, 1972, 86 Stat. 459.

(a) Any entrance fee which may be charged by the National Park Service at designated units of the National Park System shall be selected from the schedule of fees according to the criteria set forth in this part.

(b) Special recreation use fees charged by any bureau of the Department of the Interior for the use of sites, facilities, equipment, or services furnished at Federal expense shall be selected from the range of special recreation use fees set forth in this part or according to criteria set forth in this part.

**§ 18.2 Types of Federal recreation fees.**

There shall be two types of Federal recreation fees: (a) Entrance fees for admission to any Designated Entrance Fee Area, and (b) special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense, or for group activities, recreation events, motorized recreation vehicles, or for other specialized recreation uses. There shall be two types of entrance fees: (1) Fees for annual permits, which shall gain admission into any "Designated Entrance Fee Area" during the calendar year for which the fees are paid when entry is by a single, private, non-commercial vehicle, and (2) fees for single visits to any Designated Entrance Fee Areas, which shall be applicable to persons who choose not to purchase the annual permit or who enter such an area by means other than by a single, private, noncommercial vehicle.

**§ 18.3 Designation.**

(a) An area or closely related group of areas shall be designated as an area at which entrance fees shall be charged (hereinafter "Designated Entrance Fee Area") if the following conditions are found to exist concurrently:

(1) The area is a unit of the National Park System administered by the Department of the Interior;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical.

(b) Any specialized sites, facilities, equipment, services, or closely related groups of facilities related to outdoor recreation (hereinafter "facilities") shall be designated as facilities for which special recreation use fees shall be charged (hereinafter "Designated Special Recreation Use Facilities"), if the following conditions are found to exist concurrently:

(1) The facilities are developed, administered, or provided by any bureau of the Department of the Interior;

(2) The facilities are provided at Federal expense;

(3) The nature of the facilities is such that fee collection is administratively and economically practical;

(4) A substantial investment has been made in the facilities;

(5) The facilities require regular maintenance;

(6) The facilities are utilized for the personal benefit of the user for a fixed period of time; and

(7) The facilities are not the kind of facilities which virtually all visitors might reasonably expect to use without charge, including, but not limited to, such facilities as roads, trails, overlooks, visitor centers, wayside exhibits, or picnic areas.

#### § 18.4 Posting.

The heads of the bureaus of the Department of the Interior shall provide for the posting of designation signs at all entrances to Designated Entrance Fee Areas and at areas with Designated Special Recreation Use Facilities in a manner such that the visiting public will be clearly notified that entrance or special recreation use fees are charged.

(a) All Designated Entrance Fee Areas shall be posted with a sign as indicated below with the following characteristics:

(1) Be constructed of enameled steel, coated aluminum, silk screen reflective materials attached to wood or metal, or other permanent materials;

(2) Consist of the basic elements, proportion, and color as indicated below:

(i) The Golden Eagle Insignia (hereinafter defined in § 18.16) with the words "The Golden Eagle" and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border).

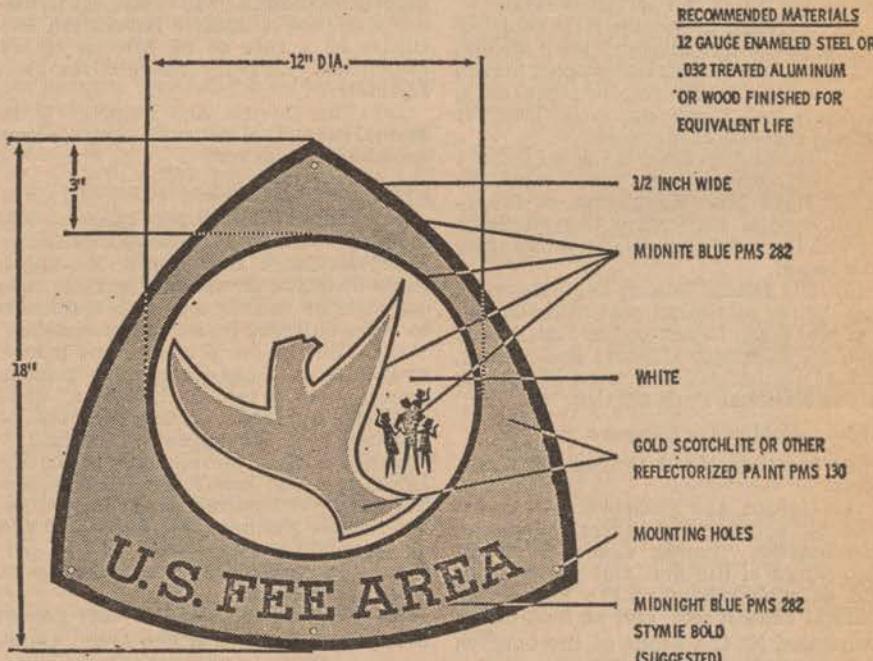
(a) The color midnight blue shall be Pantone Matching System 282; the color gold shall be Pantone Matching System 130;

(b) The rounded triangle shall be 18 inches in vertical height at all Designated

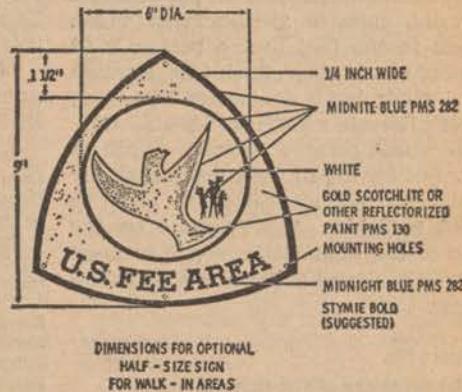
Entrance Fee Areas, except that at those areas entered only on foot, the rounded triangle may be 9 inches in vertical height;

(ii) Contains the words "U.S. Fee Area" as indicated below.

#### SPECIFICATIONS FOR OFFICIAL DESIGNATION SIGN



#### DIMENSIONS FOR STANDARD SIGN



DIMENSIONS FOR OPTIONAL  
HALF - SIZE SIGN  
FOR WALK - IN AREAS

Department of the Interior or other Federal recreation agencies.

(d) No entrance fee or special recreation use fee established pursuant to this part shall be effective at any Designated Entrance Fee Area and/or Designated Special Recreation Use Facilities until that area or those facilities have been posted.

#### § 18.5 Golden Eagle Passport.

(a) The Golden Eagle Passport is an annual permit, valid on a calendar-year basis, for admission to any Designated

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Entrance Fee Area. The charge for the Golden Eagle Passport shall be \$10.

(b) The Golden Eagle Passport shall admit the purchaser and any person accompanying him in a single, private, noncommercial vehicle to Designated Entrance Fee Areas where entrance or admission fees are charged during the period for which the permit is valid.

(c) "Private, noncommercial vehicle," for the purpose of this part, shall include any passenger car, station wagon, pickup camper truck, motorcycle, or other motor vehicle which is conventionally used for private recreation purposes.

(d) The annual Golden Eagle Passport does not authorize any use of facilities which have been designated as Designated Special Recreation Use Facilities for which special recreation use fees shall be charged.

(e) The annual Golden Eagle Passport shall be for sale in all post offices of the first and second class and at such others as the Postmaster General shall direct, and at Designated Entrance Fee Areas of the National Park Service.

#### § 18.6 Golden Age Passport.

(a) Issuance of the Golden Age Passports:

(1) Golden Age Passports will be issued by appropriate Federal personnel (hereinafter "Issuing Officer") at all post offices of the first and second class and at such others as the Postmaster General shall direct, and at field offices designated by the heads of the bureaus administering Designated Entrance Fee Areas and Designated Special Recreation Use Facilities.

(2) Golden Age Passports will be issued free of charge upon the presentation of valid, suitable identification which attests to the fact that a person is 62 years of age or older. Such identification may include, but is not limited to, a State driver's license, a birth certificate, etc.

(3) Those persons 62 years of age or older not having in their possession any valid, suitable identification may be issued a Golden Age Passport on the basis of the affidavit below, if such an affidavit is signed in front of the Issuing Officer.

-----  
Passport No. -----  
Date -----

To the Secretary of the Interior:

I do hereby swear or affirm that I am 62 years of age or older and that I am duly entitled to be issued free of charge one Golden Age Passport pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended by the Act of July 11, 1972, 86 Stat. 459.

Signature -----

Street -----

Town/City, State -----

Issuing officer -----

(4) The Passport must be applied for in person and signed in front of the Issuing Officer or otherwise it will be treated as invalid.

(b) The Golden Age Passport shall admit the bearer and any person accompanying him in a single, private noncommercial vehicle to Designated Entrance Fee Areas where entrance fees are charged during the period for which the permit is valid. The bearer of a valid Golden Age Passport shall be entitled upon presentation of the Passport to utilize Designated Special Recreation Facilities at a rate of 50 percent of the established daily fee charged for such facilities.

(c) The Golden Age Passport is an annual permit valid for the calendar year for which it is issued.

#### § 18.7 Fees for single-visit permits.

(a) There shall be two types of fees for single-visit permits charged at Designated Entrance Fee Areas: One applicable to those entering by private, noncommercial vehicle and one applicable to those entering by any other means.

(b) The fee for a single-visit permit applicable to those entering by private, noncommercial vehicle shall be \$1 to \$3 per vehicle per day at the discretion of the heads of the bureaus. The single-visit permit shall be valid only at the one Designated Fee Area for which it is paid. The single-visit permit shall admit, without further payment, the purchaser and all persons accompanying him in a private, noncommercial vehicle during its period of validity.

(c) The fee for a single-visit permit charged at Designated Fee Areas, applicable to those entering by any means other than private, noncommercial vehicle shall be \$0.50 to \$1.50 per person per day at the discretion of the heads of the bureaus and shall be valid at the one Designated Entrance Fee Area for which it is paid.

(d) Any of the permits provided for in paragraphs (b) and (c) of this section shall be valid at the Designated Entrance

(c) Range of Special Recreation Use Fees:

Camp and trailer sites	Up to \$4.50 for overnight use.
Group camping sites	Up to \$0.50 per person per day. <sup>1</sup>
Highly developed boat launching sites	Up to \$1.50 per boat per day.
Lockers	\$0.10 per locker daily.
Boat storage and handling	To be established at a daily, weekly, monthly, or annual rate in accord with the criteria set forth in this section.
Elevators	At least \$0.10 per person round trip.
Ferries and other means of transportation	To be established at a rate in accord with the criteria set forth in this section.
Bathhouses	Up to \$0.50 per person per day.
Swimming pools	To be established at a daily rate in accord with the criteria set forth in this section.
Overnight shelters	To be established at a daily rate in accord with the criteria set forth in this section.
Precut firewood	To be established at a rate in accord with the criteria set forth in this section.
Guided tours	To be established at a rate in accord with the criteria set forth in this section.
Electrical hook-ups	Up to \$1 per hook-up per day.
Vehicle and trailer storage	To be established at a daily, weekly, monthly, or annual rate in accord with the criteria set forth in this section.
Boats, nonmotorized	A minimum of \$1 per boat per day or fraction thereof.
Boats, motorized	A minimum of \$5 per boat per day or fraction thereof.
Specialized sites (highly developed multiuse sites)	Up to \$1.50 per person per day.

<sup>1</sup> Heads of administering agencies or departments may select group use rates in lieu of the above "Group Camping Sites" special recreation fee, and may establish a minimum group use charge of at least \$3 per day per group without regard to group size or other provisions of this part.

Fee Area for which it was purchased during the same calendar day or days for which it was purchased. In addition, at areas in which overnight use is permitted, such permits shall be valid until noon of the day following the last day for which entrance fees were paid, except as otherwise posted.

#### § 18.8 Validation and display of entrance permits.

(a) Every annual permit shall be validated by the signature of its bearer on the face of the permit at the time of its receipt.

(b) All annual and single-visit permits shall be nontransferable.

(c) Every permit shall be kept on the person of its owner, and shall be exhibited on the request of any authorized representative of the administering bureau.

#### § 18.9 Establishment of special recreation use fees.

(a) Special recreation use fees shall be selected by all outdoor recreation administering bureaus of the Department of the Interior from within the range of fees listed below provided that such fees are established in accordance with the following criteria:

(1) The direct and indirect cost to the Government;

(2) The benefit to the recipient;

(3) The public policy or interest served;

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged;

(5) The economic and administrative feasibility of fee collection; and

(6) Other pertinent factors.

(b) Special recreation use fees may be established for other types of facilities in addition to those which are listed below in such amounts as are recommended by the Secretary of the Interior.

(d) Daily use fees for overnight occupancy within areas specially developed for such use shall be determined on the basis of the value of the capital improvements offered; the cost of the services furnished, and other pertinent factors.

**§ 18.10 Special recreation use permits.**

Notwithstanding other sections of this part, special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with procedures and fees established by the bureau involved.

**§ 18.11 Effective dates of Federal recreation fees.**

Effective January 1, 1973, the fees provided for in this part shall be charged at every posted Designated Entrance Fee Area and for posted Designated Special Recreation Use Facilities.

**§ 18.12 Collection of Federal recreation fees.**

Heads of the bureaus of the Department of the Interior shall provide for the collection of fees at posted Designated Entrance Fee Areas and for posted Designated Special Recreation Use Facilities.

**§ 18.13 Enforcement.**

Persons authorized by the heads of the appropriate bureaus to enforce these regulations may, within areas under the administration or authority of such bureau head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates these rules and regulations. Any violations of the rules and regulations issued in this part shall be punishable by a fine of not more than \$100.

**§ 18.14 Exceptions, exclusion, and exemptions.**

In the application of the provisions of this part, the following exceptions, exclusions, and exemptions shall apply:

(a) Nothing contained herein shall authorize Federal hunting or fishing licensees or fees;

(b) No entrance fee shall be charged for travel by private noncommercial vehicle over any National Parkway, or any road or highway established as part of the National Federal-Aid System, which is commonly used by the public as a means of travel between two places, either or both of which are outside the area;

(c) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any designated Federal recreation fee area.

(d) No entrance fee shall be charged for commercial or other activities not related to recreation, including but not limited to organized tours or outings conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes; nor shall any

entrance fee be charged any hospital inmate actively involved in medical treatment or therapy in the area visited.

(e) No entrance fee shall be charged any person conducting State, local, or Federal government business.

(f) No entrance fee shall be charged at any entrance to Great Smoky Mountains National Park unless such fees are charged at main highway and thoroughfare entrances.

(g) No entrance fees shall be charged for persons who have not reached their 16th birthday.

(h) Until July 12, 1975, no entrance fees shall be charged foreign visitors to the United States seeking admission to Designated Entrance Fee Areas upon presentation of a valid passport.

(i) No entrance fees shall be charged persons having a right of access to lands or waters within a Designated Entrance Fee Area for hunting or fishing privileges under a specific provision of law or treaty.

**§ 18.15 Public notification.**

The administering bureaus shall notify the public of the specific Federal recreation fees which will be charged for each Designated Entrance Fee Area and Designated Special Recreation Use Facilities under their respective jurisdictions. Such notification shall be accomplished by posting such information at each area and facility, and by local public announcements, press releases, publications distributed at each area or facility, and other suitable means.

**§ 18.16 The Golden Eagle Insignia.**

(a) *Definitions.* (1) The term "The Golden Eagle Insignia" (hereinafter "Insignia") as used in this part, means the words "The Golden Eagle" and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

(2) The term "Secretary" as used in this part, means the Secretary of the Interior or any person designated to act for him in any matter to which this section refers.

(3) The term "commercial use," as used in this part, refers to any use, including the reproduction, manufacture, importation, or distribution, of the Insignia the primary purpose of which is to make a profit.

(4) The term "public service use," as used in this part, refers to any use, including the reproduction, manufacture, importation, or distribution, of the Insignia the primary purpose of which is to contribute to the public's information and education about the Federal recreation fee program.

(5) The term "official use" refers to uses of the Insignia pursuant to §§ 18.4, 18.5, 18.6, 18.8, 18.10, and 18.15, including, but not limited to the posting of Designated Entrance Fee Areas and Des-

ignated Special Recreation Facilities, and the design of Golden Eagle and Golden Age Passports.

(6) The Golden Eagle program refers to the Federal outdoor recreation fee program, which provides for the Designation of Entrance Fee Areas and Special Recreation Use Facilities, the issuance of Golden Eagle and Golden Age Passports, and the collection and enforcement of fees at Federal areas and facilities, established by the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended.

(b) *Licenses for commercial and public service use.* (1) Any person, business, or organization (hereinafter called the applicant) wishing a license for commercial or public service use of the Insignia must make written application to the Secretary stating:

(i) The nature and scope of the intended use.

(ii) The applicant's name and address.

(iii) The nature of the applicant's business or activities, and the relationship between the intended use and said business or activities.

(2) The Secretary, in determining whether to grant a license for the commercial use of the Insignia, will consider the following criteria:

(i) Whether the intended use will be an enhancement of the Golden Eagle program which would complement the program as it is administered by Federal recreation agencies and departments.

(ii) Whether the intended use is likely to cause confusion, or to cause mistake, or to deceive the general public by creating the impression that the use is official.

(iii) Whether the intended use is injurious to the integrity of the concept of the Insignia.

(iv) Whether the intended use is capable of generating enough royalty fee revenue to justify the administrative costs of licensing.

(3) The Secretary, in determining whether to grant a license for the public service use of the Insignia, will consider the following criteria:

(i) Whether the intended use will be an enhancement of the Golden Eagle program which would complement the program as it is administered by Federal recreation agencies and departments.

(ii) Whether the intended use is injurious to the integrity of the concept of the Insignia.

(4) Any license granted by the Secretary for commercial use of the Insignia is subject to the following terms and conditions:

(i) The license is nontransferable.

(ii) All proposed uses of the Insignia must be approved by the Secretary prior to manufacture, importation, or reproduction by the licensee. The Insignia shall not be used in conjunction with substances inherently dangerous to the public.

(iii) The license shall contain equal employment opportunity provisions in compliance with Executive Order 11246, 30 F.R. 12319 (1965), as amended, and regulations issued pursuant thereto (41

## PROPOSED RULE MAKING

CFR Ch. 60) unless the royalty fees to be paid under the license are not expected to exceed \$10,000.

(iv) The license shall be subject to revocation by the Secretary at any time that he finds that: (a) The criteria under which the license was granted are not being fulfilled; or (b) there has been a violation of the terms and conditions of the license.

(5) Any license granted by the Secretary for public service use of the Insignia is subject to the following terms and conditions:

(i) The license is nontransferable.

(ii) All proposed uses of the Insignia must be approved by the Secretary prior to manufacture, importation, reproduction, or distribution by the licensee.

(iii) The license shall be subject to revocation by the Secretary at any time that he finds that: (a) The criteria under which the license was granted are not being fulfilled; or (b) there has been a violation of the terms and conditions of the license.

(c) *Unauthorized use of the Insignia.* (1) Unauthorized use of the Insignia is all use except: The licensed commercial use or public service use of the Insignia; official use of the Insignia; and any lawful use of the Insignia, similar emblem, sign or words which antedates the Act of July 11, 1972, 86 Stat. 459.

(2) Whoever makes unauthorized use of the Insignia or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake or to deceive the public by creating the impression that the use is official, shall be fined not more than \$250 or imprisoned not more than 6 months or both.

(3) Any unauthorized use of the Insignia may be enjoined at the suit of the Attorney General upon complaint by the Secretary.

(d) *Royalty fees for commercial and public service use.* (1) Royalty fees for licensed commercial use of the Insignia shall be established at reasonable rates by contract between the licensee and the Secretary.

(2) Royalty fees for licensed public service use of the Insignia shall be waived by the Secretary.

(e) *Abandonment of the Golden Eagle Insignia.* The rights of the United States in the Golden Eagle Insignia shall terminate if the use of the Insignia is abandoned by the Secretary. Nonuse for a continued period of 2 years shall constitute abandonment.

Dated: December 5, 1972.

WILLIAM W. LYONS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.72-21270 Filed 12-11-72;8:46 am]

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [7 CFR Part 913]

## GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

## Proposed Expenses and Rate of Assessment for Fiscal 1972-73

Consideration is being given to the following proposals submitted by the Interior Grapefruit Marketing Committee, established under the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee, during the fiscal period August 1, 1972, through July 31, 1973, will amount to \$29,050.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 913.31, be fixed at \$0.005 per standard packed box.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

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

Dated: December 6, 1972.

CHARLES R. BRADER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-21294 Filed 12-11-72;8:47 am]

## [7 CFR Part 993]

## DRIED PRUNES PRODUCED IN CALIFORNIA

## Proposed Expenses and Rate of Assessment for 1972-73 Crop Year

Notice is hereby given of a proposal to revise the expenses of the Prune Ad-

ministrative Committee for the 1972-73 crop year and the rate of assessment for that crop year previously established pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Prune Administrative Committee.

Expenses in the amount of \$180,500 for the 1972-73 crop year were approved and a rate of assessment of \$1.90 per ton of assessable prunes established in a document published in the *FEDERAL REGISTER* September 9, 1972 (37 F.R. 18286). That assessment rate was based on the Committee's estimate that the assessable tonnage would be 95,000 natural condition tons. The Committee has now: (1) Estimated that the total assessable tonnage will be 75,000 natural condition tons; (2) concluded that the revenue generated at the current rate will not be enough to meet expenses incurred by the Committee during the 1972-73 crop year; and (3) determined that an assessment rate of \$2.40 per ton will provide the necessary revenue.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 19, 1972. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

## § 993.323 Expenses of the Prune Administrative Committee and rate of assessment for the 1972-73 crop year.

(a) *Expenses.* Expenses in the amount of \$180,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1972, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at \$2.40 per ton of

salable prunes handled by him as the first handler thereof.

Dated: December 7, 1972.

CHARLES R. BRADER,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc. 72-21367 Filed 12-11-72; 8:48 am]

### Animal and Plant Health Inspection Service

[9 CFR Parts 307, 381]

### OVERTIME OR HOLIDAY INSPECTION SERVICE

#### Proposed Schedules of Operations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the Animal and Plant Health Inspection Service proposes to amend Part 307 of the meat inspection regulations (9 CFR Part 307), and Part 381 of the poultry products inspection regulations (9 CFR Part 381), to provide uniform requirements and procedures in establishments operating under Federal inspection relative to schedules of operation, overtime and holiday inspection service, and a uniform basis of billing establishments when overtime or holiday work is incurred by U.S. Department of Agriculture's program employees.

**Statement of considerations.** The proposed amendments to the meat and poultry inspection regulations are to aid the Animal and Plant Health Inspection Service in providing uniform inspection service to the meat and poultry industry through better utilization of manpower and by establishing uniform and equitable practices for determining what constitutes overtime and holiday inspection services.

The lack of uniform regulations governing operating schedules and the basis for determining what constitutes an overtime operation have resulted in many functional inspection and administrative problems since the merger into one program in 1968 of the former meat inspection program and the poultry inspection program. Different policies in this regard have led to various segments of the industry being treated differently and has caused nonuniform application of policy by line supervisors. The proposals are intended to bring about a uniform system in which inspection service is rendered.

Part 307 of the meat inspection regulations would be amended as follows:

In § 307.4, the heading and text would be amended to read:

#### § 307.4 Schedule of operations.

(a) No operations requiring inspection shall be conducted except under the supervision of a program employee. All slaughtering of animals and preparation

of products shall be done with reasonable speed, considering the official establishment's facilities.

(b) A shift is all or a substantial portion of an 8-hour period, exclusive of mealtime. Time allowed for meals for program employees shall not be less than one-half hour nor more than 1 hour, and shall remain constant from day to day.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift for any 5 consecutive days within the period of Monday through Saturday: *Provided*, That any additional shifts meet requirements as determined by the Administrator or his designee.

(d) Each official establishment shall submit a work schedule to a designated program supervisor for approval. In consideration of whether the approval of an establishment work schedule, shall be given, the program supervisor shall take into account the efficient and effective use of inspection personnel. The work schedule must specify the workweek, daily clock hours of operation, and lunch periods for all departments of the establishment requiring inspection. Establishments shall maintain consistent work schedules. Any request by an establishment for change in its work schedule shall be submitted to the program supervisor assigned to the establishment at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: *Provided, however*, In cases of emergency, minor deviations from a daily operating schedule may be approved by the program supervisor assigned to the official establishment if such request is received on the day preceding the day of change.

(e) Ante-mortem and post-mortem inspectors shall be limited to 10 clock hours post-mortem inspection duty per shift, except in cases of emergency. In addition, all program inspectors shall be limited to 12 clock hours duty per shift including mealtime, "house-breaks," and emergencies. Program employees shall be off duty 12 consecutive clock hours between shifts.

(f) When one program employee is assigned to conduct inspection at an establishment where few livestock are slaughtered or a small quantity of product is processed or certified (as determined by the Administrator), the Administrator may designate the hours of the day and the days of the week during which those operations requiring inspection may be conducted.

In § 307.5, the heading and text would be amended as follows:

#### § 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Animal and Plant Health Inspection Service \$9.28 per hour per program employee to reimburse the program for the cost of the inspection service furnished in excess of 8 consecutive hours of any shift; on any day outside

an approved work schedule; or on any holiday specified in paragraph (b) of this section, except that when a holiday falls outside a scheduled 5-consecutive-day workweek, the nearest workday within that week shall be the holiday. Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service outside the established workweek: *Provided*, That an inspector may be recalled to his assignment after completion of his daily tour of duty under the provisions of § 307.6 (b).

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veteran's Day, the fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25.

In § 307.6, the heading and text would be amended to read:

#### § 307.6 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed, at the rate established in § 307.5(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each program employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of a program employee after he has completed his day's assignment and left the premise, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

Part 381, Subpart G, of the poultry products inspection regulations would be amended as follows:

#### § 381.37 [Revoked]

Section 381.37 would be revoked.

In § 381.38 the heading and text would be amended to read:

#### § 381.38 Schedule of operations.

(a) No operations requiring inspection shall be conducted except under the supervision of a program employee. All eviscerating of poultry and further processing shall be done with reasonable speed, considering the official establishment's facilities.

(b) A shift is all or a substantial portion of an 8-hour period, exclusive of mealtime. Time allowed for meals for

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program employees shall not be less than one-half hour nor more than 1 hour, and shall remain constant from day to day.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift for any 5 consecutive days within the period of Monday through Saturday: *Provided*, That any additional shifts meet requirements as determined by the Administrator or his designee.

(d) Each official establishment shall submit a work schedule to a designated program supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the Program supervisor shall take in account the efficient and effective use of inspection personnel. The work schedule must specify the workweek, daily clock hours of operation, and lunch periods for all departments of the establishment requiring inspection. Establishments shall maintain consistent work schedules. Any request by an establishment for change in its work schedule shall be submitted to the program supervisor assigned to the establishment at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: *Provided however*, in cases of emergency, minor deviations from a daily operating schedule may be approved by the program supervisor assigned to the official establishment if such request is received on the day preceding the day of change.

(e) Ante-mortem and post-mortem inspectors shall be limited to 10 clock hours post-mortem inspection duty per shift, except in cases of emergency. In addition, all program inspectors shall be limited to 12 clock hours duty per shift including mealtime, "house-breaks," and emergencies. Program employees shall be off duty 12 consecutive clock hours between shifts.

(f) When one program employee is assigned to conduct inspection at an establishment where few poultry are eviscerated or a small quantity of product is further processed or certified (as determined by the Administrator), the Administrator may designate the hours of the day and the days of the week during which those operations requiring inspection may be conducted.

In § 381.39, the heading and text would be amended to read:

**§ 381.39 Overtime and holiday inspection service.**

(a) The management of an official establishment, an importer, or an exporter shall pay the Animal and Plant Health Inspection Service \$9.28 per hour per program employee to reimburse the program for the cost of the inspection service furnished in excess of 8 consecutive hours of any shift; on any day outside an approved work schedule; or on any holiday specified in paragraph (b) of this section, except that when a holiday falls outside a scheduled 5 consecutive day workweek, the nearest workday within that week shall be the holiday.

Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service outside the established workweek: *Provided*, That an inspector may be recalled to his assignment after the completion of his daily tour of duty under the provisions of § 381.42(b).

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veteran's Day, the fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25.

**§§ 381.40 and 381.41 [Revoked]**

Section 381.40 would be revoked.  
Section 381.41 would be revoked.

In § 381.42, the heading and text would be amended to read:

**§ 381.42 Basis of billing for overtime and holiday services.**

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed at the rate established in § 381.39(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each program employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of a program employee after he has completed his day's assignment and left the premise, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date this notice is published in the *FEDERAL REGISTER*.

Persons desiring opportunity for oral presentation of views should address such requests to the Issuance Coordination Staff, Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, within the 60-day period. A transcript will be made of all views orally presented and will be filed in the Office of the Hearing Clerk.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held con-

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

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

Done at Washington, D.C., on December 4, 1972.

RICHARD E. LYNG,  
Assistant Secretary.

[FR Doc. 72-21373 Filed 12-11-72; 8:53 am]

## DEPARTMENT OF LABOR

### Office of the Secretary

#### 129 CFR Part 21

#### AUDIOVISUAL COVERAGE OF ADMINISTRATIVE HEARINGS

##### Notice of Proposed Rule Making

Pursuant to 5 U.S.C. 301, 5 U.S.C. 552-556 and Recommendation No. 32 of the Administrative Conference of the United States, it is proposed to issue a new Subpart B to Part 2 of Title 29, Code of Federal Regulations, stating the Department's policy concerning audiovisual coverage of administrative hearings under various laws administered by the Department, and to designate the present part as Subpart A.

Interested persons are invited to submit written comments, suggestions, or argument regarding this proposal to the Solicitor of Labor, Department of Labor, Washington, D.C. 20210, within 30 days after publication of this notice in the *FEDERAL REGISTER*.

It is proposed to revise Part 2 as follows:

- The present Part 2 will be designated "Subpart A—General."
- The new Subpart B of Part 2 of Title 29, Code of Federal Regulations, is proposed to read as follows:

##### Subpart B—Audiovisual Coverage of Administrative Hearings

Sec.

- Scope and purpose.
- General principles.
- Audiovisual coverage permitted.
- Audiovisual coverage prohibited.
- Proceedings in which the Department balances conflicting values.
- Protection of witnesses.

AUTHORITY: This Subpart B issued under authority of 5 U.S.C. 301 and 5 U.S.C. 552-556.

**Subpart B—Audiovisual Coverage of Administrative Hearings****§ 2.10 Scope and purpose.**

This subpart defines the scope of audiovisual coverage of departmental administrative hearings. It describes the types of proceedings where such coverage is encouraged, defines areas where such coverage is prohibited (as in certain enforcement proceedings or where witnesses object) and areas where a decision concerning coverage is made after weighing the values involved in permitting coverage against the reasons for not permitting it.

**§ 2.11 General principles.**

The following general principles will be observed in granting or denying requests for permission to cover hearings audiovisually:

(a) Notice and comment and on-the-record rule making proceedings may involve administrative hearings. If such administrative hearings are held, we encourage their audiovisual coverage.

(b) Audiovisual coverage shall be excluded in adjudicatory proceedings involving the rights or status of individuals (including those of small corporations likely to be indistinguishable in the public mind from one or a few individuals) in which an individual's past culpable conduct or other aspect of personal life is a primary subject of adjudication, and where the person in question objects to coverage.

(c) Certain proceedings involve balancing of conflicting values in order to determine whether audiovisual coverage should be allowed. Where audiovisual coverage is restricted, the reasons for the restriction shall be stated in the record.

**§ 2.12 Audiovisual coverage permitted.**

The following are the types of hearings where the Department encourages audiovisual coverage:

(a) All hearings involving notice and comment and on-the-record rule making proceedings. The Administrative Procedure Act provides for notice of proposed rule making with provision for participation by interested parties through submission of written data, views, or arguments, with or without opportunity for oral presentation (5 U.S.C. 553). (In many cases the Department follows the above procedure in matters exempted from these requirements of 5 U.S.C. 553.) On-the-record rule making proceedings under 5 U.S.C. 556 and 557 are also hearings where audiovisual coverage of hearings is encouraged. Examples of hearings encompassed by this paragraph are:

(1) Hearings to establish or amend safety or health standards under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651.

(2) Hearings to determine the adequacy of State laws under the Occupational Safety and Health Act of 1970.

(b) Hearings to collect or review wage data upon which to base minimum wage rates determined under various laws,

such as the Davis-Bacon Act (40 U.S.C. 276a) and related statutes and the Service Contract Act of 1965 (41 U.S.C. 353, as amended by Public Law 92-473 approved October 9, 1972).

(c) Hearings under section 4(c) of the Service Contract Act of 1965 (41 U.S.C. 353, subsection (c) added by Public Law 92-473 approved October 9, 1972) to determine if negotiated rates are substantially at variance with those which prevail in the locality for services of a character similar.

(d) Hearings before the Wage Appeals Board (Parts 1, 3, 5, and 7 of this chapter).

(e) Hearings held at the request of a Federal agency to resolve disputes under the Davis-Bacon and related Acts, involving prevailing wage rates or proper classification which involve significant sums of money, large groups of employees or novel or unusual situations.

(f) Hearings of special industry committees held pursuant to the Fair Labor Standards Act, as amended (29 U.S.C. 201 et seq.) for the purpose of recommending minimum wage rates to be paid in Puerto Rico, the Virgin Islands, and American Samoa.

(g) Hearings pursuant to section 13 (a) of the Welfare and Pension Plans Disclosure Act (29 U.S.C. 308d) to determine whether a bond in excess of \$500,000 may be prescribed.

(h) Hearings where the Department is requesting information needed for its administrative use in determining what our position should be (e.g., our hearings on the 4-day, 40-hour workweek).

**§ 2.13 Audiovisual coverage prohibited.**

The Department shall not permit audiovisual coverage of the following types of hearings:

(a) Hearings to determine whether applications for individual variances should be issued under the Occupational Safety and Health Act of 1970.

(b) Hearings (both formal and informal) involving alleged violations of various laws such as the Davis-Bacon Act (40 U.S.C. 276a et seq.) and related Acts, the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.), the Service Contract Act (41 U.S.C. 351 et seq.), the Walsh Healey Act (41 U.S.C. 35 et seq.), under section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941 et seq.), the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), and any informal hearings or conferences under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) which are not within the jurisdiction of the Occupational Safety and Health Commission.

(c) Adversary hearings under the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and related Acts, which determine an employee's right to compensation.

(d) Hearings which determine an employee's right to compensation under the Federal Employees' Compensation Act (5 U.S.C. 8101 et seq.).

**§ 2.14 Proceedings in which the Department balances conflicting values.**

In proceedings not covered by §§ 2.12 and 2.13, the Department should determine whether the public's right to know outbalances the individual's right to privacy. When audiovisual coverage is restricted or excluded, the record shall state fully the reasons for such restriction or exclusion. For example, there would be included in this category hearings before the Board of Contract Appeals involving appeals from contracting officer decisions involving claims for extra costs for extra work, extra costs for delay in completion caused by the Government or for changes in the work, conformity hearings arising under State unemployment insurance laws, etc.

**§ 2.15 Protection of witnesses.**

A witness has the right, prior to or during his testimony, to exclude audiovisual coverage of his testimony in any hearing being covered audiovisually.

Signed at Washington, D.C., this 6th day of December 1972.

J. D. HONGSON,  
Secretary of Labor.

[FR Doc. 72-21262 Filed 12-11-72; 8:46 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [21 CFR Parts 130, 132]

#### DRUG LISTING ACT OF 1972

#### Proposed Establishment of Implementing Regulations

The "Drug Listing Act of 1972," an act to amend the Federal Food, Drug, and Cosmetic Act, will become effective February 1, 1973. The purpose of this act is to provide the Commissioner of Food and Drugs with a current list of each drug manufactured, prepared, propagated, compounded, or processed by a drug establishment registered under the Federal Food, Drug, and Cosmetic Act. The Food and Drug Administration has had no ready means to obtain this information except by periodic inspection of registered establishments. The information available under the Drug Listing Act will substantially assist in the enforcement of the Federal Food, Drug, and Cosmetic Act, which requires all drugs to be safe and effective for their intended purpose(s) and properly labeled.

The Drug Listing Act requires the submission of certain specific information on drugs commercially marketed; the extent of the information required is dependent upon the status of the drug under the Federal Food, Drug, and Cosmetic Act (e.g., prescription or OTC, whether the drug is subject to the new drug or antibiotic procedures, etc.). Provisions are included for reporting changes

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in the listed information twice a year—in June and December. The Food and Drug Administration proposes to permit updating at the time the changes are put into effect at the discretion of the registrant. The first listing of drugs will be required during June 1973. Information previously submitted in conjunction with the Food and Drug Administration voluntary inventory on FD Form 2422 ("Survey Report of Marketed Drugs") need not be resubmitted if still current. Any material change in such information must be submitted during June 1973.

The current drug registration regulations require that a separate registration be submitted for every physical location of a company. However, the proposed drug listing regulations permit the parent company to submit the listing information jointly for all physical locations. For each drug listed, the registration number of every establishment within the parent company at which it is manufactured, prepared, propagated, compounded, or processed must be included.

The Drug Listing Act grants authority to assign a drug listing number, provided that the number assigned is the same as that assigned pursuant to the National Drug Code (NDC). Procedures are included to provide for assigning a drug listing number to those products for which a number has not already been assigned on a voluntary basis. The "National Health Related Items Code" (NHRIC) is currently being used by the pharmaceutical industry for some products that are subject to the Drug Listing Act. The NHRIC number will be accepted as the NDC number for such products to obviate a change in numbers. To facilitate product identification and computerization of information on drugs, the regulations request that the NDC number appear on the label.

Section 510(f) of the act exempts from public disclosure any list submitted pursuant to section 510(j)(3) (relating to lists of all drugs containing a particular ingredient) and the information accompanying such list or notice filed pursuant to section 510(j)(1) or 510(j)(2). However, the Commissioner has the authority to waive such exemption when the exemption would be inconsistent with the protection of the public health. The legislative history of this bill clearly demonstrates that it was not intended that subsection 510(f) prevent the disclosure of information already available to the public. Therefore, all such information will be available for disclosure to any person so requesting.

The provisions of this act apply to every foreign drug establishment exporting drugs to this country. Under present law, foreign drug establishments are permitted, but not required, to register. This has not been changed. (Proposed regulations establishing procedures for the voluntary registration of foreign drug establishments were published for comment in the *FEDERAL REGISTER* of May 24, 1972 (37 F.R. 10510).) However, under the Drug Listing Act, the drug

listing information must be provided by all foreign drug establishments regardless of whether they choose to register or not. The failure of a foreign drug establishment to submit the required drug listing information would preclude importation of any such unlisted drug into the United States. The proposed drug listing regulations include this requirement. The proposed foreign drug registration regulations, when finalized, will be modified as may be required to conform with the Drug Listing Act and regulations promulgated thereunder.

The current drug registration regulations (§ 132.51(h)) exempt manufacturers of products subject to the Public Health Service Act, who are licensed under the act. This exemption is not consistent with the purpose of the Drug Listing Act, which is intended to provide a comprehensive compilation of all drugs marketed in the United States. All manufacturers previously exempted by § 132.51(h) will be required to register and submit listing information. This will include all human blood donor centers. (It has previously been proposed that nonlicensed blood donor centers be registered, in the *FEDERAL REGISTER* of August 26, 1972 (37 F.R. 17419).) All firms affected by the revocation of this exemption will be required to register and submit listing information during the first reporting period, which shall be June 1973.

Proposed regulations establishing procedures for developing standards for in vitro diagnostic products were published in the *FEDERAL REGISTER* of August 17, 1972 (37 F.R. 16613). The proposal requested any person who owns or operates any establishment engaged in the manufacture, preparation, compounding, or processing of an in vitro diagnostic product to register such establishment in accordance with the procedures established under 21 CFR Part 132. The proposal handled in vitro diagnostic products as a class without any attempt to classify them as drugs or devices. However, it is the position of the Food and Drug Administration that as a matter of law the Food and Drug Administration has the authority administratively to determine whether products are drugs or devices and has made clear its position that until new device legislation is enacted and where the authority inherent in section 505 of the Federal Food, Drug, and Cosmetic Act is necessary to adequately protect the public health, products which may be devices in the classic sense will be regarded as drugs. The Food and Drug Administration believes it is not in the public interest to spend time determining which in vitro diagnostic products are drugs and which are devices, and requests that all manufacturers of these items register and submit the drug listing information. To encourage such registration and listing, the Commissioner has stated and the proposed regulation provides that registration or listing do not constitute an admission or determination that the product is a "drug" within the meaning of section 201(g) of the act.

Manufacturers of medicated animal feeds are required to register in accordance with section 510 of the act. However, they will not be required to list the medicated feeds or to submit any of the other information required by the Drug Listing Act. It is the opinion of the Food and Drug Administration that the intent of the Drug Listing Act can be fulfilled at this time by limiting the drug listing requirements to animal dosage form drugs and medicated premixes. The labeling of medicated premixes is required to carry adequate directions for use, including mixing directions, as well as the indications and other use restrictions as are necessary to prepare safe and effective feeds. This, combined with information available through section 510(b) of the act, the regulations (21 CFR Parts 121, 135, 144.26), new animal drug applications, and FD Forms 1800 ("Medicated Feed Application") will at present supply sufficient data to forego the requirement of drug listing information for medicated feeds. If future experience with medicated feed indicates a need for additional information, the regulations will be revised to include these products.

The proposed regulations provide for the voluntary submission of production data on an annual basis. The Drug Listing Act does not require the submission of such data. However, production data can be obtained under other presently existing statutory authority for all drugs except OTC drugs that are not new drugs or controlled substances. In the Senate report on the Drug Listing Act it is stated that: " \* \* \* in spite of the potential usefulness of this information, the committee is persuaded that it is premature to include such a provision in this bill. The committee has concluded that further experience should be obtained by the Secretary in obtaining this information both through the statutory procedures now available to him and through requests to the industry for voluntary submission of the data, before new legislation is enacted \* \* \*." As suggested by this report, the Food and Drug Administration is seeking the efficient gathering of this information on a voluntary basis to help establish its priorities and to identify problems that require resolution under its obligations in enforcing the Federal Food, Drug, and Cosmetic Act.

The proposed regulations also provide for the voluntary submission of (1) the reason(s) why a previously listed drug product has been discontinued and (2) the qualitative listing of the inactive ingredients of all listed products regarded by the registrant as not subject to section 505, 506, 507, or 512 of the act. The reasons for such discontinuance are useful in assisting the Food and Drug Administration in determining whether a problem may be an isolated one or whether it may require further study and appropriate corrective measures on a class basis to protect the public health. The voluntary submission of a qualitative listing of the inactive ingredients of listed products may minimize the occasions when it will be necessary for the Commissioner to require the quantitative

listing of all ingredients or the submission of a list of each drug product containing a particular ingredient.

The regulations do not require the NDC number to be included in labeling, but provide a uniform system for its use in labeling on a voluntary basis. The presence of the NDC number on all labels will be of assistance for identification purposes to drug producers, drug users, and other persons in the drug distribution chain.

The requirements of these regulations duplicate, in some respects, presently existing reporting requirements for drugs subject to sections 505, 507, and 512 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act. This is intended by the new statute. When the procedures of the drug listing regulations become fully operative, steps will be undertaken to relieve the duplication, but such steps will still be compatible with the need for ready availability of the information for review purposes.

The failure to register and provide the listing information required by section 510 of the act is a violation of section 301(p) and, in the case of a new drug, a violation of section 505(e); such failure may result in withdrawal of new drug approval. An amendment to § 130.27 to include failure to provide listing information as a cause for withdrawal of approval of an application is included.

Because of the relatively short time before the first drug listing is required, only 40 days are provided for comment and no extensions of time will be considered. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 506, 507, 510, 512, 701(a), 704; 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055, and 1057 as amended; 21 U.S.C. 321, 352, 355, 356, 357, 360, 360b, 371(a), 374), the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262), and the Drug Listing Act of 1972 (Public Law 92-387; 86 Stat. 559-562) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Part 130 and Part 132 be amended as follows:

## PART 130—NEW DRUGS

1. In Part 130 by adding a new subparagraph (4) to § 130.27(c) as follows:

**§ 130.27 Withdrawal of approval of an application.**

\* \* \* \* \*

(4) That the applicant has failed to comply with notice requirements of section 510(j)(2) of the act.

\* \* \* \* \*

## PART 132—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

2. By revising Part 132 to read as follows:

Subpart A—Definitions	
Sec. 132.1	Definitions.
Subpart B—Procedures for Domestic Drug Establishments	
132.2	Who must register and submit a drug list.
132.3	Times for registration and drug listing.
132.4	How and where to register and list drugs.
132.5	Information required in registration and drug listing.
132.6	Updating drug listing information.
132.7	Additional drug listing information.
132.8	Notification of registrant; drug establishment registration number and drug listing number.
132.9	Inspection of registrations and drug listings.
132.10	Amendments to registration.
132.11	Misbranding by reference to registration or to registration number.
Subpart C—Procedures for Foreign Drug Establishments	
132.31	Drug listing requirements for foreign drug establishments.
Subpart D—Exemptions	
132.51	Exemptions for domestic establishments.

### Subpart A—Definitions

#### § 132.1 Definitions.

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (5 Stat. 1040 et seq., as amended; 21 U.S.C. 301-392).

(b) "Establishment" means a place of business under one management at one general physical location. The term includes, among others, independent laboratories that engage in control activities for registered drug establishment (e.g., "consulting" laboratories), manufacturers of medicated feeds and of vitamin products that are "drugs" within the meaning of section 201(g) of the act, human blood donor centers, and animal facilities used for the production or control testing of licensed biologicals.

(c) Manufacture, preparation, propagation, compounding, or processing of a drug or drugs means the making by chemical, physical, biological, or other procedures of any articles which meet the definition of drugs as defined in section 201(g) of the act, and including manipulation, sampling, testing, or control procedures applied to the final product or to any part of the process. The term includes repackaging or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(d) "Commercial distribution" means any distribution of a human drug except pursuant to the investigational use provisions of § 130.3 of this chapter, and any distribution of an animal drug or an animal feed bearing or containing an animal drug for noninvestigational uses.

(e) "Representative sampling of advertisements" means typical advertising material (excluding labeling as deter-

mined in § 1.105(l)(2) of this chapter) which gives a balanced picture of the promotional claims being used for the drug (e.g., if more than one medical journal advertisement is used but their promotional content is essentially identical, only one need be submitted).

(f) "Representative sampling of any other labeling" as used in this part means typical labeling material (excluding labels and package inserts) which gives a balanced picture of the promotional claims being used for the drug (e.g., if more than one brochure is used but their promotional content is essentially identical, only one need be submitted).

(g) "Any material change" includes but is not limited to any change in the name of the drug, in the quantity or identity of the active ingredient(s) or in the quantity or identity of the inactive ingredient(s) where quantitative listing of all ingredients is required pursuant to § 132.7(a)(2), any change in the labeling of a prescription drug, and any change in the label or package insert of an over-the-counter drug.

(h) "Bulk drug substance" means any substance that is represented for use in a drug and when used in the manufacturing, processing, or packaging of a drug becomes an active ingredient or a finished dosage form of such drug, but does not include intermediates used in the synthesis of such substances.

(i) "Advertising" and "labeling" include the promotional material described in § 1.105(l)(1) and (2) of this chapter respectively.

(j) The definitions and interpretations contained in sections 201 and 510 of the act shall be applicable to such terms when used in this Part 132.

### Subpart B—Procedures for Domestic Drug Establishments

#### § 132.2 Who must register and submit a drug list.

(a) Owners or operators of all drug establishments, not exempt under section 510(g) of the act or Subpart D of this Part 132, that engage in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs are required to register and to submit a list of every drug in commercial distribution (except that listing information may be submitted by the parent company for all establishments when operations are conducted at more than one establishment). Such owners or operators are required to register and to submit a list of every drug in commercial distribution (except that listing information may be submitted by the parent company for all establishments when operations are conducted at more than one establishment) whether or not the output of such establishment or any particular drug so listed enters interstate commerce, except that drug listing is not required at this time for the manufacturing, preparation, propagation, compounding, or processing of an animal feed bearing or containing an animal drug.

## PROPOSED RULE MAKING

(b) Preparatory to engaging in the manufacture, preparation, propagation, compounding, or processing of a drug, owners or operators of establishments who are submitting new drug applications, new animal drug applications, FD Forms 1800 (Medicated Feed Application), antibiotic Forms 5 and 6, or an establishment license application in order to manufacture biological products are required to register before the new drug application, new animal drug application, FD Form 1800, antibiotic Form 5 or 6, or establishment license application are approved.

(c) No registration fee is required. Registration and listing do not constitute an admission or agreement or determination that a product is a "drug" within the meaning of section 201(g) of the act.

**§ 132.3 Times for registration and drug listing.**

The owner or operator of an establishment entering into an operation defined in § 132.1(c) must register such establishment within 5 days after the beginning of such operation and submit a list of every drug in commercial distribution at that time. If the owner or operator of the establishment defined in § 132.1(c) has not previously entered into such operation, registration must follow within 5 days after the submission of a new drug application, new animal drug application, FD Form 1800, antibiotic Form 5 or 6, or an establishment license application in order to manufacture biological products. Owners or operators of all establishments so engaged must register annually between November 15 and December 31 and must update their drug listing information every June and December.

**§ 132.4 How and where to register and list drugs.**

(a) The first registration of an establishment will be on FD Form \_\_\_\_\_ (Registration of Drug Establishment and Drug Listing) obtainable on request from the Department of Health, Education, and Welfare, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, or from Food and Drug Administration district offices. Subsequent annual registration will also be accomplished on FD Form \_\_\_\_\_ (Registration of Drug Establishment and Drug Listing), which will be furnished by the Food and Drug Administration before November 15 of each year to establishments whose drug registration for that year was validated pursuant to § 132.8. The completed form should be mailed to the above address before December 31 of that year.

(b) The first list of drugs and subsequent June and December updatings will be on FD Form \_\_\_\_\_ (Registration of Drug Establishment and Drug Listing), obtainable upon request as described in paragraph (a) of this section. In lieu of FD Form \_\_\_\_\_ (Registration of Drug Establishment and Drug Listing), tape or cards for computer inputs may be submitted if equivalent in all elements of information as specified in FD Form

pursuant to subparagraph (2) of this \_\_\_\_\_ (Registration of Drug Establishment and Drug Listing). All formats proposed for such use will require initial review and approval by the Food and Drug Administration.

**§ 132.5 Information required in registration and drug listing.**

(a) The registration section of FD Form \_\_\_\_\_ (Registration of Drug Establishment and Drug Listing) requires furnishing or confirming information required by the act. This information includes the name and street address of the drug establishment, including post office ZIP code; all trade names used by the establishment; the kind of ownership or operation (that is, individually owned, partnership, or corporation); and the name of the owner or operator of such establishment. The term "name of the owner or operator" shall include in the case of a partnership the name of each partner, and in the case of a corporation the name and title of each corporate officer and director and the name of the State of incorporation. The information required shall be given separately for each establishment, as defined in § 132.1(b).

(b) The drug listing section of FD Form \_\_\_\_\_ (Registration of Drug Establishment and Drug Listing) requires furnishing information required by the act as follows:

(1) A list of drugs, including bulk drug substances and drug premixes for use in the manufacture of animal feeds as well as finished dosage forms, by established name as defined in section 502(e) of the act and by proprietary name, which are being manufactured, prepared, propagated, compounded, or processed for commercial distribution and which have not been included in any list previously submitted on FD Form \_\_\_\_\_ (Registration of Drug Establishment and Drug Listing) or in conjunction with the Food and Drug Administration voluntary inventory on Form FD 2422 (Survey Report of Marketed Drugs).

(2) For each drug so listed which is regarded by the registrant as subject to section 505, 506, 507, or 512 of the act, the new drug application number, abbreviated new drug application number, new animal drug application number, or Form 5 or Form 6 number, and a copy of all labeling, except that only one representative container or carton label need be submitted where differences exist only in the quantity of contents statement.

(3) For each drug so listed which is regarded by the registrant as subject to section 351 of the Public Health Service Act, the license number of the manufacturer.

(4) For each drug so listed which is subject to section 503(b)(1) of the act and regarded by the registrant as not subject to section 505, 506, 507, or 512 of the act, or 351 of the Public Health Service Act, and which is not manufactured by a registered blood bank, a copy of all labeling except that only one representative container or carton label need be submitted where differences exist only

in the quantity of contents statement, and a representative sampling of advertisements.

(5) For each human over-the-counter drug or animal drug so listed which is regarded by the registrant as not subject to section 505, 506, 507, or 512 of the act, or 351 of the Public Health Service Act, a copy of the label except that only one representative container or carton label need be submitted where differences exist only in the quantity of contents statement, package insert, and a representative sampling of any other labeling.

(6) For each prescription or over-the-counter drug so listed which is regarded by the registrant as not subject to section 505, 506, 507, or 512 of the act, or 351 of the Public Health Service Act, and which is not manufactured by a registered blood bank, quantitative listing of the active ingredient(s). If the drug is in unit dosage form the statement of the quantity of ingredient shall express the amount, not the percent, of such ingredient in each such unit. If the drug is not in unit dosage form, the statement of the quantity of an ingredient shall express the amount, not the percent, of such ingredient in a specific unit of weight or measure of the drug, except that for drug premixes for use in the manufacture of animal feeds such ingredient which is not an antibiotic may be expressed in terms of percent.

(7) For each drug listed, the registration number of every drug establishment within the parent company at which it is manufactured, prepared, propagated, compounded, or processed.

(8) For each drug so listed, the National Drug Code number. If no National Drug Code Labeler Code number has been assigned, the Product Code and Package Code will be included and a Labeler Code will be assigned as described in § 132.8(b)(2)(i).

**§ 132.6 Updating drug listing information.**

(a) After submission of the initial drug listing information, every person who is required to list drugs pursuant to § 132.2 must submit on FD Form \_\_\_\_\_ (Registration of Drug Establishment and Drug Listing) during each subsequent June and December, or at the discretion of the registrant at the time the change occurs, the following information:

(1) A list of each drug introduced by the registrant for commercial distribution which has not been included in any list previously submitted. All of the information required by § 132.5(b) shall be provided for each such drug.

(2) A list of each drug formerly listed pursuant to § 132.5(b) for which commercial distribution has been discontinued, including for each drug so listed the drug listing number, the identity by established name and proprietary name, and date of discontinuance. It is requested but not required that the reason for discontinuance of distribution be included with this information.

(3) A list of each drug for which a notice of discontinuance was submitted

paragraph and for which commercial distribution has been resumed, including for each drug so listed the drug listing number (NDC), the identity by established name as defined in section 502(e) of the act and by any proprietary name, the date of resumption, and any other information required by § 132.5(b) not previously submitted.

(4) Any material change in any information previously submitted.

(b) When no changes have occurred since the previously submitted list, no report is required.

**§ 132.7 Additional drug listing information.**

(a) In addition to the information routinely required by §§ 132.5 and 132.6, the Commissioner may require submission of the following information by letter or by *FEDERAL REGISTER* notice:

(1) For a particular drug so listed which is subject to section 503(b)(1) of the act and regarded by the registrant as not subject to section 505, 506, 507, or 512 of the act, upon request made by the Commissioner for good cause, a copy of all advertisements.

(2) For a particular drug product so listed which is regarded by the registrant as not subject to section 505, 506, 507, or 512 of the act, upon a finding by the Commissioner that it is necessary to carry out the purposes of the act, a quantitative listing of all ingredients.

(3) For a particular drug product upon request by the Commissioner, a brief statement of the basis upon which the registrant has determined that the drug product is not subject to section 505, 506, 507, or 512 of the act.

(4) For each registrant, upon a finding by the Commissioner that it is necessary to carry out the purposes of the act, a list of each listed drug product containing a particular ingredient.

(b) It is requested but not required that production data be submitted in conjunction with the annual registration in the format prescribed in the listing section of FD Form ---- ("Registration of Drug Establishment and Drug Listing"), for each drug currently listed.

(c) It is requested but not required that a qualitative listing of the inactive ingredients be submitted for all listed drugs regarded by the registrant as not subject to section 505, 506, 507, or 512 of the Act, in the format prescribed in the listing section of the form.

**§ 132.8 Notification of registrant; drug establishment registration number and drug listing number.**

(a) The Commissioner will provide to the registrant a validated copy of FD Form ---- ("Registration of Drug Establishment and Drug Listing") as evidence of registration. This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each drug establishment registered in accordance with these regulations.

(b) A drug listing number will be assigned, using the National Drug Code

numbering system, to each drug or class of drugs listed as follows:

(1) If a drug is already listed in the National Drug Code or in the National Health Related Items Code, the number will be the same as that assigned pursuant to those codes.

(2) If the drug has not been listed in the National Drug Code, or in the National Health Related Items Code, the code numbering system will be used in assigning a number, as follows:

(i) The first three characters of the nine-character code identify the manufacturer and are known as the "Labeler Code." In some cases, a fourth digit may be assigned for this "Labeler Code." These code numbers are assigned by the Food and Drug Administration and provided to the registrant along with the validated copy of FD Form ---- ("Registration of Drug Establishment and Drug Listing"). Any currently registered firm that does not have an assigned "Labeler Code" will be assigned one when listing information is submitted.

(ii) The next four characters comprise the Product Code and identify the drug formulations of the individual manufacturer. They shall be assigned by the manufacturer prior to drug listing and included in FD Form ---- ("Registration of Drug Establishment and Drug Listing"). This product number becomes the permanent number for this drug.

(iii) The last two characters comprise the Package Code and identify the trade package size. These characters shall be assigned by the manufacturer prior to drug listing and included in FD Form ---- ("Registration of Drug Establishment and Drug Listing") and also become permanent.

(3) The drug listing number is requested but not required to appear on all drug labels and in all drug labeling, including the label of any prescription drug container furnished to a consumer. No other registration or similar number may appear in labeling. If the drug listing number is shown on a drug label it shall be placed as follows:

(i) The number shall be placed prominently in the top third of the center panel of the label of the immediate container and of the outside container or wrapper if such there be.

(ii) The number shall be preceded by the initials NDC, in a different color or different type style (font) than that used to print the number if the label is printed rather than typewritten, whenever it is used on a label or in labeling. Leading and following zeros, though nonsignificant, occurring in any of the three segments (labeler, product, package) comprising the number shall be included, and the latter two code segments shall be separated by a dash (e.g., NDC 001-0123-02.)

(iii) The placing of the assigned drug listing number on a label or in labeling does not require the submission of a supplemental new-drug application, supplemental new animal drug application, or supplemental antibiotic Form 5 or 6.

(4) If any material change occurs in product characteristics such as a change

in dosage form, active ingredient(s), or active ingredient(s) strength or concentration, product name, or package size, etc., a new-drug listing number shall be assigned by the registrant to the new product version and the information submitted to the Food and Drug Administration. If a change in packaging only is involved the trade package code can be revised without the necessity of assigning a new product code segment, but the Food and Drug Administration shall be informed about the new trade package code and characteristics.

(c) Although registration and drug listing are required to engage in the drug activities described in § 132.2, validation of registration and the assignment of a drug listing number do not, in themselves, establish that the holder of the registration is legally qualified to deal in such drugs.

**§ 132.9 Inspection of registrations and drug listings.**

(a) A copy of the FD Form ---- ("Registration of Drug Establishment and Drug Listing") filed by the registrant will be available for inspection pursuant to section 510(f) of the act, at the Bureau of Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852. In addition, there will be available for inspection at each of the Food and Drug Administration district offices the same information for firms within the geographical area of such district office. Upon request and receipt of a self-addressed stamped envelope, verification of registration number, or location of a registered concern will be provided.

(1) The following information submitted pursuant to the drug listing requirements is illustrative of the type of information that will be available for public disclosure when it is compiled:

(i) A list of all drug products.

(ii) A list of all drug products broken down by labeled indications or pharmacological category.

(iii) A list of all drug products, broken down by manufacturer.

(iv) A list of a drug product's active ingredients.

(v) A list of drug products newly marketed or where marketing is resumed.

(vi) A list of drug products discontinued.

(vii) All labeling.

(viii) All advertising.

(ix) All data or information that has already become a matter of public knowledge.

(2) The following information submitted pursuant to the drug listing requirement is illustrative of the type of information that will not be available for public disclosure:

(i) Any data or information submitted as the basis upon which it has been determined that a particular drug product is not subject to section 505, 506, 507, or 512 of the act.

(ii) A list of a drug product's inactive ingredients.

(iii) A list of drugs containing a particular ingredient.

## PROPOSED RULE MAKING

(iv) *Provided*, That any of the above information will be available for public disclosure if it has already become a matter of public knowledge or if the Commissioner finds that confidentiality would be inconsistent with protection of the public health.

(b) Requests for information about registrations and drug listings should be directed to Drug Registration, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852.

**§ 132.10 Amendments to registration.**

Changes in individual ownership, corporate or partnership structure, location, or drug-handling activity, shall be submitted by FD Form \_\_\_\_\_ (Registration of Drug Establishment and Drug Listing) as amendment to registration within 5 days of such changes. Changes in the names of officers and directors of the corporations do not require such amendment but must be shown at time of annual registration.

**§ 132.11 Misbranding by reference to registration or to registration number.**

Registration of a drug establishment or drug wholesaler or assignment of a registration number or assignment of a drug listing number (NDC) does not in any way denote approval of the firm or its products. Any representation that creates an impression of official approval because of registration or possession of registration number or drug listing number (NDC) is misleading and constitutes misbranding.

**Subpart C—Procedures for Foreign Drug Establishments**

**§ 132.31 Drug listing requirements for foreign drug establishments.**

(a) Every foreign drug establishment shall comply with the drug listing requirements contained in Subpart B of this part, unless exempt under Subpart D of this part, whether or not it is also registered.

(b) No drug may be imported from a foreign drug establishment into the United States unless it is first the subject of a drug listing as required in Subpart B of this part. The drug listing information shall be in the English language.

**Subpart D—Exemptions**

**§ 132.51 Exemptions for domestic establishments.**

The following classes of persons are exempt from registration in accordance with this Part 132 under the provisions of section 510(g), (1), (2), and (3) of the act, or because the Commissioner has found, under section 510(g)(4), that such registration is not necessary for the protection of the public health.

(a) Pharmacies that are operating under applicable local laws regulating dispensing of prescription drugs and that do not manufacture, prepare, propagate, compound, or process drugs for sale other than in the regular course of the prac-

tice of the profession of pharmacy including the business of dispensing and selling drugs at retail. The supplying by such pharmacies of prescription drugs to a practitioner licensed to administer such drugs for his use in the course of his professional practice or to other pharmacies to meet temporary inventory shortages are not acts which require such pharmacies to register.

(b) Hospitals, clinics, and public-health agencies which maintain establishments in conformance with any applicable local laws regulating the practices of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs upon prescription of practitioners licensed by law to administer such drug for patients under the care of such practitioners in the course of their professional practice.

(c) Practitioners who are licensed by law to prescribe or administer drugs and who manufacture, prepare, propagate, compound, or process drugs solely for use in the course of their professional practice.

(d) Persons who manufacture, prepare, propagate, compound, or process drugs solely for use in research, teaching, or chemical analysis and not for sale.

(e) Manufacturers of harmless inactive ingredients which are excipients, colorings, flavorings, emulsifiers, lubricants, preservatives, or solvents that become components of drugs, and who otherwise would not be required to register under the provisions of this Part 132.

(f) Any person who uses drugs or drug-containing feed concentrates to prepare feed for his own animals: *Provided*, That under the act and its regulations such person would not be required to hold an approved new animal drug application (or supplement thereto) or an antibiotic Form 10 in order to possess and use the drug or drug-containing feed concentrate.

(g) Any manufacturer of a virus, serum, toxin, or analogous product intended for treatment of domestic animals, who holds an unsuspended and unrevoked license issued by the Secretary of Agriculture under the animal virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U.S.C. 151 et seq.): *Provided*, That such exemption from registration shall apply only with respect to the manufacture of such animal virus, serum, toxin, or analogous product.

(h) Officers and employees of the United States, a State government, or a political subdivision of a State, while acting in the course of their official duties.

(i) Carriers, by reason of their receipt, carriage, holding, or delivery of drugs in the usual course of business as carriers.

Interested persons may, within 40 days after publication hereof in the **FEDERAL REGISTER**, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments

(preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 7, 1972.

**SAM D. FINE,**  
Associated Commissioner  
for Compliance.

[FR Doc. 72-21307 Filed 12-11-72; 8:53 am]

**DEPARTMENT OF  
TRANSPORTATION**

**Coast Guard**

**I 33 CFR Part 110**

[CGD 72-239 P]

**HAMPTON ROADS, VA., AND  
ADJACENT WATERS**

**Proposed Anchorage Regulations**

The Coast Guard is considering amending the anchorage regulations by enlarging the present Anchorage T-1, Construction Barges as described in § 110.168(a) (8) (36 F.R. 5042) and establishing an additional anchorage ground for construction equipment required in the construction of the second Hampton Roads Bridge-Tunnel. The proposed anchorage grounds are located between the Hampton River Channel and the Phoebe Channel.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments to the Commander, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, VA 23705. Each person submitting comments should include his name and address, identify the notice (72-239 P) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the Office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District will forward any comments received before January 15, 1973, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend § 110.168(a) of Part 110 of Title 33 of the Code of Federal Regulations, by revising subparagraph (8) and adding a new subparagraph (12) to read as follows:

**§ 110.168 Hampton Roads, Va., and adjacent waters.**

(a) \* \* \*

(8) *Anchorage T-1, Construction Equipment.* Anchorage T-1 is a five-sided area located between Phoebe

Channel and the existing North Island and Trestle of the present Hampton Roads Bridge-Tunnel within the following boundary: A line beginning at a point at latitude 37°00'35" N., longitude 76°19'19" W.; thence to latitude 37°00'43" N., longitude 76°19'07" W.; thence to latitude 37°00'25" N., longitude 76°18'58" W.; thence to latitude 37°00'00" N., longitude 76°19'00" W.; thence to latitude 37°00'15" N., longitude 76°19'10" W.; thence to the point of beginning. This anchorage is for the exclusive use of barges and construction equipment used in the construction of the second Hampton Roads Bridge-Tunnel.

\* \* \* \* \*

(12) *Temporary Anchorage for Construction Equipment T-5.* Anchorage T-5 is a four-sided area southwest of the existing North Island of the present Hampton Roads Bridge-Tunnel within the following boundary: A line beginning at latitude 37°00'07" N., longitude 76°19'12" W.; thence to latitude 36°59'58" N., longitude 76°19'04" W.; thence to latitude 36°59'57" N., longitude 76°19'11" W.; thence to latitude 37°00'05" N., longitude 76°19'19" W.; thence to the point of beginning. This anchorage is for the exclusive use of barges and construction equipment used in the construction of the second Hampton Roads Bridge-Tunnel. Any barge mooring in this anchorage must be tended by a boat or boats capable of maneuvering the barge in case of emergency.

\* \* \* \* \*

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g) (1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1))

Dated: December 7, 1972.

W. M. BENKERT,  
Rear Admiral, U.S. Coast  
Guard, Chief, Office of Ma-  
rine Environment and Sys-  
tems.

[FR Doc. 72-21363 Filed 12-11-72; 8:48 am]

## FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Part 545 ]

[No. 72-1430]

### FEDERAL SAVINGS AND LOAN SYSTEM

#### Proposal To Permit Investment by Federal Associations in Sites for Branch Offices and Other Office Facilities

DECEMBER 5, 1972.

Section 545.14(a)(2) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14) provides that no Federal association may establish a branch office without prior written Board approval. This provision has been interpreted, in an opinion of the Board's general counsel, as prohibiting

a Federal savings and loan association from investing in real estate which would be used as a branch office site prior to Board approval of its application to establish a branch on such site. The Federal Home Loan Bank Board now considers it desirable to amend these regulations to enable Federal associations to acquire a branch site, subject to certain limitations, prior to Board approval of the branch application.

The Board proposes to revise § 545.10 of such regulations to authorize Federal associations to invest in real estate suitable as a site for a branch or other office facility, subject to certain requirements. First, the association would have to adopt a plan designating proposed sites for which branch or other office facility applications would be filed within a year of site acquisition. Second, each site would have to be limited in area to that reasonably needed for the conduct of the association's business. Finally, a reserve would have to be set up for each site acquired.

The proposal would require an association to dispose of a site if no application for a branch or other office facility at that location is filed within a year of site acquisition. If an application is disapproved, the association would have to dispose of such real estate within 1 year from the date of the disapproval unless a new application for a branch or other office facility on the same site were filed within that time. The time limit for disposal could be extended by the Board's "Supervisory Agent" for a period of up to 1 year, but only one extension could be granted with respect to a particular site.

The present regulation limits investment in office buildings to an amount not in excess of the association's general reserves and surplus. Investment in real estate for branch and other office facility sites would be added to office building investment for purposes of the limitation on such investment. The overall limit under the proposal would be the net worth of the association.

The provisions prohibiting "insider" transactions would be revised to prevent a transaction between the association and a "spouse" of an officer, director, or employee of the association. The Board proposes also to limit the prohibition on purchase from a corporation or partnership in which an officer or director has an interest to those corporations or partnerships in which the officer or director has an interest of 10 percent or more.

Proposed paragraph (e) would establish a procedure for making requests for approval of exceptions to the limitations on investment and prohibitions on "insider" transactions.

The proposed amendment to § 545.14 (a)(2) would insert a cross reference to § 545.10 as an exception to the rule prohibiting "establishment" of a branch office without Board approval.

Accordingly, it is hereby proposed to amend Part 545 of such regulations (12 CFR Part 545) by revising § 545.10 and

paragraph (a)(2) of § 545.14 thereof as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by January 12, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. It is proposed to amend § 545.10 by revising it to read as follows:

#### § 545.10 Office building.

(a) *General.* Subject to the limitations of this section, a Federal association may invest in—

(1) An office building or buildings, and appurtenances, for the transaction of the association's business or for the transaction of such business and for rental; and

(2) A fee simple interest in real estate (improved or unimproved) suitable as a site or sites for branch office or other office facilities (prior to Board approval for the establishment of such facility), if:

(i) The acquisition of such real estate is pursuant to a written plan, adopted by the association's board of directors, designating the contemplated location of each proposed site for which an application for permission to establish a branch office or other office facility will be filed within 1 year from the date each such site is acquired;

(ii) Each such parcel of real estate is limited in area to that reasonably needed for the conduct of the association's business at such location; and

(iii) The association establishes out of unappropriated retained earnings a reserve in an amount not less than the amount of its investment in such real estate, which reserve may be eliminated only upon Board approval for the establishment of a branch office or other office facility located on such real estate or upon sale or other disposition of such real estate. At the time of elimination of such reserve, the amount of the reserve shall be credited intact to retained earnings. Any gain or loss on any sale or disposition shall be credited or charged directly to earnings for the accounting period in which such disposition occurs.

(b) *Disposition of real estate acquired prior to Board approval.* (1) A Federal association which has acquired real estate pursuant to subparagraph (2) of paragraph (a) of this section shall dispose of such real estate in accordance with the following requirements:

(i) If no application has been filed for permission to establish a branch office or other office facility on the site of such real estate within 1 year from the date

## PROPOSED RULE MAKING

such real estate was acquired, the association shall dispose of such real estate within 2 years from the date of such acquisition, unless such time is extended as provided in subparagraph (2) of this paragraph.

(ii) If an application for permission to establish a branch office or other office facility on the site of such real estate has been disapproved and no new application has been filed within a year from the date of such disapproval for permission to establish such a facility on such site, the association shall dispose of such real estate within 1 year from the date of such disapproval, unless such time is extended as provided in subparagraph (2) of this paragraph.

(2) Any request for extension of the time permitted for disposition of such real estate shall be submitted in writing to the Supervisory Agent, who shall have authority to deny such request or to grant an extension for a period of up to 1 year. Only one such extension may be granted with respect to a particular site.

(c) *Limitation on investment.* Except with the prior written approval of the Board, no investment may be made by a Federal association pursuant to paragraph (a) of this section if, as a result of such investment, the aggregate amount of investments made under paragraph (a) of this section would exceed the net worth of the association.

(d) *Prohibited transactions.* Except with the prior written approval of the Board, no Federal association may purchase an office building, or any part thereof, or real estate upon which to erect an office building, from any of the following:

(1) An affiliate (as defined in § 583.15 of this chapter);

(2) An officer, director, or employee of the association, or the spouse of any such officer, director, or employee;

(3) A corporation or association in which any officer or director of the association, or the spouse of any such officer or director, is an officer, director, or has a stock interest of 10 percent or more; or

(4) A partnership in which any officer or director of the association, or the spouse of any such officer or director, is a general partner, or a limited partner with an interest of 10 percent or more.

(e) *Requests for Board approval of exceptions.* Any request by a Federal association for Board approval of an exception to the limitations contained in this section shall be transmitted in writing to the Director of the Office of Examinations and Supervision, with a copy thereof to the Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of which the Federal association is a member or any other officer or employee of such bank designated by the Board as its agent pursuant to § 501.11 of this chapter.

2. It is proposed to amend § 545.14 by revising paragraph (a)(2) thereof to read as follows:

## § 545.14 Branch Office.

(a) *General provisions.* \* \* \*

(2) Except as is otherwise provided in § 545.10, no Federal association may establish a branch office or acquire real estate for use as a branch office site without prior written approval by the Board. Decisions on all applications for permission to establish a branch office will be made by the Board. In the event of approval of such an application, the Board may require as a condition of approval that the branch office be opened within such period, not less than 6 months, as may be fixed by the Board. Determination by a Federal association to make an application for permission to establish a branch office shall be evidenced by certification from such association's president and secretary to the effect that such association's board of directors has duly authorized by resolution the making and filing of such application. The making, filing, and processing of, and action on, such an application shall be in accordance with this section.

\* \* \* \* \*  
(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc. 72-21364 Filed 12-11-72; 8:53 am]

## [ 12 CFR Parts 582, 582a ]

[No. 72-1431]

DISTRICT OF COLUMBIA SAVINGS  
AND LOAN ASSOCIATIONS AND  
BRANCH OFFICESProposal To Permit Investment in Sites  
for Office Facilities

DECEMBER 5, 1972.

Section 582.1 of the regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR 582.1) provides that no District of Columbia association may establish a branch office without prior written Board approval. A similar provision in the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14) has been interpreted, in an opinion of the Board's general counsel, as prohibiting a Federal savings and loan association from investing in real estate suitable as a branch office site prior to Board approval of its application to establish such site. The Board considers it advisable to amend the regulations to permit both Federal associations and District of Columbia associations to invest in such real estate prior to Board approval of branch applications. Therefore, the Board proposes to amend the regulations governing operations of District of Columbia associations (12 CFR 582a.1) to permit such an association to invest in such real estate to the same extent that it could if it were a Federal associa-

tion acting pursuant to the provisions of § 545.10 of the Federal regulations, which the Board has concurrently proposed to amend to permit such investment. Accordingly, it is hereby proposed to amend §§ 582.1 and 582a.1 (12 CFR 582.1, 582a.1) as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by January 12, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. It is proposed to amend § 582.1 by revising subparagraph (1) of paragraph (a) thereof to read as follows:

## § 582.1 Branch Offices.

(a) *General provisions.* (1) Except as is otherwise provided in paragraph (c) of § 582a.1 of this subchapter with respect to acquisition of real estate for use as a site for a branch office or other office facility, no association may establish a branch office in the District of Columbia without prior written approval by the Board, and no association which is incorporated or organized under the laws of the District of Columbia may establish a branch office elsewhere without prior written approval by the Board. Determination by an association to make an application for permission to establish a branch office shall be evidenced by a certification from such association's President and Secretary to the effect that such association's board of directors has duly authorized by resolution the making and filing of such application. The making, filing, and processing of, and action on, an application for permission to establish a branch office shall be in accordance with this section. Decisions on all such applications will be made by the Board. In the event of approval of such an application, the Board may require as a condition of approval that the branch office be opened within such period, not less than 6 months, as may be fixed by the Board.

\* \* \* \* \*  
2. It is proposed to amend § 582a.1 by adding a new paragraph (c) thereto, to read as follows:

## § 582a.1 Miscellaneous activities.

Any District of Columbia association may, if not inconsistent with the terms of its charter, certificate or articles of incorporation, constitution, or bylaws, to the same extent as it could if it were a Federal savings and loan association:

\* \* \* \* \*  
(c) Invest in real estate suitable as a site or sites for branch office or other office facilities (prior to Board approval for the establishment of such facility),

pursuant to the provisions of § 545.10 (a)(2) of this chapter.

(Sec. 5, 48 Stat. 132, as amended; sec. 8, 48 Stat. 134, as added by Sec. 913, 84 Stat. 1815; 12 U.S.C. 1464, 1466a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1948-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL]

EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc. 72-21365 Filed 12-11-72; 8:53 am]

## VETERANS ADMINISTRATION

### [41 CFR Part 8-7]

#### CLAUSES FOR FIXED-PRICE SUPPLY AND CONSTRUCTION CONTRACTS

##### Notice of Proposed Rule Making

The Veterans Administration proposes regulatory revision of §§ 8-7.150 and 8-7.650, Title 41, Code of Federal Regulations, to revise clauses currently prescribed for fixed-price supply contracts and for fixed-price construction contracts in excess of \$10,000, to incorporate additional construction contract clauses typically used, and to delete material inappropriate thereto.

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

Notice is also given that it is proposed to make these regulatory changes effective the date of publication in the *FEDERAL REGISTER*.

It is proposed to amend Part 8-7, Title 41, Code of Federal Regulations to read as follows:

##### § 8-7.150-19 [Revoked]

1. Section 8-7.150-19 *Affirmative action compliance program*, is revoked.  
2. Section 8-7.150-23 is revised to read as follows:

##### § 8-7.150-23 Noncompliance with packaging, packing, and/or marking requirements.

The following clause will be included in contracts for supplies for delivery to

supply distribution warehouses or depots for storage and subsequent issue to a using activity. It may also be included when appropriate when delivery is direct to a using activity.

##### NONCOMPLIANCE WITH PACKAGING, PACKING, AND/OR MARKING REQUIREMENTS

Failure to comply with the packaging, packing, and marking requirements indicated herein, or incorporated herein by reference, may result in rejection of the merchandise and request for replacement, or repackaging, repacking, and/or marking. The Government reserves the right without obtaining authority from the Contractor to perform the required repackaging, repacking, and/or marking services and charge the Contractor therefor at a rate of \$11 per man-hour for the first or fractional hour and \$6 for any succeeding or fractional hour, or have the required repackaging, repacking, and/or marking services performed commercially under Government orders and charge the Contractor therefor at the above rates. In connection with any discount offered, time will be computed from the date of completion of such repackaging, repacking, and/or marking services.

3. Section 8-7.650-2 is revised to read as follows:

##### § 8-7.650-2 Specifications and drawings.

Clause 2 of the general provisions (Construction Contract) SF 23A is supplemented as follows:

(a) The Contracting Officer's interpretation of the drawings and specifications will be final, subject to the disputes clause.

(b) Large scale drawings supersede small scale drawings.

(c) Dimensions govern in all cases. Scaling of drawings may be done only for general location and general size of items.

(d) Dimensions shown of existing work and all dimensions required for work that is to connect with existing work, shall be verified by the Contractor by actual measurement of the existing work. Any work, at variance with that specified or shown in the drawings shall not be performed by the Contractor until approved in writing by the Contracting Officer.

4. Section 8-7.650-4 is added to read as follows:

##### § 8-7.650-4 Bonds.

The contractor must furnish a Performance Bond (Standard Form 25) for one-hundred (100) percent of the amount of the contract, and a Payment Bond (Standard Form 25A) in the penal sums set forth below:

Amount of contract	Penal sum of bond
\$2,000 to \$1,000,000	Fifty (50) percent of the amount of the contract
\$1,000,000 to \$5,000,000	Forty (40) percent of the amount of the contract
\$5,000,000 and over	\$2,500,000

5. Section 8-7.650-8 is added to read as follows:

##### § 8-7.650-8 Reference to "Standards".

(a) Any materials, equipment, or workmanship specified by references to number, symbol, or title of any specific Federal, Industry or Government Agency Standard Specification shall comply with

all applicable provisions of such standard specifications, except as limited to type, class or grade, or modified in contract specifications. Reference to "Standards" referred to in the contract specifications, except as modified, shall have full force and effect as though printed in detail in specifications.

(b) Federal Specification numbers refer to specifications issued by General Services Administration. Such specifications may be seen at the Office of Construction, Veterans Administration, Washington, D.C., or at the office of the Resident Engineer for this project. An Index to the Specifications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Single copies of specifications may be obtained without charge for bidding purposes, from any GSA Business Service Center provided a copy of the Invitation for Bids is furnished. Multiple copies may be purchased only from Specifications Activity, Printed Materials Division, Building 197, Naval Weapons Plant, Washington, D.C. 20407.

##### § 8-7.650-11 [Revoked]

6. Section 8-7.650-11, affirmative action compliance program, is revoked.

7. Section 8-7.750-12 is added (material formerly in § 8-7.650-13) and a new § 8-7.650-13 is added so that §§ 8-7.650-12 and 8-7.650-13 read as follows:

##### § 8-7.650-12 Subcontracts and work coordination.

The following clause is for use except as provided in § 8-7.650-13.

##### SUBCONTRACTS AND WORK COORDINATION

(a) Nothing contained in this contract shall be construed as creating any contractual relationship between any subcontractor and the Government. Divisions or sections of specifications are not intended to control the Contractor in dividing work among subcontractors, or to limit work performed by any trade.

(b) The Contractor shall be responsible to the Government for acts and omissions of his own employees, and of the subcontractors and their employees. He shall also be responsible for coordination of the work of the trades, subcontractors, and materialmen.

(c) The Government or its representatives will not undertake to settle any differences between the Contractor and his subcontractors, or between subcontractors.

(d) The Government reserves the right to refuse to permit employment on the work or require dismissal from the work of any subcontractor who, by reason of previous unsatisfactory work on Veterans Administration projects or for any other reason, is considered by the Contracting Officer to be incompetent or otherwise objectionable.

##### § 8-7.650-13 Work coordination (alternative provision).

For new construction work with complex mechanical-electrical work, the following provision relating to work coordination may be substituted for paragraph (b) of the clause set forth in § 8-7.650-12:

The Contractor shall be responsible to the Government for acts and omissions of his own employees, and subcontractors and their employees. He shall also be responsible for

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coordination of the work of the trades, subcontractors, and material suppliers. The Contractor shall, in advance of the work, prepare coordination drawings showing the location of openings through slabs, the pipe sleeves and hanger inserts, as well as the location and elevation of utility lines, including, but not limited to, conveyor systems, pneumatic tubes, ducts, and conduits and pipes 2 inches and larger in diameter. These drawings, including plans, elevations, and sections as appropriate shall clearly show the manner in which the utilities fit into the available space and relate to each other and to existing building elements. Drawings shall be of appropriate scale to satisfy the previously stated purposes, but not smaller than  $\frac{1}{4}$ -inch scale. Drawings may be composite (with distinctive colors for the various trades) or may be separate but fully coordinated drawings (such as sepia or photographic paper reproducibles) of the same scale. Separate drawings shall depict identical building areas or sections and shall be capable of being overlaid in any combination. The submitted drawings for a given area of the project shall show the work of all trades which will be involved in that particular area. Six complete composite drawings or six complete sets of separate reproducible drawings shall be received by the Government not less than 20 days prior to the scheduled start of the work in the area illustrated by the drawings, for the purpose of showing the Contractor's planned method of installation. The objectives of such drawings are to promote carefully planned work sequence and proper trade coordination, in order to assure the expeditious solutions of problems and the installation of lines and equipment as contemplated by the contract documents while avoiding or minimizing additional costs to the Contractor and to the Government. In the event the Contractor, in coordinating the various installations and in planning the method of installation, finds a conflict in location or elevation of any of the utilities with themselves, with structural items or with other construction items, he shall bring this conflict to the attention of the Contracting Officer immediately. In doing so, the Contractor shall explain his proposed method of solving the problem or shall request instructions as to how to proceed if adjustments beyond those of usual trades coordination are necessary. Utilities installation work will not proceed in any area prior to the submission and completion of the Government review of the coordinated drawings for that area, nor in any area in which conflicts are disclosed by the coordination drawings until the conflicts have been corrected to the satisfaction of the Contracting Officer. It is the responsibility of the Contractor to submit the required drawings in a timely manner consistent with the requirement to complete the work covered by this contract within the prescribed contract time.

8. Section 8-7.650-15 is revised to read as follows:

**§ 8-7.650-15 Schedule of work progress.**

(a) The Contractor shall submit with the schedule of costs, as required by "Payment to Contractor" clause a progress curve indicating anticipated work progression against lapsed contract time, for approval of the Contracting Officer. Submission shall be in quadruplicate on VA Form 08-6159, Construction Progress Chart, furnished by the Veterans Administration, and shall be signed by the Contractor. The curve shall start on the

date the Contractor receives the "Notice to Proceed" and terminate on the original contract completion date. Both dates shall be indicated on the Construction Progress Chart.

(b) The scheduled percent completion will be compared to the actual percent completion to determine if the contract work is on schedule. Monthly progress reports will be prepared by the Veterans Administration on a Contract Progress Report form (VA Form 08-6001 or 08-6001a, as appropriate). This report will indicate both scheduled percent completion and actual percent completion. The scheduled percent completion will be taken from the approved progress curve. The actual percent completion will be based on the value of work in place divided by current contract amount.

(c) The progress curve will be revised when additional time is granted for any reason. The curve will be revised only for individual or cumulative time extensions of 15 days or more. Either of the following methods of revising the curve will be used, depending on circumstances.

(1) Where there is additional time granted for reasons which do not immediately affect the job progress, such as changed work, use the following method: The curve is replotted between two points, starting with the point on the original or current curve established by the date when the change was ordered. The second point is the extended contract completion date resulting from the change.

(2) Where there is additional time granted for reasons which immediately affect the job progress, use the following method: The curve is replotted by means of a horizontal displacement to the original or current curve. The point on the original or current curve established by the date when the change was ordered or when job progress was affected is determined. The number of days granted is plotted horizontally from this point to establish the displacement. The remainder of the curve is replotted to the extended contract completion date.

(d) The revised curve will be used for reporting future scheduled percent completion.

9. Section 8-7.650-16 is revised to read as follows:

**§ 8-7.650-16 Supplementary labor standards provisions.**

(a) The wage determination decision of the Secretary of Labor is set forth in section GR, General Requirements, of this contract. It is the result of a study of wage conditions in the locality and establishes the minimum hourly rates of wages and fringe benefits for the described classes of labor in accordance with applicable law. No increase in the contract price will be allowed or authorized because of payment of wage rates in excess of those listed.

(b) The contractor shall submit the required copies of payrolls to the contracting officer through the resident

engineer or engineer officer, when acting in that capacity. Department of Labor Form WH-347, Payroll, available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, may be used for this purpose. If, however, the contractor or subcontractor elects to use his own payroll form, it shall contain the same information shown on Form WH-347, and in addition be accompanied by Department of Labor Form WH-348, Statement of Compliance, or any other form containing the exact wording of this form.

10. Section 8-7.650-20 is revised to read as follows:

**§ 8-7.650-20 Safety requirements.**

(a) In order to protect the lives and health of employees and others, the Contractor shall take such safety precautions as are required by insurance underwriters, and shall comply with all applicable provisions of "Safety and Health Regulations for Construction" as set out in Part 1926, Title 29—Labor, Code of Federal Regulations.

(b) The Contractor shall maintain an accurate record of, and shall report to the Contracting Officer through the Resident Engineer in the manner and on forms prescribed by the Contracting Officer, all cases of death, occupational disease, and traumatic injury arising out of, or in course of, performance of this contract.

(c) The Contracting Officer, through the Resident Engineer, will notify the Contractor in writing of any noncompliance with safety and health regulations and necessary corrective action to be taken. On receipt of such notice, the Contractor will immediately correct the conditions to which attention has been directed.

(d) If the Contractor fails to promptly comply with the Contracting Officer's demand for necessary corrective action, as mentioned in the preceding paragraph, the Contracting Officer may order a stoppage of all or any part of the work and have corrective action taken by others and the cost of such corrective action shall be charged to the Contractor. Work stoppage(s), issued hereunder, will be lifted when necessary corrective action has been taken by the Contractor or the Government. Work stoppage(s) issued hereunder shall not be the basis of a claim for time lost or for any delays directly or indirectly attributable to Contractor's failure to comply with the above specified safety requirements.

(e) "Safety and Health Regulations for Construction," mentioned in paragraph (a) of this clause may be obtained from any regional office of the Occupational Safety and Health Administration, Department of Labor.

11. In § 8-7.650-21, paragraphs (a), (d), and (e) are amended to read as follows:

**§ 8-7.650-21 Contract changes.**

Clause 3, Changes, and Clause 4, Differing Site Conditions, of General Provisions, SF 23A are supplemented as follows:

(a) When requested by the Contracting Officer, the Contractor shall submit proposals for changes in work to the Resident Engineer. Proposals, to be submitted within 30 calendar days after receipt of request, shall be in legible form, original and five copies, with an itemized breakdown that will include material, quantities, unit prices, labor

## PROPOSED RULE MAKING

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costs (separated into trades), construction equipment, etc. (Labor costs are to be identified with specific material placed or operation performed.) The Contractor must obtain and furnish with his proposal an itemized breakdown as described above, signed by each subcontractor participating in the change regardless of tier. No itemized breakdown will be required for proposals amounting to less than \$100.

• • • • •  
(d) Allowances not to exceed 10 percent each for overhead and profit for the party performing the work will be based on the

value of labor, material, and use of construction equipment required to accomplish the change. As the value of the change increases, a declining scale will be used in negotiating the percentage of overhead and profit. Allowable percentages on changes will not exceed the following: 10 percent overhead and 10 percent profit on first \$20,000; 7½ percent overhead and 7½ percent profit on next \$30,000; 5 percent overhead and 5 percent profit on balance over \$50,000.

(e) The Prime Contractor's fee on work performed by subcontractors will be based on the net increased cost to the Prime Contractor. Allowable fee on changes will not

exceed the following: 10 percent fee on first \$20,000; 7½ percent fee on next \$30,000; and 5 percent fee on balance over \$50,000.

\* \* \* \* \*

§ 8-7.650-23 [Revoked]

12. Section 8-7.650-23, *Release of claims*, is revoked.

Approved: December 5, 1972.

By direction of the Administrator.

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

[FR Doc.72-21298 Filed 12-11-72; 8:47 am]

# Notices

## DEPARTMENT OF THE TREASURY

Bureau of Customs  
[T.D. 72-335]

### CLEAR WOVEN POLYOLEFIN FABRIC CONTAINERS

#### Designation as Instruments of International Traffic

DECEMBER 4, 1972.

It has been established to the satisfaction of the Bureau that fabric containers composed of clear woven polyolefin materials, 8 by 8 by 20 feet and up to 8 by 8 by 40 feet, used for the transportation of dry bulk free flowing commodities, are substantial, suitable for and capable of repeated use, and will be used in significant numbers in international traffic.

Under the authority of § 10.41a(a)(1), Customs regulations (19 CFR 10.41a(a)(1)), I hereby designate the above-described polyolefin fabric containers as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These articles may be released under the procedures provided for in § 10.41a, Customs regulations.

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

[FR Doc. 72-21297 Filed 12-11-72; 8:47 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Portland Service Center Supp. to B.L.M.  
Manual 1510]

### CHIEF, CONSTRUCTION AND SUPPLY SECTION, PORTLAND SERVICE CEN- TER, ET AL.

#### Delegation of Authority Regarding Contracts and Leases

A. Pursuant to delegation of authority contained in Bureau Manual 1510.03C the following are hereby delegated the authorities contained in Bureau Manual 1510.03B2c in the amounts shown:

1. Chief, Construction and Supply Section and Chief, Specialty and Services Section:

- May enter into contracts after formal advertising not exceeding \$10,000.
- May enter into negotiated contracts without advertising pursuant to section 302(c)(5) of the FPAS Act, as amended.
- May procure necessary supplies and services up to \$2,500 and from established sources (GSA, FSS, etc.) in any amount.
- Procurement and Purchasing Agents, Construction and Supply Section:

a. May procure necessary supplies and services up to \$2,500 and from established sources (GSA, FSS, etc.) in any amount.

b. The authorities contained herein may not be redelegated.

c. This delegation of authority is effective on the date of publication in the FEDERAL REGISTER (12-12-72).

EDWARD G. BYGLAND,  
Director, Portland Service Center.

[FR Doc. 72-21272 Filed 12-11-72; 8:46 am]

### Fish and Wildlife Service

### ANAHO ISLAND NATIONAL WILDLIFE REFUGE

#### Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on February 10, 1973, at Washoe County Library, 301 South Center Street, Reno, NV, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including the Anaho Island National Wildlife Refuge within the National Wilderness Preservation System. The wilderness proposal consists of approximately 247.73 acres within Anaho Island National Wildlife Refuge, which is located in Washoe County, State of Nevada.

A study summary containing a map and information about the Anaho Island Wilderness proposal may be obtained from the Refuge Manager, Stillwater Wildlife Management Area, Post Office Box 592, Fallon, NV 89406, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by March 12, 1973.

F. V. SCHMIDT,  
Acting Director, Bureau of  
Sport Fisheries and Wildlife.

DECEMBER 6, 1972.

[FR Doc. 72-21269 Filed 12-11-72; 8:46 am]

### Geological Survey

[Power Site Cancellation 274]

### BIGHORN RIVER BASIN, WYO.

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 345 of July 31, 1944, is hereby canceled to the extent that it affects the following described land:

#### SIXTH PRINCIPAL MERIDIAN

- T. 53 N., R. 94 W.,  
Sec. 13, NW $\frac{1}{4}$  SE $\frac{1}{4}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$ .
- T. 55 N., R. 94 W.,  
Sec. 3, lots 3, 4, and 5;  
Sec. 5, lot 2, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$ , and  
SE $\frac{1}{4}$  SE $\frac{1}{4}$ ;
- Sec. 9, SE $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$ .
- T. 56 N., R. 94 W.,  
Sec. 4, lots 1, 2, 4 to 7, inclusive, and 53;  
Secs. 6 and 7, lot 65;
- Sec. 9, lots 1 and 8;
- Sec. 10, W $\frac{1}{2}$  and W $\frac{1}{2}$  SE $\frac{1}{4}$ ;
- Sec. 15, lots 1 to 4, inclusive;
- Sec. 17, lot 4;
- Secs. 7, 8, 17, and 18, lots 58D, 58J, 58K,  
58L, and 58M;
- Sec. 20, lots 3, 4, 7, 54A, and 54B;
- Sec. 22, lots 1 and 5, W $\frac{1}{2}$  NE $\frac{1}{4}$  and W $\frac{1}{2}$   
SE $\frac{1}{4}$ ;
- Sec. 27, lots 1 to 4, inclusive, and E $\frac{1}{2}$  W $\frac{1}{2}$ ;
- Sec. 28, lot 2;
- Secs. 28 and 29, lots 45A and 45B;
- Sec. 34, lots 2 and 4, and E $\frac{1}{2}$  SW $\frac{1}{4}$ .
- T. 57 N., R. 94 W.,  
Sec. 6, lots 2 and 3;
- Sec. 7, lots 2 and 3, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$ ,  
and E $\frac{1}{2}$  SW $\frac{1}{4}$ ;
- Sec. 16, lots 1 to 6, inclusive, NW $\frac{1}{4}$  NW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and N $\frac{1}{2}$  SE $\frac{1}{4}$ ;
- Sec. 18, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and SE $\frac{1}{4}$   
SE $\frac{1}{4}$ ;
- Sec. 19, E $\frac{1}{2}$  SE $\frac{1}{4}$ ;
- Sec. 20, NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and S $\frac{1}{2}$   
SE $\frac{1}{4}$ ;
- Sec. 21, SW $\frac{1}{4}$  SW $\frac{1}{4}$ ;
- Sec. 22, NE $\frac{1}{4}$  NE $\frac{1}{4}$ ;
- Sec. 23, SW $\frac{1}{4}$  NW $\frac{1}{4}$  and NE $\frac{1}{4}$  SW $\frac{1}{4}$ ;
- Sec. 26, SW $\frac{1}{4}$ ;
- Sec. 28, NW $\frac{1}{4}$  NW $\frac{1}{4}$ ;
- Sec. 29, NE $\frac{1}{4}$  NE $\frac{1}{4}$  and S $\frac{1}{2}$  NE $\frac{1}{4}$ ;
- Sec. 33, SW $\frac{1}{4}$  NE $\frac{1}{4}$ ;
- Sec. 34, E $\frac{1}{2}$  SE $\frac{1}{4}$ .
- T. 56 N., R. 95 W.,  
Sec. 2, lots 6, 47A, 47B, and 47C.
- T. 55 N., R. 95 W.,  
Sec. 25, NW $\frac{1}{4}$  SW $\frac{1}{4}$ ;
- Sec. 35, S $\frac{1}{2}$  SW $\frac{1}{4}$  and SE $\frac{1}{4}$ .

The land described aggregates about 5,471 acres.

The effective date of this cancellation is April 5, 1973.

Dated: December 5, 1972.

V. E. MCKELVEY,  
Director.

[FR Doc. 72-21268 Filed 12-11-72; 8:46 am]

[Power Site Cancellation 201]

### MIDDLE FORK WILLAMETTE RIVER BASIN, OREG.

#### Power Site Cancellation

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classifications 67, 150, 310, 345 of July 31, 1944, is hereby canceled to the extent that it affects the following described land:

## NOTICES

and 379 are hereby canceled to the extent that they affect the following described land:

## WILLAMETTE MERIDIAN

Power Site Classification 67, of April 23, 1924:

T. 21 S., R. 3 E., Sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 24, all.

T. 21 S., R. 4 E., Sec. 19, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;

Sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 26, S $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 27, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 28, N $\frac{1}{2}$ ;

Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 35, NE $\frac{1}{4}$  and N $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 36, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ .

T. 22 S., R. 4 E., Sec. 1, lots 1 and 2.

T. 21 S., R. 5 E., Sec. 31, lots 3, 4, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 22 S., R. 5 E., Sec. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 6, lots 2, 3, 4, 5, 6, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;

Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 16, NW $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 17, E $\frac{1}{2}$ ;

Sec. 21, lot 1, N $\frac{1}{2}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 22, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 23, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 25, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;

Sec. 26, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

All unsurveyed lands lying within one-fourth of a mile of Salt Creek between its mouth and mile 23 as shown on the profile in Water-Supply Paper 349. Protraction of existing surveys indicates that these unsurveyed lands will be wholly within the following townships and sections:

T. 22 S., R. 5 $\frac{1}{2}$  E., Secs. 32 and 33.

T. 23 S., R. 5 $\frac{1}{2}$  E., Secs. 3, 4, 5, 8, 9, and 10.

Area—7,821.52 acres.

Power Site Classification 150, of July 19, 1926:

T. 18 S., R. 2 W., Sec. 9, lot 2.

T. 19 S., R. 3 E., Sec. 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 36, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 20 S., R. 3 E., Sec. 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 27, lots 5, 6, 15, and 16;

Sec. 28, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 33, lot 2 and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 21 S., R. 3 E., Sec. 4, lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 12, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ ;

Sec. 14, N $\frac{1}{2}$ ;

Sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 19 S., R. 4 E., Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 29, S $\frac{1}{2}$ N $\frac{1}{2}$ ;

Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 31, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 20 S., R. 4 E., Sec. 25, S $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 26, S $\frac{1}{2}$ ;

Sec. 27, NE $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ ;

Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$ ;

Sec. 36, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 21 S., R. 4 E., Sec. 4, N $\frac{1}{2}$ ;

Sec. 5, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;

Sec. 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 8, NW $\frac{1}{4}$ ;

Sec. 19, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;

Sec. 20, S $\frac{1}{2}$ ;

T. 22 S., R. 4 E., Sec. 5, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 6, lot 1 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 8, NW $\frac{1}{4}$ .

T. 24 S., R. 4 E., Sec. 12, lots 1, 2, 3, 4, 5, 6, and 7.

T. 20 S., R. 5 E., Sec. 31, S $\frac{1}{2}$ NE $\frac{1}{4}$ ;

Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;

Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$ ;

Sec. 34, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 35, W $\frac{1}{2}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 21 S., R. 5 E., Sec. 4, lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;

Sec. 5, lots 1, 2, 3, 4, and S $\frac{1}{2}$ NE $\frac{1}{4}$ ;

Sec. 6, lot 1;

Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and SE $\frac{1}{4}$ ;

Sec. 15, NW $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 16, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 21, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 22, W $\frac{1}{2}$  and SE $\frac{1}{4}$ ;

Sec. 25, SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 27, NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 36, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 24 S., R. 5 E., Sec. 18, lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , and SE $\frac{1}{4}$ ;

Sec. 19, NE $\frac{1}{4}$ ;

Sec. 20, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 28, N $\frac{1}{2}$  and SE $\frac{1}{4}$ .

Area—12,448.07 acres.

Power Site Classification 310, of November 1, 1938:

T. 19 S., R. 5 E., Sec. 36, E $\frac{1}{2}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Area—520 acres.

Power Site Classification 379, of December 9, 1946:

T. 18 S., R. 2 W., Sec. 10, lot 4;

Sec. 15, lots 2 and 3;

Sec. 36, lots 1, 2, 3, and 4.

T. 19 S., R. 1 E., Sec. 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$  (fract.).

T. 20 S., R. 2 E., Sec. 21, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 21 S., R. 2 E., Sec. 10, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 11, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 20 S., R. 3 E., Sec. 28, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 21 S., R. 3 E., Sec. 5, lot 3;

Sec. 19, lots 2, 4, 5, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$  (fract.);

Sec. 35, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 22 S., R. 3 E., Sec. 3, lot 3.

T. 24 S., R. 4 E., Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 12, N $\frac{1}{2}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 14, N $\frac{1}{2}$ .

Area—1,660.68 acres.

The area described aggregates about 22,450.27 acres.

The effective date of this cancellation is April 5, 1973.

Dated: December 5, 1972.

V. E. MCKELVEY,  
Director.

[FR Doc. 72-21267 Filed 12-11-72; 8:46 am]

## Office of the Secretary

[DES 72-114]

## PROPOSED UNIMAK ISLAND WILDERNESS, ALASKA

## Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Unimak Island in the Aleutian Islands National Wildlife Refuge to be designated as wilderness in the National Wilderness Preservation System. Written comments are invited within forty-five (45) days of this notice.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, Room 288, 1500 Northeast Irving Street, Post Office Box 3737, Portland, OR 97208.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number above.

Dated: December 6, 1972.

W. W. LYONS,  
Deputy Assistant Secretary,  
Program Policy.

[FR Doc. 72-21271 Filed 12-11-72; 8:46 am]

[DES 72-115]

## PROPOSED WILDERNESS AREA, ANAHO ISLAND NATIONAL WILDERNESS REFUGE, NEV.

## Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for a proposed wilderness area, located in Washoe County, Nev., and invite written comments within 45 days of this notice.

## NOTICES

Under this proposal, a 247.73 acre unit of Anaho National Wildlife Refuge would be designated as wilderness within the National Wilderness Preservation System. The statement examines the environmental impacts of the proposed designation.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Post Office Box 3737, Portland, OR 97208.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets, Washington, DC 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

Dated: December 6, 1972.

W. W. LYONS,  
Deputy Assistant Secretary,  
Program Policy.

[FR Doc. 72-21263 Filed 12-11-72; 8:46 am]

## DEPARTMENT OF COMMERCE

### Bureau of East-West Trade

[Case 432]

### OTAVI MINEN UND EISENBAHN GESELLSCHAFT

#### Order Denying Export Privileges

In the matter of Otavi Minen und Eisenbahn Gesellschaft, Hynspergastrasse 24, 6000 Frankfurt am Main, Federal Republic of Germany, Respondent.

On May 26, 1970, the Director, Compliance Division (formerly Investigations Division) Office of Export Control, Bureau of East-West Trade, Department of Commerce,<sup>1</sup> issued a charging letter against the above respondent and one of its employees,<sup>2</sup> alleging violations of the

<sup>1</sup> Under departmental orders effective Nov. 17, 1972, the Office of Export Control which was formerly in the Bureau of International Commerce, is now in the Bureau of East-West Trade. (37 F.R. 25555 and 25557).

<sup>2</sup> On Aug. 4, 1972, an order denying export privileges was issued against the respondent herein and the said employee who is no longer connected with the company. Said order was not published. Each party, separately, filed an appeal with the Appeals Board of the Department. Pending decision of the Appeals Board effectiveness of the order of Aug. 4, 1972, was stayed. The respondent herein has withdrawn its appeal and this order is issued against it. The appeal of the employee is pending before the Appeals Board. Anything contained in this order, including findings of fact and conclusions, shall not be considered as affecting the pending appeal of the employee.

Export Control Act of 1949, as amended.<sup>3</sup> The charging letter contains two numbered charges.

Charge I alleges, in substance, that prior to the exportation of \$450,000 worth of commodities from the United States in June 1967, the above mentioned employee, acting individually and for the respondent Otavi, represented to officials of the Office of Export Control that the commodities were for Otavi's use in its plants in the Federal Republic of Germany and that the commodities were disposed of contrary to said representations.

Charge II alleges, in substance, that in the course of prelicensing and postlicensing investigations to ascertain the end use or disposition of the above mentioned commodities, said employee in four instances, and he and/or other officials of Otavi, in one instance, acting individually and for Otavi, made false and misleading representations and statements to officials of OEC and other officials of the U.S. Government in their official capacities. False and misleading statements on five different occasions from June 1967 to March 1969 are alleged and are hereinafter discussed in the findings of fact.

It is charged that respondents violated § 387.5 of the Export Control regulations in that they made false and misleading statements to OEC and officials of the U.S. Government in the course of an investigation conducted under the authority of the Export Control Act and also violated § 387.6 in that by making false statements they knowingly caused the commodities referred to in Charge I to be exported from the United States and disposed of contrary to prior representations.

The principal defense of respondent Otavi was that in making false statements the said employee was not acting for the company. It claims that said employee and other employees of Otavi involved in the transactions described in the charging letter were acting primarily for their personal benefit and not for Otavi and that if Otavi's Board of Administration had known of the transactions they would not have permitted them to take place. It further avers that the equipment was not for Otavi's own use and no employee of the company had authority to make false and misleading statements to any governmental agency on behalf of the company.

A hearing in the case was held before the Hearing Commissioner<sup>4</sup> on May 2,

<sup>3</sup> This act has been succeeded by the Export Administration Act of 1969. Public Law 91-184, approved Dec. 30, 1969, 50 U.S.C. App. secs. 2401-2413. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 \*\*\* shall, until amended or revoked remain in full force and effect, the same as if promulgated under this Act."

<sup>4</sup> Title was changed from Compliance Commissioner to Hearing Commissioner by Export Control regulations of June 1, 1972.

1972. The Government's case consisted entirely of documentary evidence. The respondent presented one witness, Mr. Horst Broderson, Director of Otavi, and several exhibits. The Government and Otavi filed briefs which have been given due consideration.

The Hearing Commissioner has submitted to the undersigned a report which summarizes the essential portions of the evidence and considers the arguments made by the parties. The report incorporates findings of fact and conclusions and contained recommendations as to the sanctions that should be imposed.

After considering the record in the case, I make the following findings of fact<sup>5</sup> and conclusions:

**Findings of fact.** 1. The respondent Otavi Minen und Eisenbahn Gesellschaft (hereinafter Otavi) is a large company in West Germany with its main office in Frankfurt and plants in Osterwald, Dorfprozelten, and Neu Isenburg. The company is engaged in the production and sale of rare metals, ceramics for structural use and insulating material. It has subsidiaries in South Africa engaged in mining operations.

2. Two employees of Otavi were directly involved on behalf of the company in the transactions hereinafter described. They were the above mentioned employee (hereinafter said employee) who was manager of the metals trading department, and another individual who was a comanager of the company (hereinafter comanager).

3. In addition to buying and selling raw materials the function of the metals trading department included purchasing machinery and equipment for the company's plants. Said employee was responsible for this function under the general supervision of the comanager.

4. In the latter part of 1966 said employee and the comanager negotiated with a Pennsylvania company and its subsidiary in Switzerland to purchase equipment and machinery to manufacture transistors and diodes in the semiconductor field and electronic apparatus for testing same, and also plastic working machinery for use in a transistor plant. This machinery and equipment was to be supplied by three different U.S. companies. In December 1966, Otavi ordered these commodities from the Pennsylvania company or its Swiss subsidiary.

5. While Otavi was negotiating to purchase the above commodities said employee and the comanager, acting on its behalf, were negotiating with the firm known as FIMORCO, of Munich, West Germany, to sell it said commodities together with other commodities. FIMORCO placed an order with Otavi for all of said commodities which order Otavi confirmed on December 21, 1966.

6. The commodities to be supplied by two of the companies were of strategic

<sup>5</sup> For the purpose of disposing of the case against respondent Otavi, the findings of fact in the order of Aug. 4, 1972, have been modified.

nature and required validated licenses for export from the United States. These commodities were valued at approximately \$405,000. The plastic working machinery to be supplied by the third company, valued at approximately \$45,000, was exportable from the United States to West Germany under General License G-Dest.

7. In May 1967 applications for validated export licenses were filed with the Office of Export Control by the two companies to export the commodities that required such licenses. The information furnished in and with the applications showed that Otavi was the ultimate consignee. The export licenses were issued.

8. Early in June 1967, the Compliance Division (formerly Investigations Division) OEC, received information that Otavi might not be the intended end-user of this equipment. The Compliance Division requested the Customs authorities to hold these exportations for inspection. On June 6, 1967, four Shipper's Export Declarations were presented to the Customs authorities at the JFK Airport, New York, for authentication to export the commodities in question. The Customs authorities did not authenticate the SED's and informed the Compliance Division that such SED's had been presented.

9. On June 7, 1967, an agent of the Compliance Division interviewed the said employee at the office of the freight forwarder at the JFK Airport. Said employee was there at that time to expedite the exportation of the commodities in question. In answer to inquiries said employee told the agent that the equipment would be used in Otavi's manufacturing operations at a plant to be located in Neu Isenburg. Said employee knew that these representations were false inasmuch as he knew that Otavi intended to dispose of the goods in accordance with the sales agreement it had made with FIMORCO.

10. On June 9, 1967, the comanager, in response to inquiries by a representative of the U.S. Consulate General in Frankfurt, represented that certain of the strategic equipment in question would be used by Otavi in its plant at Dorfprozelten. The comanager knew that this representation was false inasmuch as he knew that Otavi had agreed to sell the equipment to FIMORCO and intended to dispose of it in accordance with said agreement.

11. The commodities above described of the three U.S. suppliers were exported from the United States on June 9, 1967, and were delivered to Frankfurt, West Germany. On their arrival in Frankfurt, Otavi turned them over for disposal by FIMORCO and FIMORCO turned them over to the firm A. Braun OHG of Stuttgart. There is reason to believe that the commodities were reexported to East Germany, a destination that would not have been approved by OEC.

12. On October 13, 1967, said employee was interviewed by an agent of the Compliance Division in New York City. He stated that an oscilloscope (which was of

U.S. origin) then being purchased by Otavi was to be used by Otavi in connection with its semiconductor manufacturing enterprises. This statement was false inasmuch as said employee knew that Otavi was not engaged in and had no intention of engaging in the manufacture of semiconductors.

13. In an interview with a representative of the U.S. Consulate General in Frankfurt on December 2, 1968, the said employee stated, in effect, that Otavi originally ordered the equipment in question (including certain of the strategic equipment) for use in its production plants. This statement was false and said employee knew that it was false inasmuch as he knew that Otavi at the time it ordered the equipment did not intend to use it in its production plants but intended to and did in fact sell the equipment to FIMORCO. On this occasion said employee acknowledged that the equipment in question was not in Otavi's possession, and he stated that it had been sold to FIMORCO about July 1967.

14. In interviews on December 2, 1968, and March 25, 1969, with a representative of the U.S. Consulate General in Frankfurt, said employee stated that technicians from FIMORCO had accompanied him for training when visiting one of the U.S. suppliers in the United States. It is a fact that said employee accompanied by technicians visited said U.S. supplier. However, the technicians were not from the firm FIMORCO and said employee at the time he made the statements on December 2, 1968, and March 25, 1969, knew that they were not from FIMORCO.

15. Throughout this transaction said employee and the comanager were acting within the scope of their employment as employees of Otavi. This includes their statements and representations above set forth with regard to this transaction. They intended that their conduct would benefit Otavi. Otavi is liable for the acts and conduct of said employee and the comanager.

16. At the time that Otavi sold the U.S.-origin commodities above described to FIMORCO it also sold it other commodities and the total invoice value of all the commodities was approximately \$715,000. Otavi received full payment. On this transaction Otavi made a profit of approximately \$100,000.

17. Even if it is a fact that the said employee and the comanager benefited from sources outside of Otavi in the transaction profitable to Otavi on which the charges are based, and also in subsequent transactions in which it did not profit, this does not relieve Otavi from responsibility for the conduct of said employee and the comanager in this case. In all of such transactions the said employee and comanager were acting within the scope of their employment and their intent and purpose was to have Otavi benefit from the transactions.

Based on the foregoing I have concluded that the respondent Otavi: (1) Violated § 387.5 of the Export Control

regulations in that it made false and misleading representations and statements to the Office of Export Control and to officials of a U.S. Government agency in the course of an investigation conducted under authority of the Export Control Act of 1949, as amended; and (2) violated § 387.6 of said regulations in that by making false and misleading representations and statements said respondent knowingly caused certain commodities to be exported from the United States and disposed of contrary to prior representations to the Office of Export Control.

Now, after considering the record in the case and the report and recommendations of the Hearing Commissioner and being of the opinion that his recommendations as to the sanctions that should be imposed are fair and just and calculated to achieve effective enforcement of the law, it is hereby

*Ordered.* I. All outstanding validated export licenses in which respondent Otavi appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respondent Otavi, except as qualified in Part IV hereof, for a period of 3 years from the effective date of this order is hereby denied all privileges of participating, directly or indirectly in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend to representatives agents, and employees of respondent and, to the extent necessary to prevent evasion, to other persons or firms with which the respondent may be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or services connected therewith. It is hereby determined that it is not necessary in order to prevent evasion to have this order applicable to the following firms which are connected, directly or indirectly, with respondent: Norddeutsche Affinerie, Hamburg, Federal Republic of Germany; Metallgesellschaft A.G. Frankfurt/Main, Federal Republic of Germany; Degussa, Frankfurt/Main,

## NOTICES

Federal Republic of Germany; British Metal Corp., London, England; Amalgamated Metal Corp., Ltd., London, England.

IV. Five months after the effective date hereof, without further order of the Bureau of East-West Trade, the respondent Otavi shall have its export privileges restored conditionally and thereafter for the remainder of the denial period said respondent shall be on probation. The conditions of probation are that said respondent shall fully comply with all requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondent Otavi has knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation, said official without notice, when national security or foreign policy considerations are involved, or with notice if such considerations are not involved, by supplemental order may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for the remaining period of the order. Such supplemental order shall not preclude the Bureau of East-West Trade from taking such further action for any violation as it shall deem warranted. On the entry of a supplemental order revoking probation of respondent Otavi without notice it may file objections and request that such order be set aside and may request an oral hearing as provided in § 388.16 of the Export Control regulations, but pending such further proceedings the order of revocation shall remain in effect.

VI. During the time when respondent or other persons within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other persons denied export privileges within the scope of this order, or whereby said respondent or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward,

transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on December 8, 1972.

Dated: December 5, 1972.  
RAUER H. MEYER,  
Director,  
Office of Export Control.

[FR Doc. 72-21296 Filed 12-11-72; 8:47 am]

## Maritime Administration

[Report No. 120]

## LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through August 30, 1972, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

## FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
Total—all flags (176 ships)	1,361,861
Cypriot: (92 ships)	759,804
Aegis Banner	9,024
Aegis Eternity	8,814
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Aegis Loyal	10,405
Aegis Strength	9,305
Aftadelos	8,136
Aghios Ermolaos	7,208
Aghios Nicolaos	7,254
Alamar	11,929
Alda	7,292
*Alexandros Skoutaris	8,280
Alfa	7,388
Alitric	7,564
Alma	9,097
Alpa	9,159
Amarillis	8,959
Anemone	7,168
Annunication Day	8,047
Antigoni	3,174
Ardena	7,261
Arendal	7,265
Areti	8,406
Arion	3,570
Aris II	9,561
Armar	7,307
Artigas	5,841
Aurora	8,380
Azalea	9,506
Baracoa	9,242
Begonia	6,576
Byron	8,720
Calypso (tanker)	12,883
Camelia	8,111

	Gross tonnage
Cypriot—Continued	
Castalia	7,641
Cleo II	7,590
Cleopatra	8,079
Costiana	7,199
Degedo	9,000
Diamando	7,067
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpida	8,296
**Eftyhia (trips to Cuba—Greek)	9,854
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T	9,646
Giannis	7,490
Goodluck	6,952
Happy Land	9,088
Herodemos	7,356
Hymettus	11,771
Iliena (previous trips to Cuba—Lebanese)	5,925
Iris	8,479
June	9,357
*Kentavros	10,173
Kitsa	9,519
Magnolia	7,176
Master George	7,334
May	8,853
Mimis N. Papalios	9,069
Mimosa	8,618
Miss Papalios	9,072
Mitera Irini (previous trips to Cuba as the Solyve—British and Maltese)	7,291
Nea Hellas	9,241
Nedi 2	7,679
**Newhheat (trips to Cuba—British)	7,643
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Pantazis Calas	9,618
Petunia	7,843
Platres	7,244
Protoapostolos	8,130
Protoklitos	6,154
Ravens	8,036
Reifens	8,071
Rothenis	8,113
Salvia	8,522
Silver Coast	7,328
Silver Hope	5,313
Sophia (previous trips to Cuba—Greek)	7,030
Stavros T	10,407
Successor	11,471
Telenikis	12,303
Theoskepasti	6,618
Torenia	8,077
Venturer	9,000
Zaira	8,032
Zinnia	7,114
British (19 ships)	151,202
Arctic Ocean	8,791
Athelmonarch (tanker)	11,182
Cheung Chau	8,566
Carol Islands	9,060
Golden Bridge	7,897
Ho Fung	7,121
Ivory Islands	9,718
Kinross	5,388
Magister	2,239
**New East Sea (trips to Cuba as the East Sea)	9,679
**Rosetta Maud (trips to Cuba as the Ardara—British)	5,795

See footnotes at end of document.

	Gross tonnage
British—Continued	
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Sea Moon	9,085
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Steed	8,989
Yuglutan	5,414
Polish (17 ships)	121,873
Baltyk	6,984
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Czladz	7,252
Kopalnia Mlechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Somali (14 ships)	114,451
**Atlas (trip to Cuba—Finnish)	3,916
Ber Sea	8,269
Dimitrakis	7,829
Felhang	8,924
Feita	8,903
**Fortune Enterprise (trips to Cuba—British)	7,696
*Jade Islands	10,270
Hemisphere (previous trips to Cuba—British)	8,718
Marbella	8,409
Nebula (previous trips to Cuba—British)	8,907
**Oriental (trips to Cuba as the Oceantramp—British)	6,185
East Glory (previous trips to Cuba—British)	8,995
**Jollity (trips to Cuba—British)	8,819
**Venice (trips to Cuba—British)	8,611
Yugoslav (8 ships)	56,740
Agrum	2,449
Bar	8,776
Cetinje	8,229
Niksic	10,067
Piva	7,519
Piod	3,657
Ulcinj	8,602
Tara	7,441
Greek (6 ships)	43,207
*Aegis Legend	8,925
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Ariadne	6,487
**Lambros M. Fatsis (trips to Cuba as the Lahortensia—British)	9,486
**Pothiti (trips to Cuba as the Huntsville—British)	9,486
French (5 ships)	10,966
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874

	Gross tonnage
French—Continued	
Danae	3,486
**Urdazuri II (trips to Cuba as the Melke—Netherlands)	500
Nelle	2,874
Italian (4 ships)	45,261
Alderamine (tanker)	12,505
Elia (tanker)	11,021
San Nicola	12,451
San Francisco	9,284
Lebanese (2 ships)	11,583
Antonis	6,259
Astir	5,324
Netherlands (2 ships)	1,902
*Rochab	787
Tempo	1,115
Singapore (2 ships)	17,287
**Hwa Chu (trips to Cuba—British)	9,091
Tong Hoe	8,196
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (1 ship)	3,214
Marrakech	3,214
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Panama (1 ship)	9,278
**Kika (trips to Cuba as the Santa Lucia—Italian)	9,278

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

## FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:  
None.

	Gross tonnage
Maco Felicity (Cypriot)	10,570
Somalia (Italian)	3,692

## b. Previous reports:

Flag of Registry:	Number of ships
British	49
Cypriot	10
Danish	1
Finnish	4
French	4
Germany (West)	1
Greek	31
Israeli	1
Italian	15
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1
Moroccan	2
Norwegian	5
Singapore	1
Somali	1
Spanish	6
Sweden	1
Yugoslavia	2

(Total) 146

SEC. 3. The following number of vessels have been removed from this list since they have been broken up, sunk, or wrecked.

## a. Since last report:

	Gross tonnage
Dolphin (Cypriot)	3,550
Glendalough (British)	5,820
Gold Land (Greek)	2,838
Huntsland (British)	9,353
Kopainia Bobrek (Polish)	7,221
Kypros (Cypriot)	7,001
Lena (Cypriot)	7,029
Narwyl (Polish)	7,065
Red Sea (British)	7,026

## b. Previous reports.

Flag of Registry:	Broken up, sunk, or wrecked
British	30
Cypriot	62
Finnish	6
French	1
Greek	18
Italian	4
Japanese	1
Lebanese	36
Maltese	2
Polish	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	9
Singapore	1
Somali	1
South Africa	2
Swedish	1
Yugoslav	7

Total 187

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through August 30, 1972.

## NOTICES

Flag of registry	1972											Total
	1963	1964	1965	1966	1967	1968	1969	1970	1971	Jan.-May	June-Aug.	
British	133	180	126	101	78	62	45	53	18	5	1	802
Cypriot		1	17	27	42	68	115	199	173	45	22	709
Lebanese	64	91	58	25	16	16	4	1				275
Greek	99	27	23	27	29	7			1	1		214
Italian	16	20	24	11	11	10	15	13	9			129
Yugoslav	12	11	15	10	14	9	6	7	9	2		95
French	8	9	9	10	10	4	2	5	2			59
Finish	1	4	5	11	12	8	2	1				44
Spanish	9	17										26
Norwegian	14	10										24
Moroccan	9	13	1									23
Maltese		2	6	1	4	8	1	2		2	2	24
Somali						2	11	7	4	6	2	34
Netherlands											1	7
Sweden	3	3										6
Kuwaiti		2	1									3
Israel												2
Japanese	1				2							2
Danish	1											1
German (West)	1											1
Haitian			1									1
Monaco				1								1
Singapore									1			1
Subtotal	371	394	290	224	218	204	197	285	219	55	26	2,483
Polish	18	16	12	10	11	7	2	3	4			83
Grand total	389	410	302	234	229	211	199	288	223	55	26	2,566

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

\*Added to Report No. 119 appearing in the *FEDERAL REGISTER* issue of August 11, 1972.

\*\*Ships appearing on the list which have made no trips to Cuba under their present registry.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: November 7, 1972.

JAMES S. DAWSON, Jr.,  
Secretary, *Maritime Subsidy Board*,  
*Maritime Administration*.

[FR Doc. 72-21256 Filed 12-11-72; 8:52 am]

## National Oceanic and Atmospheric Administration

[Docket No. G-541]

### ROBERT L. JORDAN ET AL.

#### Notice of Loan Application

DECEMBER 6, 1972.

Robert L. Jordan and Felix Griffin and Verdell R. Griffin, 106 Gallop Street, St. Marys, GA 31558, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 72 feet in length, to engage in the fishery for shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before mak-

ing a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,  
Director.

[FR Doc. 72-21330 Filed 12-11-72; 8:48 am]

#### Office of Import Programs

### UNIVERSITY OF CALIFORNIA, LOS ALAMOS LABORATORY ET AL.

#### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the *FEDERAL REGISTER*.

Amended regulations issued under cited Act, as published in the February

24, 1972, issue of the *FEDERAL REGISTER*, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00241-31-41700. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Amplifier, double discharge for CO<sub>2</sub> laser system. Manufacturer: Lumonics Research, Ltd., Canada. Intended use of article: The article is intended to be used as a preamplifier stage for a 1,000 Joule CO<sub>2</sub> laser system currently under construction which will be used to investigate radiation damage in materials and the feasibility of controlled thermonuclear fusion. Application received by Commissioner of Customs: November 13, 1972.

Docket No. 73-00242-00-14200. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Accessories to an image analyzing computer consisting of 1 Module, Computer, MS3, 1 Module, Computer, Function, 1 Module, Classifier/Collector and 1 corrice, 25A, PSU. Manufacturer: Metals Research, Ltd., United Kingdom. Intended use of article: The article is intended to be used as accessories and replacement parts of an existing image analyzing computer which is being used in investigation of the capability of improvement of the performance and understanding of fast breeder reactor fuel elements through the quantitative analysis of their microstructure and correlation with the reactor environment factors and variables. Application received by Commissioner of Customs: November 13, 1972.

Docket No. 73-00243-33-46070. Applicant: Texas Tech University, Department of Biology, Lubbock, Tex. 79409. Article: Scanning electron microscope, Model S4. Manufacturer: Cambridge Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine and record (in micrographs) the surface contours of biological materials. Specifically, the article will be used to:

(1) Collect information on surface contours of a wide variety of animal and plant tissues,

(2) Study the surfaces of pollen grains,

(3) Explore the development and differentiation of cell surfaces in order to determine origin of surface membranes and how small units of membrane are integrated into cell surface,

(4) Explore different parts of so-called mechano-receptors found in the cuticles of insects,

(5) Study the structure of chromosomes isolated from a wide variety of organisms, and

(6) Study the surfaces of cotton ovules and developing cotton fibers. The teaching materials and information acquired from the use of this instrument

will be used in the courses Cell Biology and Developmental Biology. Application received by Commissioner of Customs: November 13, 1972.

Docket No. 73-00246-33-46595. Applicant: University of Illinois at Urbana-Champaign, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Pyramitome, Model LKB 11800-1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to obtain sections for use in the electron microscope from limited, nearby regions in the glomerulus of man and various animals which are oriented to each other at 90°. The article will also be used in the courses Biology-Chemistry 429; Electron Microscopy with Laboratory and Biology-Chemistry 493; Advanced Electron Microscopy (research projects) to teach graduate students in the biological sciences new modern methods of preparing materials for study under the electron microscopes. Application received by Commissioner of Customs: November 15, 1972.

Docket No. 73-00247-33-46595. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, Post Office Box 999, Richland, WA 99552. Article: Pyramitome, Model LKB 11800-1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare sections of plastic embedded tissues at least 1.0  $\mu$ m thick for study with the light microscope, the intent being to localize the compounds to which the animals were exposed either by direct observation or by autoradiography and to compare such images with fine structural details obtained on ultrathin section in the electron microscope. Application received by Commissioner of Customs: November 15, 1972.

Docket No. 73-00244-33-90000. Applicant: Mayo Foundation, 200 First Street SW, Rochester, MN 55901. Article: Emi-scanner System. Manufacturer: E.M.I., Ltd., United Kingdom. Intended use of article: The article is intended to be used for radiologic examination of the head during screening of groups of patients and for more accurately delineating the disease processes found in a study aimed at developing protocol for clinical trial thereof. Application received by Commissioner of customs: November 13, 1972.

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

[FR Doc. 72-21346 Filed 12-11-72; 8:51 am]

#### UNIVERSITY OF CALIFORNIA, SAN FRANCISCO ET AL.

#### Notice of Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to section 6(c) of the Educational Scientific and Cultural Materials

Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11 (e).)

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

Docket No. 73-00011-00-46040. Applicant: University of California, San Francisco, 1438 South 10th Street, Richmond, CA 94804. Article: Measuring drives for Elmiskop 101 electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles are accessories to an existing electron microscope currently being used for investigation of the molecular arrangement of protein and lipids in membranes, mainly photoreceptor membranes of higher animals and bacteria. Model systems consisting of synthetic lipids and photoreceptor protein extracted from natural membranes are also used. Application received by Commissioner of Customs: July 5, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 27, 1972.

Docket No. 73-00070-00-77040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Accessories for CH-5 Mass Spectrometer consisting of double focusing attachment, diffusion pumps, cold traps. Manufacturer: Varian-Mat, West Germany. Intended use of article: The article is an attachment for a CH-5 mass spectrometer which is intended to be used to provide the ability to perform direct analysis of daughter ions by the so-called DADI metastable defocusing technique. Application received by Commissioner of Customs: July 28, 1972. Advice submitted by Department of Health, Education, and Welfare on: November 17, 1972.

Docket No. 73-00075-00-46040. Applicant: The University of Chicago, Pritzker School of Medicine, 950 East 59th Street, Chicago, IL 60637. Article: Airlock with electromagnetic beam deflection for electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope being used in investigations of mammalian heart muscle to obtain information useful in the understanding and treatment of heart disease. Application received by Commissioner of Customs: August 1, 1972. Advice submitted by Department of Health, Education, and Welfare on: November 7, 1972.

Docket No. 73-00077-00-46040. Applicant: Emory University, Purchasing Department, Atlanta, Ga. 30322. Article: Universal cassette without magazine. Manufacturer: Siemens Corp., West Germany. Intended use of article: The article is intended to be used with an existing electron microscope which is being used in biomedical research to evaluate the ultrastructural characteristics of a variety of cells and tissues. Application received by Commissioner of Customs:

August 1, 1972. Advice submitted by Department of Health, Education, and Welfare on: November 17, 1972.

Docket No. 73-00079-00-11000. Applicant: The Pennsylvania State University, the Department of Purchases, 219 Shields Building, University Park, Pa. 16802. Article: LKB 9066 multiple ion detector. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory for an existing LKB 9000 gas chromatograph-mass spectrometer capable of making the mass spectrometer a more useful and selective gas chromatographic detector. One of the important uses of the article is to separate components with similar retention times. The updated instrument will also be used by graduate and undergraduate students in their research work in such courses as biochemistry 439, biochemistry 503, biochemistry 600, food science 600. Application received by Commissioner of Customs: July 31, 1972. Advice submitted by Department of Health, Education, and Welfare on: November 17, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

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

[FR Doc. 72-21347 Filed 12-11-72; 8:51 am]

#### UNIVERSITY OF DELAWARE

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00084-88-46070. Applicant: University of Delaware, Newark, Del. 19711. Article: Scanning electron microscope, IIA. Manufacturer: Cambridge Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article will be used in the investigation of the detailed microstructure and topography of mineral, fossil, biological, and other specimens. In addition, the article will be used to instruct advanced undergraduate students in the field of micropaleontology and mineralogy.

Comments: Comments dated December 9, 1971, have been received from Advanced Metals Research Corp. (AMR) which allege inter alia that its "AMR 900 (scanning electron microscope)" is capable of meeting all specification and design performance features required by the applicant.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 31, 1969).

Reasons: This application is a resubmission of Dockets Nos. 70-00187-88-46070 and 70-00699-88-46070 which were denied without prejudice to resubmission on April 6, 1970, and April 26, 1971, respectively, due to informational deficiencies. The foreign article provides an 18° focused and 11° collimated 2 theta deflection of the beam which permits the production of meaningful pseudo-Kikuchi lines. The National Bureau of Standards (NBS) in its memorandum dated June 19, 1972, advises that the capability of producing pseudo-Kikuchi lines is a specification pertinent (within the meaning of section 701.2(n) of the regulations) to the applicant's crystal orientation studies. AMR's current literature indicates that the AMR 900 is capable of producing pseudo-Kikuchi lines. However, the Department of Commerce has received correspondence from AMR (letters dated August 24, 1970) and Philips Electronic Instruments (letter dated July 20, 1970) which indicates that the AMR 900 was not available at the time the foreign article was ordered. Finally, NBS advises that it knows of no domestic manufacturer satisfying the pertinent specification for production of pseudo-Kikuchi lines "as of the July 31, 1969 order date."

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

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

[FR Doc.72-21345 Filed 12-11-72;8:51 am]

#### UNIVERSITY OF VIRGINIA ET AL.

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

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

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

Docket No. 73-00069-33-46040. Applicant: University of Virginia, Department of Biology, Gilmer Hall, Charlottesville, Va. 22903. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to train graduate students and undergraduates in the use and maintenance of a high resolution electron microscope. The article will also be used by students in advanced courses such as biology 351, 352 (research in cell ultrastructure) and biology 401, 402 (dissertation research). Application received by Commissioner of Customs: November 24, 1972.

Docket No. 73-00082-33-46040. Applicant: Beekman Downtown Hospital, 170 William Street, New York, NY 10038. Article: Electron Microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to train medical technology students in the principles of electron microscopy. In addition the article is intended to be used for research on the cardiovascular system in man and animals. The research objectives include:

- (1) Elucidation of the pathogenesis of canine mitral valvular fibrosis;
- (2) Elucidation of the electron microscopic characteristics of cardiac muscle in:

- (a) Aging of humans and dogs;
- (b) Heart failure in humans and dogs.

- (3) Correlation of electrical, mechanical, physiological, and pharmacological properties of cardiac muscle with EM appearances;
- (4) Application of histochemistry and immunocytochemistry to EM studies of cardiac tissue and vascular tissue; and
- (5) Development of diagnostic methods for better evaluation of various parameters in human cardiac surgery.

Application received by Commissioner of Customs: November 17, 1972.

Docket No. 72-00574-33-46040. Applicant: Michigan State University, East Lansing, Mich. 48823. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments

N.V.D., The Netherlands. Intended use of article: The article is intended to be used by several faculty members whose research interests encompass the areas of neuropathology, musculo-skeletal pathology, renal pathology, blood platelet morphology and amyloidosis, for their appropriate basic and applied human pathological research. The article will also be used by postgraduate and graduate students to achieve the aims of a special topics course in Pathology (PTH 800) which requires a high degree of competency in ultramicrotomy. Application received by Commissioner of Customs: November 24, 1972.

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

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

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

[FR Doc.72-21348 Filed 12-11-72;8:52 am]

#### UNIVERSITY OF WASHINGTON ET AL.

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

The following is a consolidated decision on applications for duty-free entry

of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

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

Docket No. 72-00550-33-46040. Applicant: University of Washington, Friday Harbor Laboratories, Friday Harbor, Wash. 98250. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the investigation of the ultrastructure of dividing animal cells (cultured mammalian cells, marine invertebrate eggs, amphibian eggs, etc.). The research will include high resolution studies of microtubules of the mitotic apparatus and of microfilaments of the contractile ring, with emphasis on the latter. Application received by Commissioner of Customs: May 15, 1972. Advice submitted by Department of Health, Education, and Welfare on November 24, 1972.

Docket No. 72-00554-33-46040. Applicant: City College of the City University of New York, 138th Street and Convent Avenue, New York, NY 10031. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies at all levels of resolution, including very high resolution of different cytological phenomena occurring in a variety of cell types from a variety of animals and plants. Specific projects include the following:

(1) Cytochemical testing of different cell types, e.g., to identify membrane-associated enzyme activities in cell membranes of parasitic flatworms (*Schistosoma japonicum*, *S. haematobium*), to probe the chemical nature of the "synaptoid" nerve endings of those specialized neurons that release neurohormones.

(2) High resolution studies of the cell bodies or cytoplasmic areas of those neurosecretory cells that produce the neurohormones vasopressin and oxytocin. In particular neurons maintained in organ-cultures will be examined in order to provide data concerning the intracellular origin and pathway of neurohormone biosynthesis.

(3) Replicas examined in the electron microscope at high resolution will facilitate the systematic classification of such diverse organisms as fresh water and deep-sea vertebrates and invertebrates, as well as insects and other terrestrial forms of life, in addition to providing basic morphological data.

(4) Studies of microtubular systems; their structural and functional roles in a variety of adult and developing plant

cells. Application received by Commissioner of Customs: May 15, 1972. Advice submitted by Department of Health, Education, and Welfare on November 24, 1972.

Docket No. 72-00590-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for structural studies of cellular membranes at the molecular level, and structural analysis of isolated gap junctions from mammalian liver. Correlated X-ray diffraction and electron microscope studies are also planned with nerve myelin. The article will also be used in training graduate students and postdoctoral fellows in the methods of electron microscopy in addition to some training in other aspects of cell biology. Application received by Commissioner of Customs: May 30, 1972. Advice submitted by Department of Health, Education, and Welfare on November 24, 1972.

Docket No. 72-00593-33-46040. Applicant: Columbia University College of Physicians and Surgeons, 630 West 168th Street, New York, NY 10032. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article will be used for high resolution studies of: (1) purified human complement components and their interaction with immunoglobulins and appropriately sensitized membranes; (2) nucleic acids and their interaction with both synthetic and naturally occurring antinucleic acid antibodies labeled with horse radish peroxidase; (3) *Bordetella pertussis* and its cell wall components and supernatant culture products which have biologic properties. Besides these diverse materials, pathological tissues such as human thyroid and synovial cell cultures will also be examined for viral particles and immunochemical antibody staining. Application received by Commissioner of Customs: May 31, 1972. Advice submitted by Department of Health, Education, and Welfare on November 24, 1972.

Docket No. 72-00594-33-46040. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for combined cytochemistry and electron microscopy studies of the interrelations of cell "organelles" of liver (rat, human), small intestines (guinea pig, human, rat, etc.) liver cancers (Novikoff hepatoma, Morris hepatomas) and other tissues. The intracellular organelles which will be the chief objects in these studies are: (1) the endoplasmic reticulum (ER), (2) the Golgi apparatus, (3) a structure named GERL by the applicant, (4) lysosomes, and (5) microperoxisomes. Application received by Commissioner of Customs: May 31, 1972.

Advice submitted by Department of Health, Education, and Welfare on November 24, 1972.

Docket No. 73-00071-33-46040. Applicant: The University of Arizona, Department of Anatomy, Arizona Medical Center, 1501 North Campbell Center, Tucson, AZ 85724. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD, the Netherlands. Intended use of article: The article is intended to be used in various research projects including:

(1) Studies of development of collagen fibers,

(2) Studies of the biological development sequence for the evolving elastic fiber, resulting from cellular invasion,

(3) Discovering the structural nature of neurofilaments and microtubules in nerve cells,

(4) Investigation of the infective cycle of a virus and the cytopathogenic changes resulting from cellular invasion,

(5) Studies of the fetal maternal intrauterine cellular relationship where the development of the embryo is uniquely delayed at the primitive streak stage,

(6) Study of notochordal development, and

(7) Study of the relationship of elastic lamina in arteries. In addition the article will be used as a teaching tool in the courses microscopic anatomy, experimental cytology, and anatomical techniques. Application received by Commissioner of Customs: July 28, 1972. Advice submitted by Department of Health, Education, and Welfare on November 17, 1972.

Docket No. 73-00080-33-46040. Applicant: The Rockefeller University, 66th Street and York Avenue, New York, NY 10021. Article: Electron microscope, EM 300. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for studies in which chemical, biochemical, and ultrastructural approaches will be concerning problems of basic biological interest. The research centers around studies of the control of cell mitosis and differentiation particularly in lymphocyte populations during the development of the immune response. Application received by Commissioner of Customs: July 31, 1972. Advice submitted by Department of Health, Education, and Welfare on November 17, 1972.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forglow Corp. (Forglow). The Model EMU-4C has a specified resolving capability of 5 angstroms. (Resolving capability bears

## NOTICES

an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgglo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

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

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

[FR Doc. 72-21349 Filed 12-11-72; 8:52 am]

**VETERANS ADMINISTRATION  
HOSPITAL, PITTSBURGH, PA., ET AL.**

**Notice of Consolidated Decision on  
Applications for Duty-Free Entry of  
Ultramicrotomes**

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

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

Docket No. 73-00066-33-46500. Applicant: Veterans Administration Hospital, 646 University Drive C, Pittsburgh, PA 15240. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article will be used to section plastic-embedded tissues from various sources including human and animal skin and monolayer cultures of fibroblasts and chondrocytes. The experiments to be conducted will include:

a. Demonstration of the site of antibody binding to human keratinocytes in pemphigus as well as histochemical staining of the cell surface coat using ferritin-conjugated agglutinins.

b. Study of ultrastructural alterations in certain human tumors and genetically-inherited diseases.

c. Study of the effects of various drugs, including anticancer agents, on tissue cultures of human and animal tissues.

d. Identification of the site of localization of intracellular viruses in infected chondrocytes *in vivo* and *in vitro*.

e. Examination of skin biopsies from patients with collagen-vascular disease for the presence of virus-like inclusions.

The article will also be used in advanced research training courses for dermatology and rheumatology residents and fellows. These courses are designed to prepare physicians for further laboratory investigation as well as to acquaint physicians involved in clinical medicine with research techniques and methodology. Application received by Commissioner of Customs: November 17, 1972.

Docket No. 73-00067-33-46500. Applicant: University of Minnesota, Department of Pathology, 488 Jackson Hall, Minneapolis, MN 55455. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies to analyze whether alterations in the structural glycoprotein-intramembranous particle complex significantly influence the control mechanisms of DNA synthesis and cell division. The specific aims of this project will be (1) To analyze the chemical and ultrastructural characteristics of the glycoprotein particle complex in normal and neoplastic cells and (2) to examine the effects of changes in the membrane glycoprotein particle complex on the control of DNA synthesis and cell division. Application received by Commissioner of Customs: November 17, 1972.

Docket No. 73-00068-33-46500. Applicant: University of Kansas Medical Center, 39th and Rainbow Boulevard, Kansas City, KS 66103. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for thin sectioning for electron microscopy of tissues derived from experimental animals. The primary project concerns the study of pathogenic mechanisms concerned with the subcellular pathology of light and electron microscopy and by biochemical methods. In addition the article will be used to train medical and graduate students in experimental pathology and cell biology. Application received by Commissioner of Customs: November 17, 1972.

Docket No. 73-00074-33-46500. Applicant: Yale University School of Medicine, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies to discover how changes in the microcirculation contribute to the development of serious systemic and cutaneous disorders. Histologic sections ranging from ultrathin to 1 micron thickness permit the reconstruction of the three dimensional relationship of the blood and lymphatic vessels with each other. Application received by Commissioner of Customs: August 2, 1972.

Docket No. 73-00076-33-46500. Applicant: Brooklyn Veterans Administration

Hospital, Department of Pathology, 800 Poly Place, Brooklyn, NY 11209. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of biological materials mainly mammalian tissues derived from experimental animals, both normal and pathologic. The main objective of this course of investigation is to reveal at the ultrastructural level the morphological changes in normal as well as infected cells and tissue. In addition the article will be used to acquaint students in a residency program in pathology and in internship training of medical technologists to all the various types of instrumentation currently used in an electron microscope laboratory. Application received by Commissioner of Customs: November 17, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited

memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

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

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

[FR Doc. 72-21350 Filed 12-11-72; 8:52 am]

**U.S. Travel Service  
TRAVEL ADVISORY BOARD**

**Notice of Meeting**

The Travel Advisory Board of the U.S. Department of Commerce will meet December 12 at 9:30 a.m. in Room 1096 of the Main Commerce Building, 14th Street and Constitution Avenue NW, Washington, D.C. 20230.

Members advise the Secretary of Commerce and the Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

- (1) Opening remarks by Acting Assistant Secretary of Commerce for Tourism, James L. Hamilton III.
- (2) Remarks by Secretary Peter G. Peterson.
- (3) Future Directions.
- (4) VISIT USA Ambassador Program.
- (5) Task Force Discussion.
- (6) Executive Session.
- (7) Adjournment.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments, who are appointed by the Secretary of Commerce to serve a 2-year term.

Represented industry segments include international airlines, domestic airlines, supplemental airlines, domestic surface transportation, communications, travel agencies, rental car agencies, travel societies, accommodations, steamship lines, tour operators, sightseeing firms, States, cities, aircraft manufacturers.

A limited number of seats—approximately 12—will be available to observers from the press and the public, for agenda items 1-5.

With respect to agenda item (6), "Executive Session," the Secretary of Commerce has issued the following waiver from the provisions of sections 13 (a) (b), and (c) of Executive Order 11671:

**NOTICE OF EXECUTIVE SESSION OF THE TRAVEL ADVISORY BOARD**

As provided in section 13 of the Executive Order 11671 of June 5, 1972, I have determined that the portion of the Travel Advisory Board meeting to be held on December 12, 1972, during which intraagency communications of the U.S. Travel Service will be reviewed and discussed, will deal with matters that fall within policies analogous to those recognized in section 552(b)(5) of title 5 of the United States Code and the public interest requires such matters to be withheld from disclosure. Premature disclosure of these internal communications, which relate to future plans and programs of the U.S. Travel Service that are undergoing development and are likely to be revised before they are implemented, could have adverse effects upon both public and private interests. The policy inherent in section 552(b)(5) is to encourage free and candid exchange of ideas and opinions during the process of deliberation and policy and decision making. Such policy applies to the deliberations of the Travel Advisory Board in the same manner it would apply to inter- or intra-agency deliberations.

Accordingly, I find, pursuant to section 13(d) of Executive Order 11671 of June 5, 1972 (37 F.R. 11307), that the portion of the Travel Advisory Board meeting scheduled for December 12, 1972, during which intraagency communications of the U.S. Travel Service will be reviewed and discussed, shall be exempt from the provisions of sections 13 (a), (b), and (c), relating to public participation and record keeping.

Robert Jackson, Director of Information Services of the U.S. Travel Service, Room 1525, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4987) will respond to public requests for information about the meeting.

Minutes will be available 30 days from the date of the meeting. Pursuant to regulations of the Department of Commerce (15 CFR 4.6), requests to review the minutes should be made by completing Form CD-244. Copies of this form are available from the Central Reference and Records Inspection Facility, Department of Commerce, Washington, D.C. 20230.

JAMES L. HAMILTON III,  
Acting Assistant Secretary for  
Tourism, Department of  
Commerce.

[FR Doc. 72-21507 Filed 12-11-72; 12:14 p.m.]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Food and Drug Administration**

[DESI 13334; Docket No. FDC-D-571;  
NDA 13-334]

**DEXAMETHASONE SODIUM PHOSPHATE AND LIDOCAINE HYDROCHLORIDE FOR PARENTERAL USE**

**Drugs for Human Use; Drug Efficacy Study Implementation; Followup**

In an announcement (DESI 13334) published in the *FEDERAL REGISTER* of September 23, 1970 (35 F.R. 14800), 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 following products:

1. Decadron Phosphate with Xylocaine Injection containing dexamethasone sodium phosphate 4 mg./ml. and lidocaine hydrochloride 10 mg./ml.; and

2. Decadron Phosphate with Xylocaine Injection, Dilute containing dexamethasone sodium phosphate 1 mg./ml. and lidocaine hydrochloride 5 mg./ml.; Merck Sharp and Dohme, Division of Merck and Co. Inc., West Point, Pa. 19486 (NDA 13-334).

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). 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.

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. Based upon additional evidence and a reevaluation of available data, the Commissioner of Food and Drugs concludes that Decadron Phosphate with Xylocaine Injection is effective for the treatment of acute and subacute bursitis and nonspecific tenosynovitis.

Decadron Phosphate with Xylocaine Injection, Dilute remains classified as lacking substantial evidence of effectiveness, in view of the concentrations of the ingredients in this combination product. It will be handled in a separate notice.

Accordingly, the previous announcement is amended to read as follows, insofar as it pertains to Decadron Phosphate with Xylocaine Injection:

**A. Effectiveness classification.** The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that injectable preparations containing 4 mg. dexamethasone sodium phosphate and 10 mg. lidocaine hydrochloride per milliliter are:

1. Effective for the treatment of acute and subacute bursitis and nonspecific tenosynovitis.

2. Lacking substantial evidence of effectiveness for other labeled indications.

**B. Conditions for approval and marketing.** The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

**1. Form of drug.** This preparation is in aqueous solution form suitable for parenteral administration.

**2. Labeling conditions.** a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

## NOTICES

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are:

For the treatment of acute and subacute bursitis and nonspecific tenosynovitis.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the *FEDERAL REGISTER* July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a) (3) (i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for a hearing.* 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 providing for indications lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice 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. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

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.

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)

providing for the claim(s) involved should not be withdrawn.

Within 30 days after publication hereof in the *FEDERAL REGISTER* the applicant(s) and any other interested person may 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) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

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 claim(s) 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 making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

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 sug-

gested 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.

Communications forwarded in response to this announcement should be identified with the reference number DESI 13334, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Request for Hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-88, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for 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 (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355), and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 6, 1972.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc. 72-21311 Filed 12-8-72; 9:59 am]

[Docket No. FDC-D-545; NADA 11-346V]

FORT DODGE LABORATORIES, INC.

Dictyicide; Notice of Opportunity for a Hearing

Notice is hereby given to Fort Dodge Laboratories, Fort Dodge, Iowa 50501, and to any interested persons who may be adversely affected that the Commissioner of Foods and Drugs proposes to issue an order under section 512 of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 360b) withdrawing approval of new animal drug application (NADA) No. 11-346V. Dictyicide.

The Commissioner, on the basis of an evaluation of new information before him with respect to such drug together with evidence available to him when the application was approved, concludes that the drug is not shown to be safe under the conditions of use upon the basis of which the application was approved.

Data available to the Commissioner fail to establish the absence of unsafe residues of this product in the edible tissue of food producing animals when this product is administered in accordance with the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant and any other interested persons who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 11-346V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above cited drug product and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market will be subject to appropriate regulatory action.

Within 30 days after publication hereof in the *FEDERAL REGISTER*, such persons are required to file with the Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

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 which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting a hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue

of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, an administrative law judge will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

Response to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above), during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 4, 1972.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc.72-21304 Filed 12-11-72;8:53 am]

[DESI 1002; Docket No. FDC-D-211; NDA 10-740]

#### PIPRADROL HYDROCHLORIDE

#### Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

In a notice published in the *FEDERAL REGISTER* of October 21, 1970 (35 F.R. 16421), the Commissioner of Food and Drugs offered Merrell-National Laboratories (formerly Wm. S. Merrell Co.), Division of Richardson-Merrell, Inc., 110 Amity Road, Cincinnati, OH 45215, holder of the following new drug application, and other interested persons, an opportunity for a hearing on a proposal to withdraw approval of the application and all amendments and supplements thereto. The basis of the proposal was a lack of substantial evidence that the drug will have the effects it purported or was represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

NDA 10-740; Alertonic Elixir containing piperadol hydrochloride, thiamine hydrochloride, riboflavin, pyridoxine hydrochloride, niacinamide, choline, inositol, calcium glycerophosphate, alcohol, maganous sulfate, magnesium acetate, zinc acetate, and ammonium molybdate.

Data submitted thereafter by the NDA holder did not constitute substantial evidence of effectiveness of the combination drug product. Subsequently the NDA holder submitted a supplement for a reformulated product and revised labeling. The reformulated product is a liquid dosage form of piperadol hydrochloride, a drug for which, in solid dosage form, a Drug Efficacy Study announcement was published on May 15, 1970 (35 F.R. 7616, DESI 9366).

In reviewing available data pertaining to piperadol hydrochloride, in liquid or solid dosage form, the Food and Drug Ad-

ministration concludes that the drug is less than effective (possibly effective) for fatigue, apathy, or lack of energy and activity accompanying mild depression or occurring by themselves without sufficient physical cause.

Any data submitted in response to this notice to support indications for which a drug is classified as other than effective must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) and described in § 130.12(a) (5) of the regulations published in the *FEDERAL REGISTER* of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

All identical, related, and similar drug products, not the subject of an approved new drug application, are covered by the application reviewed and are subject to this notice. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

Communications forwarded in response to this notice should be identified with the reference number DESI 1002, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852: Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications (identify as such): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 7, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-21312 Filed 12-8-72;10:00 am]

[DESI 10721; Docket No. FDC-D-234;  
NDA 10-721]

#### PFIZER, INC.

#### Combination Drug Containing Meclizine and Niacin; Notice of Withdrawal of Approval

A notice was published in the *FEDERAL REGISTER* of September 12, 1970 (35 F.R.

## NOTICES

14411) extending to the holder of the new drug application listed below, and to any interested person an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act, withdrawing approval of the listed application and all amendments and supplements thereto. The basis of the proposed action was the lack of substantial evidence that (1) the drug was effective as a fixed combination in the treatment of, vertigo, Meniere's syndrome, and in conditions of apprehension and mental confusion that may arise from niacin deficiency and (2) each component of the drug contributes to the total effects claimed.

NDA 10-721, Antivert Tablets containing 12.5 milligrams meclizine hydrochloride and 50 milligrams niacin; J. B. Roerig and Co., Division of Pfizer, Inc., 235 East 42d St., New York, NY 10017.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). 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.

Neither Pfizer nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of an opportunity for hearing.

Currently pending before the Administration is a supplemental application submitted by the NDA holder to provide for a reformulated product. Agency action on that supplement will be taken upon completion of review of the data submitted.

Accordingly, the Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the combination drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the 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 thereof.

Therefore, pursuant to the foregoing findings, approval of the above-listed new drug application and all amendments and supplements thereto pertaining to the combination drug product is withdrawn effective on the date of publication hereof in the *FEDERAL REGISTER*. Shipment in interstate commerce of the above drug product or of any identical, related, or similar product, not the sub-

ject of an approved new drug application, is henceforth unlawful.

Dated: December 7, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-21313 Filed 12-8-72; 10:00 am]

### HOFFMAN-TAFF, INC.

#### Aklo-3 Premix Medicated; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

At the request of Hoffman-Taff, Inc., Post Office Box 1246 S.S.S., Springfield, MO 65805, and in accordance with § 135-28(d) (21 CFR 135.28(d)), notice is given that approval of NADA (new animal drug application) No. 40-298V for Aklo-3 Premix Medicated, which contains aklomode (2-chloro-4-nitrobenzamide) and roxarsone (3-nitro-4-hydroxyphenylarsonic acid), is hereby withdrawn.

*Effective date.* This order shall be effective upon publication in the *FEDERAL REGISTER* (12-12-72).

(Sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b)

Dated: November 30, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-21303 Filed 12-11-72; 8:48 am]

### HOFFMAN-TAFF, INC.

#### Broiler Premix Medicated; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

At the request of Hoffman-Taff, Inc., Post Office Box 1246 S.S.S., Springfield, MO 65805, and in accordance with § 135-28(d) (21 CFR 135.28(d)), notice is given that approval of NADA (new animal drug application) No. 38-740V for Broiler Premix Medicated, which contains erythromycin thiocyanate, is hereby withdrawn.

*Effective date.* This order shall be effective upon publication in the *FEDERAL REGISTER* (12-12-72).

(Sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b)

Dated: November 30, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 72-21302 Filed 12-11-72; 8:48 am]

### OVER-THE-COUNTER TOPICAL ANALGESIC, INCLUDING ANTI-RHEUMATIC, OTIC, BURN, SUNBURN TREATMENT AND PREVENTION DRUG PRODUCTS

#### Safety and Efficacy Review; Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice outlining procedures for this review was published in the *FEDERAL REGISTER* of May 11, 1972 (37 F.R. 9464).

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for all dosage forms of topical analgesic, including anti-rheumatic, otic, burn, sunburn prevention and treatment drug products, the administration invites submission of data, published and unpublished, and other information pertinent to all active ingredients utilized in such preparations.

FDA is aware that the following active ingredients are used in such products and has conducted a literature search on each of them.

Benzocaine.	Methyl Anthranilate.
Camphor.	Methyl Salicylate.
Capsicum Oleoresin.	Oil of Mustard.
Cinoxate.	Oxybenzone.
Digalloyl Trioleate.	p-Aminobenzoate.
Dioxybenzone.	Red Veterinary Petrolatum.
Eucalyptol.	Sulisobenzene.
Glyceryl p-Amino-benzoate.	Thymol.
Homosalate.	Titanium Dioxide.
Lidocaine.	Zinc Oxide.
Menthol.	

FDA's literature search covered the United States of America literature and other leading English language literature published since 1950 from the following sources:

Medlars (NLM and SUNY).
FDA Clinical Experience Abstracts.
Quarterly Cumulative Index Medicus.
Current List of Medical Literature.
Index Medicus.
JAMA Subject Index.
DeHaen Drugs in Use.
RINGDOC.
VETDOC.
International Pharmaceutical Abstracts.
Excerpta Medica.
Abstracts of World Medicine.
Biological Abstracts.
Chemical Abstracts.

The bibliography of the literature search is available to interested persons.

Interested persons are also invited to submit data on any other active ingredients for topical analgesic, including anti-rheumatic, otic, burn, sunburn prevention and treatment drug products.

To be considered, eight copies of the data and/or views must be submitted, preferably bound, indexed, and on standard size paper (approximately 8½ by 11 inches). All submissions must be in the format described below:

**OTC DRUG REVIEW INFORMATION**

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

IV. Human safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.

5. Pertinent medical and scientific literature.

V. Efficacy data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.

5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

VII. If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information, as well as any favorable information, known to him pertinent to an evaluation of the safety, effectiveness, and labeling of such a product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

In order to avoid duplication, interested persons should not in their submission include published literature listed in the FDA literature search. An abstract of all such literature will be provided to the panel. Upon request the panel will be provided with the complete article. Interested persons may, of course, refer to such literature in their submissions by citation.

Submissions or requests for copies of the bibliography of the FDA literature search should be forwarded to:

Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD-103), 5600 Fishers Lane, Rockville, MD 20852.

Submission of data must be within 60 days from date of this publication.

(Federal Food, Drug, and Cosmetic Act, sec. 701; 21 U.S.C. 371)

Dated: November 30, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-21301 Filed 12-11-72;8:48 am]

**Office of the Secretary  
HEALTH SERVICES AND MENTAL  
HEALTH ADMINISTRATION**

**Statement of Organization, Functions,  
and Delegations of Authority**

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968), as amended, is hereby amended with regard to section 3-30, *Delegations of Authority*, as follows:

After subparagraph numbered (19) of the paragraph entitled *Specific delega-*

*tions*, add one new subparagraph reading:

(20) Pursuant to Public Law 92-255, Drug Abuse Office and Treatment Act of 1972, signed by the President on March 21, 1972, the authority to perform the functions for which the Secretary is responsible under Title IV.

Dated: November 30, 1972.

STEVEN D. KOHLERT,  
Deputy Assistant Secretary  
for Management.

[FR Doc.72-21295 Filed 12-11-72;8:47 am]

**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

**Office of Assistant Secretary for Housing Production and Mortgage Credit**

[Docket No. N-72-129]

**CARPET STANDARDS AND CARPET CERTIFICATION PROGRAM**

**Proposed Revision of Standards and Proposed Adoption of Program**

Notice is hereby given that the Department of Housing and Urban Development proposes to revise its standards for carpet and proposes to adopt a carpet certification program. The proposed revised carpet standards are set forth in HUD Use of Materials Bulletin No. 44c (UM-44c), September 21, 1972. UM-44c describes carpet materials and methods of application. Subject to good workmanship and compliance with local codes, the materials and methods described in UM-44c may be considered suitable for use in construction under HUD mortgage insurance and low-rent public housing programs.

In order to assure compliance with the revised carpet standards, HUD proposes to adopt a carpet certification program. An independent administrator selected by HUD will administer the program subject to HUD guidelines. HUD will have the right to replace the administrator in the event he fails to properly perform his duties as set forth in the program. Carpets will be tested by independent laboratories approved by the administrator. Carpet manufacturers that desire to participate in the carpet certification program will enter into an agreement with the administrator for administrative services in connection with having their carpets tested. Carpets that meet the standards set forth in UM-44c will be certified by the administrator. The manufacturer will be authorized to label certified carpets with certification imprints approved by the administrator. The administrator will publish a directory of certified products that will contain a list of all certified carpets and approved testing laboratories. It is expected that the carpet certification program will be self-supporting out of fees charged to carpet manufacturers for testing and administrative services.

## NOTICES

The public is invited to comment on both the proposed revised carpet standards and the proposed carpet certification program. Copies of both the standards and the program are available for public inspection in both the Office of Technical and Credit Standards, Architecture and Engineering Division, Room 5224, and the Office of General Counsel, Rules Docket Clerk, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. They are also available in each HUD Regional, Area and Insuring Office. Comments should be filed in triplicate, using the above docket number and title, with the Rules Docket Clerk at the address stated above. All relevant material received on or before January 15, 1973, will be considered. Copies of comments submitted will be available for examination by interested persons during business hours, both before and after the closing, at the Office of the Rules Docket Clerk.

Issued at Washington, D.C., December 8, 1972.

JOHN L. GANLEY,  
Deputy Assistant Secretary for  
Housing Production and  
Mortgage Credit.

[FR Doc. 72-21401 Filed 12-11-72; 8:53 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration AIRCRAFT EMISSIONS HEARINGS Notice of FAA Participation and Request for Public Comments

All persons concerned with the manufacture and operation of airplanes, aircraft engines, and auxiliary power units, and those concerned with the manufacture or use of products, parts, processes, materials, and appliances used thereon, are hereby advised that a series of hearings will be held by the Environmental Protection Agency as part of its statutorily required rule making process to control aircraft emissions. By agreement between the two agencies, the Federal Aviation Administration will participate actively in these hearings to ensure adequate discharge of its responsibilities.

Under the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), the Environmental Protection Agency (EPA) is required to issue aircraft emission standards under certain conditions. That Act requires EPA to hold public hearings with respect to its proposed standards. When such standards are issued, the Act requires the Secretary of Transportation to issue regulations to ensure compliance with such standards consistent with his responsibilities under other provisions of law.

The EPA hearings will concern two separate regulatory proposals of the Environmental Protection Agency published

this date in the **FEDERAL REGISTER**. The first is a notice of proposed rule making containing proposed EPA Part 87, which would prescribe specific emission standards and measurement procedures for classes of engines (see 37 F.R. 26488). The FAA intends, if possible, to publish its regulatory response to proposed EPA Part 87, or at least release an early draft, so that public commentators will have full knowledge of both the EPA and the probable FAA proposals prior to the hearings.

The second EPA proposal to be addressed at the hearings is an Advance Notice of Proposed Rule Making concerning the possible limitation of ground emissions by requiring airplanes to be towed, or to taxi with one or more inoperative engines, while on the ground at certain airports. (See 37 F.R. 26502.)

In order to assist the FAA in its safety function at the hearings, it is important that all comments of an aeronautical nature, submitted to EPA in response to any of the above proposals and that the commentator wishes to have considered by the FAA at the hearing, also be submitted to the FAA at least 1 week before the hearings. Comments submitted later can only be considered to the extent possible in connection with the hearings (but, will of course, be fully considered in connection with any related FAA rule making following the hearings).

Comments should be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. Comments should refer to Docket No. 10228.

Preliminary information concerning the hearings is contained in the EPA documents referred to above. Any supplementary information, or changes thereto, will be issued by EPA, and aeronautical interests accustomed to following only FAA actions in the **FEDERAL REGISTER** are advised to consult the EPA portion of the **FEDERAL REGISTER** for this purpose.

Issued in Washington, D.C., on September 13, 1972.

R. P. SKULLY,

Director,

Office of Environmental Quality.

[FR Doc. 72-21105 Filed 12-11-72; 8:45 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-366A]

### GEORGIA POWER CO.

#### Notice and Order for Prehearing Conference

In the matter of Georgia Power Co. (Edwin I. Hatch Nuclear Plant 2).

Please take notice, that pursuant to the Atomic Energy Commission's notice of antitrust hearing dated November 29, 1972, and published in the **FEDERAL REGISTER** on December 5, 1972, 37 F.R. 25871, and in accordance with the said

Commission's rules of practice, a prehearing conference will be held January 9, 1973, at 9 a.m., at the Federal Office Building No. 7, Room 2008, 726 Jackson Place, Washington, DC 20506 (enter on 17th Street).

The cardinal objective of said prehearing conference will be to establish a clear and particularized identification of matters related to the issue whether activities under the permits applied for would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105a of the Atomic Energy Act of 1954, as amended.

To that end:

A. Each of the attorneys for the parties and for the petitioners to intervene will supply in writing to this Board and to each other on or before December 30, 1972, a statement listing:

(1) The legal theory of the party or petitioner concerning the question whether the issuance of the permits applied for would create or maintain a situation inconsistent with the antitrust laws and supplying the authorities relied on in support of such theory.

(2) The detailed facts on which such legal theory is based, including the dates, places, and persons involved and attaching copies of all documents pertaining thereto.

B. Following the exchange of such statements and prior to the prehearing conference, the attorneys for the parties and the petitioners are requested to discuss with each other and report to the Board at the prehearing conference on:

(1) The prospect of settlement; and  
(2) Their willingness to stipulate to particular facts or to a statement of facts.

C. Each of the parties and the petitioners shall be prepared to submit at the prehearing conference:

(1) A written statement setting forth under topical headings a concise statement of the essential facts and a recital of the contested issues of fact and of law.

(2) A schedule of the additional discovery, if any, which is required and a time table showing the dates by which each item of discovery will be completed.

(3) Copies of written exhibits and printed documents which will be offered in evidence at the formal hearing.

(4) The names and addresses of all witnesses now intended to be called.

In addition to considering the particular factual and legal issues to be determined at the formal hearings which is its cardinal objective, the Board will also:

1. Hear oral arguments:

(a) On the petitions to intervene and consider amendments thereto;

(b) On the motion of the Department of Justice to consolidate this proceeding with Alabama Power Co., Docket No. 50-

2. Consider motions addressed to: 348A, and consider amendments thereto.

(a) Jurisdictional questions (including pending FPC proceedings, if any).

(b) The letter of advice of the Attorney General.

(c) Other matters including: Simplification of issues; additional discovery;

reduction in the amount of proof and number of expert witnesses; settlement proposals; the time table for discovery, if any; the presentation of evidence at formal hearing; the final listing of witnesses and exchange of written testimony and documentary evidence; the submission and exchange of trial briefs; and such other matters as may aid in the disposition of the proceeding.

Each party shall be represented at the prehearing conference by the attorney who expects to present the evidence at the formal hearing.

Issued at Washington, D.C., this 6th day of December 1972.

By order of the Atomic Safety and Licensing Board.

WALTER K. BENNETT,  
Chairman.

[FR Doc. 72-21289 Filed 12-11-72; 8:46 am]

[Dockets Nos. 50-275, 50-323]

#### PACIFIC GAS AND ELECTRIC CO.

#### Notice of Availability of Applicant's Environmental Report, Supplemental Environmental Reports, and AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations set forth in Appendix D to 10 CFR Part 50, notice is hereby given that documents entitled "Applicant's Environmental Report and Supplement No. 1 through Supplement No. 3 to Environmental Report" (collectively known as the "reports"), submitted by the Pacific Gas and Electric Co. have been placed in the Commission's Public Document Room at 1717 H Street NW, Washington, DC, and in San Luis Obispo County Free Library, 1354 Bishop Street, San Luis Obispo, CA. The reports are also available at the Office of the Lieutenant Governor, Office of Intergovernmental Management, 1400 10th Street, Room 108, Sacramento, CA.

Notice of availability of the applicant's environmental report was published in the *FEDERAL REGISTER* on January 4, 1972 (37 FR 28).

The reports have been analyzed by the Commission's Directorate of Licensing, and a draft environmental statement related to the proposed continuation of Construction Permit No. (s) CPPR-39, CPPR-69 for the Diablo Canyon Reactor Units 1 and 2, located at Pacific Gas and Electric Co.'s site in San Luis Obispo County, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's draft environmental statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to Appendix D to CFR Part 50, interested persons may, within thirty (30) days from the date of publication of this notice in the *FEDERAL REGISTER*,

submit comments for the Commission's consideration on the report and supplements, on the draft environmental statement, and on the proposed action. Federal and State agencies are being provided with copies of the draft environmental statement (local agencies may obtain this document on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 7th day of December 1972.

For the Atomic Energy Commission.

GORDON K. DICKER,  
Acting Assistant, Director for  
Environmental Projects, Di-  
rectorate of Licensing.

[FR Doc. 72-21375 Filed 12-11-72; 8:52 am]

[Dockets Nos. 50-416, 50-417]

#### MISSISSIPPI POWER & LIGHT CO.

#### Notice of Hearing on Application for Construction Permits

In the matter of the Mississippi Power & Light Co. (Grand Gulf Nuclear Station Units 1 and 2).

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 Mississippi Power & Light Co. (the applicant), for construction permits for two boiling water nuclear reactors designated as the Grand Gulf Nuclear Station Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 3,833 thermal megawatts with a net electrical output of approximately 1,313 megawatts. The proposed facilities are to be located at the applicant's site on the east bank of the Mississippi River, approximately 25 miles south of Vicksburg, Miss., and 37 miles north of Natchez, Miss., in Claiborne County, Miss. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

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 construction permits to the applicant:

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 applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has 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 applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components.

(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 facilities, and (ii), taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities.

3. Whether the applicant is financially qualified to design and construct the proposed facilities.

4. Whether the issuance of permits for construction of the facilities 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 permits 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 permits proposed by the Director of Regulation; and (2) determine

## NOTICES

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 60 days after this Notice of Hearing or such 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 permits should be issued to the applicant.

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 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 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 permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated November 17, 1972, and amendments thereto, and the applicant's Environmental Report dated November 17, 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 Harriet Person Memorial Library, Municipal Building, Port Gibson, Miss. 39150, for inspection by members of the public be-

tween the hours of 10 a.m. and 12 noon Tuesday, Thursday, and Saturday and 2 p.m. and 5 p.m. Monday through Friday. 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 permits, 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 and the Commission's final detailed statement on environmental considerations, the proposed construction permits, 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 in the direction 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 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 and 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 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 applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions relating 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 applicant not later than 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 Germantown, Md., this 1st day of December 1972.

UNITED STATES ATOMIC  
ENERGY COMMISSION,  
GORDON M. GRANT,  
*Acting Secretary  
of the Commission.*

[FR Doc. 72-21080 Filed 12-11-72; 8:45 a.m.]

[Dockets Nos. 50-337, 50-338, 50-404, 50-405]

**VIRGINIA ELECTRIC & POWER CO.**

**Environmental Report, Supplemental Environmental Reports, and AEC Draft Environmental Statement for North Anna Power Station**

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations set forth in Appendix D to 10 CFR Part 50, notice is hereby given that documents entitled "Applicant's Environmental Report and Revision No. 1 through Revision No. 2 to Environmental Report" (collectively known as the "reports"), submitted by the Virginia Electric & Power Co. have been placed in the Commission's Public Document Room at 1717 H Street NW, Washington, DC, and in the Office of the Executive Secretary of the Board of Supervisors, Louisa County Courthouse, Louisa, Va. 20393. The reports are also available at the Virginia Division of Planning and Community Affairs, 1010 James Madison Building, Richmond, Va. 23219.

Notice of availability of the applicant's environmental report was published in the **FEDERAL REGISTER** on April 4, 1972 (37 F.R. 6779).

The reports have been analyzed by the Commission's Directorate of Licensing and a draft environmental statement related to the proposed actions, which are the continuation of construction permits CPPR-77 and CPPR-78 for North Anna Power Station Units 1 and 2, the issuance of operating licenses for the startup and operation of Units 1 and 2, and the issuance of construction permits for Units 3 and 4, all located in Louisa County, Va., has been prepared and has been made available for public inspection at the locations designated above.

Copies of the Commission's draft environmental statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to Appendix D to CFR Part 50, interested persons may, within forty-five (45) days from the date of publication of this notice in the **FEDERAL REGISTER**, submit comments for the Commission's consideration on the report and supplements, on the draft environmental statement, and on the proposed action. Federal and State agencies are being provided with copies of the draft environmental statement (local agencies may obtain this document on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above designated locations. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 8th day of December 1972.

**For the Atomic Energy Commission.**

GORDON K. DICKER,  
Acting Assistant Director for  
Environmental Projects, Di-  
rectorate of Licensing.

[FR Doc. 72-21467 Filed 12-11-72; 9:41 am]

**COUNCIL ON ENVIRONMENTAL  
QUALITY**

**ENVIRONMENTAL IMPACT  
STATEMENTS**

**Notice of Public Availability**

Environmental impact statements received by the Council from November 27 through December 1, 1972.

**NOTE:** At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

**DEPARTMENT OF AGRICULTURE**

**Contact:** Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202-388-7803.

**ANIMAL AND PLANT HEALTH SERVICE**

**Final, November 29**

Soil-inhabiting insects (airports, military installations). The statement refers to the proposed use of the chemical chlordane on the grounds of airports and military installations in order to check the long distance spread of plant pests. (15 pages) Comments made by: EPA. (ELR Order No. 05699) (NTIS Order No. EIS 72 5699-F)

**FOREST SERVICE**

**Draft, November 29**

Mills River Unit, Pisgah National Forest, N.C., counties: Buncombe, Henderson, and Transylvania. The statement refers to the proposed 10-year management plan for the 41,466-acre Mills River Unit of the Pisgah National Forest. The plan includes provisions for the construction of roads and trails, the harvesting of timber, recreation management, and vegetative manipulation to benefit wildlife. Adverse effects will include soil erosion and stream sedimentation, esthetic impact, and damage to wildlife populations. (99 pages) (ELR Order No. 05694) (NTIS Order No. EIS 72 5694-D)

**RURAL ELECTRIFICATION ADMINISTRATION**

**Final, November 29**

Blue Ridge Electric, North Carolina, counties: Wilkes, Watauga, and Ashe. The statement considers a proposed loan of \$169,000 to the Blue Ridge Electric Membership Corp. The funds would be utilized to construct 22 miles of 230-kv. line; convert 26.5 miles of 46-kv. line to 100 kv.; and purchase right-of-way for parallel circuits. The lines will be intrusions upon the landscape. (98 pages) Comments made by: USDA, DOI, EPA, DOT, and FFC. (ELR Order No. 05693) (NTIS Order No. EIS 72 5693-F)

**ATOMIC ENERGY COMMISSION**

**Contact:** For nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202-973-5391.

For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202-973-7373.

**Draft, November 27**

San Onofre Nuclear Generating Station, Units 2 and 3, Calif., county: San Diego. The statement refers to the issuance of construction permits to the Southern California Edison Co. and the San Diego Gas & Electric Co. for the two new units. Both units will employ pressurized water reactors to produce a total of 3,410 MWT. and 1,140 MWe. Cooling water will be drawn from the Pacific Ocean and pumped to a once-through system; discharge will be to the Pacific, at 20° F. above ambient. Approximately 85 acres of sea floor will be disturbed by the installation of buried pipes. Fish losses in the cooling water intake structure may range from 39,000 to 85,000 pounds per year. (approximately 350 pages) (ELR Order No. 05678) (NTIS Order No. EIS 72 5678-D)

Davis-Besse Nuclear Power Station, Ohio, county: Ottawa. The statement refers to the proposed continuation of a construction permit and the issuance of an operating license to the Toledo Edison Co. and the Cleveland Electric Illuminating Co. for the station. A pressurized water reactor will be employed to produce 2,633 MWT. and 872 MWe. (net); ultimate outputs of 2,722 MWT. and 906 MWe. are anticipated. Cooling water will be drawn from Lake Erie and circulated through a natural draft tower; discharge will be at 20° F. above ambient. Approximately 600 acres of the 954-acre site is marsh which will be maintained as a wildlife refuge; because the station is located in a migratory bird flyway and near refuges, there is possibility that birds will be killed from striking the tower. (ELR Order No. 05683) (NTIS Order No. EIS 72 5683-D)

**Final, November 27**

Monticello Nuclear Generating Plant, Minn., counties: Wright and Sherburne. The proposed action is the conversion of the provisional operating license held by the Northern States Power Co. to an operating license. The plant employs a boiling water reactor to produce 545 MWe. (net). A once-through cooling system and mechanical draft cooling towers are utilized in various combination to discharge waste heat. Small amounts of chemical wastes will be released to the Mississippi River; small quantities of radioactive gases and liquids will be released to the environment. (306 pages) Comments made by: USDA, COE, DOC, EPA, HEW, HUD, DOI, FPC, and DOT. (ELR Order No. 05676) (NTIS Order No. EIS 72 5676-F)

**DEPARTMENT OF DEFENSE**

**ARMY CORPS**

**Contact:** Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202-693-7168.

**Draft, November 27**

Agana Small Boat Harbor, Guam. The statement refers to the proposed construction of a small boat harbor in Agana Bay, in order to meet both recreational and subsistence-type fishing needs. The project will include a reveted mole, two breakwaters, a wave absorber, and navigation channels. Construction of the project will result in adverse effects upon marine biota, the loss of 40 acres of reef flat habitat, and possible conflicts of use among boaters, surfers, and fishermen. (21 pages) (ELR Order No. 05680) (NTIS Order No. EIS 72 5680-D)

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Lake Bluff, Ill., shore of Lake Michigan, Ill., county: Lake. The statement refers to a proposed beach erosion project which involves the construction of two steel sheet piling impermeable groins, and the placement of 10,000 cubic yards of sand fill on the north side of the south groin. The project is intended to prevent further erosion and to restore the beach at Sunrise Park. (52 pages) (ELR Order No. 05682) (NTIS Order No. EIS 72 5682-D)

Red Creek and Genesee River, N.Y., county: Monroe. The statement refers to the proposed construction of levees and flood-walls along 16,000 feet of the Genesee River and channel enlargement on 34,300 feet of Red Creek. The purpose of the project is that of flood control. Riparian habitat will be disturbed and a portion of Genesee Valley Park will be disrupted. (21 pages) (ELR Order No. 05679) (NTIS Order No. EIS 72 5679-D)

*Draft, November 29*

Port Washington Small Boat Harbor, Wis. The statement refers to the proposed construction of rubble mound breakwaters in order to form a 13.5-acre small boat harbor. Construction activities and the dredging of 80,000 cubic yards of material will adversely affect aquatic life. The project will increase the recreational-navigation potential of the harbor. (18 pages) (ELR Order No. 05698) (NTIS Order No. EIS 72 5698-D)

## DEPARTMENT OF HEW

Contact: Mr. Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062, HEWN, Washington, D.C. 20202, 202-962-2241.

*Draft, December 1*

NIH Rocky Mountain Laboratory, Mont. The statement refers to the proposed construction of a new incinerator at the laboratory, in order to meet new Federal and State air pollution standards and to provide for future growth capacity. (13 pages) (ELR Order No. 05700) (NTIS Order No. EIS 72 5700-D)

## STATE DEPARTMENT

Contact: Mr. Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Room 7819, Washington, D.C. 20520, 632-7964.

*Final, November 27*

Dome Pipeline Corp. permit. The statement refers to an amendment to a permit held by the Dome Pipeline Corp. which would authorize the transmittal of oil through an existing pipeline segment that crosses under the Detroit River between Windsor, Ontario, and Detroit, Mich. The section is part of a 110-mile-long pipe which will run from storage facilities in Windsor to a natural gas reforming plant now being built in Green Springs, Ohio. (166 pages) Comments made by: USDA, COE, DOC, EPA, FPC, HUD, DOI, and DOT. (ELR Order No. 05684) (NTIS Order No. EIS 72 5684-F)

## DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street, SW., Washington, DC 20590, 202-426-4355.

## FEDERAL HIGHWAY ADMINISTRATION

*Draft, November 28*

U.S. 25, North Carolina, county: Henderson. The proposed project is the relocation of U.S. 25; a length of 5 miles. Two

hundred and twenty-five acres of land will be acquired. Forty-four families will be displaced. The project will traverse the Green River causing siltation which will also affect its tributaries. The Tuxedo School will be adversely affected by an increase in noise and air pollution levels. (26 pages) (ELR Order No. 05690) (NTIS Order No. EIS 72 5690-D)

*Draft, November 29*

Oregon Forest Highway 55, Oregon, county: Clackamas. The proposed project entails reconstructing the final 7.5-mile segment of State Highway 224 to current standards. The facility would consist of a 44-foot roadway (two 12-foot lanes with 10-foot shoulders) drainage culverts as required and a bridge at the North Fork Crossing. Several homes may be committed to the project. (33 pages) (ELR Order No. 05695) (NTIS Order No. EIS 72 5695-D)

Outer Belt Freeway, South Carolina, county: Sumter. The statement refers to the proposed construction of the Outer Belt Freeway, extending from the eastern terminus of the U.S. 16/378 Bypass to the western end of the bypass to form a complete loop around the city of Sumter. The road would be approximately 14.5 miles long. Six to eight businesses and 12 to 18 families would be displaced; 268 acres of timberland would be committed to right-of-way. Temporary disruption of existing streets during construction and disruption of natural drainage patterns will occur. (15 pages) (ELR Order No. 05696) (NTIS Order No. EIS 72 5696-D)

Columbus Street-Bogard Street Connector, South Carolina, the statement refers to the proposed construction of a 450-foot-long street on new location between St. Philip Street and King Street to connect Bogard Street and Columbus Street. Three residential structures and two businesses would be displaced. (13 pages) (ELR Order No. 05697) (NTIS Order No. EIS 72 5697-D)

*Draft, November 27*

State Highway 96, Tennessee, Counties: Rutherford and Cannon. The statement refers to the proposed reconstruction and/or relocation of an 11-mile section of State Highway 96 from east of Bradley Creek to the Wilson County line. Three alternate locations are considered for the facility. Between three and 11 families may be displaced. Some agricultural land and wildlife habitat will be lost. (33 pages) (ELR Order No. 05681) (NTIS Order No. EIS 72 5682-D)

*Draft, December 1*

Ogden—The 12th Street Corridor, Utah, County: Wabee. The proposed project is the widening or realignment of the Ogden—12th Street Corridor. Length is 1.6 miles. The project will have an adverse effect upon schools; causing changes in school boundaries, disruption of classes by increased noise levels and the possible removal of Mound Fort Jr. High School. Other adverse effect will include a general disruption of the community. (249 pages) (ELR Order No. 05707) (NTIS Order No. EIS 72 5707-D)

*Final, November 27*

I-70 (Vail Pass), Colorado, Counties: Summit and Garfield. The proposed project is the construction of 14 miles or I-70 through Vail Pass. The project will cause siltation in neighboring water bodies and loss of wildlife habitat. (121 pages) Comments made by: USDA, COE, DOI, DOT, HEW, HUD, State, and regional agencies (ELR Order No. 05677) (NTIS Order No. EIS 72 5677-F)

*Final, November 28*

Pekin Bypass—(S.R. 29), Illinois, County: Tazewell. The proposed project is the widening and relocating of Pekin Bypass (S.R. 29). Two-hundred and forty acres of land will be acquired. Depending upon the alternate chosen, between 15 to 50 families would be displaced. Several businesses and 200 gravesites would also be displaced. The project will traverse Lick Creek. Increases in noise levels will occur. (71 pages) Comments made by: USDA, EPA (ELR Order No. 05686) (NTIS Order No. EIS 72 5686-F)

U.S. 421, Kentucky, County: Harlan. The statement refers to the relocation and reconstruction, from two to four lanes, of 2.1 miles of highway, from Grays Knob to Tway. Displacements will include 34 families and four businesses; 75 acres will be taken as right-of-way. Approximately 2,000 feet of channel works will be constructed on Martin's Ford, with temporary erosion resulting. (68 pages) Comments made by: USDA, COE, DOI, DOT, EPA, and HEW (ELR Order No. 05687) (NTIS Order No. EIS 72 5687-F)

Big Bend Road, Missouri, County: St. Louis. The proposed project is the widening and partial relocation of Big Bend Road. Total project length is 0.75 mile. Two families and one business will be displaced. An increase in noise and air pollution will occur. (14 pages) Comments made by: USDA, DOI, HUD, State and local agencies, and concerned citizens (ELR Order No. 05688) (NTIS Order No. EIS 72 5688-F)

U.S. 59, Oklahoma, County: Le Flore. The proposed project is the reconstruction of 12 miles of U.S. 59, much of it on new location. The four-lane roadway will displace 24 families and 11 businesses and will take approximately 450 acres of grasslands for right-of-way. Three farm operations will be displaced. (46 pages) Comments made by: COE and EPA (ELR Order No. 05689) (NTIS Order No. EIS 72 5689-F)

*Final, November 29*

River Relief Route (L.R. 1089, Secs. 1 and 2), Pennsylvania, County: Dauphin. The proposed project involves the relocation of U.S. 22 and U.S. 322 from Maclay Street in Harrisburg, north to Lingleston Road in Susquehanna Township. The four-lane limited access facility will also connect with I-81. Twenty-four single family dwellings, one multifamily dwelling, and one business will be displaced. Section 4(f) land from Wildwood Park will be encroached upon. (200 pages) Comments made by: USDA, DOC, EPA, DOI, DOT, State, and local agencies (ELR Order No. 05691) (NTIS Order No. EIS 72 5691-F)

L.R. 1005, Section 2A (I-81), Pennsylvania, County: Dauphin. The statement refers to the proposed construction of a 1.8-mile section of limited access highway through the city of Harrisburg. Section 4(f) land from Wildwood Park and Wildwood Lake will be committed to the project. (176 pages) Comments made by: USDA, DOC, DOI, DOT, EPA, State, and local agencies (ELR Order No. 05692) (NTIS Order No. EIS 72 5692-F)

## VETERANS ADMINISTRATION

Contact: Mr. William H. Bowen, 001-A, Staff Assistant to the Deputy Administrator, 810 Vermont Avenue NW, Room 1127, Washington, DC 20420, 202-389-2830.

Final, November 27

Veterans Administration Hospital, Columbia, S.C., County: Richland. The statement considers the construction of a new 400-bed hospital building and a new clinic building at an existing hospital facility. Construction activities will be disruptive to the area. (17 pages) Comments made by: USDA, EPA, and HEW (ELR Order No. 05685) (NTIS Order No. EIS 72 5685-F)

TIMOTHY ATKESON,  
General Counsel.

[FR Doc. 72-21361 Filed 12-11-72; 8:53 am]

## ENVIRONMENTAL PROTECTION AGENCY

[I.F. & R. Nos. 145, etc.]

**SHELL CHEMICAL CO., ET AL.**

### Determination and Order

This order and statement constitute this Agency's third pronouncement concerning the registration under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135) of pesticide products containing aldrin and dieldrin. This document responds to the numerous petitions and motions prompted by the Agency's earlier determination and to the remand order of the court of appeals. I begin, accordingly, with a summary of the proceedings to date.

**Background.** The instant proceeding arises out of a petition filed by the Environmental Defense Fund requesting immediate suspension and ultimate cancellation of Federal registration permitting the interstate shipment of all pesticide products containing chemicals known as aldrin/dieldrin. On March 18, 1971, I issued a order, based on the existence of "substantial questions of safety" concerning aldrin and dieldrin, which initiated the administrative process for canceling all uses of pesticides with aldrin/dieldrin as an active ingredient.

The Environmental Defense Fund protested the failure to suspend and halt immediately all interstate shipments and sought review by the Court of Appeals for the District of Columbia. The court rendered a decision in May of this year remanding for a more detailed statement of reasons underlying my determination that suspension would be an unnecessarily drastic action.

During the pendency of the court proceedings, the hazards incident to the use of aldrin/dieldrin were reviewed by an advisory committee selected from a list of candidates furnished by the National Academy of Sciences pursuant to the requests of the 84 registrants who took administrative appeals from my cancellation order of March 1971. The committee furnished its report to me on March 28, 1972, just prior to the court's remand. On June 26, 1972, as required by statute, I issued findings and conclusions in light of the committee report.<sup>1</sup>

<sup>1</sup> In regard Shell Chemical Co., et al., I.F. & R. Docket No. 145 etc. F.R., Vol. 37, No. 126, at p. 12904 (published June 29, 1972).

That June order lifted cancellation of aldrin/dieldrin for use in a closed-system mothproofing process (one which does not result in a discharge into the water), dipping of roots and tops of nonfood plants, and subsurface ground insertions for termite control. That order also solicited views from the general public on the question of whether any of the canceled uses of aldrin/dieldrin should also be suspended.

Since the issuance of the June order, the Agency has received additional information not only bearing on the issue of suspension and curtailment of use, but also concerning the cancellation actions. The Environmental Defense Fund and the National Parks and Conservation Association filed petitions seeking reconsideration of my decision to lift cancellation for use of aldrin/dieldrin in the dipping of roots and tops of non-food plants, mothproofing and termite control. In addition, the National Pest Control Association has filed a petition requesting clarification of that part of the June order limiting directions for use in termite control to "subsurface ground insertions."

Finally, the issue of promulgating finite tolerances for aldrin/dieldrin in and on certain food commodities, and its relationship to the cancellation proceeding, has been raised by two letters, one from the Shell Chemical Co. and one from the Environmental Defense Fund. Some time ago the Environmental Defense Fund submitted a petition requesting that all established tolerances for aldrin/dieldrin, i.e., all regulations setting permissible residues of aldrin and dieldrin on raw agricultural commodities, be lowered on a stepwise basis culminating in a zero tolerance level at the earliest possible date for each commodity. Shell, as manufacturer, has, in the meanwhile, had pending before the Agency petitions to establish tolerances, thereby fixing permissible residues for aldrin/dieldrin in, *inter alia*, meat, dairy products, and eggs.

The Food, Drug, and Cosmetic Act makes provision for setting tolerances for residues of pesticide chemicals in raw agricultural commodities. Section 408, 21 U.S.C. § 346a. Such tolerances, representing the maximum allowable residue are to be established taking into account the amount of exposure, consistent with human health and safety and the need for an adequate, wholesome, and economical food supply. Tolerances are reviewed in light of these considerations, and with an eye to the aggregate consumption of a pesticide chemical. This requires an appreciation of the recommended acceptable daily intake (ADI) which attempts to provide an index for safe human consumption of pesticide residues.

If a section 408 tolerance is revoked, the Agency must then fix a tolerance for unavoidable residues that will result from previous environmental build-up in the soil or atmosphere. Section 406 provides:

Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof

or cannot be avoided by good manufacturing practice shall be deemed to be unsafe for purposes of the application of clause (2)(A) of section 342(a) of this title; but when such substance is so required or cannot be so avoided, the Administrator shall promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2)(A) of section 342(a) of this title. \*\*\*

Food commodities showing residues in excess of tolerances established under section 406 or 408 are subject to condemnation. The FDA and the USDA both have responsibilities involving monitoring and enforcement programs to insure compliance with pesticide tolerance levels. 21 U.S.C. 301 et seq., 21 U.S.C. 601 et seq. I turn now to the disposition of these various individual items.

**II. Suspension.** A. The Agency received numerous and, in some cases, extensive comments after the June 26 order. User groups, environmental groups, State universities, the U.S. Department of Agriculture and the registrants submitted additional data which indicated to me that environmental contamination from aldrin and dieldrin would be lessened by a total elimination of aerial applications and use of dust formulations. The court of appeals suggested that the Agency use ingenuity in the cancellation/suspension process to limit the use of pesticides under review, particularly by application of these chemicals in carefully controlled circumstances. To this end all registrants holding labels which bear directions for applying aldrin and dieldrin by aerial application method have agreed voluntarily to change their labels. Henceforth, a caution prohibiting aerial application will appear on all new labels for products shipped in interstate commerce. All existing dust formulations of these products have also been voluntarily withdrawn by the registrants. Additionally, all registrants with labels bearing directions for use in controlling fire ants have voluntarily agreed to delete this use from their label. We have been assured by Shell, the sole manufacturer, that existing 1972 stocks on hand are very small, and that these label changes will be made so as to apply to all material produced for sale in 1973 and succeeding years. Other registrants have agreed to do likewise. Furthermore, I am encouraging all parties to this proceeding to reach an agreement prior to the hearing whereupon remaining foliar uses are critically evaluated and voluntarily withdrawn unless an adequate preliminary showing of benefits and necessity can be demonstrated.<sup>2</sup> This type of

<sup>2</sup> The U.S. Department of Agriculture, for example, has already made a preliminary review of foliar uses of these pesticides. Through informal communication it indicates that only the following uses are considered "essential" by its criteria: (1) Use on blueberries in the State of Maine (a use that is not presently registered); (2) use on pome and stone fruits in 17 States and in two particular counties in California; (3) use on dry onions in one California county; (4) and use by professional pest control operators in greenhouses and nurseries for control of the *taxus* weevil.

## NOTICES

responsibility among the parties will greatly assist in narrowing the issues in this case.

These actions are a constructive step which will eliminate most formulations and methods of application that tend to disseminate these chemicals most widely into the environment and thus pose the greatest likelihood of aquatic contamination by drift and volatilization. Other more controlled methods of application present less hazard of drift and volatilization.

B. There remains the question, asked specifically by the court, of whether, on the basis of certain laboratory experiments and cancer research, suspension is required for the remaining uses, primarily soil treatment by ground incorporation for corn and citrus, orchard trunk spraying that will still be a registered use, and foliar application on certain fruits and vegetables, all of which can and do result in low-level residues on the treated agricultural commodities.

The definition of what is, or is not, an "imminent hazard" is one easily restated by verbal formula, but no verbal formula provides a foolproof equation to solve a given case. The Court of Appeals in the instant proceeding likened the "imminent hazard" concept to the judicial balancing test for determining the propriety of a preliminary injunction. The view stated in the Agency's March 18, 1971, order, "Reasons underlying the registration decisions concerning products containing DDT, 2,4,5-T, aldrin and dieldrin," is that:

This Agency will find that an imminent hazard to the public exists when the evidence is sufficient to show that continued registration of an economic poison poses a significant threat of danger to health, or otherwise creates a hazardous situation to the public, that should be corrected immediately to prevent serious injury, and which cannot be permitted to continue during the pendency of administrative proceedings.

Applying these principles to the facts in the case now before me I am convinced that the evidence does not require an immediate cessation of those uses of aldrin/dieldrin that have not already been deregistered. It would confuse the test for initiating cancellation, i.e., the existence of a "substantial question of safety," with the criteria for suspension, were the latter course to be followed in this case.

This proceeding was initiated, in part, to explore on an open record the facts pertaining to the potential carcinogenic hazard of aldrin/dieldrin. The original "probable cause" was largely furnished by laboratory experiments, reported by Shell, showing that at relatively low dosages dieldrin increased the incidence of liver tumors in the CF-1 strain of mouse. The meaning and significance of these and other laboratory results is precisely the kind of evidence that must be weighed against the benefits of the chemical. This Agency does not intend

to depart from the general principle announced in "In regard Stevens Industries, Inc., et al.", I.F. & R. Docket No. 63 etc., that "where \*\*\* there is a demonstrated laboratory relationship between the chemical and toxic effects in man or animals," the acceptability of this risk turns, to a large extent, on the benefits achieved from the use of the product. That holding, however, was announced with a view, not to immediate suspension, but to eliminating long-term continued exposure to chemicals that can cause cancer in laboratory animals.<sup>3</sup>

I am mindful of scientific theories that attribute the beginnings of a cancer to a weakness in cell structure which can be caused by an isolated exposure to a "carcinogenic" agent. This theory, spun out to a logical extreme, would support suspension on the possibility that aldrin/dieldrin might have the same effect in humans that it has in the laboratory mice and over the next 12-18 months there is a possibility of exposure which might produce a precarcinogenic condition in some small number of the exposed population.

On the other hand, laboratory evidence shows a statistically meaningful relationship between the length and intensity of exposure and the increased incidence of carcinogenic reaction. This strongly suggests that the degree of exposure over the next 18 months and incremental increases in body burdens should be the fact of interest. Cf., order of March 22 1972, "Certain Products Containing Mercury," F.R., Vol. 37, No. 61, at p. 6419.

The total amount of aldrin/dieldrin used in the United States has declined by roughly 50 percent over the past 5 years. Actions announced in this order should even further reduce the total amount of these chemicals used. Most important from a human safety perspective, is the fact that aldrin soil agriculture use, which leads ultimately to the residues in such basic food staples as meat, milk, and poultry, has, according to the latest figures available, declined at a near comparable rate during the same period of time.<sup>4</sup> There is no evidence at this juncture suggesting that the continued dietary exposure from aldrin/dieldrin dur-

<sup>3</sup> It was not, moreover, intended to make one laboratory study a touchstone. All laboratory data must be evaluated collectively, and, additionally, any relevant epidemiological evidence must be taken into account. Should the evidence suggest a hazard or a risk, the benefits must then be weighed against such risk.

<sup>4</sup> One of the reasons is that insect resistance reportedly has developed to aldrin in certain of the leading corn-producing States. Thus, in corn-growing areas that use pesticides the use of alternates is increasing so that a further reduction in the agricultural use of aldrin can likely be expected. In this regard, Shell has by its own initiative added a specific instruction to its labels for users to contact their local extension agent before using the product in areas where resistance has developed.

ing the next year or so will increase body burdens.<sup>5</sup>

Based on my finding that there is not a substantial likelihood that serious harm will be experienced by the present uses of these compounds pending the completion of this proceeding, I am not compelled to consider the benefits, or lack thereof, derived from continued usage in determining not to suspend the remaining registrations at this time.

III. *Petitions for reconsideration.* I do not believe the petitions of the Environmental Defense Fund and the National Parks and Conservation Association present new evidence which would warrant reconsideration of my determination not to cancel uses for the dipping of roots and tops of nonfood plants and for termite control. Neither of these uses involves serious environmental exposure nor are they uses which contribute to buildup in the food chain. There is merit, however, in the two petitions concerning mothproofing that certain mothproofing uses do present a direct contamination of the aquasphere. While my June 26 order canceled label directions for mothproofing uses unless accompanied by a caution requiring application only in a "closed system," I have concluded, on reconsideration, that amendment would amount, in effect, to a new registration. No evidence exists to show that mothproofing establishments (those creating the hazard) which use dieldrin in a dye bath method run "closed systems." In fact, certain evidence revealed to me indicates that they most clearly do not. Current directions for the use of dieldrin in mothproofing processes are not preventing aquatic discharge. Therefore, this Agency accepts the offer of the sole formulator of such products to deregister all dieldrin dye bath mothproofing labels voluntarily.

That same formulator, however, does hold a valid label for mothproofing which does not involve any aquatic discharge. Although certain claims of hazard have been raised by both the Environmental Defense Fund and National Parks and Conservation Association to the use of dieldrin generally for mothproofing this Agency presently has no evidence that there is a substantial question of safety associated with a use that firmly affixes minute quantities of dieldrin to wool and which involves no aquatic discharge or other apparent environmental contamination in the process. Therefore, that sole label authorizing the industrial use of dieldrin for mothproofing in what is described as a "resin

<sup>5</sup> Perhaps a clearer link between the laboratory data and human experience would warrant suspension, even if body residues were to remain stable. The present evidence, confined to one strain of mouse is tentative evidence of a "risk," but not sufficient proof that aldrin/dieldrin is a carcinogen in human beings. If unrebutted, this evidence would be a caution signal as to long-term exposure, but does not amount to a red light requiring immediate elimination of all dieldrin residues in the diet.

fixative system" is not subject to cancellation at this time.

**IV. Termite control.** I have received a petition from the National Pest Control Association requesting clarification of my June 26 order insofar as it applied to the use of aldrin/dieldrin for termite control. It was my decision in that order to permit continued use of these products for all subsurface ground insertions in termite control. This, however, did not take into consideration use for treatment of buildings with crawl spaces, preconstruction treatment of foundations, or the wood impregnation method. On review, I am convinced that with certain minor label modifications aldrin/dieldrin should be made available for continued use in all current termite control practices. Thus, no label authorizing the use of aldrin/dieldrin for termite control is subject to cancellation. However, it does appear in the best interest of the public to add certain instructions for use to all registered labels. Labels not already in compliance with the following changes which I am recommending must be corrected by the affected registrants.<sup>8</sup>

#### INSTRUCTIONS FOR USE

**A. Along outside of foundation walls.** Present label language generally gives instructions for the digging of a "narrow trench" out from the fact of the foundation. Instead, this provision should specify a "narrow trench with a band no wider than 6 inches." The next instruction is that the backfill from the trench should then be "covered with a layer of soil." These two instructions should adequately prevent the possibility of environmental contamination through runoff while in no way inhibiting the degree of pest control.

**B. Instructions for use in preconstruction treatment of soil beneath concrete foundation slabs.** In order to insure that aldrin/dieldrin is not washed away by a subsequent rain the following instruction must be added to the label: "If soil is treated and the concrete slab is not poured shortly thereafter on the same day, a polyethylene sheeting or other waterproof material shall be placed over the treated soil." This added protection would not be necessary, however, where foundation cinder blocks or bricks surrounding the treated soil area have already been installed. Directions for use embodying these precautions should be added to all labels for termite control use.

**C. Aldrin/dieldrin granules.** All current methods of termite control can be accomplished by using an emulsible con-

centrate formulation. The sole registrant of aldrin/dieldrin granules for this use has agreed voluntarily to withdraw such labels, and thus aldrin/dieldrin granules will no longer be available for termite control usage. The elimination of granules, which are more likely to be imprudently used by untrained homeowners, also reduces the possibility of surface runoff and hazard to humans, pets, and other small animals found around the home.

**V. Manufacturing use only labels.** A total of 10 registrants appealed the cancellation of some 27 "manufacturing use only" labels.<sup>7</sup> These registrants are hereby notified that upon compliance with my order to resticker each of these labels with the instruction—"For use only in formulating products bearing EPA-approved FIFRA registrations"—the cancellation of these labels will be lifted. This form of regulation will protect the public from any injury resulting from interstate shipment of products for manufacturing use, because those products will eventually be used only in products which receive a favorable final determination in the administrative process. The restickering of labels should be carried out so that all future production of the material which will be for sale in 1973 is labeled accordingly. In addition, in order to achieve full compliance with this directive this Agency will provide each of the 10 registrants holding "manufacturing use only" labels a complete and current list of all formulators possessing valid FIFRA registrations.

**VI. Tolerances.** As already indicated, Shell has petitioned for additional tolerances to set acceptable aldrin/dieldrin residues in meat, milk, eggs, and certain other food commodities. The Environmental Defense Fund has, for its part, petitioned for setting a zero tolerance under section 408 of the Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a and establishing tolerances under section 406, 21 U.S.C. § 346, providing for a systematic reduction consistent with declining residues which would result from cancellation. Both petitioners have subsequently filed letters in the nature of petitions requesting that tolerances be considered in the hearing, since there is no reason to convene another Scientific Advisory Committee or take action before the hearing.

Under section 408 of the Act this Agency is required to establish tolerances to protect the public health taking into account, among other relevant factors,

<sup>7</sup> The 10 petitioners are: Helena Chemical Co.; Prentiss Drug & Chemical Co., Inc.; Rhodia, Inc.; Shell Chemical Co.; Smith-Douglas of Borden, Inc.; Stauffer Chemical Co.; Stephenson Chemical Co., Inc.; Stevens Industries; Tobacco States Chemical Co.; and Triangle Chemical Co.

<sup>8</sup> This instruction would not apply, of course, to dust formulations which might have been inadvertently included on the list of appealed manufacturing use labels. As previously discussed, all dust formulations of these two pesticides have been voluntarily withdrawn by written agreement with this Agency.

the need for production of an adequate, wholesome and economical food supply. Insofar as the cancellation proceeding involves these same questions, in addition to the environmental risks and benefits, I believe the tolerance issue should be part of this proceeding. This type of consolidation would be in keeping with the suggestion of the Seventh Circuit in "Continental Chemiste Corp. v. Ruckelshaus," 461 F. 2d 331 (1972). If it appears that benefits accruing from the use of these pesticides outweigh the risks from residues on dietary exposure resulting from the lowest possible applications, then finite tolerances will be set. If these products are finally canceled, then the Agency will have to set section 406 tolerances for that period of time during which there will be unavoidable residues in foods resulting from past uses and environmental buildups. Unless objections to this procedure are received in 30 days, tolerances will be considered as part of the cancellation hearing and the final order in that proceeding will constitute the Agency's final administrative action on tolerances.

Dated: December 7, 1972.

WILLIAM D. RUCKELSHAUS,  
Administrator.

[FR Doc. 72-21351 Filed 12-11-72; 8:54 am]

## FEDERAL POWER COMMISSION

### NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REFORMER GAS

#### Notice of Meeting and Agenda

Agenda for meeting, Supply-Technical Advisory Task Force-Reformer Gas.

Conference Room 2043 of the Federal Power Commission, 441 G Street NW., Washington, DC, January 17-18, 1973—9 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 Last Meeting—Mr. Leonard A. Goldstein, Director—Supply-Technical Advisory Task Force-Reformer Gas.

3. Review of the Draft of the Supply Section of the Final Report—Mr. Goldstein.

4. Review of the Draft of the Economics Section of the Final Report—Dr. C. Vernon Foster.

5. Review of the Draft of the Technology Section of the Final Report—Dr. Richard J. Howe.

6. Discussion of Coverage of Environmental Aspects of Task Force Work Programs—Mr. John E. Cohoon.

7. Status of Assigned Work Programs and Estimated Date for Completion—Mr. Goldstein.

8. Other business.

9. Adjournment—Dr. Root.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 72-21319 Filed 12-11-72; 8:54 am]

**NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY**

**Notice of Meeting and Agenda**

Agenda for the Second Meeting of the Technical Advisory Committee on Power Supply, 9:30 a.m., Federal Power Commission Offices, 441 G Street NW., Room 2043, Washington, DC, December 13, 1972.

I. Meeting opened by FPC Coordinating Representative.

II. Corrections and additions to minutes of first meeting.

III. Recognition of new members appointed to the Committee subsequent to the previous meeting.

IV. Report by Chairman of activities since previous meeting.

V. Discussion of correspondence received.

VI. Report by members assigned at previous meeting to discuss specific topics, and discussion by the Committee.

A. Hon. James R. Smith and Earl Dille.—Identification of factors which are involved in the delays of capacity additions which create potential power shortages.

B. James E. Connor and Jack Davey.—Appraising the prospects for reducing or removing the delay factors and assessing the impact of potential new delay factors.

C. J. W. Ackerman.—Identifying actions which could potentially minimize the occurrence of power shortages.

D. J. D. Geist and B. L. Lloyd.—Examination of such other considerations as may bear on the maintenance of an adequate and reliable bulk power supply over the long term.

E. Paul S. Button and Frank Staszek.—Identifying actions to minimize the consequences of electric power shortages if they cannot be avoided.

VII. Other Business.

VIII. Date for next meeting.

IX. Adjournment.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 72-21318 Filed 12-11-72; 8:54 am]

[Docket No. CP73-139]

**ALGONQUIN LNG, INC.**

**Notice of Application**

DECEMBER 6, 1972.

Take notice that on November 22, 1972, Algonquin LNG, Inc. (Applicant), 1284 Soldiers Field Road, Boston, MA 02135, filed in Docket No. CP73-239 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain vaporous natural gas and liquefied natural gas (LNG) facilities, the transportation and delivery of LNG and gasified LNG, and the sale for resale and delivery of boil-off gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Easegas LNG, Inc. (Easegas), has filed applications in Dockets Nos. CP73-47 and CP73-88 for authorization to import LNG into the United States and sell such LNG to various purchasers, respectively.

**NOTICES**

Applicant states that some of this LNG will be delivered, by Easegas for the account of Algonquin Gas Transmission Co. (Algonquin Gas) and New England LNG Co. (New England) for further transportation to out-of-state and intra-state markets, at an LNG terminal which Applicant is currently constructing adjacent to the Providence River, Providence, R.I., after Easegas has obtained Commission approval and the facilities proposed herein are authorized and placed in service upon completion of Applicant's second phase terminal facilities. Applicant indicates that until these facilities are authorized and completed, it will use its first phase terminal facilities exclusively in the local distribution of gas in the Providence area. Applicant also indicates that title to a portion of New England's volumes of LNG will pass immediately to Consolidated Edison Co. of New York, Inc. (Con Ed).

Applicant states that the terminal's principal features include a berth and wharf along and parallel to the Providence River channel, mooring and unloading facilities and two LNG storage tanks having a 600,000 bbl. capacity each within diked enclosures, a truck loading station for LNG delivery, vaporization and metering facilities, and fire protection supporting facilities. Applicant also proposes to construct a 3.8-mile length of high-pressure gas transmission pipeline composed of 3.2 miles of 30-inch pipeline on land and 0.6 mile of two 24-inch pipeline crossing the Providence River. During phase two of the terminal facility construction, Applicant plans to construct the ship loading facilities, some LNG storage facilities, a high pressure delivery system (including vaporizers) and additional loading facilities. Applicant estimates the cost of the terminal at \$58,960,000 and the cost of the pipeline at \$5,379,500, which it plans to finance initially through the use of equity advances and short-term bank loans followed by the issuance of suitable long-term securities.

Applicant requests authorization herein for the following:

1. To construct and operate the 3.8-mile natural gas pipeline from its LNG terminal in Providence to a point of interconnection in East Providence with a proposed pipeline to be built by Algonquin Gas;

2. To transport through the proposed pipeline volumes of gasified LNG owned by Algonquin Gas and Con Ed;

3. To deliver volumes of gasified LNG from its high pressure system to Algonquin Gas at the terminal site;

4. To sell and deliver to Algonquin Gas for resale to Providence Gas Co. minor volumes of boil-off gas;

5. To deliver to New England at the liquid loading platform of the terminal facilities LNG for subsequent transportation and sale principally to out-of-state markets in New England;

6. To use temporarily certain of its second phase facilities as piping arrangements incident to construction and to carry such facilities in Account 107, Con-

struction Work in Progress—Gas, pending completion of the second phase facility construction; and

7. To implement its entire terminal program in any respect which is subject to the Commission's authorization including all necessary authorization to construct and operate its proposed second phase facilities, to continue operating its first phase facilities and to make deliveries of LNG.

Applicant proposes to charge Algonquin Gas a rate of 27.1 cents per million B.t.u. for the transmission service rendered to East Providence and a rate equal to the average commodity charge per million B.t.u. paid by Algonquin Gas to Texas Eastern Transmission Corp. for purchases under the latter's FPC Rate Schedule GS-D and DCQ-D for all boil-off gas sold, all under Applicant's proposed FPC Rate Schedule No. TG-1. Applicant proposes to charge New England a rate composed of a capacity charge of 21.0 cents per million B.t.u. and a truck loading charge of \$15 per truck loaded for LNG delivered to New England at its terminal, all under Applicant's proposed FPC Rate Schedule No. TL-1.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 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. 72-21320 Filed 12-11-72; 8:54 am]

## NOTICES

[Project 2800]

**BANGOR-HYDRO ELECTRIC CO.**  
**Notice of Further Postponement of Hearing**

DECEMBER 5, 1972.

On October 6, 1972 (37 F.R. 21871, October 14, 1972), a notice was issued postponing the hearing in the above matter until December 11, 1972. The hearing is further postponed until January 11, 1973, for the reasons stated in the notice issued September 7, 1972 (37 F.R. 18582, Sept. 13, 1972).

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.72-21321 Filed 12-11-72;8:54 am]

[Docket No. CP73-149]

**CENTRAL FLORIDA GAS CORP., AND FLORIDA GAS TRANSMISSION CO.**

**Notice of Application**

DECEMBER 5, 1972.

Take notice that on November 30, 1972, Central Florida Gas Corp. (Applicant), Post Office Box 960, Winter Haven, Fla. 33881, filed in Docket No. CP73-149 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Florida Gas Transmission Co. (Respondent) to connect its facilities with those proposed to be constructed by Applicant and to sell and deliver natural gas to Applicant for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that respondent be ordered to establish a delivery point between Kissimmee and St. Cloud in Osceola County, Fla., and another west and south of Orlando in Polk County, Fla. Applicant states that these two service areas are several miles from Applicant's Winter Haven and St. Cloud distribution systems and that service cannot be provided economically by Applicant from its existing connections with respondent. Applicant states further that respondent's transmission lines pass immediately adjacent to these areas. Applicant intends to construct facilities from the requested delivery points at an estimated cost of \$91,757, including a \$30,000 contribution to respondent for meter stations.

Applicant's estimated peak day and annual natural gas requirements for the two new service areas during the third year of operation are 275 Mcf and 49,490 Mcf, respectively. The gas would be used for restaurant cooking, motel water heating, and pool heating.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests

filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.72-21322 Filed 12-11-72;8:54 am]

[Docket No. CI67-1594, etc.]

**KERR-MCGEE CORP. ET AL.**

**Notice for Petition for Release of Funds Currently Being Held in Escrow**

DECEMBER 6, 1972.

Kerr-McGee Corp., Continental Oil Co., Amoco Production Co., Dockets Nos. CI67-1594, G-13758, G-17417, CI67-1654, CI61-355, G-17444; Southern Natural Gas Co. and Phillips Petroleum Co., Dockets Nos. G-17447, CI67-1644, CI67-1645, CI67-332; Southern Natural Gas Co., Tenneco Oil Co., Union Oil Co of California, Transcontinental Gas Pipe Line Corp., Dockets Nos. G-18980, CI61-331, RP63-3.

Take notice that on July 27, 1972, Kerr-McGee Corp. et al. (Petitioners) filed, in Docket No. CI67-1594 et al. pursuant to § 1.7 of the Commission's rules of practice and procedure, a petition for release of funds currently being held in escrow. The petition is on file with the Commission and open to public inspection. The moneys are being retained in escrow accounts pursuant to Commission orders<sup>1</sup> approving settlement agreements between petitioners, Transcontinental Gas Pipe Line Corp. (Transco) and certain of Transco's customers. According to the above-mentioned orders, permanent certificates were issued to the petitioners at 19 cents per Mcf for offshore Louisiana Federal Domain sales and at 20.625 cents per Mcf for sales subject to the State of Louisiana taxing jurisdiction. The escrowed moneys (1.625 cents per Mcf) represent the difference between the Federal Domain rate and the State of Louisiana rate for sales of gas produced from the "disputed zone" where the applicability of Louisiana severance taxes was uncertain.

Petitioners allege that because of Commission's Opinion Nos. 598 and 598-A (Southern Louisiana Area Rate Proceeding, Docket No. AR61-2 et al. and AR69-1), they are now entitled to receive the escrowed funds and request that the Commission issue an order directing disbursement thereof to them.

Similar issues appear to be presented in the petition of General American Oil Company of Texas, filed on October 11, 1972, in Dockets Nos. RI65-281 and G-19924. Accordingly, General American's

motion for consolidation (also filed on October 11, 1972) of both petitions is hereby granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 23, 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 proceedings. Any person wishing to become a party to the proceedings or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules, however, any person who was a party in any of the above-docketed proceedings need not file a petition or notice of intervention in these proceedings.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.72-21317 Filed 12-11-72;8:48 am]

[Project 2379]

**LONE STAR INDUSTRIES, INC.**

**Notice of Application for Withdrawal of Application for License**

DECEMBER 5, 1972.

Public notice is hereby given that an application was filed June 5, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Lone Star Industries, Inc., (Correspondence to: Mr. T. M. Curtin, Vice President, General Counsel, and Secretary, Lone Star Industries, Inc., 1 Greenwich Plaza, Greenwich, Conn. 06830) for approval of withdrawal of application for license for the Bear Creek Project No. 2379, located on Sulfur, Rocky, and Bear Creeks in Whatcom and Skagit Counties, Washington, near the town of Concrete.

The project is comprised of four small dams, 2.7 miles of diversion channel, about 3,000 feet of penstock and two powerhouses containing four generating units with a total capacity of 2,040 kw. The project is no longer functioning and parts of the facilities are inoperable. The applicant proposes to dispose of the generating equipment but does not intend to remove or dispose of the other facilities which are currently under a U.S. Forest Service permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as

<sup>1</sup> See for example, Socony Mobil Oil Company, 28 FPC (1962); Union Texas Petroleum, 29 FPC 1283 (1963); Union Texas Petroleum, 30 FPC 1324, as amended 31 FPC (1964).

## NOTICES

a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 72-21325 Filed 12-11-72; 8:48 am]

[Docket No. CP-73-147]

**MICHIGAN WISCONSIN PIPE LINE CO.  
ET AL.**

**Notice of Application**

DECEMBER 5, 1972.

Take notice that on November 27, 1972, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), 1 Woodward Avenue, Detroit, MI 48226, Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, TX 77001, and Panhandle Eastern Pipe Line Co. (Panhandle), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP73-147 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the deferred exchange of gas between Michigan Wisconsin and Trunkline and the transportation of gas by Trunkline and Panhandle for the account of Michigan Wisconsin, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that during the period November 14, 1972, through October 31, 1973, Trunkline desires to obtain additional volumes of gas to assist in meeting the market requirements of its customers and has pipeline capacity available to transport additional gas from the Louisiana Gulf Coast to its market area. Further, the application indicates, that Michigan Wisconsin is willing, on a short-term basis, to supply gas (Exchange Gas) to Trunkline in the Louisiana Gulf Coast Area on condition that Trunkline will return equivalent volumes to Michigan Wisconsin at a later date, and Michigan Wisconsin desire to have Trunkline and Panhandle transport gas for its account (Transportation Gas) to assist in meeting the requirements of its customers and Trunkline and Panhandle are willing to provide such transportation service.

Applicants have entered into an agreement, dated November 14, 1972, providing for the subject proposals. Applicants state that under the agreement, Michigan Wisconsin will deliver not less than 6,000,000 Mcf of Exchange Gas to Trunkline during the period November 14, 1972, through October 31, 1973, and if, during such period, Michigan Wisconsin is able to obtain additional volumes, it will use its best efforts to deliver, and Trunkline and Panhandle will use their best efforts to receive and deliver, such additional volumes as may be available. Trunkline may designate up to 50 percent of such Best Efforts Gas as Exchange Gas and the balance will be Transportation Gas. Applicants state further that Trunkline and Panhandle will use their best efforts to receive, transport and redeliver such

Transportation Gas to Michigan Wisconsin, less 4 percent reduction for fuel usage. The agreement provides further that commencing November 1, 1976, or such later date as may be mutually agreed upon, Trunkline will return to Michigan Wisconsin over a 2-year period a volume of gas equal to the total volume of Exchange Gas delivered by Michigan Wisconsin to Trunkline.

The application shows that Michigan Wisconsin will deliver Exchange and Transportation Gas to Trunkline at the existing point of interconnection of the two companies' facilities at the discharge side of Michigan Wisconsin's Patterson Compressor Station, St. Mary Parish, La., or at such other points as may be mutually agreed upon. Trunkline will return the Exchange Gas to Michigan Wisconsin at a point of common connection to The Superior Oil Co.'s Lowry gas processing plant in Cameron Parish, La., or at such other points as may be mutually agreed upon. Panhandle will redeliver the Transportation Gas for the account of Michigan Wisconsin at existing delivery points to Panhandle's customers at River Rouge, Mich., and Muncie, Ind.

The application indicates that Trunkline will pay Michigan Wisconsin 35 cents per Mcf of Exchange Gas delivered, which amount Michigan Wisconsin will repay to Trunkline as Trunkline returns the Exchange Gas; Michigan Wisconsin will pay a total transportation charge of 13.5 cents per Mcf of Transportation Gas.

Trunkline states that its current gas supply situation is critical and that it is currently curtailing deliveries to its resale customers. Trunkline states further that the proposed exchange is necessary to assure maintenance of adequate natural gas service on its system and will assist Trunkline in its continuing efforts to minimize reductions of total system purchases and sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 26, 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. 72-21326 Filed 12-11-72; 8:48 am]

[Docket Nos. CP73-35 etc.]

**MICHIGAN-WISCONSIN PIPE LINE CO.  
ET AL.**

**Notice of Extension of Time**

DECEMBER 6, 1972.

Michigan-Wisconsin Pipe Line Co., Docket No. CP73-45, Southern Natural Gas Co., Docket No. CP73-49, Florida Gas Transmission Co., Southern Natural Gas Co., Docket No. CP73-14.

On December 4, 1972, Southern Natural Gas Co. (Southern Natural) requested an extension of time to file direct testimony and exhibits in support of the cases-in-chief as required by the order issued November 16, 1972. Counsel for Southern Natural stated that Carolina Pipeline Co., Alabama Gas Corp., Atlanta Gas Light Co., city of Dalton, Ga., intervenors, Staff Counsel, Michigan-Wisconsin Pipe Line Co. and Florida Gas Transmission Co. have no objection to the request.

Upon consideration, notice is hereby given that the time is extended to and including December 13, 1972, within which the applicants may file their testimony and exhibits comprising their cases-in-chief.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 72-21327 Filed 12-11-72; 8:48 am]

[Docket No. E-7723]

**POTOMAC EDISON CO.**

**Notice of Further Postponement of  
Procedural Dates**

DECEMBER 6, 1972.

On November 30, 1972, the Potomac Edison Co. filed a motion for an extension of time to file updated cost evidence and exhibits as required by the notice issued November 8, 1972.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Company's case-in-chief	February 1, 1973.
Prepared testimony and exhibits of Staff	May 1, 1973.
Prehearing Conference	May 16, 1973.
Rebuttal evidence, if any, of the Potomac Edison Co.	June 6, 1973.
Cross-examination of evidence	June 20, 1973.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 72-21329 Filed 12-11-72; 8:49 am]

[Docket No. CP67-26]

UNITED GAS PIPE LINE CO. AND  
TEXAS EASTERN TRANSMISSION  
CORP.

## Notice of Application To Amend

DECEMBER 5, 1972.

Take notice that on November 27, 1972, United Gas Pipe Line Co. (United), 1525 Fairfield Avenue, Shreveport, LA, and Texas Eastern Transmission Corp. (Texas Eastern), Southern National Bank Building, Houston, Tex., filed in Docket No. CP67-26, pursuant to section 7(c) of the Natural Gas Act, a joint application to amend the Commission's order, issued September 23, 1966, in said docket (36 FPC 670), as amended July 22, 1969 (42 FPC 157), by authorizing the operation of two additional delivery points for the exchange of natural gas in Attala County, Miss., and Plaquemines Parish, La., all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

The order of September 23, 1966, as amended, authorized Applicants to construct and operate certain facilities and to exchange natural gas pursuant to certain exchange agreements and amendments thereto. Applicants state that they have entered into an agreement, dated August 28, 1972, further amending the existing agreements and now propose to operate the following two additional delivery points for the exchange of gas:

(1) At the outlet side of United's existing measuring station located at the point of interconnection of Applicants' lines near Kosciusko, Attala County, Miss.; and

(2) At the tailgate of Gulf Oil Corp.'s Venice Gasoline Plant near Venice, Plaquemines Parish, La.

Applicants state that these additional delivery points and operations will facilitate exchanges of natural gas between their respective pipeline systems, will afford them greater flexibility in their day-to-day operations, and will aid them in their efforts to meet their respective natural gas requirements.

Any person desiring to be heard or to make any protest with reference to said Application to amend should on or before December 26, 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.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 72-21328 Filed 12-11-72; 8:49 am]

## FEDERAL RESERVE SYSTEM

## AMERICAN NATIONAL HOLDING CO.

## Order Approving Acquisition of Bank

American National Holding Co., Kalamazoo, Mich., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Niles National Bank and Trust Co., Niles, Mich. (Bank).

The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank with deposits of approximately \$183 million, representing less than 1 percent of total deposits in commercial banks in Michigan, and is the 18th largest banking organization in the State. (All banking data are as of December 31, 1971.) Upon acquisition of Bank (\$2.9 million deposits), applicant's share of State deposits would remain less than 1 percent, and applicant's ranking among the State's banking organizations would remain unchanged.

Bank, which was organized in 1970 by the management and shareholders of applicant, serves the South Bend banking market (approximated by an area encompassed within a 10-mile radius of Niles and including the city of South Bend, Ind.) and, with approximately 0.5 percent of market deposits, is the eighth largest of nine banks operating therein.

Bank derives an insignificant portion of its deposits from the areas served by any of applicant's present or proposed banking subsidiaries. The closest office of applicant's present or proposed subsidiary is the Lawrence branch office of applicant's existing subsidiary bank, located approximately 30 miles north-northwest of Bank's sole office. It appears, therefore, that no significant competition between Bank and any of applicant's present or proposed subsidiary banks would be eliminated as a result of consummation of applicant's proposal. Moreover, it appears unlikely that any significant competition would develop between any of applicant's present or proposed subsidiaries and Bank in the future due to the distances separating the banking offices, the number of banks in the intervening areas, and State laws restricting branching. Even though Bank

may legally branch into the same areas in which applicant's present and one of its proposed subsidiary banks may branch, in view of the relatively sparse populations of the areas involved, such a prospect appears remote. On the basis of the facts of record, the Board concludes that consummation of the proposed acquisition would have no significant adverse effects on existing competition, nor would it foreclose the development of significant competition.

The financial condition, managerial resources, and prospects of applicant are considered satisfactory and consistent with approval of the application. The same conclusions apply with respect to applicant's present subsidiary particularly in view of applicant's recent contribution of \$2 1/2 million to the equity account of that bank. The financial condition, managerial resources, and future prospects of Bank appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the application. Although applicant does not intend to introduce any services at Bank not presently available in the community, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

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

By order of the Board of Governors,<sup>1</sup> effective December 5, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc. 72-21332 Filed 12-11-72; 8:49 am]

## BROWARD BANCSHARES, INC.

## Acquisition of Bank

Broward Bancshares, Inc., Fort Lauderdale, Fla., has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 80 percent or more of the voting shares of Broward National Bank of Plantation, Plantation, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

## NOTICES

application should submit his views in writing to the Reserve bank to be received not later than January 2, 1973.

Board of Governors of the Federal Reserve System, December 5, 1972.

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

[FR Doc.72-21339 Filed 12-11-72;8:49 am]

## CENTRAL BANKSHARES CORP.

## Formation of Bank Holding Company

Central Bankshares Corp., Jonesboro, Ga., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 32,000 of the voting shares of Central Bank & Trust Co., Jonesboro, Ga. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than December 27, 1972.

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

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

[FR Doc.72-21340 Filed 12-11-72;8:50 am]

## CENTURY BANCSHARES, INC.

## Order Approving Formation of Bank Holding Company and Continuation of Insurance Agency Activities

Century Bancshares, Inc., Parsons, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 81.96 percent of the voting shares of the First National Bank of Parsons, Parsons, Kans. (Bank).

At the same time, applicant has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, to continue to engage in the sale of credit life and credit accident and health insurance in connection with extensions of credit by Bank.

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act. The time for filing comments and views has expired and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act.

Applicant acquired control of 81.96 percent of the shares of Bank without prior approval of the Board on February 25, 1971. At the same time, applicant acquired the insurance business from a

former owner of shares of Bank. On June 22, 1971, the Board in order to avoid the imposition of unnecessary hardships, issued an order which provided that any company which acquired a bank between December 31, 1970, and that date, without securing prior Board approval because the company lacked knowledge of the Bank Holding Company Act Amendments of 1970, might file an application to retain the bank and thus cure its violation of the Act. In this connection, however, the Board provided that the standards to be applied to applications to retain shares would be the same as those normally applied to applications for prior approval. Applicant apparently acted without knowledge of the Act, and the application has been considered on that basis.

Control of Bank, with deposits of \$9.4 million as of December 31, 1971, was purchased by applicant in February 1971. Since that transaction transferred ownership from a one-bank holding company to applicant which has no other subsidiaries, approval of the proposal will have no adverse effects on existing or potential competition.

The financial and managerial resources of applicant and Bank appear to be consistent with approval. Although applicant has incurred considerable debt in acquiring Bank, it appears that applicant can adequately service its debt without placing an undue strain on Bank. The Board notes that applicant has made an offer to acquire shares from minority shareholders that is substantially equivalent to the February 25, 1971, purchase price.

Prior to acquisition by applicant, Bank was owned by a series of absentee corporate owners. Principals of applicant reside in Parsons and thus, ownership of Bank has returned to local control and management. Such return may be expected to make Bank more responsive to the convenience and needs of the communities involved and lends support for approval. It is the Board's judgment that applicant's acquisition of Bank is in the public interest and the application should be approved.

Applicant also proposes to continue to engage in certain insurance agency activities acquired from a former shareholder of Bank at the same time Bank was acquired. The proposed activities are limited to the sale of credit life, and credit accident and health insurance in connection with extensions of credit by Bank. The Board has previously determined by regulation that such activities are closely related to banking (12 CFR 225.4(a)(9)).

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest. Credit life and credit accident and health insurance is available to the public in connection with borrowing transactions and approval of the application will assure that borrowers from Bank have an opportunity to pur-

chase such insurance if they so desire. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the public interest factors the Board is required to consider under section 4(c)(8) regarding applicant's continued sale of such insurance are favorable and that the application should be approved.

On the basis of the record, the applications to acquire Bank and to continue to engage in certain insurance agency activities are approved for the reasons summarized above. The acquisition of Bank shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The Board's determination, as to insurance agency activities, 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 or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,<sup>1</sup> effective December 5, 1972.

[SEAL] TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-21333 Filed 12-11-72;8:49 am]

## COLORADO NATIONAL BANKSHARES, INC.

## Acquisition of Bank

Colorado National Bankshares, Inc., Denver, Colo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Weld Colorado Bank, Greeley, Colo., a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than December 22, 1972.

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

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

[FR Doc.72-21341 Filed 12-11-72;8:50 am]

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

**ELMER CROSLEY AND SONS  
INVESTMENT CORP.**

**Order Approving Formation of Bank  
Holding Company**

Elmer Crosley and Sons Investment Corp., Center, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 79.4 percent or more of the voting shares of Center State Bank, Center, Nebr. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was organized for the purpose of owning and operating Bank which holds deposits of \$1 million. (All banking data are as of June 30, 1972.) Since applicant has no present operations or subsidiaries, it appears that consummation of the proposal would not significantly affect existing or potential competition, nor have an adverse effect on other area banks. Competitive considerations are consistent with approval of the application.

The financial condition of applicant, its management, and future prospects are dependent on those same conditions as they exist in Bank. It appears that applicant would be capable of financing the acquisition debt in view of Bank's record of earnings. The financial condition of Bank is considered to be generally satisfactory and its management capable. Prospects for applicant and Bank are favorable, and banking factors are consistent with approval of the application.

Bank is the only banking institution in the town of Center which has a population of approximately 100. It appears that the proposed formation would enable Bank to better serve the convenience and needs of the community, and considerations relating to that aspect of the proposal are consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

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

By order of the Board of Governors,<sup>1</sup> effective December 5, 1972.

[SEAL]

**TYNAN SMITH,  
Secretary of the Board.**

[FR Doc.72-21334 Filed 12-11-72; 8:49 am]

**FIDELITY CORPORATION OF  
PENNSYLVANIA**

**Proposed Acquisition of Commercial  
Capital Corporation**

Fidelity Corporation of Pennsylvania, Rosemont, Pa., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Commercial Capital Corp., New York, N.Y. Notice of the application was published on November 9, 1972, in "The New York Times," a newspaper circulated in the city, county, and State of New York.

Applicant states that the proposed subsidiary would engage in the following activity: the commercial finance business. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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

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

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 2, 1973.

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

[SEAL]

**MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.**

[FR Doc.72-21342 Filed 12-11-72; 8:50 am]

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

**FIRST RAILROAD & BANKING  
COMPANY OF GEORGIA**

**Order Denying Approval for Acquisi-  
tion of Mortgage Banking Assets of  
Southern Finance Corporation**

First Railroad & Banking Company of Georgia, Augusta, Ga., 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 acquire the mortgage banking assets of Southern Finance Corp., Augusta, Ga.<sup>1</sup> Applicant has stated it intends to combine the mortgage banking assets of Southern Finance Corp. and the mortgage banking assets of Applicant's banking subsidiary, Georgia Railroad Banking and Trust Co., Augusta, Ga., together with the assets of another of Applicant's subsidiaries, First of Georgia Mortgage Co., Augusta, Ga., and, through the latter corporation, to engage in mortgage banking activities. The proposed mortgage banking activities include the solicitation of mortgage customers to purchase mortgage redemption insurance and credit accident and health insurance under a group policy which names the lender as the insured. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)). A bank holding company may acquire a company engaged in an activity determined by the Board to be closely related to banking provided that the proposed acquisition is warranted under the relevant public interest factors specified in section 4(c)(8) of the Act.

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. 17238). The time for filing comments and views has expired and none has been timely received.

Applicant, a one-bank holding company, controls the Georgia Railroad Banking and Trust Co., Augusta, Ga. (Bank), the fifth largest bank in Georgia with deposits of \$165.9 million representing 2 percent of the State's commercial banking deposits. (Banking data are as of December 31, 1971.) Bank is the largest banking institution in the Augusta market<sup>2</sup> and, as of June 30, 1970, held 42 percent of market deposits. Bank makes construction loans and mortgage loans for 1-4 family residences and, as of April 21, 1972, Bank had a mortgage servicing volume of \$37.1 million, 25 percent of which it was servicing

<sup>1</sup> Southern Finance Corp. also engages in real estate brokerage, business management, and real estate development, but Applicant has not applied to acquire assets related to such activities.

<sup>2</sup> The Augusta market is approximated by Richmond and Columbia Counties in Ga. and Aiken County in S.C.

## NOTICES

for its own account. During 1971, Applicant organized First of Georgia Mortgage Co. de novo, but said company is not presently engaged in mortgage banking activities.

Southern Finance Corp. (Southern) is headquartered in Augusta, and operates a branch office in Savannah. Based on the total volume of mortgages serviced, Southern ranks as the sixth largest among 13 mortgage banking companies operating in the Augusta market<sup>3</sup> and as the 274th largest mortgage company in the nation.<sup>4</sup> As of April 21, 1972, Southern had a servicing volume of \$68.5 million. During 1971, Southern reported mortgage originations of \$10.4 million of which \$9.7 million were in the Augusta market while Bank's originations within the Augusta market were \$11.3 million.

Consummation of the proposal would eliminate existing competition in the Augusta market for the making of construction loans and the making of mortgage loans for 1-4 family residences, by eliminating an alternative source for such loans. During 1971, Southern originated \$6.5 million of 1-4 family residential mortgages in the Augusta market representing 9.2 percent of the market total while Bank's originations amounted to \$3.1 million or 4.4 percent of the relevant market. Approval of the acquisition, therefore, would eliminate significant competition in the market for 1-4 family residential mortgages while increasing Applicant's market share from 4.4 percent to 13.6 percent. During 1971, Southern originated construction loans of \$3.2 million in the Augusta market while Bank originated \$8.2 million during the same period. Approval of the application would increase Applicant's share of the construction loan market in the Augusta area from 9.7 percent to 13.5 percent.

Bank and Southern compete for mortgage servicing business in the Augusta market; and, although neither organization presently makes loans on income producing properties, both are considered capable of doing so. Consummation of the proposal is likely to eliminate some competition with respect to mortgage servicing activities, and some potential competition with respect to income producing properties, although not to a significant degree as these types of activities appear to have a regional or national market rather than a local market.

Southern is a closely held family company with a limited capital base. Applicant states that Southern's ability to expand its operations is handicapped by such limitation. While it appears that Southern's growth potential is limited to some extent, it has experienced an impressive growth in the volume of mortgages originated, volume of mortgages serviced, and annual net income over the past 5 years and, in 1971, it opened a branch office in Savannah.

<sup>3</sup> As of Dec. 31, 1971.

<sup>4</sup> As of June 30, 1971.

Applicant acknowledges that approval of the application would eliminate some competition within the Augusta market. However, as factors diminishing the adverse competitive impact, Applicant points to the number of competitors within that market and the decline in the combined market shares of Southern and Bank between 1966 and 1971 as large regional or national mortgage companies have entered the market. Applicant further states that approval of the acquisition would be procompetitive since the combined mortgage company operation it has proposed would have sufficient resources to enter the Atlanta market and to fully develop Southern's recent entrance into the Savannah area. These considerations and other possible benefits cited by Applicant provide some support for approval but, in the Board's judgment, are outweighed by the prospect of elimination of existing competition between the largest banking organization within the Augusta market (based on market deposits) and an independent mortgage company whose mortgage banking operations are principally conducted in that same market.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that public interest benefits that the Board is required to consider under section 4(c)(8) do not outweigh possible adverse effects. Accordingly, the acquisition is hereby denied.

By order of the Board of Governors,<sup>5</sup> effective December 5, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-21335 Filed 12-11-72;8:49 am]

#### FIRST SECURITY CORP.

##### Order Approving Acquisition of Bank

First Security Corp., Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire 97.5 percent of the voting shares of First Security Bank of Price, N. A., Price, Utah (Bank), a proposed new bank.

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

Applicant controls four banks with aggregate deposits of about \$609 million representing approximately 29 percent of the deposits in commercial banks in Utah. (All banking data are

<sup>5</sup> Voting for this action: Chairman Burns and Governors Robertson, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

as of December 31, 1971, adjusted to reflect holding company acquisitions and formations approved by the Board through October 31, 1972.) Since Bank is a proposed new bank, no existing competition would be eliminated as a result of consummation of the proposal. Furthermore, it appears unlikely that consummation of the proposal would have an adverse effect on potential competition. Applicant is not now represented in the Price banking market (its nearest subsidiary being 58 miles distant), and none of its banking subsidiaries is able to branch into the Price area due to the home office protection provisions of Utah branching law. On the other hand, establishment of a new bank by applicant should enhance competition in the Price area by increasing the number of alternative sources of banking services from three to four. On the basis of the foregoing and the facts of record, the Board concludes that consummation of the transaction would not adversely affect competition in any relevant area and should promote competition in the Price area. Therefore, competitive considerations are consistent with, and lend some weight toward, approval of the application.

The financial and managerial resources and future prospects of applicant and its subsidiary banks are generally satisfactory and consistent with approval of the application. Bank has no financial or operating history. However, its management would be provided by applicant, and its prospects appear favorable. Therefore, banking factor considerations as they relate to Bank are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight to approval of the application since customers in the area should benefit from an additional source of banking services. The Board finds that the proposed application is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order and (c) Bank shall be open for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup> effective December 5, 1972.

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-21336 Filed 12-11-72;8:49 am]

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

## MARSHALL &amp; ILSLEY CORP.

## Order Approving Acquisition of Bank

Marshall & Ilsley Corp., Milwaukee, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of American Bank & Trust Co., Racine, Wis. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 15 banks with aggregate deposits of \$712 million, representing 6.7 percent of total deposits held by all banks in Wisconsin, and is the second largest banking organization in the State. (All banking data are as of December 31, 1971, and reflect holding company acquisitions and formations approved through September 30, 1972.) The acquisition of Bank (deposits of \$42.6 million) would increase applicant's share of State deposits by only 0.4 percentage point, and it would remain the second largest banking organization in Wisconsin.

Bank ranks second among the 14 banks serving Racine County (Bank's relevant market) and holds approximately 12.3 percent of area deposits. (The largest bank holds 26.4 percent of such deposits.) The State's largest banking organization controls the market's fourth largest bank which holds 7.7 percent of area deposits. In addition, two other banking organizations are represented in the market. It appears that consummation of this proposal would not have an adverse effect on other area banks.

The closest of applicant's subsidiary banking offices is located in the adjacent Milwaukee market, 26 miles north of Bank. There is no meaningful competition between these offices or between Bank and any of applicant's subsidiary offices. Moreover, in view of the number of intervening banks, the State's restrictive branching laws, and distances separating the offices, it is unlikely that any substantial amount of competition would develop in the future.

The Board has considered a recommendation from the Department of Justice which concluded that the proposed acquisition may eliminate some direct competition between applicant's lead bank located in Milwaukee and Bank. The Department also advised that the entry of applicant into the Racine market through acquisition of Bank would have an adverse effect on potential competition especially in view of its capabilities for either *de novo* or foothold entry.

Regarding the elimination of existing competition, the record indicates that less than 1 percent of Bank's deposits and 2 percent of its loans originate in Milwaukee County where applicant's lead bank is located. It appears that only minimal existing competition would be eliminated by consummation of this proposal. Applicant's entry into the Racine area by *de novo* means does not appear to be particularly attractive at this time. There has been a general decline in business in the downtown area where Bank is located, and population growth has not kept pace with the surrounding area. Retail trade and industry have moved out of the downtown area.

Bank does not appear to be an aggressive competitor in the area; its deposits have not significantly increased since yearend 1967, and its loan growth has been significantly below the average rate of growth for other area banks. Its loan-to-deposit ratio has also been low. Bank, at the present time, does not appear to be a likely prospect for a lead bank in a new bank holding company group. In view of Bank's conservative management and the presence of other large banking organizations in the market, it appears unlikely, absent this proposal, that Bank would become a significant competitive force in the market. On the record before it the Board concludes that competitive considerations are consistent with approval of this application.

The financial condition and managerial resources of applicant, its subsidiary banks, and Bank are considered to be generally satisfactory, and prospects for each appear favorable. Banking factors are consistent with approval of the application. It appears that there are no major banking needs of the Racine community which are presently unserved. However, the affiliation of Bank with applicant would enable it to become a more aggressive competitor in its extension of credit. Applicant also proposes to introduce new services at Bank to include check-credit, trust services, and international banking services. Considerations relating to the convenience and needs of the community to be served are consistent with and lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

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

By order of the Board of Governors,<sup>1</sup> effective December 5, 1972.

TYNAN SMITH,  
*Secretary of the Board.*

[FR Doc.72-21337 Filed 12-11-72; 8:49 am]

## MOODY FOUNDATION

## Nonbanking Activities

The Moody Foundation, Galveston, Tex., has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. Applicant controls the Moody National Bank of Galveston, Galveston, Tex.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 2, 1973.

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

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

[FR Doc.72-21344 Filed 12-11-72; 8:50 am]

## PALMER BANK CORP.

## Acquisition of Bank

Palmer Bank Corp., Sarasota, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Gulf Gate Palmer Bank, Sarasota, Fla., a proposed new bank. The factors that are

<sup>1</sup> Voting for this action: Chairman Burns and Governors Sheehan and Bucher. Voting against this action: Governors Robertson and Brimmer, and issuing a dissenting statement which is filed as part of the original document. Absent and not voting: Governors Mitchell and Daane.

## NOTICES

considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 2, 1973.

Board of Governors of the Federal Reserve System, December 5, 1972.

MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.

[FR Doc.72-21343 Filed 12-11-72;8:50 am]

## R.I.H.T. CORP.

## Order Denying Request for Reconsideration

R.I.H.T. Corp., Providence, R.I., has requested reconsideration of the order of the Board of Governors dated May 2, 1972, whereby the Board denied the application of R.I.H.T. Corp. for the Board's approval under section 4(c)(8) of the Bank Holding Company Act and § 225.4(b)(1) of the Board's Regulation Y to participate, through Washington Row Co., its wholly owned subsidiary, as a limited partner, in Slater Mall Associates, a Rhode Island limited partnership, in the development of a parcel of real estate in the urban renewal project known as the "Slater Mall Urban Renewal Area Project, R.I. R-11" in the city of Pawtucket, R.I.

The Board has reviewed the request for reconsideration which was received on September 29, 1972, and finds that it does not present relevant facts that, for good cause shown, were not previously presented to the Board. Further applicant has not raised any new considerations that were not previously considered by the Board. Accordingly, and since it does not otherwise appear that reconsideration would be appropriate in the public interest, the request for reconsideration is hereby denied.

By order of the Board of Governors,<sup>1</sup> effective December 5, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-21338 Filed 12-11-72;8:49 am]

## SECURITY NATIONAL CORP.

## Order Approving Acquisition of Bank

Security National Corp., Sioux City, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's ap-

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

proval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Northwestern State Bank of Orange City, Orange City, Iowa (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank with total deposits of \$98.9 million, representing 1.3 percent of total commercial bank deposits held by Iowa banks, and is the eighth largest bank holding company and banking organization in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved by the Board through November 15, 1972.) The acquisition of Bank (\$18 million deposits) would increase applicant's share of Iowa deposits by 0.2 of 1 percentage point, and its rank among the State's banking organizations would not change. Consumption of the acquisition would not result in a significant increase in the concentration of banking resources on either a local or statewide basis.

Bank, headquartered in Orange City with its one branch office located 8 miles southeast of the main office, is the second largest of 14 banks in its market area (approximately by Orange City and environs) and controls 14.4 percent of the deposits therein. The largest bank in the market holds 15.5 percent of market deposits and three other area banks of comparable size (but smaller than Bank) hold 11.7, 10.5, and 9.8 percent, respectively, of total market deposits. The nearest office of applicant's subsidiary to an office of Bank is located 35 miles to the southwest. There is no significant present competition between any of these offices and, in view of the distances involved and the large number of banks located in the intervening area, it appears unlikely that consummation of the proposal would foreclose the development of significant potential competition. In addition, applicant's entry into the area de novo is considered an unlikely alternative in view of another application pending before State authorities for the chartering of a new bank in Orange City. On the basis of the foregoing and the facts of record, it appears that competitive considerations are consistent with approval of the application.

Considerations relating to banking factors are consistent with approval of the application since the financial conditions and managerial resources of applicant, its present subsidiary, and Bank are considered to be generally satisfactory and the prospects of each appear favorable. Applicant states that it will assist Bank in expanding and improving its banking services, particularly in the areas of

lending and fiduciary services and financial and investment counseling. Considerations relating to the convenience and needs of the community to be served, therefore, are regarded as consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

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

By order of the Board of Governors, effective December 5, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-21331 Filed 12-11-72;8:49 am]

## ARMY AND AIR FORCE EXCHANGE AND MOTION PICTURE SERVICES

## CIVILIAN ADVISORY COMMITTEE

## Notice of Meeting

DECEMBER 11, 1972.

The Civilian Advisory Committee to the Board of Directors, Army and Air Force Exchange and Motion Picture Services, will hold a closed meeting on December 13, 1972, in the Board Room, Headquarters, Army and Air Force Exchange Service, 3911 Walton Walker Boulevard, Dallas, TX 75222.

The agenda for the meeting will consist of discussions of the annual financial plan for fiscal year 1974, capital expenditure projects, proposals for operating military clothing sales stores, phasedown of Vietnam exchange operation, dishonored checks, and actions taken against persons apprehended for shoplifting. A summary of committee business will be published annually.

Any persons desiring information about the committee may telephone (202-697-3336) or write the Executive Secretary, Board of Directors, Army and Air Force Exchange and Motion Picture Services Room 5E483, the Pentagon, Washington, D.C. 20310.

CHARLES F. O'DONNELL, Jr.,  
Colonel, USA, Executive Secretary, AAFEMPS and Liaison Officer.

[FR Doc.72-21500 Filed 12-11-72;11:07 am]

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

# OFFICE OF EMERGENCY PREPAREDNESS

MICHIGAN

## Amendment to Notice of Major Disaster

Notice of major disaster for the State of Michigan, dated December 1, 1972, and published December 5, 1972 (37 F.R. 25885), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 1, 1972:

The counties of:  
Arenac. Berrien. Iosco.

Dated: December 6, 1972.

G. A. LINCOLN,  
Director, Office of  
Emergency Preparedness.

[FR Doc. 72-21265 Filed 12-11-72; 8:46 am]

# TARIFF COMMISSION

[AA1921-110]

## CANNED BARTLETT PEARS FROM AUSTRALIA

### Notice of Investigation and Hearing

Having received advice from the Treasury Department on November 30, 1972, that canned Bartlett pears from Australia are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted investigation No. AA1921-110 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

**Hearing.** A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC., beginning at 10 a.m., e.s.t., on January 9, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, January 4, 1973.

Issued: December 7, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc. 72-21362 Filed 12-11-72; 8:54 am]

# DEPARTMENT OF LABOR

## Occupational Safety and Health Administration

[V-72-5]

### ROSEBURG LUMBER CO.

#### Notice of Application for Variance and Interim Order; Grant of Interim Order

**I. Notice of application.** Notice is hereby given that Roseburg Lumber Co., Post Office Box 1088, Roseburg, OR 97470, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the requirements of 29 CFR 1910.265(c)(4)(iv); 29 CFR 1910.23 (a)(1), (e)(1), and (e)(3)(ii); and 29 CFR 1910.24(e).

The addresses of the places of employment that will be affected by the application are as follows:

Roseburg Lumber Co., Sawmill, Plywood Plants Nos. 1 and 2, Flakeboard Plant, Hardwood Finishing Plant, Dillard, Oreg.  
Roseburg Lumber Co., Plywood Plant No. 3, Green District, Roseburg, Oreg.  
Roseburg Lumber Co., Veneer Plant, Dixonville, Oreg.  
Roseburg Lumber Co., Plywood Plant No. 4, Riddle, Oreg.  
Roseburg Lumber Co., Plywood Plants Nos. 5 and 6, Cogville, Oreg.

Applicant certifies that the employees who will be affected by the variance have been notified of the application by delivery of a copy of the application to local union representatives and by posting copies on employees' plant bulletin boards. Employees have been informed of their right to petition for a hearing by the same means.

Applicant states that the application relates to the height and construction of elevated walk guardrails, stairway flooring opening guardrails, and the angle of fixed stairways.

Regarding the merits of the application, applicant states that since the promulgation of pertinent OSHA standards, all new construction is in full compliance with the standards. However, prior to the adoption of the OSHA standards, Roseburg Lumber constructed its railings and fixed stairways in conformity with the requirements of the State of Oregon Safety Code.

Applicant states that the existing guardrails are 36 inches in height, whereas §§ 1910.265(c)(4)(iv) and 1910.23(e)(1) require a standard railing with a vertical height of 42 inches. Applicant states that its stairway floor opening guardrails are 36 inches in height, whereas § 1910.23(a)(1) and (e)(1) requires a standard railing of 42 inches in height. The applicant states that the di-

ameter of its guardrailing pipes is between 1 inch and 1 1/8 inches, whereas § 1910.23(e)(3)(ii) requires that the pipe railings shall be at least 1 1/2 inches nominal diameter. Applicant has about 100-125 fixed stairs which have an angle to the horizontal of 60°, whereas § 1910.24(e) requires that fixed stairs shall have angles to the horizontal of between 30° and 50°. Applicant further states that stairways having an angle greater than 50° are used only by special maintenance personnel. Finally, applicant argues that its guardrailings do provide as safe a place of employment as conforming guardrails would.

For further information, interested persons are referred to copies of the application which will be made available for inspection and copying, upon request, at the Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210, and at the Occupational Safety and Health Administration, U.S. Department of Labor, Room 526, Pittock Block, 921 Southwest Washington Street, Portland, OR 97205.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for a variance, are invited to submit written data, views, and arguments regarding the application prior to January 12, 1973. In addition, employers and employees who believe they would be affected by the grant or denial of the variance may request a hearing on the application within the same period ending January 12, 1973, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate and shall be addressed to the Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210.

**II. Interim order.** From the application for a variance and interim order, and supporting data, filed by Roseburg Lumber Co., it appears likely that the deviations from the standard specifications regarding elevated walk guardrails, stairway floor opening guardrails, and the angle of fixed stairways have no direct relationship to safety. It further appears that an interim order is necessary to prevent probable undue hardships to both applicant and its employees. Therefore,

**It is ordered,** Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c), that Roseburg Lumber Co. be, and it is hereby, authorized to continue to use the guardrails and stairways as described above in lieu of those required by 29 CFR 1910.265(c)(4)(iv); 29 CFR 1910.23(a)(1), (e)(1), and (e)(3)(iii); and 29 CFR 1910.24(e), but subject to the conditions that applicant post a warning sign at each affected stairway informing employees of possible dangers and of the restricted use of the particular stairway,

## NOTICES

and further that applicant shall give notice to affected employees of the terms of this interim order by the same means required to be used to inform them of the application for variance.

**Effective date.** This interim order shall be effective as of December 12, 1972, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 6th day of December 1972.

G. C. GUNTHER,  
Assistant Secretary of Labor.

[FR Doc. 72-21260 Filed 12-11-72; 8:45 am]

## STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

### Notice of Public Meetings

Notice is hereby given that the Standards Advisory Committee on Agriculture established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1597; 29 U.S.C. 656) and 29 CFR Part 1912, will meet at 9 a.m. on Tuesday, December 19, 1972, and on Wednesday, December 20, 1972, at the Institute of Agricultural Medicine, Oakdale Campus, University of Iowa, Oakdale, Iowa.

The subcommittees on Pesticides and on Temporary Labor Camps will meet in separate sessions at 11 a.m. on Tuesday, December 19, 1972, at the institute. The purpose of these subcommittee meetings will be to prepare proposed standards to recommend to the full committee.

Notice is also given of a change in the dates of the meetings of the Subcommittee on Rollover Protective Structures, announced in the *FEDERAL REGISTER* issue of November 29, 1972 (37 F.R. 25270). This subcommittee will meet at 3 p.m. on Monday, December 18, 1972, and at 11 a.m. on Tuesday, December 19, 1972, also at the institute.

At 9 a.m. on Wednesday, December 20, 1972, the full committee will meet to consider the reports of the subcommittees, with the purpose of preparing recommendations to the Assistant Secretary of Labor for Occupational Safety and Health concerning standards on pesticides, temporary labor camps, and roll-over protective structures for agriculture.

All the meetings shall be open to the public.

Signed at Washington, D.C., this 6th day of December 1972.

G. C. GUNTHER,  
Assistant Secretary of Labor.

[FR Doc. 72-21261 Filed 12-11-72; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 134]

### ASSIGNMENT OF HEARINGS

DECEMBER 7, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument ap-

pear 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 20783 Sub 88, Tompkins Motor Lines, Inc., now assigned December 13, 1972, at Memphis, Tenn., is postponed indefinitely. MC 136468 Sub 1, Virginia Air Freight Inc., now being assigned hearing January 15, 1973 (1 week), at Roanoke, Va., in a hearing room to be later designated.

MC 668 Sub 95, Inter City Transportation Co., Inc., Donald A. Robinson, Trustee, now assigned January 15, 1973, at Newark, N.J., is postponed indefinitely.

MC 3700 Sub 66, Manhattan Transit Co., now assigned January 22, 1973, at Newark, N.J., hearing is postponed indefinitely.

MC 119777 Sub 208, Ligon Specialized Hauler, Inc., now assigned January 15, 1973, at Tampa, Fla., hearing will be held in Room 412, Federal Building, 500 Zack Street.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-21352 Filed 12-11-72; 8:50 am]

## FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 7, 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. 42582—*Ammonium nitrate fertilizer to points in Western Trunkline Territory*. Filed by Western Trunk Line Committee, agent (No. A-2680), for interested rail carriers. Rates on ammonium nitrate fertilizer, in carloads, as described in the application, from points in Colorado, Idaho, Utah, and Wyoming, to points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula grouping.

Tariff—Supplement 432 to Western Trunk Line Committee, agent, tariff ICC A-4411, and Supplement 11 to Union Pacific Railroad Co. tariff ICC 5732. Rates published to become effective January 10, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-21354 Filed 12-11-72; 8:50 am]

## FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 7, 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. 42583, as amended—*General commodities between ports in Korea, Hong Kong, and Taiwan and rail stations on the U.S. Atlantic and Gulf Seaboard*. Filed by Nippon Yusen Kaisha (hereinafter "NYK"), (No. 3), as amended, for itself and interested rail carriers. Rates on general commodities, between ports in Korea, Hong Kong, and Taiwan, on the one hand, and rail stations on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief: Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-21355 Filed 12-11-72; 8:50 am]

[Notice 180]

## 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-73740. By order of November 15, 1972, the Motor Carrier Board, on reconsideration, approved the transfer to Swift Transportation Co., Inc., Phoenix, Ariz., of permit No. MC-129397 issued to William E. Swift, doing business as Swift Transportation Co., Phoenix, Ariz., authorizing the transportation of: Meat, meat products, dairy products, and articles distributed by meat packing-houses, with certain exceptions, from plantsite of Swift & Co. at Tolleson, Ariz., to points in Arizona and California. Ernest D. Salm, Practitioner, 3846 Evans Street, Los Angeles, CA 90027.

No. MC-FC-73846. By order of November 16, 1972, the Motor Carrier Board approved the transfer to R. D. Brown, doing business as Dan Brown Trucking, Greybull, Wyo., of certificate No. MC-112096 issued May 24, 1957, to Haines

Trucking Co., Worland, Wyo., authorizing the transportation of machinery, equipment, materials, and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipelines, between points as described, in Wyoming, Colorado, Montana, Utah, North Dakota, South Dakota, and Nevada. Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001, applicants' attorney.

No. MC-FC-73971. By order of November 15, 1972, the Motor Carrier Board approved the transfer to Arthur Sheeley, Inc., Dallas, Pa., of certificates MC-129171 and (Sub-No. 4), and permits Nos. MC-126381 (Sub-No. 2) and (Sub-No. 8) issued October 18, 1968, May 14, 1971, September 11, 1969, and September 18, 1969, respectively, to Arthur Sheeley, Dallas, Pa., authorizing the transportation of: Candy and confectionery, under mechanical refrigeration, and bakery goods, and rags, in bales, between specified points in New Jersey, California, Oregon, Utah, Minnesota, Virginia, Georgia, Washington, and South Carolina. Dual authority is involved. Kenneth R. Davis, practitioner, 999 Union Street, Taylor, PA 18517.

No. MC-FC-74004. By order of November 16, 1972, the Motor Carrier Board approved the transfer to Thompson Horse Transportation Service, Inc., Fort Worth, Tex., of certificate No. MC 106836, issued to Tommy Thompson, Fort Worth, Tex., authorizing the transportation of: Horses, other than ordinary, and various supplies and equipment, including personal effects of persons, between points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Ohio, and Texas. A. William Brackett, attorney, 1108 Continental Life, Fort Worth, Tex. 76102.

No. MC-FC-74017. By order of November 17, 1972, the Motor Carrier Board approved the transfer to Joe Doctorman & Son, Inc., Salt Lake City, Utah, of certificate No. MC-118116 issued November 18, 1960 to Glen Jensen, doing business as Glen Jensen Produce Co., Salt Lake City, Utah, authorizing the transportation of: Bananas and fresh fruits and vegetable in mixed shipments, and bananas, from specified points in California to Salt Lake City, Utah. Stuart L. Poelman, attorney, Continental Bank Building, Salt Lake City, Utah 84101.

No. MC-FC-74079. By order of December 5, 1972, the Motor Carrier Board approved the transfer to Edgewater Bulk Trucking Co., Secaucus, N.J., of certificate No. MC-1183 issued November 21, 1969, to Central Bergen Warehouse, Inc.,

Edgewater, N.J., authorizing the transportation of: Liquid commodities, in bulk, in tank trucks, between points in the New York, N.Y., commercial zone as defined, on the one hand, and, on the other, points in New York, New Jersey, and Connecticut within 60 miles of Columbus Circle New York, N.Y. William D. Traub, 10 East 40th Street, New York, NY 10016, applicants' representative.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-21360 Filed 12-11-72 8:51 am]

[Notice 163]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 4, 1972.

The following are notices of filing of applications<sup>1</sup> 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 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 3854 (Sub-No. 20 TA), filed November 13, 1972. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Office: 815 Ellis Road, Durham, NC 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW, Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Reconstituted, reconstructed, or homogenized tobacco, from Spotswood, N.J., to Louisville, Ky., for 180 days. Supporting shipper: Brown & Williamson Tobacco Corp., 1600 West Hill Street, Louisville, KY 40201. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Com-

<sup>1</sup> 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.

merce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 30887 (Sub-No. 184 TA), filed November 13, 1972. Applicant: SHIPLEY TRANSFER, INC., Post Office Box 55, 49 Main Street, Reisterstown, MD 21136. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Molten liquid polypropylene, in bulk, in tank vehicles, from Neal, W. Va., to Menasha, Wis., for 180 days. Supporting shipper: Erv Hemb, Traffic Manager, Central Paper Co., Menasha, Wis. 54952. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 61396 (Sub-No. 235 TA), filed November 15, 1972. Applicant: HERMAN BROS., INC., Post Office Box 189, Downtown Station 68101, 2501 North 11th Street 68110, Omaha, NE 68101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer, fertilizer materials, and ammonium nitrate, in bags or bulk, from warehouse site of Farmland Industries, Inc., at or near Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 8353 (Sub-No. 43 TA), filed November 15, 1972. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Post Office Box 500, Interstate 83 at Route 439, Parkton, Md. 21120. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Particleboard, from Chesapeake, Va., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Gordon T. Adams, Group Traffic Manager, Evans Products Co., 201 Dexter Street West, Chesapeake, VA 23324. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 115814 (Sub-No. 8 TA) (Correction), filed October 25, 1972, published in the FEDERAL REGISTER issue of November 18, 1972, corrected and republished in part as corrected this issue. Applicant: MARK TRUCKING, INC., Post Office Box 5701, Trella Street, Belleville, PA 17004. Applicant's representative: James W. Hagar, 100 Pine Street, Harrisburg, PA 17108. Note: The purpose of this partial republication is to reflect Belleville, Pa., as a destination point in part (2). The rest of the application remains the same.

## NOTICES

[Notice 164]

MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS

DECEMBER 5, 1972.

The following are notices of filing of applications<sup>1</sup> 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 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 2860 (Sub-No. 119 TA), filed November 22, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials; plastic products and materials; asphalt and asbestos and asphalt and asbestos products; materials, supplies, and equipment* used in the production and installation of fibrous glass products and materials, plastic products and materials and asphalt and asbestos and asphalt and asbestos products (in straight or mixed shipments), between Fairburn, Ga., and points in Arkansas, for 180 days. Supporting shipper: Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 9325 (Sub-No. 61 TA), filed November 13, 1972. Applicant: K LINES, INC., Post Office Box 1348, Lake Oswego, OR 97034. Applicant's representative:

Eugene A. Feise (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide (litharge)*, from Seattle, Wash., to points in Oregon, for 180 days. Supporting shipper: Wuemetco Co., Seattle, Wash. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 56679 (Sub-No. 69 TA), filed October 24, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE, Post Office Box 6985, Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment because of size or weight), serving the terminal site of Harper Motor Lines, Inc., at the junction of U.S. Highway 29 and South Carolina Highway 8, near West Pelzer, S.C., as an offroute point in connection with applicant's present regular route operations, between Elberton, Ga., and Greenville, S.C., under Docket MC-56679 Sub 61 TA (permanent authority application pending in Docket MC-56679 Sub 63), for 180 days. Note: Applicant proposes to join the authority sought above with its present authority held in Docket MC-56679 and effective subs thereunder, in order to provide through service to, from, and between the above named terminal site near West Pelzer, S.C., on the one hand, and, on the other, all of applicant's presently authorized service points, and for the purpose of interchanging with connecting carrier's at the above-named terminal site near West Pelzer, S.C. Supporting shipper: Brown Transport Corp., 125 Milton Avenue SE, Atlanta, GA 30315. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 West Peachtree Street NW, Room 309, Atlanta, GA 30309.

No. MC 78947 (Sub-No. 12 TA), filed November 15, 1972. Applicant: ELLIOTT BROS. TRUCK LINE, INC., 801 Highway 21, Dysart, IA 52224. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant machinery, equipment, materials, and supplies; metal and plastic boxes; metal cabinets; metal chests; tool stands; and hospital carts*, between Waterloo, Iowa, and Pocahontas, Ark., for 180 days. Supporting

<sup>1</sup> 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.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-21356 Filed 12-11-72; 8:51 am]

shipper: Waterloo Industries, Inc., 300 Ansborough Avenue, Waterloo, IA 50701. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 103993 (Sub-No. 740 TA), filed November 16, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mini-Van and Mini-Flatbed Trailers*, designed to be drawn by pickup trucks, in initial movements, in truckaway service from the plantsite and storage facilities of Clark Equipment Co., Trailer Division, at or near Michigan City, Ind., to points in the United States on and east of the Western boundaries of Montana, Wyoming, Colorado, and New Mexico, for 180 days. Supporting shipper: Clark Equipment Co., Trailer Division, U.S. Highway 20 and Hitchcock Road, Michigan City, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 103993 (Sub-No. 741 TA), filed November 24, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Chatham County, N.C., to points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Conchemco, Inc., Siler City, N.C. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 105159 (Sub-No. 27 TA), filed November 17, 1972. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Red Wing, Minn., to Mount Carroll, Ill., and its commercial zone, for 180 days. Supporting shipper: Agricor, Inc., 7400 Metro Boulevard, Minneapolis, MN 55435. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 106398 (Sub-No. 630 TA), filed November 16, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096 Dawson Station, Tulsa, OK 74151. Applicant's rep-

resentative: Irvin Tull, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard* from the plantsite of Evans Products Co., Chesapeake, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Evans Products Co., Gordon T. Adams, Group Traffic Manager, Evans Products Co., 201 Dexter Street W., Chesapeake, VA 23324. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240—Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 107002 (Sub-No. 426 TA), filed November 20, 1972. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: John Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides*, in bulk, in tank vehicles, from Arlington, Tenn., to Elgin, Ill., for 180 days. Supporting shipper: Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Street, Jackson, MS 39201.

No. MC 107496 (Sub-No. 867 TA), filed November 15, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third Street and Keosauqua Way, Post Office Box 855, 50304, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Osage City, Kans., to points in Oklahoma, for 150 days. Supporting shipper: Supersweet Operations, International Multifoods Corp., 1200 Investors Building, Minneapolis, Minn. 55402. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 817 TA), filed October 16, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, and frozen foods, meats, meat products, and meat by-products), in vehicles equipped

with mechanical refrigeration, from the plantsite of Standard Brands, Inc., at Suffolk, Va., to points in Alabama (except Birmingham), Arkansas, Georgia, Louisiana (except New Orleans), Mississippi, Oklahoma, Tennessee, and Texas (except Dallas), for 180 days. Supporting shipper: Standard Brands, Inc., 625 Madison Avenue, New York, NY 10022. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW, Atlanta, GA 30309.

No. MC 107515 (Sub-No. 818 TA), filed October 24, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* (except commodities in bulk) as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 81 M.C.C. 209 and 766, from the plantsite of Kenosha Packing Co., at Kenosha, Wis., and Paris Township, Kenosha, Wis., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Louisiana, Tennessee, Kentucky, and Mississippi, for 180 days. Supporting shipper: Kenosha Packing Co., Post Office Box 639, Kenosha, WI 53141. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW, Atlanta, GA 30309.

No. MC 107515 (Sub-No. 823 TA), filed November 16, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Bruce E. Mitchell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic business machine parts*, in vehicles equipped with mechanical refrigeration, from St. Petersburg, Fla., to Lexington, Ky., for 180 days. Supporting shipper: ITT Thermotech Division, International Telephone & Telegraph Corp., Florida Operations, 3200 Tyron Boulevard, St. Petersburg, FL 33710. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW, Atlanta, GA 30309.

No. MC 108461 (Sub-No. 119 TA), filed November 16, 1972. Applicant: WHITFIELD TRANSPORTATION, INC., 300-316 North Clark Road, 79446, Post Office Box 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives,

## NOTICES

household goods as defined by the Commission, and those requiring special equipment, serving the Phelps Dodge Corp., town and smelter sites, located 21 miles southeast of Animas, N. Mex., as an off-route point, for 180 days. **NOTE:** Applicant will tack with its lead docket MC-108461 primarily on present service between Deming and Lordsburg, N. Mex., over Interstate Highway 10. Supporting shipper: J. D. Jordan, Western Traffic Manager, Phelps Dodge Corp., Post Office Drawer 1199, Douglas, AZ 85607. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 108996 (Sub-No. 4 TA), filed November 13, 1972. Applicant: BAGBY TRANSFER COMPANY, 405 Forsyth Street, Post Office Box 469, Rome, GA 30161. Applicant's representative: M. N. Bagby (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies, including tools used in the construction and maintenance of telephone systems and communications, between Rome, Ga., and points in the counties of Floyd, Polk, Bartow, Gordon, Chattooga, Walker, Dade, Catoosa, Whitfield, Murray, Gilmer, and Fannin, Ga.* for 180 days. Supporting shipper: Western Electric, 6701 Roswell Road NE, Atlanta, GA 30328. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW, Atlanta, GA 30309.

No. MC 110420 (Sub-No. 666 TA), filed November 17, 1972. Applicant: QUALITY CARRIERS, INC., Mail: Post Office Box 186, Pleasant Prairie, WI 53158. Off I-94 County Highway C, Bristol, Kenosha County, Wis. 53104. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid, spent, liquid, in bulk, in tank vehicles, from Burns Harbor, Ind., to Fond du Lac, Green Bay, Kaukauna, Kewaskum, Kohler, Marinette, Oshkosh, Port Washington, Racine, Ripon, Sheboygan, and West Bend, Wis.* for 180 days. Supporting shipper: The C. Reiss Coal Co., Sheboygan, Wis. 53081 (R. H. Biever, Assistant to Vice President-Operations and Development). Send protests to: District Supervisor, John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 113410 (Sub-No. 74 TA), filed November 2, 1972. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Applicant's representative: Robert W. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic solution, in bulk, in tank*

vehicles, from Alden, Iowa, to Savage, Minn., for 180 days. Supporting shipper: American Cyanamid Co., Princeton, N.J. 08540. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN. 55401.

No. MC 128375 (Sub-No. 84 TA), filed November 13, 1972. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 1444 Main, Crete, NE 68333. Applicant's representative: Duane W. Arkie (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain products and items* distributed by National Oats Co., Inc., from Cedar Rapids, Iowa; Wall Lake, Iowa; and Delaware, Ohio; to points in Arizona, Arkansas, California, Colorado, Florida, Kansas, Louisiana, Kansas City, Mo., and its commercial zone, Oklahoma, Oregon, Texas (except El Paso), and Washington; and (2) *materials and supplies* used in the distribution, production, and manufacturing of grain products and items distributed by National Oats Co., Inc., from points in Arizona, Arkansas, California, Colorado, Florida, Kansas, Louisiana, Kansas City, Mo., and its commercial zone, Oklahoma, Oregon, Texas (except El Paso), and Washington to Cedar Rapids, Iowa; Wall Lake, Iowa; and Delaware, Ohio, for 180 days. **Restriction:** Restricted to traffic originating at facilities used by National Oats Co., Inc., and against the transportation of commodities in bulk. Supporting shipper: Gordon D. Simonds, Senior Vice President, National Oats Co., Inc., Cedar Rapids, Iowa 52402. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 136769 (Sub-No. 2 TA), filed November 8, 1972. Applicant: POP TRUCKING, INC., 20 North Main Street, Cornelia, GA 30531. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE, Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages, in containers, and nonalcoholic beverage concentrate and syrup, other than frozen in containers, from Augusta, Ga., Inman, S.C., and the plant and warehouse sites of Custom Canners, Inc., at points in Gwinnett and De Kalb Counties, Ga., to points in Arkansas, Illinois, Indiana, Missouri, Ohio, Pennsylvania, and Texas; and (2) materials, supplies, and equipment used in the production and distribution of nonalcoholic beverages (except commodities in bulk), from the destination points described above to Augusta, Ga., Inman, S.C., and the plant and warehouse sites of Custom Canners, Inc., at points in Gwinnett and De Kalb Counties, Ga.* **Restriction:** The service authorized herein is subject to the following con-

ditions: The operations authorized herein are limited to transportation service to be performed, under a continuing contract, or contracts with Custom Canners, Inc., of Gwinnett County, Ga. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. The operations authorized herein are subject to the conditions that any transportation service performed by the carrier from and to the points set forth above shall only be performed under authority of and in accordance with the terms, express or implied, of the permit issued hereunder, for 180 days. Supporting shipper: Custom Canners, Inc., Post Office Box 29542, Northeast Freeway, Atlanta, GA 30329. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW, Atlanta, GA 30309.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-21357 Filed 12-11-72; 8:51 am]

[Notice 165]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 6, 1972.

The following are notices of filing of applications<sup>1</sup> 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 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

<sup>1</sup> Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

## MOTOR CARRIERS OF PROPERTY

No. MC 107515 (Sub-No. 821 TA), filed November 13, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, in vehicles equipped with mechanical refrigeration, from the plant-site of Prairieland Packing Co. at Morton, Tex., to points in North Carolina, Virginia, Florida, New Jersey, and New York, for 180 days. Supporting shipper: Prairieland Packing Co., Post Office Box 700, Morton, TX 79346. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW, Atlanta, GA 30309.

No. MC 107515 (Sub-No. 822 TA), filed November 8, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: K. Edward Wolcott, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Nobelsville, Ind., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Fred's Frozen Foods, Inc., 2395 East Conner Street, Nobelsville, IN 46060. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, Atlanta, GA 30309.

No. MC 113624 (Sub-No. 62 TA), filed November 22, 1972. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, CO 81002. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, from the warehouse of Farmland Industries, Inc., at or near Hastings, Nebr., to points in Wyoming, Colorado, Kansas, and South Dakota, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protests to: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 113908 (Sub-No. 247 TA), filed November 22, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3108, Glenstone Station, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soap prod-*

*ucts, cleaning commodities and ingredients*, in bulk, in tank vehicles, from Denver, Colo., to points in St. Charles, St. Louis, and Jefferson Counties, Mo., and Madison, St. Clair, and Monroe Counties, Ill.; and *refused and rejected shipments on return*, for 180 days. Supporting shipper: Foresight, Inc., 1645 Court Place, Denver, CO 80202. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 114265 (Sub-No. 18 TA), filed November 13, 1972. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh, Post Office Box 7651, Boise, ID 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products including plywood*, from points in Idaho south of Salmon River, to points in Colorado, for 180 days. Supporting shippers: Idaho Forest Industries, Inc., Post Office Box 7442, Boise, ID 83707; Chandler Supply Co., Box 2840, Boise, ID 83701. Send protests to: C. W. Campbell, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Boise, ID 83702. Note: Applicant does not intend to tack authority or to interline with any other carrier.

No. MC 114533 (Sub-No. 266 TA), filed November 17, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Graphic arts material*; and (B) *exposed and processed film and prints, complimentary replacement film and supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between Elk Grove Village, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Missouri, and Wisconsin, for 180 days. Supporting shipper: Richard Hugen, Vice President, Sales Communications Co., 530 Bennett Road, Elk Grove Village, IL 60007. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 116014 (Sub-No. 59 TA), filed November 15, 1972. Applicant: OLIVER TRUCKING COMPANY, INC., Lexington Road, Post Office Box 53, Winchester, KY 40391. Applicant's representative: Ralph Oliver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Chesapeake, Va., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland,

Minnesota, Michigan, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Gordon T. Adams, Group Traffic Manager, Southern Region, Evans Products Co., 201 Dexter Street W., Chesapeake, VA 23324. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, VA 40505.

No. MC 116273 (Sub-No. 159 TA), filed November 15, 1972. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: Robert Paluch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup*, in bulk, in tank vehicles having a prior movement by rail, from Detroit, Mich., to points in Michigan, for 180 days. Supporting shipper: Thomas D. Donis, Traffic Manager, Grain Processing Corp., Post Office Box 341, Muscatine, IA. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operation, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 117765 (Sub-No. 151 TA), filed November 22, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Lyons, Kans., to points in Louisiana, Mississippi, Tennessee, that portion of Missouri on and south of U.S. Highway 60 beginning at Oklahoma-Missouri State line and extending to junction of State Highway 34, thence on and south of State Highway 34 to Cape Girardeau, Mo., and that portion of Illinois on and south of State Highway 146 beginning at Missouri-Illinois State line and extending to Illinois-Kentucky State line, for 90 days. Supporting shipper: American Salt Co., 3142 Broadway, Kansas City, MO 64111. Send protests to: C. L. Phillips, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, OK 73102.

No. MC 118457 (Sub-No. 8 TA), filed November 14, 1972. Applicant: ROBINS DISTRIBUTING COMPANY, INC., West 145S 6550 Tess Corners Drive, Muskego, WI 53150. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago Heights, Ill., to points in Wisconsin, Indiana, Ohio, and the Lower Peninsula of Michigan, for 180 days. Supporting shipper:

## NOTICES

Anthony J. Pizza Food Products Corp., Post Office Box 424, Chicago Heights, IL 60411 (Michael P. Stoelb, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 118989 (Sub-No. 78 TA), filed November 17, 1972. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Robert H. Levy, 20 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, 20-ounce or less in capacity, from Arden Hills, Minn., to Racine, Wis., for 180 days. Supporting shipper: Apache Container Corp., 1230 Grey Fox Road, St. Paul, MN 55112 (Eugene P. Scherrer, Vice President, Manufacturing). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 119489 (Sub-No. 28 TA), filed November 24, 1972. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 249, Norfolk, NE 68701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and ammonium nitrate*, in bulk or in bags, from Farmland Industries, Inc., plant or warehouse located at or near Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming, for 180 days. Supporting shipper: Robert E. Chipley, Farmland Industries, Inc., 3315 North Oak Trafalway, Kansas City, MO. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, NE 68102.

No. MC 123885 (Sub-No. 10 TA), filed November 24, 1972. Applicant: C AND R TRANSFER CO., 1315 West Blackhawk Street, Sioux Falls, SD 57104. Applicant's representative: James W. Olson, 506 West Boulevard, Rapid City, SD 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bags and in bulk, from the site of the South Dakota Cement Plant in Minnehaha County, S. Dak., to points in Nebraska, except Bloomfield, Newcastle, Plainview, Wiesner, Tekemah, and Newman Grove; points in Iowa, except Every, Larchwood, Akron, Rock Valley, Hawarden, and Dickinson County; points in Minnesota, except Worthington, Adrian, Currie, Leota, Chandler, Balaton, Pipestone, Marshall, Ghent, Lamberton, Canby, Madison, Bellingham, Hendricks, Hancock, Tyler, Slayton, Ivanhoe, Ortonville, and Luverne; and (2) *cement*, in bags and in bulk, from the site of the South Dakota Cement Plant in Pennington County,

S. Dak., to points in Minnesota and Iowa, for 180 days. Supporting shipper: South Dakota Cement Plant, Rapid City, S. Dak. 57701, John E. Doane, Director of Transportation and Terminals. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 124673 (Sub-No. 17 TA), filed November 17, 1972. Applicant: FEED TRANSPORTS, INC., Post Office Box 2167, Pullman Road, South Amarillo, TX 79105. Applicant's representative: Gail Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed ingredients and ammonium sulphate, feed grade*, in bags and in bulk, in hopper trailers (restricted against the above-named commodities in pneumatic or differential pressure tank trailers), from the plant and warehouse facilities of Occidental Chemical Co., Houston, Tex., to points in Colorado and New Mexico, for 180 days. Note: Applicant states that it does intend to tack with the authority in MC-124673. Supporting shipper: Mike Gonzales, Supervisor, Motor Transportation, Occidental Chemical Co., Post Office Box 1185, Houston, TX 77001. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 126600 (Sub-No. 6 TA), filed November 24, 1972. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, KS 67441. Applicant's representative: Bob W. Storey, Suite 310, Columbian Title Building, Topeka, Kans. 66612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial machinery* to be used in the manufacturing of wallboard products, from Painesville, Ohio, to the junction of U.S. Highway 9 and the New York-Canadian border, with the ultimate destination being Ste-Catherine, Quebec, for 180 days. Note: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Combustion Engineering, Inc., Abilene Division, 300 North Cedar, Abilene, KS 67410. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 133146 (Sub-No. 8 TA), filed October 9, 1972. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3092 Piedmont Road NE, Atlanta, GA 30305. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE, Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from East Rutherford, N.J., to points in Dela-

ware, Virginia, Massachusetts, Connecticut, Rhode Island, New Hampshire, New York, Pennsylvania, Maryland, West Virginia, and Washington, D.C., under a continuing contract with Delsaco Foods Corp. of East Rutherford, N.J., for 180 days. Supporting shipper: Delsaco Foods Corp., 164 Madison Street, East Rutherford, NJ 07073. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW, Atlanta, GA 30309.

No. MC 134387 (Sub-No. 17 TA), filed November 24, 1972. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Brandon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and can ends*, from points in Clark County, Wash., to points in Alameda, Santa Cruz, Santa Clara, San Joaquin, and Sonoma Counties, Calif., and from points in King County, Wash., to points in Alameda, Los Angeles, Orange, San Bernardino, Santa Clara, Santa Cruz, San Joaquin, Solano, Stanislaus, San Francisco, and San Mateo Counties, Calif., for 150 days. Supporting shipper: National Can Corp., 1657 Rollins Road, Post Office Box 1669, Burlingame, CA 94010. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. FC 138198 TA, filed November 17, 1972. Applicant: SPD TRUCK LINE, INC., Opalena at Cottage, Abilene, Kans. 67410. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in or used by wholesale or retail discount or variety stores, between points in Kansas, Colorado, New Mexico, Texas, Missouri, Nebraska, Oklahoma, Arkansas, and Iowa; and (2) *household goods*, between points in Kansas, Colorado, New Mexico, Texas, Missouri, Nebraska, Oklahoma, Arkansas, and Iowa, under a continuing bilateral contract with Duckwall Stores, Inc., the Western Merchandise Co., for 180 days. Note: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Duckwall Stores, Inc., Abilene, Kans. 67410. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21358 Filed 12-11-72;8:51 am]

## NOTICES

[Notice 175]

MOTOR CARRIER TRANSFER  
PROCEEDINGS

DECEMBER 7, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer rules, 49 CFR Part 1132:

No. MC-FC-74022. (Correction) by application filed October 13, 1972, SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, Post Office Box 616, Pico Rivera, CA 90660, published in the October 19, 1972, issue of the FEDERAL REGISTER on page 22430. Prior notice should have read, seeks temporary authority to lease a portion of the operating rights of BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, CA 92663, under section 210a(b). The transfer to SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, is presently pending.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21359 Filed 12-11-72;8:51 am]

[I.C.C. Order No. 79; Rev. Service Order No. 994]

ST. JOHNSBURY AND LAMOILLE  
COUNTY RAILROAD

## Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the St. Johnsbury & Lamoille County

Railroad is unable to transport traffic over its line because of track damage.

*It is ordered*, That:

(a) Rerouting traffic. The St. Johnsbury & Lamoille County Railroad, being unable to transport traffic over its line because of track damage, the connections of the St. Johnsbury & Lamoille County Railroad are hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted from junctions applicable via the St. Johnsbury & Lamoille County Railroad shall be rerouted so as to preserve the participation and revenues of other carriers provided in the original routing.

(b) Nonapplication to embargoed traffic. The provisions of this order shall not apply to traffic subject to an outstanding embargo ordered by the Interstate Commerce Commission.

(c) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(d) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(e) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(f) In executing the directions of the Commission and of such Agent provided

for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) Effective date. This order shall become effective at 11:59 p.m., December 6, 1972.

(h) Expiration date. This order shall expire at 11:59 p.m., March 31, 1973, unless otherwise modified, changed, or suspended.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C. December 6, 1972.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[FR Doc.72-21353 Filed 12-11-72;8:50 am]

## CUMULATIVE LIST OF PARTS AFFECTION—DECEMBER

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PART II



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ENVIRONMENTAL  
PROTECTION  
AGENCY

AIRCRAFT AND  
AIRCRAFT ENGINES

Proposed Standards for Control of Air  
Pollution

## PROPOSED RULE MAKING

# ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 87]

## CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

### Proposed Standards

Section 231 of the Clean Air Act, as amended by Public Law 91-604, directs the Administrator of the Environmental Protection Agency to "establish standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare". Regulations ensuring compliance with these standards are required to be issued by the Secretary of Transportation in accordance with section 232 of the Act.

Section 231 also directs the Administrator to conduct a study of the extent to which aircraft emissions affect air quality in air quality control regions throughout the United States, and the technological feasibility of controlling such emissions. The report of such a study, "Aircraft Emissions: Impact on Air Quality and Feasibility of Control," is being published today and copies of the report are available upon request free of charge from the Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

It is hereby proposed to create a new Part 87 of Title 40, Code of Federal Regulations, which, if adopted, would establish:

- (a) Fuel venting emission standards for new and in-use aircraft gas turbine engines.
- (b) Crankcase emission standards for new aircraft piston engines.
- (c) Exhaust emission standards for new and in-use aircraft gas turbine engines.
- (d) Exhaust emission standards for new aircraft piston engines.
- (e) Exhaust emission standards for new gas turbine aircraft.
- (f) Test procedures applicable to aircraft gas turbine engines and gas turbine aircraft.
- (g) A test procedure applicable to aircraft piston engines.

In judging the need for the proposed regulations, the Administrator has determined (1) that the public health and welfare is endangered in several air quality control regions by violation of one or more of the national ambient air quality standards for carbon monoxide, hydrocarbons, nitrogen oxides, and photochemical oxidants, and that the public welfare is likely to be endangered by smoke emissions; (2) that airports and aircraft are now, or are projected to be, significant sources of emissions of carbon monoxide, hydrocarbons, and nitrogen oxides in some of the air quality control regions in which the national ambient air quality standards are being violated, as well as being significant

sources of smoke; and therefore (3) that attainment and maintenance of the national ambient air quality standards and reduced impact of smoke emissions requires that aircraft and aircraft engines be subject to a program of control compatible with their significance as pollution sources. Accordingly, the Administrator has determined that emissions from aircraft and aircraft engines should be reduced to the extent practicable with present and prospective technology. The standards proposed herein are not quantitatively derived from the air quality considerations discussed in the study report cited above, but instead, reflect EPA's judgment as to what reduced emission levels are or will be practicable to achieve for turbine and piston engines.

The regulations, as proposed, make the standards for aircraft and engines applicable to such aircraft and engines throughout their lifetime. Data are presently being analyzed to determine whether aircraft and aircraft engines deteriorate over their lifetime, leading to higher emissions than when such aircraft or engines were new. A preliminary review of data on piston engines indicate that there is no significant deterioration; a review of data on turbine engines has just begun. Comment is especially invited on the issue of whether, with reasonable maintenance, aircraft or aircraft engines actually in use are capable of meeting the same standards applicable to them when they were new.

The gaseous emission standards proposed herein for aircraft gas turbine engines manufactured on or after January 1, 1976, are intended by EPA as limitations on the average emissions from the engine classes affected. However, the emission values proposed are based on the testing of a small number of engines from each class and, as a consequence, a reliable estimate of the statistical variation characteristic of the emissions from these engine classes does not yet exist. Programs now underway are expected to produce reliable estimates of the emission variations within each engine class in about a year. When these estimates are available EPA will then publish the total range of sampling variation which will be permitted in determining compliance with the standard for each engine class. EPA specifically invites comment for each affected engine type concerning:

1. Any technical changes in engine design which are considered necessary to meet the average emissions proposed herein for implementation after January 1, 1976.
2. Whether recertification would be required as a result of the changes considered necessary.
3. The estimated cost of recertifying each engine type requiring recertification.
4. The cost of any necessary design changes, with separate estimates of R. & D. costs and costs to implement the necessary changes on production engines.

The 1979 gaseous emission standards proposed herein for turbine and piston engines represent design goals and are EPA's best estimates of achievable technology by 1979. EPA believes that the

aircraft engine manufacturers and the airline industry possess the capability to translate these design goals into practice with reasonably aggressive and imaginative research and development programs. Thus, EPA fully expects the aircraft engine manufacturers and the airline industry to undertake such research and development programs as soon as possible to take full advantage of the lead time afforded by the 1979 effective date. In the case of turbine engines, these standards appear to be feasible in terms of current trends in combustion research results relating to combustor design and development. In the case of piston engines, the standards are considered by EPA to be attainable with state-of-the-art technology with some improvement in engine cooling, carburation control, and positive crankcase ventilation design.

EPA intends to monitor the development of technology and progress toward achievement of these goals by conducting a formal analysis of technology development in the area of aircraft emission control. This analysis is to be completed by January 1, 1975. At that time, on the basis of information developed in the formal study and through information solicited from affected parties and the general public, EPA will reassess the standards promulgated as a result of this rule making action. This reassessment will result in additional rule making action as deemed necessary to ensure the best technology then available is reflected in the 1979 standards. Included in the reassessment will be the range of sampling variation to be permitted in determining compliance with the emission standards.

At this time, EPA specifically invites comment on the feasibility and cost of achieving the emission standards proposed herein on or after January 1, 1979.

It is not intended that the attainment of any standard proposed herein result in the increased emission of any substance for which a standard is not proposed if such emission could endanger public health or welfare. Therefore, the Administrator may subsequently publish in the *FEDERAL REGISTER* a list of those substances whose emissions are liable to increase as a result of the installation or incorporation of any system or component, including fuel additive, designed to enable an aircraft or aircraft engine to conform to any prescribed standard. In the event such a list of substances is so published, appropriate testing and sampling methods and/or analytical techniques will be proposed under the normal rule making procedures. In this way, the Administrator can be kept informed throughout engine and aircraft development and certification programs to permit him to determine at the earliest possible time if the emissions of a substance are likely to endanger the public health or welfare. If he so determines, the Administrator may, after consultation with the Secretary of Transportation, propose an emission standard for such substance under the normal rule making procedures.

The standards contained in this notice are being proposed after consultation

with the Secretary of Transportation in order to assure appropriate consideration of aircraft safety. However, the Department of Transportation has advised that it is impossible to make conclusive judgments as to the effects of an emission standard on aircraft safety until engines designed to meet that standard have been developed, constructed, and tested. Therefore, there will be continuing consultation on this issue between this agency and that Department, both prior to and after promulgation of the standards. Should the Secretary of Transportation determine at any point that an emission standard cannot be met within the specified time without creating a safety hazard, appropriate modifications will be made to that standard or its effective date.

Section 231 of the Act also provides that the Administrator shall hold public hearings with respect to the proposed aircraft emission standards. A notice of time, date, and place for each of these hearings will be published in the *FEDERAL REGISTER* within the near future. These hearings are intended to provide an opportunity for interested persons to state their views or arguments, or provide information relative to the proposed standards. Comments relating to the advance notice of proposed rule making on ground operations procedures published elsewhere in this edition of the *FEDERAL REGISTER* may also be made at the public hearings. Any person desiring to make a statement at any of the hearings or to submit material for the record of the hearings should file a notice of such intention, and, if practicable, five copies of his proposed statement (and other relevant material) with the Environmental Protection Agency, Mobile Sources Pollution Control Program, Washington, D.C. 20460, not later than 5 days before the appropriate hearing.

In addition, interested persons may submit written comments on the proposed regulations with five copies to the address above.

All relevant comments received not later than 60 days after the date of publication of this notice will be considered. The regulations, with appropriate modifications, will be effective upon the date of republication in the *FEDERAL REGISTER*.

This notice of proposed rule making is issued under the authority of section 231 and 301A of the Clean Air Act, as amended (42 U.S.C. 1857f-9).

Dated: December 4, 1972.

ROBERT W. FRI,  
Acting Administrator.

In Title 40 of the Code of Federal Regulations, a new part, Part 87, is proposed to be added as follows:

**Subpart A—General Provisions**

- Sec. 87.1 Definitions.
- 87.2 Abbreviations.
- 87.3 General requirements.
- 87.4 Test conditions.
- 87.5 Special test procedures.
- 87.6 Aircraft safety.

**Subpart B—Engine Fuel Venting Emissions (New and In-Use Aircraft Gas Turbine Engines)**

- Sec. 87.10 Applicability.
- 87.11 Standard for fuel venting emissions.

**Subpart C—Crankcase Emissions (New Aircraft Piston Engines)**

- 87.20 Applicability.
- 87.21 Standard for crankcase emissions.

**Subpart D—Exhaust Emissions (New Aircraft Gas Turbine Engines)**

- 87.30 Applicability.
- 87.31 Standards for exhaust emissions.

**Subpart E—Exhaust Emissions (In-Use Aircraft Gas Turbine Engines)**

- 87.40 Applicability.
- 87.41 Standards for exhaust emissions.

**Subpart F—Exhaust Emissions (New and In-Use Aircraft Piston Engines)**

- 87.50 Applicability.
- 87.51 Standards for exhaust emissions (new aircraft piston engines).
- 87.52 Standards for exhaust emissions (in-use aircraft piston engines).

**Subpart G—Exhaust Emissions (New and In-Use Gas Turbine Aircraft)**

- 87.60 Applicability.
- 87.61 Standards for exhaust emissions (new gas turbine aircraft).
- 87.62 Standards for exhaust emissions (in-use gas turbine aircraft).

**Subpart H—Test Procedures for Engine Exhaust Gaseous Emissions (Gas Turbine Aircraft and Aircraft Gas Turbine Engines)**

- 87.70 Introduction.
- 87.71 Turbine fuel specifications.
- 87.72 Test procedure (propulsion engines).
- 87.73 Test procedure (auxiliary power units).
- 87.74 Sampling and analytical system for measuring exhaust emissions.
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**Subpart I—Test Procedures for Engine Smoke Emissions (Aircraft Gas Turbine Engines)**

- 87.90 Introduction.
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- 87.93 Information to be recorded.
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**Subpart J—Test Procedures for Engine Exhaust Gaseous Emissions (Aircraft Piston Engines)**

- 87.100 Introduction.
- 87.101 Gasoline fuel specification.
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- 87.104 Information to be recorded.
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- 87.106 Sampling procedures.
- 87.107 Test run.
- 87.108 Chart reading.
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- 87.110 Compliance with emission standards.
- Appendix A—Instrumentation (Aircraft Gas Turbine Engine Measurements).
- Appendix B—Instrumentation (Aircraft Piston Engine Measurements).

**Subpart A—General Provisions**

**§ 87.1 Definitions.**

(a) As used in this part, all terms not defined herein shall have meaning given them in the Act:

(1) "Act" means the Clean Air Act, as amended by Public Law 91-604.

(2) "Administrator" means the Administrator of the Environmental Protection Agency and any other officer or employee of the Environmental Protection Agency to whom the authority involved may be delegated.

(3) "Aircraft" means any airplane for which a U.S. standard airworthiness certificate or equivalent foreign airworthiness certificate is issued.

(4) "Aircraft engine" means a propulsion engine which is installed in or which is manufactured for installation in an aircraft.

(5) "Aircraft gas turbine engine" means a turboprop, turbofan, or turbojet aircraft engine.

(6) "New aircraft gas turbine engine" means an aircraft gas turbine engine which has never been in service.

(7) "New aircraft piston engine" means an aircraft piston engine which has never been in service.

(8) "In-use aircraft gas turbine engine" and "in-use aircraft piston engine" mean an aircraft gas turbine engine or aircraft piston engine (as appropriate) which is in service.

(9) "Rated power" means the highest take-off power rating approved for the engine by the Federal Aviation Administration.

(10) "Power setting" means the power output of an engine in terms of pounds thrust for turbojet and turbofan engines and shaft horsepower, or equivalent shaft horsepower, for turboprop and piston engines.

(11) "Pound-thrust hr." means 1 pound of thrust for 1 hour.

(12) "Equivalent shaft horsepower" means only the measured shaft power output of a turboshaft gas turbine engine, where 1 horsepower is assumed to be equal to 1 pound of thrust for the purposes of expressing the standards.

(13) "Auxiliary power unit" means any gas turbine engine installed in or on an aircraft exclusive of the propulsion engines.

(14) "Class T1" means all aircraft gas turbine engines of rated power less than 6,000 pounds thrust or equivalent shaft horsepower.

(15) "Class T2" means all aircraft gas turbine engines, except engines of Class T4, of a rated power of 6,000 pounds thrust or equivalent shaft horsepower or greater but less than 29,000 pounds thrust or equivalent shaft horsepower.

(16) "Class T3" means all aircraft gas turbine engines of rated power of 29,000 pounds thrust or equivalent shaft horsepower or greater.

(17) "Class T4" means all aircraft gas turbine engines of the JT8D model family.

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(18) "Class P1" means all aircraft piston engines, except radial engines.

(19) "Taxi/idle (in)" means those aircraft operations involving taxi and idle between the time of landing roll-out and final shutdown of all propulsion engines.

(20) "Taxi/idle (out)" means those aircraft operations involving taxi and idle between the time of initial starting of the propulsion engine(s) used for the taxi and turn onto duty runway.

(21) "Exhaust emissions" means substances emitted to the atmosphere from the exhaust discharge nozzle of an aircraft or aircraft engine.

(22) "Crankcase emissions" means substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication system.

(23) "Fuel venting emissions" means all raw fuel, exclusive of exhaust hydrocarbons, discharged from aircraft gas turbine engines during all normal ground and flight operations.

(24) "Smoke" means the matter in exhaust emissions which obscures the transmission of light.

(25) "Smoke number" means the dimensionless term quantifying smoke emissions.

(26) "Oxides of nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

## § 87.2 Abbreviations.

The abbreviations used in this part have the following meanings in both upper and lower case:

abs.	Absolute.
APU	Auxiliary power unit.
ASA	American Standards Association.
ASTM	American Society for Testing and Materials.
b. hp.	Brake horsepower.
c.f.h.	Cubic feet per hour.
c.f.m.	Cubic feet per minute.
C.	Centigrade.
cc.	Cubic centimeter.
CO <sub>2</sub>	Carbon dioxide.
CO	Carbon monoxide.
ESHOP	Equivalent shaft horsepower.
EPR	Engine pressure ratio.
F.	Fahrenheit.
FAA	Federal Aviation Administration, Department of Transportation.
FID	Flame ionization detector.
H/C	Hydrogen to carbon atomic ratio.
HC	Hydrocarbon(s).
Hg	Mercury.
hp.	Horsepower.
hp.-hr.	Horsepower-hour.
hr.	Hour(s).
in. Hg V.	Inches of mercury, vacuum.
I.D.	Inside diameter.
lb.	Pound(s).
LTO	Landing takeoff.
min.	Minute(s).
mm.	Millimeter(s).
N <sub>1</sub>	First-stage rotor speed.
N <sub>2</sub>	Second-stage rotor speed or nitrogen (as applicable).

NO	Nitric oxide.
NO <sub>2</sub>	Nitrogen dioxide.
NO <sub>x</sub>	Oxides of nitrogen, NO and NO <sub>2</sub> .
NDIR	Nondispersive infrared analyzer.
O <sub>2</sub>	Oxygen.
O <sub>3</sub>	Ozone.
p.p.m.	Parts per million by volume.
p.p.m.C	Parts per million carbon.
PT,	Total pressure at station 7.
R.	Rankine.
r.p.m.	Revolutions per minute.
s.c.f.h.	Standard cubic feet per hour.
s.c.f.m.	Standard cubic feet per minute.
sec.	Second(s).
TIM	Time in mode.
TT,	Total temperature at station 7.
°	Degree.
%	Percent.

## § 87.3 General requirements.

(a) This part provides for the approval or acceptance by the Administrator or his agents of testing and sampling methods, analytical techniques, and related equipment not identical to those specified in this part. Before he approves or accepts any such alternate, equivalent, or otherwise nonidentical procedures or equipment, the Administrator shall consult with the Secretary of Transportation in determining whether or not the action requires rule making under sections 231 and 232 of the Clean Air Act, as amended, consistent with the Secretary's responsibilities under section 232 of the Act.

(b) Under section 232 of the Act the Secretary of Transportation issues regulations to insure compliance with this part and all amendments thereof.

(c) Prior to consideration of a request by an interested party including the Secretary of Transportation for waiver of the prohibition of paragraph (a) of this section, the Administrator shall consult with the Secretary as to the desirability of such waiver and, if the Administrator deems it appropriate for reasons other than those specified in paragraph (b) of this section, shall grant such waiver.

## § 87.4 Test conditions.

All emission control systems, power generation systems, and other auxiliary systems normally installed on or incorporated in an aircraft or aircraft engine shall be functioning during all test procedures in this part.

## § 87.5 Special test procedures.

The Administrator may, upon written application by a manufacturer or operator of aircraft or aircraft engines, prescribe test procedures for any aircraft or aircraft engine that is not susceptible to satisfactory testing by the procedures set forth herein. Prior to taking action on any such application, the Administrator shall consult with the Secretary of Transportation.

## § 87.6 Aircraft safety.

The provisions of this part will be revised if at any time the Secretary of Transportation determines that an emission standard cannot be met within the specified time without creating a safety hazard.

## Subpart B—Engine Fuel Venting Emissions (New and In-Use Aircraft Gas Turbine Engines)

## § 87.10 Applicability.

The provisions of this subpart are applicable to each new aircraft gas turbine engines of classes T1, T2, T3, and T4 manufactured on or after January 1, 1974, and all in-use aircraft gas turbine engines of classes T1, T2, T3, and T4, beginning January 1, 1974.

## § 87.11 Standard for fuel venting emissions.

(a) No fuel venting emissions shall be discharged into the atmosphere from any new or in-use gas turbine engine subject to the subpart.

(b) Conformity with the standard set forth in paragraph (a) shall be determined by inspection of the method designed to eliminate these emissions.

## Subpart C—Crankcase Emissions (New Aircraft Piston Engines)

## § 87.20 Applicability.

The provisions of this subpart are applicable to class P1 aircraft piston engines manufactured on or after January 1, 1979.

## § 87.21 Standard for crankcase emissions.

(a) No crankcase emissions shall be discharged into the atmosphere from any aircraft piston engine subject to this subpart.

(b) Conformity with the standard set forth in paragraph (a) shall be determined by inspection of the method designed to eliminate these emissions.

## Subpart D—Exhaust Emissions (New Aircraft Gas Turbine Engines)

## § 87.30 Applicability.

The provisions of this subpart are applicable to all new aircraft gas turbine engines of the classes specified beginning on the dates specified.

## § 87.31 Standards for exhaust emissions.

(a) Exhaust emissions of smoke from each new aircraft gas turbine engine of class T4 manufactured on or after January 1, 1974, shall not exceed: smoke number of 30.

(b) Exhaust emissions from each new aircraft gas turbine engine of the classes specified below manufactured on or after January 1, 1976, shall not exceed:

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(1) Class T1:	8.7 pounds/1,000 pound-thrust hours/cycle.
(i) Hydrocarbons -----	11.3 pounds/1,000 pound-thrust hours/cycle.
(ii) Carbon monoxide -----	Smoke number of 35.
(iii) Smoke -----	
(2) Class T2:	
(i) Hydrocarbons -----	2.5 pounds/1,000 pound-thrust hours/cycle.
(ii) Carbon monoxide -----	11.9 pounds/1,000 pound-thrust hours/cycle.
(iii) Smoke -----	Smoke number of 25.
(3) Class T3:	
(i) Hydrocarbons -----	3 pounds/1,000 pound-thrust hours/cycle.
(ii) Carbon monoxide -----	11.3 pounds/1,000 pound-thrust hours/cycle.
(iii) Smoke -----	Smoke number of 20.
(4) Class T4:	
(i) Hydrocarbons -----	2.5 pounds/1,000 pound-thrust hours/cycle.
(ii) Carbon monoxide -----	11.9 pounds/1,000 pound-thrust hours/cycle.
(iii) Smoke -----	Smoke number of 35.
(2) Class T2 or T4:	
(i) Hydrocarbons -----	0.4 pound/1,000 pound-thrust hours/cycle.
(ii) Carbon monoxide -----	2.1 pounds/1,000 pound-thrust hours/cycle.
(iii) Oxides of nitrogen -----	3.2 pounds/1,000 pound-thrust hours/cycle.
(iv) Smoke -----	Smoke number of 25.
(3) Class T3:	
(i) Hydrocarbons -----	0.4 pound/1,000 pound-thrust hours/cycle.
(ii) Carbon monoxide -----	1.7 pounds/1,000 pound-thrust hours/cycle.
(iii) Oxides of nitrogen -----	3 pounds/1,000 pound-thrust hours/cycle.
(iv) Smoke -----	Smoke number of 20.

(c) Exhaust emissions from each aircraft gas turbine engine of the classes specified below manufactured on or after January 1, 1979, shall not exceed:

Class T1:

- (i) Hydrocarbons -----
- (ii) Carbon monoxide -----
- (iii) Oxides of nitrogen -----
- (iv) Smoke -----

Class T2:

- (i) Hydrocarbons -----
- (ii) Carbon monoxide -----
- (iii) Oxides of nitrogen -----
- (iv) Smoke -----

Class T3:

- (i) Hydrocarbons -----
- (ii) Carbon monoxide -----
- (iii) Oxides of nitrogen -----
- (iv) Smoke -----

Class T4:

- (i) Hydrocarbons -----
- (ii) Carbon monoxide -----
- (iii) Oxides of nitrogen -----
- (iv) Smoke -----

<b>Subpart F—Exhaust Emissions (New and In-Use Aircraft Piston Engines)</b>	<b>§ 87.51 Standards for exhaust emissions (new aircraft piston engines).</b>
<b>§ 87.50 Applicability.</b>	The provisions of this subpart are applicable to all aircraft piston engines of class P1 beginning on the date specified:
(1) Hydrocarbons -----	0.00190 pound/rated power/cycle.
(2) Carbon monoxide -----	0.0032 pound/rated power/cycle.
(3) Oxides of nitrogen -----	0.0015 pound/rated power/cycle.
<b>Subpart G—Exhaust Emissions (New Gas Turbine Aircraft)</b>	<b>§ 87.60 Applicability.</b>
(b) The standards set forth in paragraph (a) of this section refer to a composite gaseous exhaust emission sample representing the operating cycle set forth in the applicable sections of Subpart J of this part and measured and calculated in accordance with the procedures set forth in that subpart.	The provisions of this subpart are applicable to all gas turbine aircraft beginning on the date specified.
<b>§ 87.52 Standards for exhaust emissions (in-use aircraft piston engines).</b>	<b>§ 87.61 Standards for exhaust emissions (new gas turbine aircraft).</b>
Beginning January 1, 1979, exhaust emissions from each in-use aircraft piston engine shall not exceed the level applicable to such engine when it was new.	Beginning January 1, 1979, exhaust emissions resulting from the generation of onboard power from each new gas turbine aircraft manufactured on or after January 1, 1976, shall not exceed:
(1) Hydrocarbons -----	(1) Hydrocarbons -----
(2) Carbon monoxide -----	(2) Carbon monoxide -----
	0.4 pound/1,000 hp-hr. of power output.
	12.2 pounds/1,000 hp-hr. of power output.
<b>§ 87.53 Standards for exhaust emissions (in-use aircraft gas turbine engines).</b>	<b>§ 87.62 Standards for exhaust emissions (in-use gas turbine aircraft).</b>
(d) The standards set forth in paragraphs (a), (b), and (c) of this section refer to a composite gaseous emission sample representing the operating cycles set forth in the applicable sections of Subpart H of this part, and exhaust smoke emissions emitted during operations of the engine as specified in the applicable sections of Subpart I of this part, and measured and calculated in accordance with the procedures set forth in those subparts.	Subpart H of this part and emissions measured and calculated in accordance with those procedures.
(e) In addition to the requirements imposed by paragraphs (a), (b), and (c) of this section, each in-use aircraft gas turbine engine shall not exceed the level of the emissions applicable to such engine when it was new.	Beginning January 1, 1976, exhaust emissions from each in-use aircraft resulting from generation of onboard power shall not exceed the level of the emission standards applicable to such aircraft when it was new.

<b>Subpart E—Exhaust Emissions (In-Use Aircraft Gas Turbine Engines)</b>	<b>§ 87.40 Applicability.</b>
The provisions of this subpart are applicable to all in-use aircraft gas turbine engines of the classes specified beginning on the dates specified.	The provisions of this subpart are applicable to all aircraft engines of the classes specified beginning on the dates specified.
<b>§ 87.41 Standards for exhaust emissions.</b>	
(a) Exhaust emissions of smoke from each in-use aircraft gas turbine engine	(a) In addition to the requirements imposed by paragraphs (a), (b), and (c) of this section, each in-use aircraft gas turbine engine shall not exceed the level of the emissions applicable to such engine when it was new.

## PROPOSED RULE MAKING

**Subpart H—Test Procedures for Engine Exhaust Gaseous Emissions (Gas Turbine Aircraft and Aircraft Gas Turbine Engines)****§ 87.70 Introduction.**

Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use aircraft gas turbine engines with the applicable standards set forth in this part. The procedures shall also be used to determine emissions from auxiliary power units in determining conformity of new and in-use gas turbine aircraft with the applicable standards set forth in this part.

(a) The test consists of operating the engine at prescribed power settings on an engine dynamometer (for engines producing primarily shaft horsepower) or thrust measuring test stand (for engines producing primarily thrust). The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train.

(b) The exhaust emission test is designed to measure hydrocarbons, carbon monoxide, and oxides of nitrogen concentrations and determine mass emissions and engine work output through calculations during a simulated aircraft landing-takeoff cycle (LTO). The LTO cycle is based on time in mode data during high activity periods at major airports. The test for propulsion engines consists of five modes of engine operation: Taxi/idle (out), takeoff, climbout, approach, and taxi/idle (in). The mass emission and work output for the modes are combined to yield the reported values. The test for auxiliary power units consists of one mode: Full load.

(c) When an engine is tested for exhaust emissions on an engine dynamometer or test stand, the complete engine shall be used with all accessories which might reasonably be expected to influence emissions to the atmosphere installed and functioning.

**§ 87.71 Turbine fuel specifications.**

For exhaust emission testing, fuel meeting the specifications, ASTM D1655-67-Jet A, shall be used. Nonmetallic additives as specified in ASTM D1655-67-Jet A, may be present. Additives used for the purpose of smoke suppression (such as organometallic compounds) shall not be present.

**§ 87.72 Test procedure (propulsion engines).**

(a) (1) The engine shall be tested in each of the following five engine operating modes which simulate aircraft operation to determine its mass emission rates and work output.

Mode	Power setting (percent of rated power)		
	Class T1	Class T2 or T4	Class T3
Taxi/idle (out)	See subparagraph (2) of this paragraph.		
Takeoff	100	100	100
Climbout	90	85	85
Approach	30	40	30
Taxi/idle (in)	See subparagraph (2) of this paragraph.		

(2) The taxi/idle operating modes shall be carried out at a power setting in accordance with applicable Federal Aviation Administration regulations or, where there are no such applicable regulations, at the manufacturer's recommended power setting for idle.

(b) Emission testing shall be conducted on warmed-up engines which have achieved a steady operating temperature.

**§ 87.73 Test procedure (auxiliary power units).**

(a) In determining compliance with the aircraft emission standards under

Subpart G of this part, each auxiliary power unit shall be tested at its maximum load condition as indicated by its power output, exhaust gas temperature, or turbine inlet temperature to determine its mass emission rate and work output. The work output shall be determined as a combination of shaft energy output and actual bleed air energy content.

(b) Emission testing shall be conducted on warmed-up auxiliary power units which have achieved a steady operating temperature.

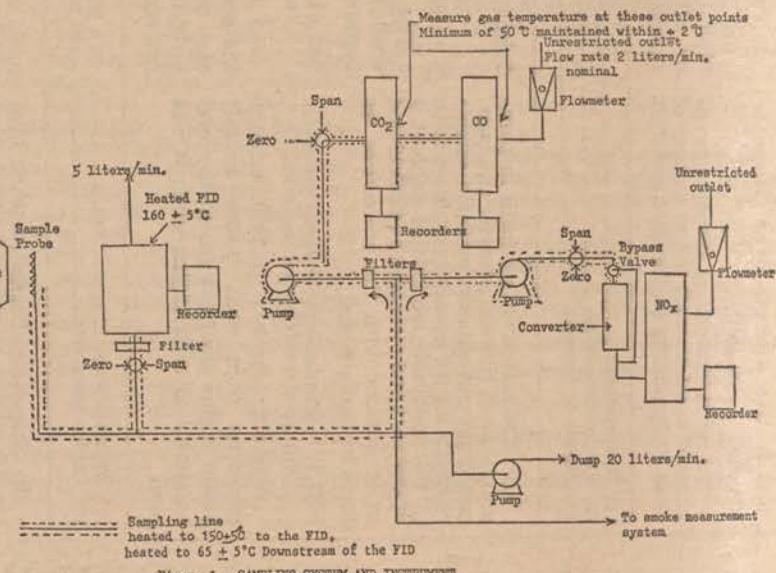


Figure 1. SAMPLING SYSTEM AND INSTRUMENT ARRANGEMENT

**§ 87.74 Sampling and analytical system for measuring exhaust emissions.**

(a) *Schematic drawing.* Figure 1 is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under the regulations in this subpart. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Water removal devices.* No desiccants, dryers, water traps, or related equipment may be used to treat the exhaust sample flowing to the oxides of nitrogen measurement instrumentation.

(c) *Component description (exhaust gas sampling system).* The following components shall be used in the exhaust gas sampling system for testing under the regulations in this subpart.

(1) *Sampling probe.* (i) *Probe design concept:* The probe shall be made of stainless steel. If a mixing probe is used, all sampling holes shall be of equal diameter. Total probe orifice area shall be such that the principal pressure drop through the probe assembly shall be taken at the orifice (or orifices).

(ii) *Probe orientation and sampling location:*

(a) A minimum of 12 sampling points shall be used. Either mixing or individual probes are acceptable.

(b) A minimum of three different radial positions shall be used in each of four sampling quadrants.

(c) If the minimum of 12 sampling points are used, the points in circumferentially adjacent sampling areas shall be separated by at least 30° angular displacement. No two sampling points shall be separated in any direction by a distance less than 0.1 tailpipe radius or 0.1 annular height, as applicable. If the number of sampling points (*n*) is greater than 12, they shall be equal in number in each quadrant and the minimum separations specified in (b) of this subdivision shall be reduced by a factor—12/*n*.

(d) The axial sampling plane shall be as close to the plane of the exit nozzle as engine performance parameters permit but in any case shall be within one exit nozzle diameter of the exit plane.

(e) In all cases the probe shall be designed to obtain a representative sample over the area of the entire exhaust nozzle, on both mixed fan engines and nonmixed fan engines as well as turboprops, turboprops and turboshaft engines.

(f) The multipoint probe shall be designed to minimize the errors due to pollutant stratification, whether the stratification is due to combustor design, mixing or lack of mixing, or engine design such as mixing of fan and core air.

(2) *Sample transfer.* The sample shall be transferred from the probe to the

analytical instruments through a heated sample line of either stainless steel or Teflon of 0.18- to 0.32-in. I.D. The sample lines shall be maintained at a temperature of  $150^{\circ}\pm 5^{\circ}$  C. Sample flow rate from the engine to the instruments shall be such that the transport time from jet nozzle to instruments is 2 sec. or less.

(d) *Component description (exhaust gas analytical system).* The following components shall be used in the exhaust gas analytical system for testing under the regulations in this subpart. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector analysis, the determination of carbon monoxide and carbon dioxide concentrations by non-dispersive infrared analysis and the determination of oxides of nitrogen concentrations by chemiluminescence analysis of exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Appendix A of this part.

#### § 87.75 Information to be recorded.

The following information as applicable, shall be recorded with respect to each test.

(a) *General.* (1) Facility performing test.

(2) Description of test equipment including the probe and sampling and analytical train.

(3) Instrument operator.

(4) Test stand operator.

(5) Fuel identification, including H/C ratio and additives, if any.

(b) *Aircraft (in which engine is or will be installed) description.* (1) Manufacturer.

(2) Model number.

(3) Serial number (if known).

(4) User.

(5) Engine installation position.

(c) *Engine description.* (1) Manufacturer.

(2) Model number.

(3) Serial number.

(4) Time since overhaul and other pertinent maintenance information.

(d) *Test data.* (1) Test number.

(2) Date.

(3) Time.

(4) Ambient temperature and engine inlet temperature.

(5) Barometric pressure.

(6) Relative humidity.

(7) Sample line temperature.

(8) Sample line residence time.

(9) All pertinent instrument information such as tuning, gain, full scale range.

(10) *Recorder charts:* Identify zero, span, exhaust gas sample traces, and operating mode.

- (e) *Operating mode data.* (1) Nominal power setting.
- (2) Actual power setting (pound thrust, horsepower, etc.).
- (3)  $N_1$  speed, revolutions per minute.
- (4)  $N_2$  speed, revolutions per minute.
- (5) Measured fuel flow, pounds/hour.
- (6) Air flow, pounds/second and method of determination.
- (7) Bleed air flow, pounds/second and pressure (APU's only).
- (8) PT.
- (9) EPR.
- (10) TT.

- (11) Pollutant concentration, from recorders, in percent or parts per million by volume, and parts per million carbon for hydrocarbons.

**§ 87.76 Calibration and instrument checks.**

- (a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

- (1) Adjust analyzers to optimize performance.

- (2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 2 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 300 p.p.m. carbon dioxide, and 0.1 p.p.m. nitric oxide.

- (3) Set the CO and  $CO_2$  analyzer gains to give the desired range. Select desired attenuation scale of the HC analyzer and set the sample capillary flow rate, by adjusting the back pressure regulator, to give the desired range. Select the desired scale of the  $NO_x$  analyzer and adjust the phototube high voltage supply to give the desired range.

- (4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale of each range used. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the  $CO_2$  analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 30, 60, and 90 percent of full scale of each range used. Calibrate the  $NO_x$  analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale of each range used. The actual concentrations should be known to within  $\pm 2$  percent of the true values.

- (5) Compare values obtained on the CO and  $CO_2$  analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction. Log gain reading.

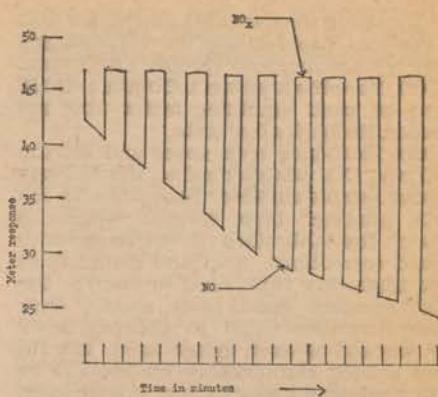


Figure 2. CONVERTER EFFICIENCY CHECK RESPONSE

- (6) Check the  $NO_x$  to NO converter efficiency by the following procedure:

- (i) Fill a new (not previously used to collect exhaust gas samples) sample bag with air (or oxygen) and NO span gas in proportions which result in a mix in the operating range of the analyzer. Provide enough oxygen for substantial conversion of NO to  $NO_x$ .

- (ii) Knead bag and immediately connect the bag to the sample inlet and alternately measure the NO and  $NO_x$  concentration at 1-minute intervals by alternately passing the sample through the converter and the bypass. After several minutes of operation, the recording of NO and  $NO_x$  will resemble figure 2 if the converter is efficient. Even though the amount of  $NO_x$  increases with time, the total  $NO_x$  ( $NO+NO_x$ ) remains constant. A decay of  $NO_x$  with time indicates the converter is not essentially 100 percent efficient, and the cause of the inefficiency shall be determined and corrected before the instrument is used.

- (iii) The converter efficiency shall be checked at least once weekly and preferably once daily.

- (b) Daily calibration and instrument checks shall be performed in accordance with § 87.77.

- (c) For the purposes of this section, the term "zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18- and 21-mole percent.

#### § 87.77 Sampling procedures.

- (a) *HC, CO,  $CO_2$ , and  $NO_x$  measurements.* Allow a minimum of 2 hours warmup for the CO,  $CO_2$ , HC, and  $NO_x$  analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations shall be performed in conjunction with each series of measurements:

## PROPOSED RULE MAKING

(1) Check the sampling system for any leaks that could dilute the exhaust gas and replace or clean sample line filters.

(2) Zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(3) Introduce span gases and set the CO and CO<sub>2</sub> analyzer gains, the HC analyzer sample capillary flow rate and the NO<sub>x</sub> analyzer high voltage supply to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of each range used. If gain has shifted significantly on the CO or CO<sub>2</sub> analyzers, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart. Log gain reading.

(4) Check zeros; repeat the procedure in subparagraphs (1) and (2) of this paragraph if required.

(5) Check sample line temperature and residence time.

(6) Check instrument flow rates and pressures.

(7) The engine shall be operated in each operating mode until emission levels have stabilized as indicated by a constant instrument reading or recorder output. This stabilized reading shall be recorded and used in calculating mass emission rates as called for in § 87.80.

(8) Measure, HC, CO, CO<sub>2</sub>, and NO<sub>x</sub> concentrations of the exhaust sample at the various modes called for in § 87.72 or § 87.73, as appropriate.

(9) If individual probes are used, the number to be reported (for each component) shall be the arithmetic average of the values obtained at each sampling point. If mixing probes are used, the number to be reported shall be the average of the values of the several probes, giving each probe a weighting factor equal to the number of sample points in that particular probe.

(10) Check zero and span points. If either has changed by  $\pm 2$  percent, the test shall be rerun: *Provided*, that if it is impractical to repeat the test, a correction based on interpolation linear with time is acceptable for corrections within  $\pm 4$  percent.

(b) *Sample system contamination.* (1) Care shall be taken to avoid loading of the sampling system with raw fuel discharge during engine starting.

(2) When the sample probe is in the exhaust stream and sampling is not in process, a back surge with an inert gas may be necessary to protect the probe and sample line from particulate buildup which could affect smoke readings. Care shall be taken to prevent this particulate buildup.

## § 87.78 Test run.

A test run shall consist of operating the engine in accordance with § 87.72 or § 87.73, as applicable. The engine shall be operated in the sequence called for under these sections without intervening operating points, unless an alternate procedure is agreed to in writing by the Administrator before such testing is conducted.

## § 87.79 Chart reading.

Determine the HC, CO, CO<sub>2</sub>, and NO<sub>x</sub> concentrations of the exhaust sample during the various modes from the instrument deflections or recordings, making use of appropriate calibration charts.

## § 87.80 Calculations.

(a) The final reported test results shall be computed by use of the following formulas:

## (1) Hydrocarbon:

$$\text{HC pounds/1,000 pound-thrust hours/cycle} = \frac{\text{Sum of the HC mass/mode of each mode}}{\text{Sum of the work output of each mode}}$$

## (2) Carbon monoxide:

$$\text{CO pounds/1,000 pound-thrust hours/cycle} = \frac{\text{Sum of the CO mass/mode of each mode}}{\text{Sum of the work output of each mode}}$$

## (3) Oxides of nitrogen:

$$\text{NO}_x \text{ pounds/1,000 pound-thrust hours/cycle} = \frac{\text{Sum of the NO}_x \text{ mass/mode of each mode}}{\text{Sum of the work output of each mode}}$$

(b) The pollutant mass and work output per mode shall be computed by use of the following formulas:

$$(1) \text{MC mass/mode} = \text{HC emission rate} \times \text{TIM.}$$

$$(2) \text{CO mass/mode} = \text{CO emission rate} \times \text{TIM.}$$

$$(3) \text{NO}_x \text{ mass/mode} = \text{NO}_x \text{ emission rate} \times \text{TIM.}$$

$$(4) \text{Work output of each mode} = \text{power (pounds thrust or horsepower)} \times \text{TIM.}$$

(c) The emission rates for each mode shall be computed by use of the following formulas:

$$(1) \text{HC emission rate} = \frac{\text{M}_{\text{HC}} \frac{(\text{HC})}{10^4} \text{F}}{(\text{M}_{\text{C}} + \text{aM}_{\text{H}}) \left( \frac{(\text{CO})}{10^4} + (\text{CO}_2) + \frac{(\text{HC})}{10^4} \right)}$$

$$(2) \text{CO emission rate} = \frac{\text{M}_{\text{CO}} \frac{(\text{CO})}{10^4} \text{F}}{(\text{M}_{\text{C}} + \text{aM}_{\text{H}}) \left( \frac{(\text{CO})}{10^4} + (\text{CO}_2) + \frac{(\text{HC})}{10^4} \right)}$$

$$(3) \text{NO}_x \text{ emission rate} = \frac{\text{M}_{\text{NO}_x} \frac{(\text{NO}_x)}{10^4} \text{F}}{(\text{M}_{\text{C}} + \text{aM}_{\text{H}}) \left( \frac{(\text{CO})}{10^4} + (\text{CO}_2) + \frac{(\text{HC})}{10^4} \right)}$$

(d) The times in mode (TIM) shall be as specified below: Times in mode (minutes)

	Class T1	Class T2 or T4	Class T3
(1) Taxi/idle (out)...	19	19	19
(2) Takeoff.....	0.5	0.7	0.7
(3) Climbout.....	2.5	2.2	2.2
(4) Approach.....	4.5	4.0	4.0
(5) Taxi/idle (in)...	7.0	7.0	7.0

## (e) Meaning of symbols:

(1) (i) HC mass/mode=Total mass hydrocarbons emissions in pounds emitted during an operational mode as specified in § 87.72 and paragraph (d) of this section.

(ii) CO mass/mode=Total mass of carbon monoxide emissions in pounds emitted during an operational mode as specified in § 87.72 and paragraph (d) of the paragraph.

(iii) NO<sub>x</sub> mass/mode=Total mass of oxides of nitrogen emissions in pounds emitted during an operational mode as specified in § 87.72 and paragraph (d) of this section.

(2) (i) HC emission rate=Pounds/hour of exhaust hydrocarbons emitted in an operational mode.

(ii) CO emission rate=Pounds/hour of exhaust carbon monoxide emitted in an operational mode.

(iii) NO<sub>x</sub> emission rate=Pounds/hour of exhaust oxides of nitrogen emitted in an operational mode.

(3):

(1) M<sub>HC</sub>=Molecular weight of methane, M<sub>HC</sub>=16.04.

(ii) M<sub>CO</sub>=Molecular weight of carbon monoxide.

(iii) M<sub>NO<sub>x</sub></sub>=Molecular weight of nitrogen dioxide.

(iv) M<sub>C</sub>=Atomic weight of carbon.

(v) M<sub>H</sub>=Atomic weight of hydrogen, M<sub>H</sub>=1.008.

(vi) a=Atomic hydrogen-carbon ratio of fuel.

## (4) For each operating mode:

(i) (HC)=Concentration of hydrocarbons in the exhaust sample in parts per million carbon equivalent, i.e., equivalent propane  $\times 3$ .

(ii) (CO)=Concentration of carbon monoxide in the exhaust sample in parts per million by volume.

(iii) (CO<sub>2</sub>)=Concentration of CO<sub>2</sub> in the exhaust sample in volume percent.

(iv) (NO<sub>x</sub>)=Concentration of oxides of nitrogen in the exhaust sample in parts per million by volume, NO+NO<sub>2</sub>.

(v) F=Mass rate of fuel flow in pounds per hour.

(5) TIM=Time in mode as specified in paragraph (d) of this section, divided by 60 to yield time in mode in hours.

## § 87.81 Compliance with emission standards.

Compliance with each emission standard by any aircraft shall be determined by comparing the pollutant level in pounds/1,000 pound-thrust hours/cycle as calculated in § 87.80(a) with the applicable emission standard under this part. The pollutant level for the cycle shall not exceed the standard, taking into account allowable variation due to sampling error.

**Subpart I—Test Procedures for Engine Smoke Emission (Aircraft Gas Turbine Engines)**

**§ 87.90 Introduction.**

Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use gas turbine engines with the applicable standards set

forth in this part. The test is essentially the same as that described in §§ 87.70-87.72, except that the test is designed to determine the smoke emission level at various operating points representative of engine usage in aircraft.

**§ 87.91 Fuel specifications.**

Fuel having specifications as provided in § 87.71 shall be used in smoke emission testing.

holder shall be made of corrosion resistant material.

(4) *Sampling probe.* A probe identical to the probe specified in § 87.74(c) shall be used.

(5) *Sampling lines.* The sampling lines shall be straight through with no kinks or loops, and no bends having a radius of less than 10 line diameters. Sampling line inside diameter shall be within 0.18 to 0.32 inch. The sampling line section from the probe exit to valve A entrance shall be of minimum length, not greater than 75 feet, with a minimum of fittings or other breaks. Line material shall be such as to not encourage build-up of either particulate matter or static electric charge, such as stainless steel or copper.

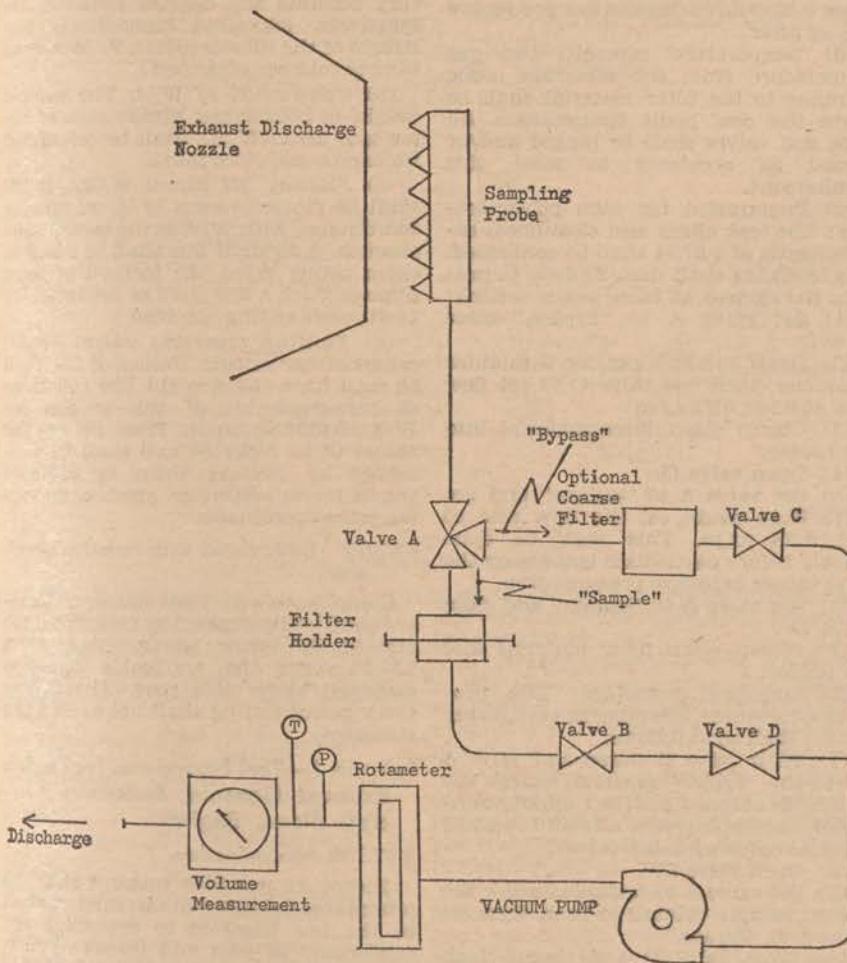


Figure 3. SAMPLING SYSTEM SCHEMATIC DIAGRAM

**§ 87.92 Sampling and analytical system for measuring smoke exhaust emissions.**

(a) *Schematic drawing.* Figure 3 is a schematic drawing of the exhaust smoke sampling and analytical system which shall be used in testing under the regulation in this subpart.

(b) *Component description.* The following components shall be used in the sampling and analytical system for testing under the regulations in this subpart.

(1) *Sample size measurement.* A wet or dry positive displacement meter shall be used to measure sample size to an accuracy of  $\pm 0.01$  standard cubic foot. Pressure and temperature shall be measured immediately upstream of the meter.

Accuracy shall be no less than  $\pm 0.10$  in. Hg and  $\pm 4^\circ$  F., respectively. If a dry type meter is used, it may be located between the filter holder and the vacuum pump.

(2) *Sample flow rate measurement.* Sample flow rate shall be measured with a rotameter with accuracy of no less than  $\pm 0.02$  cubic foot per minute.

(3) *Filter holder.* The filter holder shall firmly clamp the filter material so that overall system leakage does not exceed that provided in § 87.94(c). The holder internal geometry shall be such that the variation of SN over the sample spot surface is not greater than two. Suggested and required elements of the filter holder design are given in figure 4. The filter

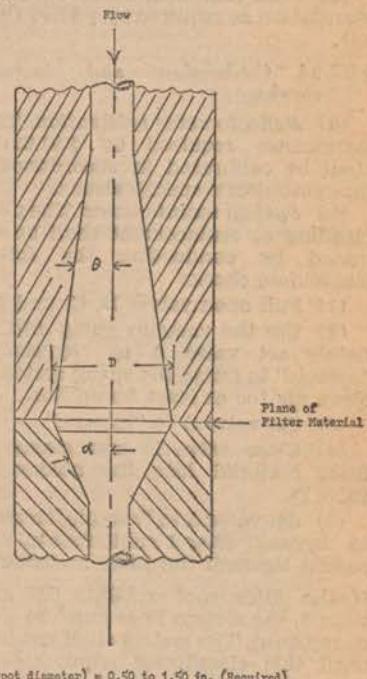


Figure 4. FILTER HOLDER SCHEMATIC DIAGRAM

(6) *Valving.* Four valve elements shall be provided. Valve A shall be a quick acting, full-flow, flow diverter with "closed," "sample," and "bypass" positions. Valve A may consist of two valves, provided that they are interlocked so that one of the pair cannot act independently of the other. Valves B and C shall be throttling valves used to establish a system flow rate. Valve D shall be a shut-off valve used in isolating the filter holder. All valves shall be made of corrosion resistant material.

(7) *Vacuum pump.* The vacuum pump shall have a no-flow vacuum capability of at least 22 in. Hg. V., and full-flow capacity of 1 s.c.f.m. minimum.

(8) *Reflectometer.* A reflectometer conforming to ASA standard for diffuse reflection density, number Ph2.17-1958, shall be used. The diameter of the reflectometer light beam on the filter paper shall be no more than one-half of "D,"

## PROPOSED RULE MAKING

the diameter of the filter spot. The allowable range of "D" is given in figure 4.

(9) *Filter material.* The filter material shall be Whatman No. 4 filter paper or equivalent approved by the Administrator.

**§ 87.93 Information to be recorded.**

The following information shall be recorded with respect to each test in addition to that information called for in § 87.75 (a) through (c).

(a) Sample temperature.

(b) Sample pressure.

(c) Actual sample volume at sampling conditions.

(d) Actual sample flow rate at sampling conditions.

(e) Leak and cleanliness checks substantiation as required by § 87.94 (b) and (c).

**§ 87.94 Calibration and instrument checks.**

(a) *Reflectometer calibration.* The reflectometer required by § 87.92(b)(8) shall be calibrated in accordance with manufacturer's specifications.

(b) *System maintenance.* The need for cleaning or replacement shall be determined by conducting the following cleanliness check:

(1) Full open valves B, C, and D.

(2) Use the vacuum pump and alternately set valve A to "bypass" and "sample" to purge the entire system with clean air for at least 5 minutes.

(3) Set valve A to "bypass."

(4) Close valve D and clamp clean filter material into the holder. Open valve D.

(5) Set valve A to "sample," reset back to "bypass" after 1 cubic foot of air has passed through the filter material.

If the filter spot exhibits SN greater than 3, the system lines must be cleaned or replaced. The system shall not be used until this cleanliness requirement has been met.

(c) *Leak check.* The following procedure shall be used to leak check the system.

(1) Clamp clean filter material into the holder.

(2) Close valve A, full open valves B, C, and D.

(3) Run the vacuum pump for exactly 5 minutes.

The system shall be satisfactory if no more than 0.20 cubic foot passed through the volume meter during 5 minutes. The system shall not be used until this requirement has been met.

**§ 87.95 Test procedures.**

(a) The engine shall be operated as provided in § 87.72.

(b) *Precautions:* The material being measured is composed of low-micron and/or submicron size agglomerated particles. Precautions shall be taken to assure that steady state conditions have been achieved prior to taking a sample. To prevent material accumulation, the

system shall not be left in a no-flow condition when exhaust gas is contained.

(c) *Sampling:* Not less than 1 minute shall be allowed to assure that the system is fully charged with a representative gas sample. The sampling flow rate shall be maintained at  $0.50 \pm 0.02$  c.f.m. At least four sample sizes shall be taken within the range of 0.00765 to 0.115 lb. of exhaust gas per square inch of filter. Samples shall be taken both above and below 0.0230 lb. of exhaust gas per square inch of filter.

(d) *Temperature control:* The gas temperature from the sampling probe entrance to the filter material shall be above the dew point temperature. All lines and valves shall be lagged and/or heated as necessary to meet this requirement.

(e) *Preparation for each power setting:* The leak check and cleanliness requirements of § 87.94 shall be confirmed. The following shall then be done to prepare the system at each power setting:

(1) Set valve A to "bypass," close valve D.

(2) Draw exhaust gas for 5 minutes minimum, then use valve C to set flow rate at  $0.50 \pm 0.02$  c.f.m.

(3) Clamp clean filter material into the holder.

(4) Open valve D.

(5) Set valve A to "sample" and use valve B to again set the flow rate to  $0.50 \pm 0.02$  c.f.m. This shall be done quickly before particulate buildup on the filter causes excessive pressure drop.

(6) Set valve A to "bypass" and close valve D.

(7) Clamp clean filter material into the holder.

(f) *Sampling procedure:* The procedure for smoke sampling at each power setting shall be as follows:

(1) With valve D closed and valve A set at the "bypass" position, charge the lines with exhaust gas for 1 minute minimum. Reestablish flow rate at  $0.50 \pm 0.02$  c.f.m. as required, using valve C.

(2) Open valve D.

(3) Set valve A to "sample," allow the chosen sample volume to pass, then set valve A to "bypass."

(4) Close valve D and clamp clean filter material into the holder.

(5) Repeat subparagraphs (2) through (4) of this paragraph for at least three more sample sizes in accordance with paragraph (c) of this section.

**§ 87.96 Test run.**

With respect to engine operation, the test run shall be conducted in accordance with § 87.78.

**§ 87.97 Determination of SN.**

Smoke spot analysis shall be made with a reflectometer as specified in § 87.92(b)(8). The backing material shall be black with a maximum absolute reflectance of 3 percent. The reflectance reading of each spot shall be used to calculate SN by:  $SN = 100 \left(1 - \frac{Rs}{Rw}\right)$ .  $Rs$  = absolute reflectance of the sample spot.  $Rw$  = absolute reflectance of clean filter material.

solute reflectance of the sample spot.  $Rw$  = absolute reflectance of clean filter material.

**§ 87.98 Calculations.**

(a) *Calculation of W.* The sample weight (W) shall be calculated by:  $W (lb.) = 1.326 \frac{PV}{T}$  P, T: Sample pressure and

temperature in units of inches of mercury absolute and degrees Rankine, respectively, measured immediately upstream of the volume meter. V: Measured sample volume (cubic feet).

(b) *Calculation of W/A.* The sample weight in pounds per square inch of filter spot area (W/A) shall be calculated for each sample size taken.

(c) *Plotting SN versus W/A.* All SN shall be plotted versus W/A on semilog coordinates, with W/A as the logarithmic abscissa. A straight line shall be fitted to these points using the method of least squares. Such a line shall be produced for each power setting specified.

(d) *Plotting reporting values of SN versus power setting.* Values of SN shall be read from the straight line functions of paragraph (c) of this section for  $W/A = 0.0230$  lb./sq. in. These SN are the values to be reported and shall be presented by plotting them as ordinate versus power setting as abscissa on rectangular coordinates.

**§ 87.99 Compliance with emission standards.**

Compliance with each emission standard shall be determined by comparing the plot of SN versus power setting from § 87.98 with the applicable emission standard under this part. The SN at every power setting shall not exceed the standard.

**Subpart J—Test Procedures for Engine Exhaust Gaseous Emissions (Aircraft Piston Engines)**

**§ 87.100 Introduction.**

Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use aircraft piston engines with the applicable standards set forth in this part.

(a) The test consists of operating the engine at prescribed power settings on an engine dynamometer or test stand. The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train.

(b) The exhaust emission test is designed to measure hydrocarbon, carbon monoxide, and oxides of nitrogen concentrations and determine mass emissions through calculations during a simulated aircraft landing-takeoff cycle (LTO). The LTO cycle is based on time in mode data during high activity periods at major airports. The test consists of five modes of engine operation: Taxi/idle (out), takeoff, climbout, approach, and taxi/idle (in). The mass emissions for the

modes and engine rated power are combined to yield the reported values.

(c) When an engine is tested for exhaust emissions on an engine dynamometer or test stand, the complete engine shall be used with all accessories, which might reasonably be expected to influence emissions to the atmosphere, installed and functioning.

#### § 87.101 Gasoline fuel specifications.

For exhaust emission testing, fuel meeting the specifications of ASTM D910-67 for grades 80/87 or 100/130 (as applicable) shall be used. The lead content and octane rating of the fuel shall be in the range recommended by the engine manufacturer.

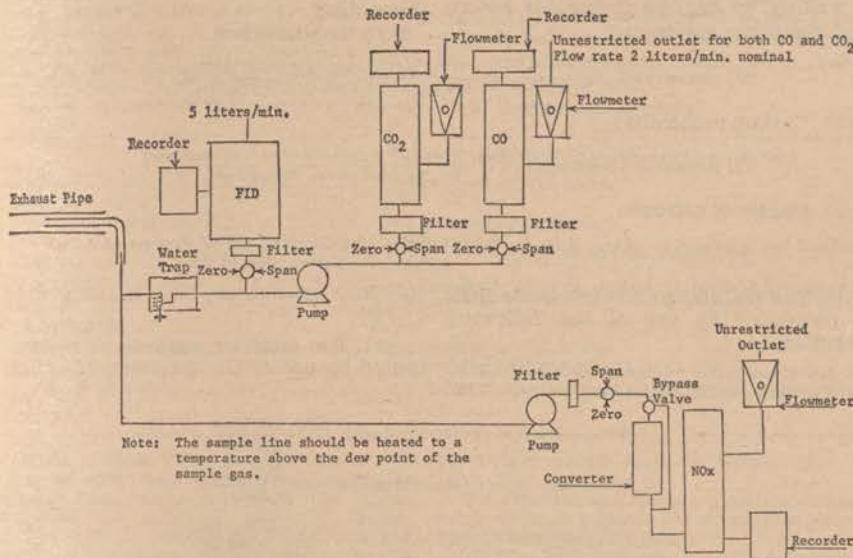


FIGURE 5

SAMPLING SYSTEM AND INSTRUMENT ARRANGEMENT

#### § 87.102 Test procedure.

(a) (1) The engine shall be tested in each of the following five engine operating modes which simulate aircraft operation to determine its mass emission rates:

Mode	Power setting (percent of rated power)
Taxi/idle (out)	See subparagraph (2) of this paragraph.
Takeoff	100 percent.
Climbout	See subparagraph (3) of this paragraph.
Approach	40 percent.
Taxi/idle (in)	See subparagraph (2) of this paragraph.

(2) The taxi/idle operating modes shall be conducted in accordance with the manufacturer's recommended power setting.

(3) The climbout operating mode shall be conducted in accordance with the manufacturer's recommended power setting: *Provided*, That the power setting shall be between 75 and 100 percent of rated power.

(b) Emission testing shall be conducted on warmed-up engines which have achieved a steady operating temperature.

#### § 87.103 Sampling and analytical system for measuring exhaust emissions.

(a) *Schematic drawing.* Figure 5 is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under the regulations in this subpart. Additional components such as instruments, valves, solenoids, pumps, and switches may be

used to provide additional information and coordinate the functions of the component systems.

(b) *Water removal devices.* No desiccants, dryers, water traps, or related equipment may be used to treat the exhaust sample flowing to the oxides of nitrogen measurement instrumentation.

(c) *Component description (exhaust gas sampling system).* The following components shall be used in the exhaust gas sampling system for testing under the regulations in this subpart:

(1) *Sampling probe.* The probe shall be made of stainless steel tubing of at least one-fourth inch outside diameter long enough to fit well within the exhaust pipe of the engine being tested. Where the engine has two or more exhaust pipes, the pipes shall be combined into a common exhaust pipe of sufficient length to provide for good mixing.

(2) *Sample transfer.* The sample shall be transferred from the probe to the analytical instruments through a stainless steel or Teflon sample line. Sample flow rate from the engine to the instruments shall be such that the transport time from exhaust pipe to instruments in 2 seconds or less.

(d) *Component description (exhaust gas analytical system).* The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared analysis and the determination of oxides of nitrogen concentrations by chemiluminescence

analysis of exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See appendix B of this part.

#### § 87.104 Information to be recorded.

The following information, as applicable, shall be recorded with respect to each test:

(a) *General.* (1) Facility performing test.

(2) Description of test equipment including the probe and sampling and analytical train.

(3) Instrument operator.  
(4) Test stand operator.  
(5) Fuel identification including H/C ratio and additives, if any.

(b) *Aircraft (in which engine is or will be installed) description.* (1) Manufacturer.

(2) Model number.  
(3) Serial number (if known).  
(4) User.

(c) *Engine description.* (1) Manufacturer.

(2) Model number.  
(3) Serial number.  
(4) Displacement.  
(5) Type of carburetion.  
(6) Cylinder configuration.  
(d) *Test data.* (1) Test number.  
(2) Date.  
(3) Time.  
(4) Ambient temperature and engine inlet temperature.

(5) Barometric pressure.  
(6) Relative humidity.  
(7) Sample line temperature.  
(8) Sample line residence time.

(9) All pertinent instrument information such as tuning, gain, full scale range.  
(10) Recorder charts: Identify zero, span and exhaust gas sample traces.

(e) *Operating mode data.* (1) Nominal power setting.

(2) Actual power setting, horsepower.  
(3) Speed, revolutions per minute.  
(4) Measured fuel flow, pounds per hour.

(5) Air flow, pounds per second and method of determination.

(6) Pollutant concentration, from recorders, in percent or parts per million by volume, and parts per million carbon for hydrocarbons.

#### § 87.105 Calibration and instrument checks.

Calibration and instrument checks shall be performed in accordance with § 87.76, except that daily calibration and instrument checks shall be performed in accordance with § 87.106.

#### § 87.106 Sampling procedures.

(a) *HC, CO, CO<sub>2</sub> and NO<sub>x</sub> measurements.* Allow a minimum of 2 hours warmup for the CO, CO<sub>2</sub>, HC, and NO<sub>x</sub> analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are

## PROPOSED RULE MAKING

turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations shall be performed in conjunction with each series of measurements:

(1) Check the sampling system for any leaks that could dilute the exhaust gas.

(2) Zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(3) Introduce span gases and set the CO and CO<sub>2</sub> analyzer gains, the HC analyzer sample capillary flow rate and the NO<sub>x</sub> analyzer high voltage supply to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of each range used. If gain has shifted significantly on the CO or CO<sub>2</sub> analyzers, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart. Log gain reading.

(4) Check zeros: repeat the procedure in subparagraphs (1) and (2) of this paragraph if required.

(5) Check sample line temperature and residence time.

(6) Check instrument flow rates and pressures.

(7) The engine shall be operated in each operating mode until emission levels have stabilized as indicated by a constant instrument reading or recorder output. This stabilized reading shall be recorded and used in calculating mass emission rates as called for in § 87.109.

(8) Measure HC, CO, CO<sub>2</sub>, and NO<sub>x</sub> concentrations of the exhaust sample at the various modes called for in § 87.102.

(9) Check zero and span point. If either has changed by  $\pm 2$  percent, the test should be rerun: *Provided*, That if it is impractical to repeat the test, a correction based on interpolation linear with time is acceptable for corrections within  $\pm 4$ .

(b) *Carbon balance.* As a test of representative sample collection, a carbon balance shall be calculated from air and fuel flow data. This balance shall be within  $\pm 5$  percent of that calculated from exhaust gas constituents or the test will be invalidated. Fuel flow data shall be derived by measurement during the test for which emissions are to be calculated. Air flow data preferably is from direct measurement but if such measurement is impractical, the data shall be taken from air consumption curves generated for the particular model of engine under test.

(c) *Sample system contamination.* (1) Care shall be taken to avoid loading of the sampling system with raw fuel discharge during engine starting.

(2) When the sample probe is in the exhaust stream and sampling is not in process, a back surge with an inert gas may be necessary to protect the probe and sample line from hydrocarbon

buildup. Care shall be taken to prevent this particulate buildup.

## § 87.107 Test run.

A test run shall consist of operating the engine in accordance with § 81.102. The engine shall be operated in the sequence called for under that section without intervening operating points unless an alternate procedure is agreed to in writing by the Administrator before such testing is conducted.

## § 87.108 Chart reading.

Determine the HC, CO, CO<sub>2</sub>, and NO<sub>x</sub> concentrations of the exhaust sample during the various modes from the instrument deflections or recordings making use of appropriate calibration charts.

## § 87.109 Calculations.

(a) The final reported test results shall be computed by use of the following formulas:

## (1) Hydrocarbon:

$$\text{HC pounds/rated power/cycle} = \frac{\text{Sum of the HC mass/mode of each of the modes}}{\text{Engine rated power (horsepower)}}$$

## (2) Carbon monoxide:

$$\text{CO pounds/rated power/cycle} = \frac{\text{Sum of the CO mass/mode of each of the modes}}{\text{Engine rated power (horsepower)}}$$

## (3) Oxides of nitrogen:

$$\text{NO}_x \text{ pounds/rated power/cycle} = \frac{\text{Sum of the NO}_x \text{ mass/mode of each of the modes}}{\text{Engine rated power (horsepower)}}$$

(b) The pollutant mass per mode shall be computed by use of the following formulas:

$$(1) \text{HC mass/mode} = \text{HC emission rate} \times \text{TIM.}$$

$$(2) \text{CO mass/mode} = \text{CO emission rate} \times \text{TIM.}$$

$$(3) \text{NO}_x \text{ mass/mode} = \text{NO}_x \text{ emission rate} \times \text{TIM.}$$

(c) The emission rates shall be computed by use of the following formulas:

$$(1) \text{HC emission rate} = \dot{V} \text{ exhaust} \times \text{density HC} \times \frac{\text{HC conc.}}{1,000,000}$$

$$(2) \text{CO emission rate} = \dot{V} \text{ exhaust} \times \text{density CO} \times \frac{\text{CO conc.}}{1,000,000}$$

$$(3) \text{NO}_x \text{ emission rate} = \dot{V} \text{ exhaust} \times \text{density NO}_x \times \frac{\text{NO}_x \text{ conc.}}{1,000,000}$$

(d) The time-in-mode (TIM) shall be as specified below (in minutes):

(1) Taxi/idle (out)	12.0
(2) Takeoff	0.3
(3) Climbout	5.0
(4) Approach	6.0
(5) Taxi/idle (in)	4.0

## (e) Meaning of symbols:

(1) (i) HC mass/mode=Total mass of hydrocarbons emissions in pounds emitted during an operational mode as specified in § 87.102 and paragraph (d) of this section.

(ii) CO mass/mode=total mass of carbon monoxide emissions in pounds emitted during an operational mode as specified in § 87.102 and paragraph (d) of this section.

(iii) NO<sub>x</sub> mass/mode=total mass of oxides of nitrogen emissions in pounds emitted during an operational mode as specified in § 87.102 and paragraph (d) of this section.

(2) (i) HC emission rate=pounds/hour of exhaust hydrocarbons emitted in an operational mode.

(ii) CO emission rate=pounds/hour of exhaust carbon monoxide emitted in an operational mode.

(iii) NO<sub>x</sub> emission rate=pounds/hour of exhaust oxides of nitrogen emitted in an operational mode.

(3) V exhaust=Total engine exhaust volume flow rate in terms of cubic feet per hour at 68° F. and 760 mm. Hg pressure. V exhaust shall be calculated in accordance with good engineering practices from actual air and fuel flow measurements or from air consumption

curves generated for the particular model of engine under test.

(4) (i) Density HC=Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in pounds per cubic foot at 68° F. and 760 mm. Hg pressure (0.0359 lb./cu. ft.).

(ii) Density CO=Density of carbon monoxide in the exhaust gas in pounds per cubic foot at 68° F. and 760 mm. Hg pressure (0.0726 lb./cu. ft.).

(iii) Density NO<sub>x</sub>=Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in pounds per cubic foot at 68° F. and 760 mm. Hg pressure (0.119 lb./cu. ft.).

(5) (i) HC conc.=hydrocarbon concentration of the exhaust sample in pounds per minute carbon equivalent, i.e., equivalent propane  $\times 3$ .

(ii) CO conc.=Carbon monoxide concentration of the exhaust sample in parts per million by volume.

(iii) NO<sub>x</sub> conc.=Oxides of nitrogen concentration of the exhaust sample in parts per million by volume.

(6) TIM=Time in mode as specified in paragraph (d) of this section divided by 60 to yield time in mode in hours.

## § 87.110 Compliance with emission standards.

Compliance with each emission standard shall be determined by comparing the pollutant level to pounds/rated power/cycle as calculated in accordance with § 87.109, with the applicable emission standard under this part. The pollutant level for the cycle shall not exceed

the standard, taking into account allowable variations due to sampling error.

APPENDIX A—INSTRUMENTATION (AIRCRAFT GAS TURBINE ENGINE MEASUREMENTS)

(a) *NDIR instruments.* Nondispersive infrared (NDIR) analyzers shall be used for the continuous monitoring of carbon monoxide and carbon dioxide.

The NDIR instruments operate on the principle of differential energy absorption from parallel beams of infrared energy. The energy is transmitted to a differential detector through parallel cells, one containing a reference gas, and the other, sample gas. The detector, charged with the component to be measured, transduces the optical signal to

an electrical signal. The electrical signal thus generated is amplified and continuously recorded. The NDIR analyzer used in accordance with Subpart H of this part shall meet the following specifications:

(1) *Response time (electrical).* 90 percent full scale response in 0.5 second or less. Zero drift—Less than  $\pm 1$  percent of full scale in 2 hours on most sensitive range. Span drift—Less than  $\pm 1$  percent of full scale in 2 hours on most sensitive range. Repeatability— $\pm 1$  percent of full scale. Noise—Less than 1 percent of full scale on most sensitive range. Cell temperature—Minimum 50° C. maintained within  $\pm 2$ ° C.

(2) *Range and accuracy.*

Range	Accuracy excluding interferences
Carbon monoxide, 0 to 100 p.p.m.	$\pm 2$ percent of full scale.
Carbon monoxide:	
0 to 500 p.p.m.	$\pm 1$ percent of full scale.
0 to 2,500 p.p.m.	$\pm 1$ percent of full scale—Afterburning engines only.
0 to 20,000	$\pm 1$ percent of full scale—Afterburning engines only.
Carbon dioxide:	
0 to 2 percent	$\pm 1$ percent of full scale.
0 to 5 percent	$\pm 1$ percent of full scale.
0 to 15 percent	$\pm 1$ percent of full scale—Afterburning engines only.

(3) All NDIR instruments shall be equipped with cells of suitable length to measure concentrations within the above ranges to the indicated accuracy. Range changes shall be accomplished either by the use of stacked sample cells or changes in the electronic circuitry, or both.

(b) *Total hydrocarbon analyzer.* (1) General design specifications. The measurement of total hydrocarbon is made by an analyzer using a flame ionization detector (FID). With this type detector an ionization current, proportional to the mass rate of hydrocarbon entering a hydrogen flame, is established between two electrodes; the small current is measured by an electrometer amplifier and continuously recorded.

The analyzer shall be fitted with a constant-temperature oven housing the detector and sample-handling components. It shall maintain temperature within  $\pm 2$ ° C. of the

set point, which shall be within 155° to 165° C.

The detector and sample handling components shall be suitable for continuous operation at temperatures to 200° C.

(2) The FID analyzer used in accordance with Subpart H of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 second or less.

Noise— $\pm 1$  percent of full scale on most sensitive range.

Repeatability— $\pm 1$  percent of full scale.

Zero drift—Less than  $\pm 1$  percent of full scale in 4 hours on all ranges.

Span drift—Less than  $\pm 1$  percent of full scale in 2 hours.

Linearity—Response with propane in air shall be linear with  $\pm 2$  percent over the range of 0 to 2,000 p.p.m.C.

Accuracy:

0 to 10 p.p.m.C	$\pm 5$ percent of full scale with propane calibration gas.
0 to 100 p.p.m.C	$\pm 2$ percent of full scale with propane calibration gas.
0 to 1,000 p.p.m.C	$\pm 1$ percent of full scale with propane calibration gas.
0 to 10,000 p.p.m.C	$\pm 1$ percent of full scale with propane calibration gas.

(3) Total hydrocarbon analyzer shall have an initial alignment as follows:

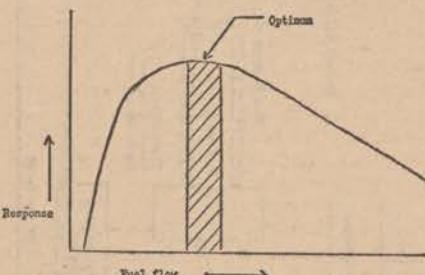
(i) Optimization of detector response.

(a) Follow manufacturer's instructions for instrument startup and basic operating adjustment. Fuel shall be 60 percent helium, 40 percent hydrogen containing less than 2 p.p.m.C hydrocarbon. Air shall be "hydrocarbon-free" grade containing less than 2 p.p.m.C.

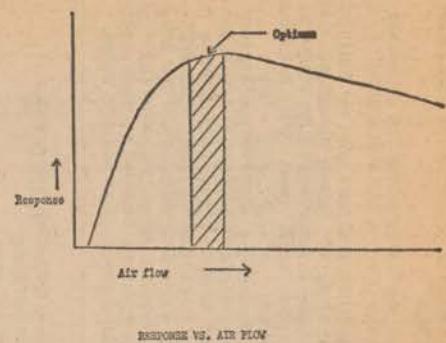
(b) Set oven temperature at 160°  $\pm 5$ ° C. and allow at least one-half hour after oven reaches temperature for the system to equilibrate. The temperature is to be maintained at set point  $\pm 2$ ° C.

(c) Introduce a mixture of propane in air at a propane concentration of about 500 p.p.m.C. Vary the fuel flow to burner and determine the peak response. A change in zero may result from a change in fuel flow; therefore, the instrument zero should be checked at each fuel-flow rate. Select an operating flow rate that will give near maximum response and least variation in response with minor fuel-flow variations. A typical curve

for response versus fuel flow is shown in the following figure:



(d) To determine the optimum air flow, use fuel flow setting determined above and vary air flow. A typical curve for response versus air flow is shown in the following figure:



After the optimum flow settings have been determined these flows are to be measured and recorded for future reference.

(ii) Oxygen effect.

Check the response of the detector with varied concentrations of oxygen in the sample following the steps outlined below; this test shall be made with oven temperature at the set point and with gas flow to the detector at optimum conditions, as determined in paragraph (b) (3) (1) of this section.

(a) Introduce nitrogen ( $N_2$ ) zero gas and zero analyzer; check zero using hydrocarbon-free air; the zero should be the same.

(b) The following blends of propane shall be used to determine the effect of oxygen ( $O_2$ ) in the sample.

Propane in  $N_2$ .

Propane in 90 percent  $N_2$  + 10 percent  $O_2$ .

Propane in air.

The volume concentration of propane in the mixture reaching the detector should be about 500 p.p.m.C, and the concentration of both the  $O_2$  and hydrocarbon should be known within  $\pm 1$  percent of the absolute value. The zero shall be checked after each mixture is measured. If the zero has changed then the test shall be repeated.

The response to propane in air shall not differ by more than 3 percent from the response to propane in the 10 percent— $O_2$ /90 percent— $N_2$  mixture, nor differ by more than 5 percent from the response to propane in nitrogen.

The difference between the response to propane in air and response to propane in diluent containing 10 percent  $O_2$  shall not exceed 2 percent. If the 2 percent specification cannot be met by changing the sample flow rate or burner parameters, such as air- and/or fuel-flow rate, the detector shall be modified or replaced.

(iii) Linearity and relative response.

(a) With analyzer optimized in accordance with paragraph (b) (3) (1) of this section, the instrument linearity shall be checked for the range 0 to 1,000 and 0 to 10,000 p.p.m.C in air at nominal concentrations of 30, 60, and 90 percent full scale of each range. The deviation of a best-fit curve from a least-squares best-fit straight line should not exceed 2 percent of the value at any point. If this specification is met, concentration values may be calculated by use of a single calibration factor. If the deviation exceeds 2 percent at any point, concentration values shall be read from a calibration curve prepared during this alignment procedure.

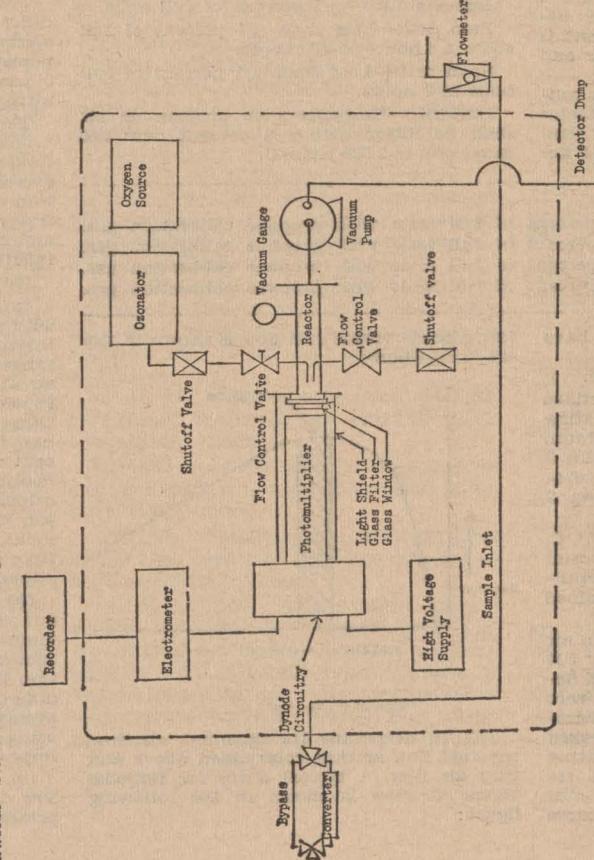
(b) A comparison of response to the different classes of compounds shall be made using (individually) propylene, toluene, and n-hexane, each at 20 to 50 p.p.m.C concentration in nitrogen. If the response to any one differs by more than 5 percent from the average of the three, check instrument operating parameters. Reducing sample flow rate improves uniformity of response.

(c) *Oxides of nitrogen analytical system.* The chemiluminescence method utilizes the principle that nitric oxide (NO) reacts with

## PROPOSED RULE MAKING

ozone ( $O_3$ ) to give nitrogen dioxide ( $NO_2$ ) and oxygen ( $O_2$ ). Approximately 10 percent of the  $NO_2$  is electronically excited. The transition of excited  $NO_2$  to the ground state yields a detectable light emission (590-630 nanometer region) at low pressures. The intensity of this emission is proportional to the mass flow rate of  $NO_2$  into the reactor. The light emission can be measured utilizing a photomultiplier tube and associated electronics.

(1) The method also utilizes the principle that the thermal decomposition of  $NO_2$  ( $2NO_2 \rightarrow 2NO + O_2$ ) is complete at about 600° C. The rate constant for the dissociation of  $NO_2$  at 600° C. is approximately  $10^8$  (liters/mole-second). A 6-foot length of one-eighth inch outside diameter, 0.028 inch wall thickness, stainless steel tubing resistance system.



OXIDES OF NITROGEN ANALYTICAL SYSTEM

(3) The oxides of nitrogen analyzer used in accordance with Subpart H of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 second or less.

Noise—Less than 1 percent of full scale.

Repeatability— $\pm 1$  percent of full scale.

Zero drift—Less than  $\pm 1$  percent of full scale in 2 hours.

Span drift—Less than  $\pm 1$  percent of full scale in 2 hours.

Linearity—Complete linearity.

Accuracy— $\pm 1$  percent of full scale on all scales.

(d) The dynamometer test stand and other instruments for measurement of power output in accordance with Subpart H of this part shall be capable of measurement to

within  $\pm 5$  percent of the lowest reading expected at idle.

APPENDIX B—INSTRUMENTATION (AIRCRAFT PISTON ENGINE MEASUREMENTS)

(a) The NDIR analyzers used for continuous monitoring of carbon monoxide and carbon dioxide in accordance with Subpart J of this part shall meet the following specifications:

(1) Response time (electrical)—90 percent of full scale response in 0.5 second or less. Zero drift—Less than  $\pm 1$  percent of full scale in 2 hours.

Span drift—Less than  $\pm 1$  percent of full scale in 2 hours.

Linearity—Complete linearity.

Accuracy— $\pm 1$  percent of full scale.

Repeatability— $\pm 1$  percent of full scale in 2 hours on most sensitive range. Span drift—Less than  $\pm 1$  percent of full scale in 2 hours on most sensitive range. Repeatability— $\pm 1$  percent of full scale. Noise—Less than 1 percent of full scale on most sensitive range.

(2) Range and accuracy:

Range	Accuracy excluding interferences
Carbon monoxide, 0-12 percent	$\pm 1$ percent of full scale.
Carbon dioxide, 0-15 percent	$\pm 1$ percent of full scale.

(b) The FID analyzer used for measurement of hydrocarbons in accordance with Subpart J of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 second or less.

Noise— $\pm 1$  percent of full scale on most sensitive range.

Accuracy:

Range	Accuracy
0 to 100 p.p.m.C.	$\pm 5$ percent of full scale with propane calibration gas.
0 to 1,000 p.p.m.C.	$\pm 2$ percent of full scale with propane calibration gas.
0 to 10,000 p.p.m.C.	$\pm 1$ percent of full scale with propane calibration gas.

Linearity—Complete linearity.

Accuracy— $\pm 1$  percent of full scale on all scales.

(d) The dynamometer, test stand, and other instruments for measurement of power output in accordance with Subpart J of this part shall be capable of measurement to within  $\pm 5$  percent of the lowest reading expected at idle.

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PART III



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## ENVIRONMENTAL PROTECTION AGENCY

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### GROUND OPERATION OF AIRCRAFT TO CONTROL EMISSIONS

Advance Notice of Proposed  
Rule Making

## PROPOSED RULE MAKING

# ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 87 ]

## GROUND OPERATION OF AIRCRAFT TO CONTROL EMISSIONS

### Advance Notice of Proposed Rule Making

Section 231 of the Clean Air Act, as amended by Public Law 91-604, directs the Administrator of the Environmental Protection Agency to "establish standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare." Regulations insuring compliance with these standards are required to be issued by the Secretary of Transportation in accordance with section 232 of the Act.

Section 231 also directs the Administrator to conduct a study of the extent to which aircraft emissions affect air quality in air quality control regions throughout the United States, and the technological feasibility of controlling such emissions. The report of such a study, "Aircraft Emissions: Impact on Air Quality and Feasibility of Control," is being published today and copies of the report are available upon request free of charge from the Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

In judging the need for the proposed regulations, the Administrator has determined: (1) That the public health and welfare is endangered in several air quality control regions by violation of one or more of the national ambient air quality standards for carbon monoxide, hydrocarbons, nitrogen oxides, and photochemical oxidants, and that the public welfare is likely to be endangered by smoke emissions; (2) that airports and aircraft are now, or are projected to be, significant sources of emissions of carbon monoxide, hydrocarbons, and nitrogen oxides in some of the air quality control regions in which the national ambient air quality standards are being violated, as well as being significant sources of smoke; and therefore (3) that attainment and maintenance of the national ambient air quality standards and reduced impact of smoke emissions requires that aircraft and aircraft engines be subject to a program of control compatible with their significance as pollution sources. Accordingly, the Administrator has determined that emissions from aircraft and aircraft engines should be reduced to the extent practicable with present and prospective technology.

Proposed standards, which are being published in the *FEDERAL REGISTER* concurrently with this advance notice (at the newly established Part 87 of Title 40, Code of Federal Regulations), limit emissions from a variety of new and in-use aircraft and aircraft engines. The

proposed standards are not quantitatively derived from the air quality considerations discussed in the study report cited above, but instead, reflect EPA's judgment as to what reduced emission levels are or will be practicable to achieve for turbine and piston engines. These standards would take effect over a period of 5 years beginning in 1974. For the most part, the emission reductions of carbon monoxide and hydrocarbons that will be achieved as a result of these standards will not occur until the late seventies and early eighties as new engines subject to the standards are introduced into service.

It is the view of EPA that more immediate measures could be employed to produce significant emission reductions by 1975 which are compatible with the provisions prescribed by the Clean Air Act for attainment of the national primary (health-related) ambient air quality standards. The measures referred to above if put into effect would involve modification of ground operating procedures (idle and taxi modes of operation) employed by turbine powered aircraft. EPA believes that approximately 90 percent of hydrocarbon and carbon monoxide emissions from turbine powered aircraft at major air carrier airports are due to idling and taxiing and that through modification of ground operating procedures, aircraft emissions of hydrocarbons and carbon monoxide could be reduced by 50 percent to 70 percent at such airports.

Ground operations are not being proposed at this time because the Secretary of Transportation has questioned whether mandatory modification of ground operations is consistent with aircraft safety considerations. In addition, since the Secretary of Transportation is charged with prescribing regulations to insure compliance with any standards which may be forthcoming, including those relating to ground operations, the Secretary has also raised questions concerning the effect of ground operation procedures on airport and airway capacity, aircraft noise, and possible increases in emissions under certain operating conditions. Therefore, this advance notice is being published to provide an opportunity for all interested parties to submit information on the implications of ground operations modifications. To provide a basis for preparation and submittal of such information, there follows a description of possible modifications of ground operations, data on emission reductions and fuel savings which could be derived from such measures, and guidance on specific points on which submittal of information is invited.

EPA proposes that ground operations procedures would be modified only for turbine powered aircraft at "Class A" airports. A "Class A" airport would be an airport designated as such by the Administrator. Those airports which are most likely to be so designated are those that are located within air quality control regions classified Priority I (for hydrocarbons or carbon monoxide) pursuant to 40 CFR 51.3 and which register

more than 1 million enplaned passengers per year. (Appendix A lists all airports that had over 1 million enplaned passengers in 1970.) The ground operation modification that appears to be the most attractive is the use of fewer engines (two engines on three- and four-engine aircraft and one engine on two-engine aircraft) at higher, more efficient power settings during taxi-in, taxi-out, and idle modes. Other possibilities for ground operation modification involve towing aircraft or transporting passengers to reduce the time aircraft operate in the taxi and idle modes.

EPA believes that operation of fewer engines at higher power settings results in significant emission reductions partly because of the more efficient combustion that occurs in turbines at higher power settings. For example, for a 707 aircraft powered by JT3D engines the present emission rate during taxi-idle engine operation is (figure 1):

*Carbon monoxide:* 109 lb./hr./engine $\times$ 4 engines=436 lb./hr./aircraft.

*Hydrocarbons:* 98 lb./hr./engine $\times$ 4 engines=392 lb./hr./aircraft.

Using the ground operation procedure modification of reduced engine operation, a reduction is obtained because of decreased emissions per engine and fewer engines operating. Thus, the emission rates for this aircraft become (figure 1):

*Carbon monoxide:* 69 lb./hr./engine $\times$ 2 engines=138 lb./hr./aircraft.

*Hydrocarbons:* 41 lb./hr./engine $\times$ 2 engines=82 lb./hr./aircraft.

The emission reduction is therefore 298 (436-138) pounds of carbon monoxide per hour per aircraft and 310 (392-82) pounds of hydrocarbons per hour per aircraft during the taxi-idle mode of operation.

An analysis of the possible methods of aircraft emission control leads EPA to believe that ground operation procedure modification is clearly the most cost-effective and that monetary savings to the airline industry would result from reduced fuel consumption (possibly as high as \$10 million annually). The fuel savings associated with the above sample of emission reductions can be estimated as follows (see figure 2). The present fuel consumption rate during taxi-idle engine operation is:

872 lb./hr./engine $\times$ 4 engines=3,488 lb./hr./aircraft.

Using modified ground operation procedures, the fuel consumption is:

1,380 lb./hr./engine $\times$ 2 engines=2,760 lb./hr./aircraft.

The fuel saving is 3,488-2,760=728 lb./hr. When this calculation is performed for each aircraft and multiplied by the time in the taxi-idle mode, the fuel cost, and the number of aircraft operations, total savings for the industry can be calculated.

Because of the questions raised by the Secretary of Transportation, it is requested that interested parties provide information on the implications of ground operations modifications, par-

ticularly as they relate to safety. The following outline describes the areas where safety questions have been raised.

I. Potential effects of increased jet blast required for aircraft breakaway and taxi due to fewer engines operating at higher thrust settings, i.e.

- a. Damage to structures.
- b. Support equipment damage.
- c. Ground personnel and passenger injury.

d. Foreign object damage (i.e., engine ingestion, pilot-static contamination, control surface and hinge point damage).

- e. Aircraft spacing on taxiways.
- f. Hazards to light aircraft and occupants.

g. Taxiway and runway surface erosion.

h. Aircraft component wear, i.e., tires, brakes.

II. Potential effects of engine startup after gate departure, i.e.:

- a. Wind orientation starting problems.
- b. Systems reliability effects of engine operation during taxi mode.

- c. Hot starts and fire hazards.
- d. Aircraft crew pretakeoff workload.

- e. Aircraft control.

It is requested that information submitted address these problems as well as others deemed appropriate. Discussion should be in sufficient detail to identify problems associated with specific aircraft, engines, operational modes, and airport environments, and include potential solutions to the safety considerations.

Notice is hereby given that the Agency, in accordance with section 231, will consider all available data on this subject with the intention of proposing emission standards which would take effect January 1, 1975, and which would, in all likelihood, necessitate modifications of ground operations. If the Agency should determine that such measures would pose insurmountable problems, regulations will not be proposed or will be limited to classes of aircraft, modes of operation, or specific airports where no such problems arise. There will be continuing consultation on this matter with the Department of Transportation.

Information responsive to this advance notice may be submitted to the Agency either in writing or in testimony at public hearings on proposed aircraft emission standards. Public hearings on the proposed standards as set forth elsewhere in this issue of the *FEDERAL REGISTER*, will be held in accordance with section 231 of the Act. A notice of times, dates, and places of these hearings will be published in the *FEDERAL REGISTER* within the next several days. Information may be submitted in writing either in lieu of, or in addition to, testimony at the public hearings. All such written material should be submitted with five copies to the Environmental Protection Agency, Mobile Sources Pollution Control Programs, Waterside Mall, Washington, D.C. 20460. All information received no later than 60 days after publication of this notice will be considered.

This advance notice of proposed rule making is issued under the authority of

sections 231 and 301A of the Clean Air Act, as amended (42 U.S.C. 1857f-9).

Dated: December 4, 1972.

ROBERT W. FRI,  
Acting Administrator.

Figure 1. Hydrocarbon and carbon monoxide emissions from a typical aircraft engine (JT3D).

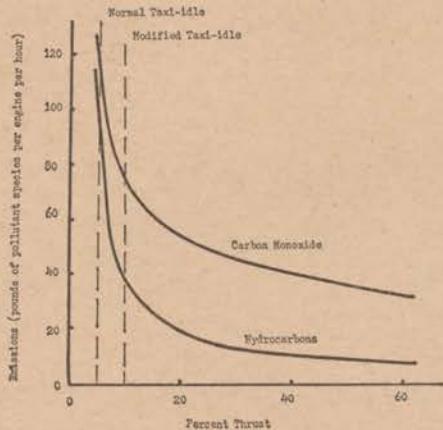
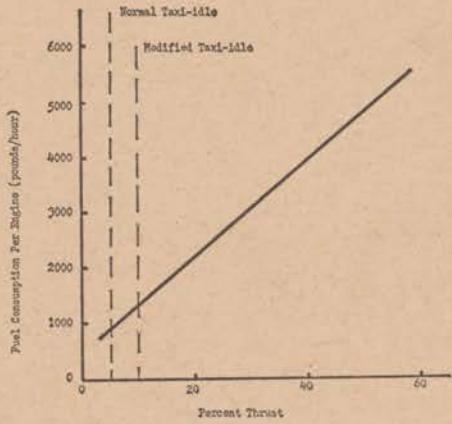


Figure 2. Fuel consumption for a typical aircraft engine (JT3D).



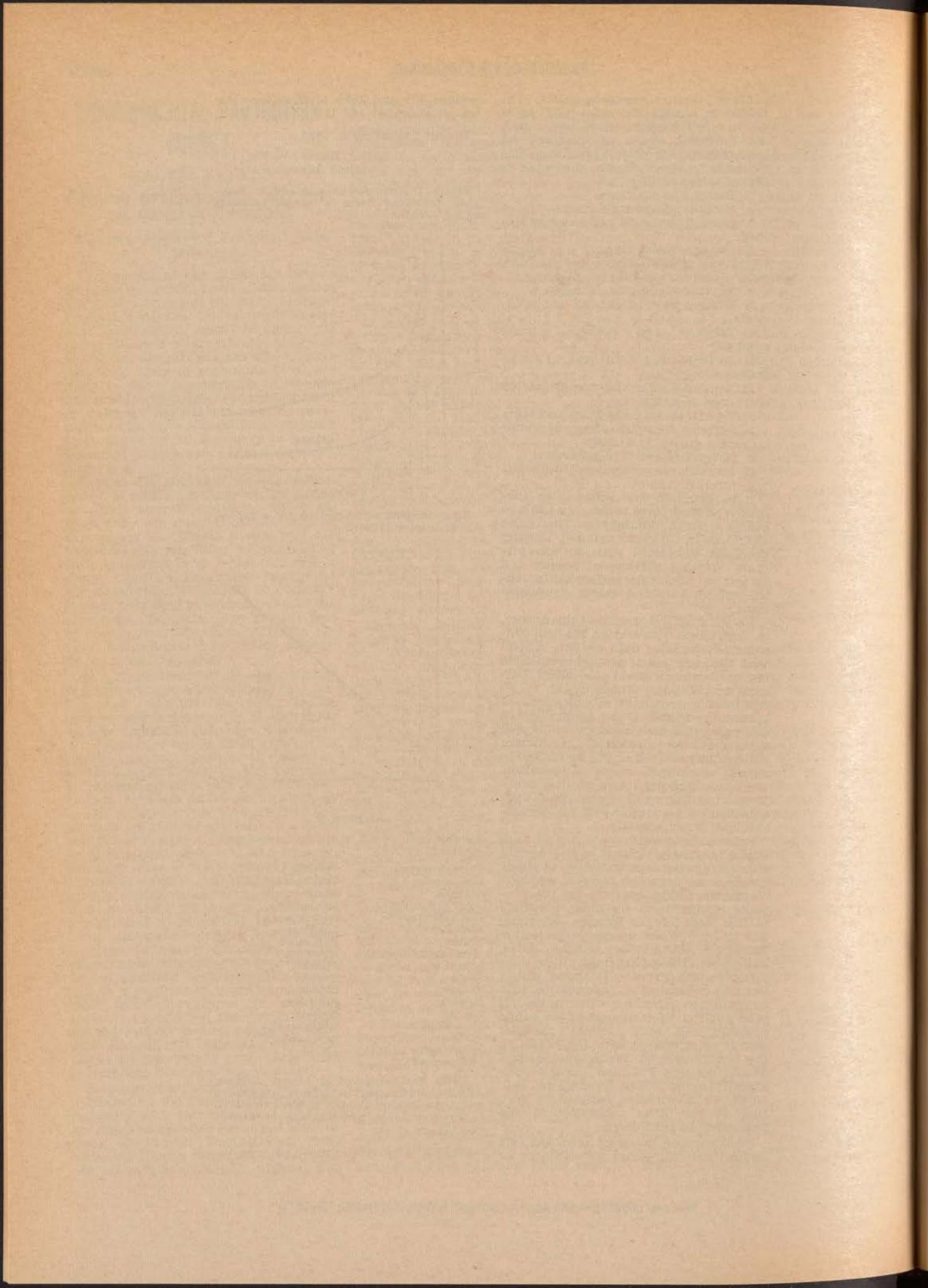
#### APPENDIX A

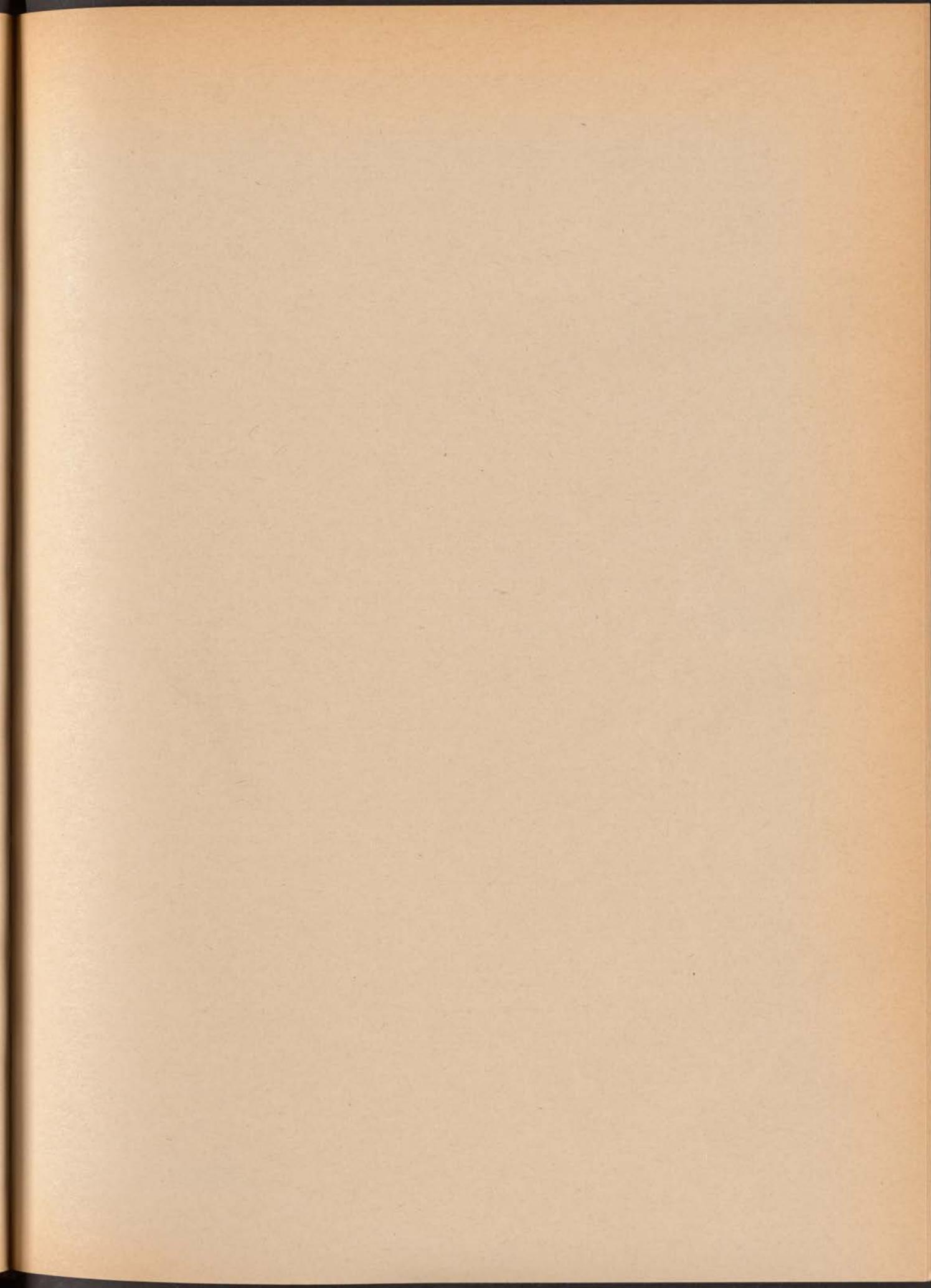
Airports with over 1 million enplaned passengers in 1970:

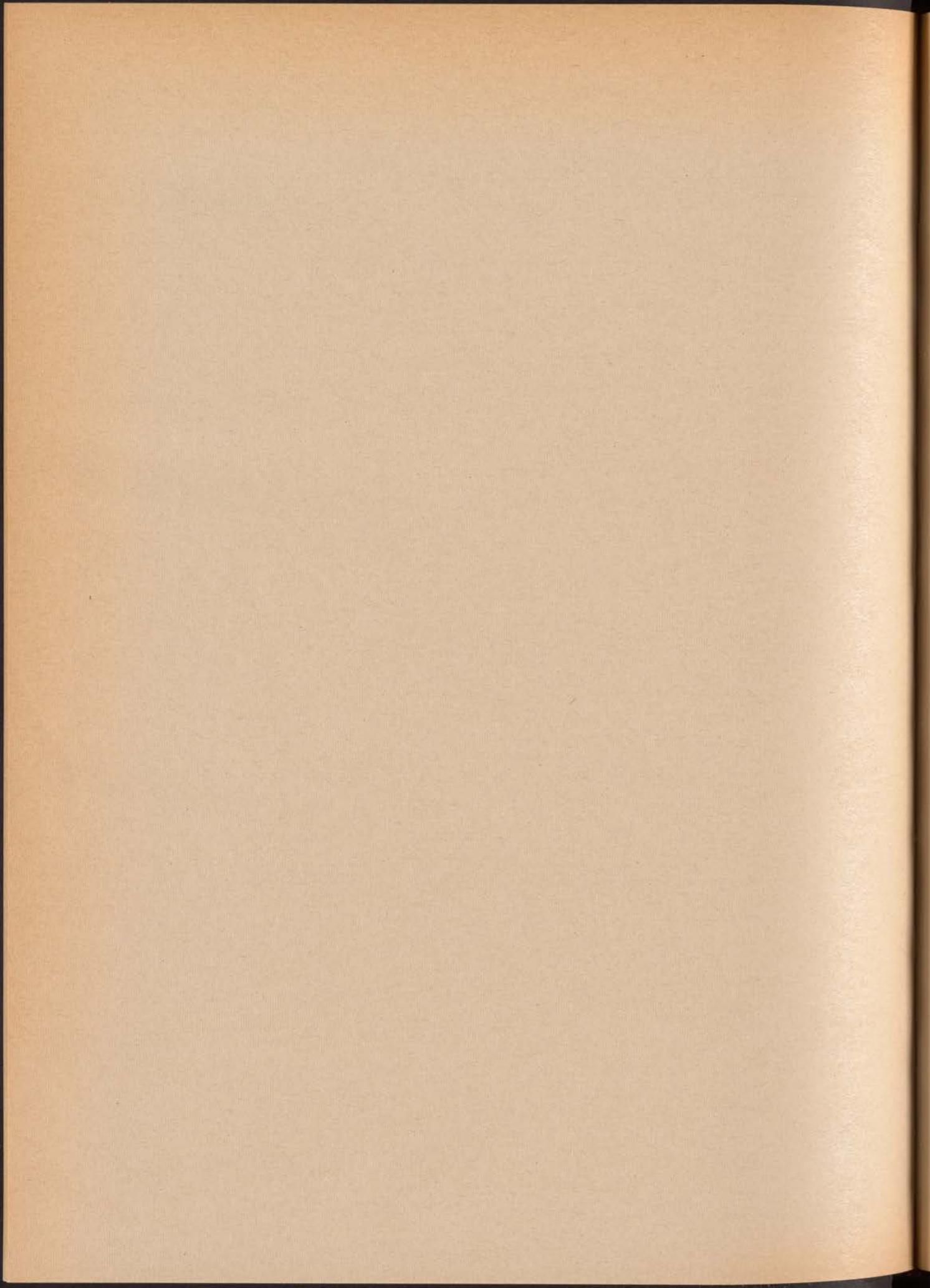
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(With the exception of Miami, Detroit, Atlanta, and Tampa, the airports listed above are in Air Quality Control Regions classified as Priority I for hydrocarbons or carbon monoxide.)

[FR Doc.72-21032 Filed 12-6-72;2:32 pm]







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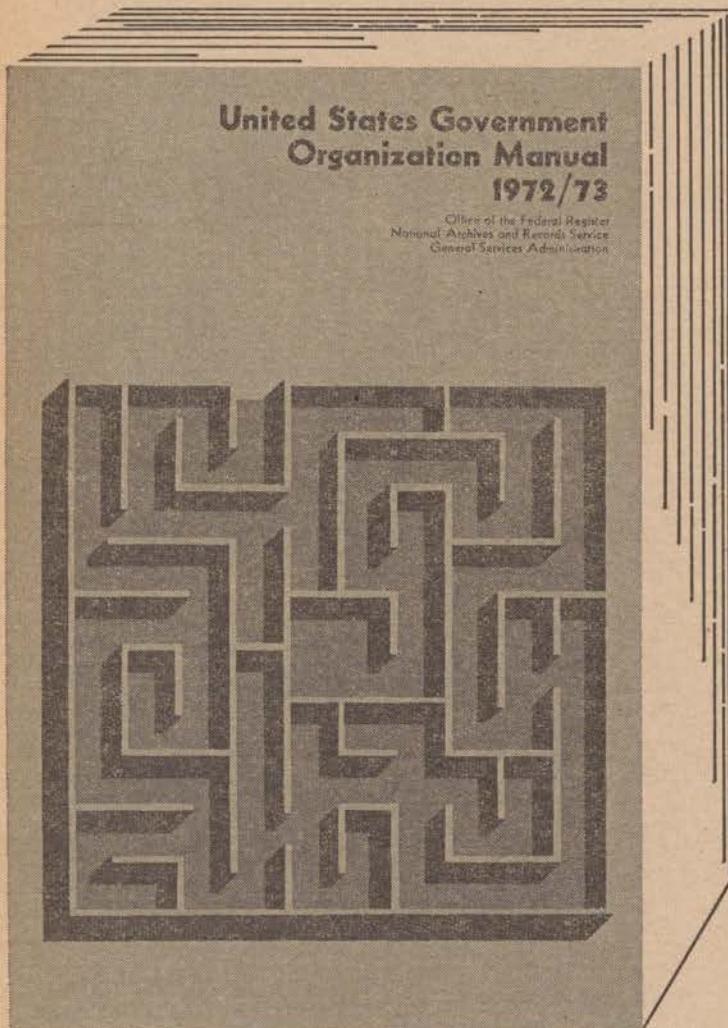
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