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Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER A—ANIMAL WELFARE

PART 2—REGULATIONS

Annual Fees and Report; Termination of Licenses

Statement of considerations. The Act of August 24, 1966 (Public Law 89–544), was amended by the Animal Welfare Act of 1970 (Public Law 91–579). The regulations and standards to implement such legislative amendments were published as Miscellaneous Amendments in the FEDERAL REGISTER on December 24, 1971 (36 F.R. 24917–24927).

On July 15, 1972, there was published in the FEDERAL REGISTER (37 F.R. 13995) a notice with respect to proposed amendments to §§ 2.6(b) and 2.7 (b) and (c) of Part 2, Subchapter A, Chapter I, Title 9, Code of Federal Regulations. Such notice gave interested persons a period of 30 days from the date of publication of the notice in which to submit written data, views, or arguments, concerning the proposed amendments.

Three written comments on the proposal were received by the Department. The content of the comments dealt primarily with a reduction in the annual fees for licensed pet stores and small volume animal breeders. Since a change in annual fees was not a consideration in the published proposal, the wording of the final rule making remains the same as the proposal.

1. Subparagraphs (1), (2), and (4) of paragraph (b) of § 2.6 of the regulations are amended to read as follows:

§ 2.6 Annual fees; and termination of licenses.

* * * * *

(b) (1) Except as provided in subparagraphs (3) and (4) of this paragraph, the amount of the annual license fee for a dealer shall be based on the total gross amount, expressed in dollars, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, directly or through an auction sale, by such dealer or applicant during his preceding business year (calendar or fiscal).

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, the amount of the annual license fee for an operator of an auction sale shall be that of a Class "B" dealer and shall be based on the total gross amount, expressed in dollars, derived from commissions or fees charged for the sale of animals at auction by the operator to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, during the preceding business year (calendar or fiscal).

* * * * *

(4) In the case of an applicant for a license as a dealer or operator of an auction sale who did not operate for at least 6 months during his preceding business year, the annual license fee will be based in the case of a dealer on the anticipated total gross yearly income to be derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, directly or through an auction sale, and in the case of an operator of an auction sale on the anticipated gross yearly income to be derived from commissions and fees charged for the sale of animals at auction to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets.

* * * * *

2. Paragraphs (b) and (c) of § 2.7 of the regulations are amended to read as follows:

§ 2.7 Annual report by licensees.

* * * * *

(b) A person licensed as a dealer shall set forth in his annual report the total gross dollar amount derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, directly or through an auction sale, by the licensee during the preceding business year (calendar or fiscal), and such other information as may be required thereon.

(c) A person licensed as an operator of an auction sale shall set forth in his annual report the total gross amount, expressed in dollars, derived from commissions or fees charged for the sale of animals at auction by the licensee to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, during the preceding business year (calendar or fiscal), and such other information as may be required thereon.

* * * * *

(Sec. 3, 84 Stat. *1561*, as amended, 7 U.S.C. 2133; 29 F.R. 16210, as amended, 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505)

The foregoing amendments shall become effective 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of December 1972.

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

[FR Doc.72-21446 Filed 12-12-72;8:51 am]

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

PART 83—SCREWWORMS

Miscellaneous Amendments

Pursuant to sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 1 through 4 of the Act of March 3, 1905, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), Part 83, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 83.1, a new paragraph (p) is added to read:

§ 83.1 Definitions.

* * * * *

(p) *Area of persistent infestation.* The counties in Texas as designated in § 83.2 where screwworm infestations can occur from December 1 each year through April 14 of the following year.

2. Section 83.2 is amended to read:

§ 83.2 Notice relating to existence of screwworms.

(a) Notice is hereby given that screwworm infestations usually exist from April 15 through November 30 of each year in the following areas, which are hereby designated as areas of recurring infestation:

(1) *Texas.* The entire State.

(2) *Puerto Rico.* The entire Commonwealth.

(3) *Arizona.* Cochise, Gila, Graham, Greenelee, Maricopa, Pima, Pinal, Santa Cruz, Yavapai, and Yuma Counties.

(4) *California.* Imperial, Kern, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, and Ventura Counties.

(5) *New Mexico.* Catron, Chaves, DeBaca, Dona Ana ,Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Roosevelt, Sierra, and Socorro Counties.

(6) *Oklahoma.* The entire State.

(b) Further notice is hereby given that screwworm infestation may persist from December 1 each year through April 14 of the following year in the following area, which is hereby designated as an area of persistent infestation:

Texas. Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Calhoun, Cameron, De Witt, Dimmit, Duval, Edwards, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Val Verde, Victoria, Webb, Willacy, Wilson, Zapata, and Zavala Counties.

3. A new § 83.6a is added to read:

§ 83.6a Interstate movement of livestock from area of persistent infestation.

The interstate movement of livestock from the area of persistent infestation is prohibited from December 1 each year through April 14 of the following year unless the following conditions are met:

(a) Livestock may be moved interstate to any destination, except to a destination in the controlled zone, if inspected by a State or Federal inspector or an accredited veterinarian and accompanied by his certification that either: (1) Such livestock were inspected by him within the 72 hours preceding such movement and were found to be free of screwworm infestation and free of open wounds,[1] or (2) such livestock were so inspected and found free of screwworm infestation but were found to have open wounds[1] which in his judgment could be adequately treated to eliminate any risk of screwworm infestation of the livestock, and all such wounds on each individual animal have been treated in the manner required by him with a permitted pesticide as specified in § 83.8: *Provided*, That, if, in any lot of livestock offered for inspection under this paragraph, any animal is found to be infested with screwworms, such animal shall not be moved interstate until freed therefrom and all the animals in the lot may be moved interstate only if, at the point of origin of the interstate movement, they have been sprayed with or dipped in a permitted pesticide as provided in § 83.8.

(b) Livestock may be moved interstate into any State in the controlled zone if inspected by a State or Federal inspector or an accredited veterinarian and accompanied by his certification that such livestock were inspected by him within the 72 hours preceding such movement and were found to be free of screwworm infestation and if, at the point of origin of the interstate movement, they have been sprayed with or dipped in a permitted pesticide as provided in § 83.8.

4. In § 83.8, paragraph (a) is amended to read:

§ 83.8 Permitted pesticides and approved procedures.

(a) The treatment of livestock for interstate movement under the regulations in this part shall be done only with a permitted pesticide and at locations where the livestock can be properly treated in accordance with § 83.6 or § 83.6a under the supervision of a State or Federal inspector or an accredited veterinarian, as determined by such an official. Spraying of livestock in a conveyance is not an acceptable procedure under this part. Livestock must be individually restrained and individually sprayed and the entire skin surface wetted.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791–792, as amended; secs. 1 through 4, 33 Stat. 1264, and 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 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 purpose of the foregoing amendments is to prevent the interstate spread of screwworms from a specified area of persistent infestation in Texas from December 1 through April 14 of each year, and thus to protect the livestock industry from this costly pest. These amendments should be made effective as soon as possible in order to afford maximum protection to the livestock industry of the United States since certain interstate regulations now in effect to prevent the spread of screwworms apply only to the period from April 15 through November 30 of each year.

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 1st day of December 1972.

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

[FR Doc.72-21447 Filed 12-12-72;8:51 am]

[1] Open wounds are those wounds or conditions which are prone to attract screwworm infestation and include castration and/or docking wounds, wounds caused by dehorning, navel wounds of livestock less than 1 week of age, epithelioma of the eye (cancer eye); or any other wound, injury or condition which in the opinion of the certifying officer may harbor screwworm larvae not visible on inspection.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-NW-10-AD, Amdt. 39-1575]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39-1560 (37 F.R. 27819), AD-72-25-3, provides for inspection, rework, and replacement of the main landing gear aft trunnion support beam. After issuing Amendment 39-1560, the agency has determined that an adjustment of the inspection times can be made without compromising safety.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER (12-13-72).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1560 (37 F.R. 27819), AD-72-25-3, is amended as follows:

Amend paragraph (a) by changing "within 500 hours time in service or 60 days" to read "within 600 hours time in service, or 90 days" in two places.

Amend paragraph (b) by changing "within 1,000 hours time in service or 120 days" to read "within 1,200 hours time in service or 180 days."

Amend paragraph (d) by changing the reference to Document No. "D6-7170, section 06-01-00," to read "D6-7170, Part 6, 57-10-27 Figure 1,".

Amend paragraph (g) to read as follows:

(g) Airplanes having cracked landing gear beams which require replacement under this AD may be flown in accordance with FAR 21.197 to a base where the replacement of parts can be accomplished.

This amendment becomes effective December 26, 1972.

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

Issued in Seattle, Wash., on December 5, 1972.

C. B. WALK, Jr.,
Director, FAA Northwest Region.

[FR Doc.72-21382 Filed 12-12-72;8:45 am]

[Airspace Docket No. 72-GL-42]

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

Alteration of Transition Area

On pages 18743 and 18744 of the FEDERAL REGISTER dated September 15, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Austin, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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

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

Issued in Des Plaines, Ill., on November 21, 1972.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

AUSTIN, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Austin Municipal Airport (latitude 43°40'-00" N., longitude 92°56'00" W.); within 3 miles each side of the Austin VOR 350° radial extending from the 5-mile radius to 8 miles north of the VOR; and within 3 miles each side of the Austin VOR 175° radial extending from the 5-mile radius to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 21½-mile radius of the Austin Municipal Airport; excluding the portions which overlie the Rochester, Minn., Albert Lea, Minn., and Mason City, Iowa, transition areas.

[FR Doc.72-21385 Filed 12-12-72;8:46 am]

[Airspace Docket No. 72-EA-86]

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

Alteration of Transition Area

On page 21855 of the FEDERAL REGISTER for October 14, 1972, the Federal Aviation Administration published a proposed rule which would alter the Wildwood, N.J., transition area (37 F.R. 2305).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. February 1, 1973.

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

Issued in Jamaica, N.Y., on November 22, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

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

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°00'15" N., 74°54'30" W. of Cape May County Airport, Wildwood, N.J.; within 2 miles each side of the Sea Isle, N.J., VORTAC 225° radial, extending from the 6-mile-radius area to the VORTAC and within 2.5 miles each side of a 360° bearing from a point 39°00'15" N., 74°54'30" W., extending from the 6-mile-radius area to 6.5 miles north of said point.

[FR Doc.72-21383 Filed 12-12-72;8:45 am]

[Airspace Docket No. 72-GL-65]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Indianapolis, Ind., control zone.

Since designation of the Indianapolis, Ind., control zone, the instrument approach procedures from the northwest have been revised so that the extension to the northwest is no longer needed to protect the procedures.

Since this alteration will reduce the amount of designated controlled airspace at Indianapolis, Ind., it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

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

In § 71.171 (37 F.R. 2056), the Indianapolis, Ind., control zone is amended by deleting "within 2½ miles each side of the Indianapolis Runway 13R ILS localizer northwest course, extending from the 5-mile-radius zone to 14½ miles northwest of the OM."

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

Issued in Des Plaines, Ill., on November 21, 1972.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.72-21384 Filed 12-12-72;8:45 am]

[Airspace Docket No. 71-GL-5]

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

Designation of Transition Area

On page 19321 of the FEDERAL REGISTER dated October 2, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Van Wert, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received. The Van Wert, Ohio, nondirectional beacon has been installed and satisfactorily flight checked. The 1,200-foot transition area, as proposed, has been designated, without objection, by consolidation in the transition area which covers the State of Ohio. Consequently, the amendment as so proposed is hereby adopted, subject to the following change: Line 5 of the Van Wert, Ohio, transition area description recited as "W.); and that airspace extending upward" is changed to read "W.).", and the balance of the description be deleted.

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

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

Issued in Des Plaines, Ill., on November 21, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

VAN WERT, OHIO

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Van Wert Municipal Airport (latitude 40°51'45" N., longitude 84°36'15" W.).

[FR Doc.72-21386 Filed 12-12-72;8:46 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 12424; Amdt. 95-227]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective January 4, 1973, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—U.S.* is amended by adding:

From, to, and MEA

Sugarloaf Mountain, N.C., VOR; Liberty, N.C., VOR; *7,000. *6,100—MOCA.

Tulsa, Okla., VOR; INT 189 M rad Tulsa, VOR; and 208 M rad Okmulgee, VOR; *2,500. *2,200—MOCA.

Section 95.1001 *Direct routes—U.S.* is amended to delete:

Natchez, Miss., VOR; Alto INT, La.; *3,000. *1,400—MOCA.

Section 95.1001 *Direct routes—U.S.* is amended to read in part:

*Neptune LF INT, Fla.; Crab LF INT, Fla.; **2,000. *5,000—MRA. **1,300—MOCA.

Todd LF INT, La.; Neptune LF INT, Fla.; *#5,000. *1,000—MOCA.

#18,000 required without HF airborne communications equipment.

Grand Rapids, Mich., VOR; Otsego INT, Mich.; 3,000.

Bimini, Bahamas, RBN; Carolina Beach, N.C., RBN (via Control 1150); *2,500. *1,200—MOCA.

Section 95.5000 *High altitude RNAV routes*

From/to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA

J811R is amended to read in part:

Elmwood, Tenn., W/P; Rome, Ga., W/P; 134.4; 84.4, Elmwood; 162°/342° to COP, 161°/341° to Rome; 18,000; 45,000.

Rome, Ga., W/P; Mauk, Ga., W/P; 106.4; 53.2, Rome; 156°/336° to COP, 159°/339° to Mauk; 18,000; 45,000.

J874R is amended to read:

Whitehaven, Tenn., W/P; Rome, Ga., W/P; 246.7; 60.0, Whitehaven; 095°/275° to COP, 100°/280° to Rome; 18,000; 45,000.

Section 95.5500 *High altitude RNAV routes*

J900R is added to read:

Napa, Calif., W/P; Hill, Calif., W/P; 115.1; 57.5, Napa; 343°/163° to COP, 342°/162° to Hill; 18,000; 45,000.

Hill, Calif., W/P; Hyatt, Oreg., W/P; 141.3; 80.6, Hill; 342°/162° to COP, 341°/161° to Hyatt; 18,000; 45,000.

Hyatt, Oreg., W/P; Yacolt, Wash., W/P; 197.5; 87.4, Hyatt; 341°/161° to COP, 339°/159° to Yacolt; 18,000; 45,000.

Yacolt, Wash., W/P; Sumner, Wash., W/P; 86.3; 339°/159° to Sumner; 18,000; 45,000.

J905R is added to read:

Boulder City, Nev., VORTAC; Sycamore, Ariz., W/P; 125.8; 62.9, Boulder City; 115°/295° to COP, 115°/295° to Sycamore; 18,000; 45,000.

Sycamore, Ariz., W/P; Ventana, Ariz., W/P; 138.4; 40.0, Sycamore; 138°/318° to COP, 141°/321° to Ventana; 18,000; 45,000.

Ventana, Ariz., W/P; Tucson, Ariz., VORTAC; 53.0; 26.5, Ventana; 104°/284° to COP, 105°/285° to Tucson; 45,000.

J906R is added to read:

Hector, Calif., W/P; Adamsville, Nev., W/P; 223.4; 173.4, Hector; 025°/205° to COP, 024°/204° to Adamsville; 18,000; 45,000.

Adamsville, Nev., W/P; Fairfield, Utah, W/P; 172.8; 50.0, Adamsville; 009°/189° to COP, 010°/190° to Fairfield; 18,000; 45,000.

J908R is added to read:

Mina, Nev., W/P; Wheeler, Nev., W/P; 167.3; 65.0, Mina; 064°/244° to COP, 067°/247° to Wheeler; 18,000; 45,000.

Wheeler, Nev., W/P; Greenwood, Colo., W/P; 94.8; 47.4, Wheeler; 067°/247° to COP, 068°/248° to Greenwood; 18,000; 45,000.

Greenwood, Colo., W/P; Ferron, Utah, W/P; 79.8; 39.9, Greenwood; 068°/248° to COP, 071°/251° to Ferron; 18,000; 45,000.

Ferron, Utah, W/P; Rulison, Colo., W/P; 135.1; 42.0, Ferron; 071°/251° to COP, 072°/252° to Rulison; 18,000; 45,000.

Rulison, Colo., W/P; Toner, Colo., W/P; 37.2; 18.6, Rulison; 072°/252° to COP, 074°/254° to Toner; 18,000; 45,000.

Toner, Colo., W/P; Shawnee, Colo., W/P; 75.3; 45.3, Toner; 074°/254° to COP, 076°/256° to Shawnee; 18,000; 45,000.

J913R is added to read:

Sherwood, Oreg., W/P; Pauline, Oreg., W/P; 143.6; 094°/274° to COP, 097°/277° to Pauline; 18,000; 45,000.

Pauline, Oreg., W/P; Oreana, Idaho, W/P; 162.5; 097°/277° to COP, 101°/281° to Silver City; 18,000; 45,000.

Oreana, Idaho, W/P; Lake Shore, Utah, W/P; 185.7; 101°/281° to COP, 105°/285° to Lake Shore; 18,000; 45,000.

Lake Shore, Utah, W/P; Corrington, Utah, W/P; 41.4; 105°/285° to Corrington; 18,000; 45,000.

J916R is added to read:

San Antonio, Tex., W/P; Humble, Tex., W/P; 81.9, San Antonio; 074°/254° to COP, 072°/252° to Humble; 18,000; 45,000.

J919R is added to read:

El Paso, Tex., VORTAC; Fort Stockton, Tex., W/P; 177.5; 80.0, El Paso; 094°/274° to COP, 097°/277° to Fort Stockton; 18,000; 45,000.

Fort Stockton, Tex., W/P; Telegraph, Tex., W/P; 161.7; 65.0, Fort Stockton; 096°/276° to COP, 099°/279° to Telegraph; 18,000; 45,000.

Telegraph, Tex., W/P; San Antonio, Tex., W/P; 85.4; 42.7, Telegraph; 099°/279° to COP, 101°/281° to San Antonio; 18,000; 45,000.

J920R is added to read:

Millegan, Mont., W/P; Jeffers, Mont., W/P; 110.6; 35.0, Millegan; 168°/348° to COP, 166°/346° to Jeffers; 18,000; 45,000.

Jeffers, Mont., W/P; Chester, Idaho, W/P; 68.3; 25.0, Jeffers; 166°/346° to COP, 167°/347° to Chester; 18,000; 45,000.

Chester, Idaho, W/P; Ogden, Utah, W/P; 170.9; 50.0, Chester; 167°/347° to COP, 167°/347° to Ogden; 18,000; 45,000.

J934R is amended to read in part:

Greater Southwest, Tex., VORTAC; Texarkana, Ark., W/P; 155.2; 77.8, Greater Southwest; 065°/245° to COP, 069°/249° to Texarkana; 18,000; 45,000.

Birmingham, Ala., W/P; Rome, Ga., W/P; 93.7; 46.8, Birmingham; 069°/249° to COP, 068°/248° to Rome; 18,000; 45,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From, To, and MEA

Carson INT, Iowa; *Lyman INT, Iowa; **3,000. *3,500—MRA. **2,700—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Carson INT, Iowa; *Lyman INT, Iowa; **3,000. *3,500—MRA. **2,700—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Naperville, Ill., VOR; Don Dee INT, Ill.; *2,800. *2,300—MOCA.

Don Dee INT, Ill.; Poplar INT, Ill.; *2,900. *2,300—MOCA.

Poplar INT, Ill.; Jay Bee INT, Wis.; *2,900. *2,600—MOCA.

Jay Bee INT, Wis.; Milwaukee, Wis., VOR; *2,900. *2,700—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Lawson INT, Mo.; Utica INT, Mo.; *3,000. *2,200—MOCA.

Utica INT, Mo.; Kirksville, Mo., VOR; *3,000. *2,300—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Vichy, Mo., VOR, via S alter; St. Louis, Mo., VOR, via S alter; *2,800. *2,400—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Sioux Falls, S.D., VOR, via W alter; Mitchell, S. Dak., VOR, via W alter; 3,400.

Section 95.6016 *VOR Federal airway 16* is amended to delete:

Toltec INT, Ariz., via S alter; Tucson, Ariz., VOR, via S alter; *8,000. *6,700—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Monroe, La., VOR, via S alter; Alto INT, La., via S alter; 2,000.

Alto INT, La., via S alter; *Bolton INT, Miss., via S alter; **2,300. *3,400—MRA. **1,800—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Eugene, Ore, VOR, via E alter; Crabtree INT, Oreg., via E alter; 4,000.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

Akron, Ohio, VOR; INT 121 M rad Youngstown, VOR & 092 M rad Akron VOR; 3,500.

Section 95.6041 *VOR Federal airway 41* is amended to read:

Calcutta INT, Ohio; Youngstown, Ohio, VOR; 3,500.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Macon, Ga., VOR; *Haddock INT, Ga.; **2,300. *2,500—MRA. **2,000—MOCA.

Haddock INT, Ga.; *Mitchell INT, Ga.; **2,300. *3,000—MRA. **2,000—MOCA.

Mitchell INT, Ga.; *Harlem INT, Ga.; **2,300. *3,500—MRA. **2,000—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended by adding:

Natchez, Miss., VOR; via E alter.; Alto INT, La., via E alter.; *3,000. *1,600—MOCA.

Alto INT, La., via E alter.; Monroe, La., VOR; via E alter.; 2,000.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Hot Springs, Ark., VOR; Sawmill INT, Ark.; 2,500; Sawmill INT, Ark., Ola INT, Ark., 3,500.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Newton, Iowa, VOR; *Reinbeck INT, Iowa; 2,800. *2,700—MRA.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

Pullman, Mich., VOR; Riley INT, Mich.; 3,000.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

*Warren INT, Ill.; Woodstock INT, Ill.; **2,700. *5,500—MRA. **2,200—MOCA.

Woodstock INT, Ill.; Janesville, Wis., VOR; *2,900. *2,200—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

Rockford, Ill. VOR; Belvidere INT, Ill.; *2,600. *2,500—MOCA.

Belvidere INT, Ill.; Don Dee INT, Ill.; *2,600. *2,200—MOCA.

Don Dee INT, Ill.; Woodstock INT, Ill.; *2,800. *2,300—MOCA.

Woodstock INT, Ill.; Northbrook, Ill., VOR.; *2,700. *2,200—MOCA.

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

Pasco, Wash., VOR, via W alter.; Smith INT, Wash., via W alter.; 3,500.

Smith INT, Wash., via W alter.; *Grange INT, Wash., via W alter.; 5,000. *6,000—MRA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Gadsdens, Ala., VOR, via E alter.; *Menlo INT, Ga., via E alter.; **5,000. *5,000—MCA Menlo INT, SW-bound. **2,800—MOCA.

Menlo INT, Ga., via E alter.; Chattanooga, Tenn., VOR, via E alter.; 4,000.

Atwood INT, Ohio, Campbell INT, Ohio, *6,000. *3,500—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Mitchell, S. Dak., VOR; Sioux Falls, S. Dak., VOR; 3,400.

Section 95.6122 *VOR Federal airway 122* is amended to read in part:

O'Brien DME Fix, Oreg.; *Applegate INT, Oreg.; 8,000. *10,000—MRA.

Section 95.6124 *VOR Federal airway 124* is amended to read in part:

De Queen INT, Ark.; Glenwood INT, Ark.; *5,000. *2,000—MOCA.
Glenwood INT, Ark.; Hot Springs, Ark., VOR; 2,500.

Section 95.6127 *VOR Federal airway 127* is amended to read in part:

Polo, Ill., VOR; Rockford, Ill., VOR; 2,700.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Lafayette INT, R.I.; Providence, R.I., VOR; *2,300. *1,800—MOCA.

Section 95.6148 *VOR Federal airway 148* is amended to read in part:

Sioux Falls, S. Dak., VOR, via S alter.; Redwood Falls, Minn., VOR, via S alter.; 3,600.

Section 95.6177 *VOR Federal airway 177* is amended to read in part:

Naperville, Ill. VOR; Don Dee INT, Ill.; *2,800. *2,300—MOCA.
Don Dee INT, Ill.; Janesville, Wis., VOR; *2,700. *2,500—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

INT 048 M rad Briggs VOR & 092 M rad Akron VOR; INT 092 M rad Akron VOR & 121 M rad Youngstown VOR; 3,500.

Section 95.6234 *VOR Federal airway 234* is amended to read in part:

Meade INT, Kans.; Krier INT, Kans.; *5,000. *3,800—MOCA.
Krier INT, Kans.; Byers INT, Kans.; *7,100. *3,800—MOCA.
Byers INT, Kans.; Hutchinson, Kans., VOR; *4,300. *3,300—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Barberville INT, Fla.; Shand INT, Fla.; *2,500. *1,200—MOCA.
Daytona Beach, Fla., VOR, via E. alter.; Roy INT, Fla., via E alter.; *1,600. *1,400—MOCA.

Section 95.6285 *VOR Federal airway 285* is amended to read in part:

Kalamazoo, Mich., VOR; Grand Rapids, Mich., VOR; 3,000.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

INT 092 M rad Akron, VOR & 121 M rad Youngstown, VOR; Akron, Ohio, VOR; 3,500.

Section 95.6316 *VOR Federal airway 316* is amended to read in part:

Train INT, Mich.; Emerson INT, Mich.; *5,500. *2,300—MOCA.

Section 95.6325 *VOR Federal airway 325* is amended to read in part:

Dallas INT, Ga.; Gadsden, Ala., VOR; *5,000. *3,800—MOCA.

Section 95.6429 *VOR Federal airway 429* is amended to read in part:

*Warren INT, Ill.; Woodstock INT, Ill.; **2,700. *5,500—MRA. **2,200—MOCA.
Woodstock INT, Ill.; Jay Bee INT, Wis.; *3,000. *2,600—MOCA.
Jay Bee INT, Wis.; Oshkosh, Wis., VOR; *5,000. *2,300—MOCA.

Section 95.6463 *VOR Federal airway 463* is added to read:

Norcross, Ga., VOR; College INT, Ga.; *5,000. *4,100—MOCA.
College INT, Ga.; Harris, Ga., VOR; 7,000.

Section 95.7085 *Jet Route No. 85* is amended to read in part:

From, to, MEA, and MAA

Lakeland, Fla., VORTAC; Taylor, Fla., VORTAC; 18,000; 45,000.
Taylor, Fla., VORTAC; Alma, Ga., VORTAC; 18,000; 45,000.

Section 95.7089 *Jet Route No. 89* is amended to read in part:

Lakeland, Fla., VORTAC; Taylor, Fla., VORTAC; 18,000; 45,000.
Taylor, Fla., VORTAC; Alma, Ga., VORTAC; 18,000; 45,000.

Section 95.7092 *Jet Route No. 92* is amended by adding:

Phoenix, Ariz., VORTAC; Casa Grande, Ariz., VORTAC; 18,000; 45,000.
Casa Grande, Ariz., VORTAC; Tucson, Ariz., VORTAC; 18,000; 45,000.

Section 95.7092 *Jet Route No. 92* is amended to delete:

Phoenix, Ariz., VORTAC; Tucson, Ariz., VORTAC; 18,000; 45,000.

Section 95.7111 *Jet Route No. 111* is amended to read in part:

Nome, Alaska, VORTAC; Unalakleet, Alaska, VORTAC; 18,000; 45,000.
Unalakleet, Alaska, VORTAC; McGrath, Alaska, VORTAC; 18,000; 45,000.
McGrath, Alaska, VORTAC; Anchorage, Alaska, VORTAC; 18,000; 45,000.
Anchorage, Alaska, VORTAC; Middleton Island, Alaska, VORTAC; 18,000; 45,000.
Middleton Island, Alaska, VORTAC; *Porpoise INT, Alaska; 24,000; 45,000. 24,000—MRA.

Section 95.7119 *Jet Route No. 119* is amended to read in part:

St. Petersburg, Fla., VORTAC; Taylor, Fla., VORTAC; 18,000; 45,000.

Section 95.7595 *Jet Route No. 595* is amended to read in part:

U.S. Canadian border; Watertown, N.Y., VORTAC; 18,000; 45,000.

Section 95.8005 *Jet Routes Changeover Points:*

From, to, Changeover points; distance from J–2 is amended by adding:

Yuma, Ariz., VORTAC; Gila Bend, Ariz., VORTAC; 32; Yuma.

J–18 is amended by adding:

Yuma, Ariz., VORTAC; Gila Bend, Ariz., VORTAC; 32; Yuma.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal Airway Changeover Points:*

From, to, Changeover point; distance from V–97 is amended to read in part:

La Belle, Fla., VOR; St. Petersburg, Fla., VOR; 40; La Belle.

V–492 is amended to read in part:

St. Petersburg, Fla., VOR; La Belle, Fla., VOR; 55; St. Petersburg.

(Secs. 301 and 1110 of the Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on December 4, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.72-21182 Filed 12-12-72;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2314]

PART 13—PROHIBITED TRADE PRACTICES

Tuftex, Inc., and Gordon C. Leonard

Subpart—Importing, manufacturing, selling, or transporting flammable wear. § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Tuftex, Inc., et al., Dalton, Ga., Docket No. C-2314, Nov. 7, 1972]

In the Matter of Tuftex, Inc., a Corporation, and Gordon C. Leonard, Individually and as an Officer of the Corporation

Consent order requiring a Dalton, Ga., manufacturer and retailer of carpets and rugs, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued or amended under the provisions of the Flammable Fabrics Act.

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

It is ordered, That respondent Tuftex, Inc., a corporation, its successors and assigns, and its officers, and respondent Gordon C. Leonard, individually and as an officer of said corporation and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as

to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intensions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and the results thereof, (5) any disposition of said products since March 9, 1972 and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

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

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

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

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

Issued: November 7, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-21393 Filed 12-12-72;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5333, 34-9867, 35-17772, AS-132]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

Reporting of Leases in Financial Statements of Lessees

It has recently come to the Commission's attention that some confusion exists as to the proper accounting treatment to be followed by a lessee in certain lease transactions. These are transactions in which a lessor is created with no real economic substance other than to serve as a conduit by which debt financing can be obtained by the "lessee." The cases which have called this practice to our attention have been arrangements by which a nuclear fuel core is financed by a public utility, but the principle is a general one.

Lease accounting principles are presently set forth in Accounting Principles Board Opinion No. 5 issued in 1964. The thrust of this opinion provides that when a lease is equivalent to an installment purchase, it should be accounted for as a purchase. The opinion also provides that "in such cases, the substance of the arrangement, rather than its legal form, should determine the accounting treatment.

The opinion deals (in paragraph 12) with the situation in which a lessor without independent economic substance exists:

> In cases where the lessee and the lessor are related, * * * a lease should be recorded as a purchase if a primary purpose of ownership of the property by the lessor is to lease it to the lessee and: (1) The lease payments are pledged to secure the debts of the lessor or (2) the lessee is able, directly or indirectly, to control or influence significantly the actions of the lessor with respect to the lease. The following illustrate situations in which these conditions are frequently present:
>
> * * * * *
>
> c. The lessor has been created, directly or indirectly, by the lessee and is substantially dependent on the lessee for its operations.

It is apparent from the overall thrust of the opinion and the frequent use of the phrase "directly or indirectly" that the relationship described between lessor and lessee need not be one of equity ownership. When a lessor is created at the direction of the lessee and exists as an economic entity because of the lease agreement entered into with the lessee, there can be no question that the lessor and the lessee "are related."

Accordingly, the Commission reaffirms that when lease transactions are entered into with lessors without material independent economic substance, the transaction should be accounted for as a purchase in accordance with the procedures described in Accounting Principles Board Opinion No. 5.

Because many questions have come up in regard to lease accounting, the Commission has urged that the new Financial Accounting Standards Board place this item high on its agenda for consideration early in 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

NOVEMBER 17, 1972.

[FR Doc.72-21408 Filed 12-12-72;8:47 am]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[AID Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO TRANSACTIONS FINANCED BY AID

"Selected Free World"; Modifications

In Part 201 of Chapter II, Title 22 (AID Regulation 1), § 201.11(b)(4), the summary of Code 941—"Selected Free World" is amended by deleting the words "Sudan," and "Yemen,"; by inserting "Libya," after "Kuwait,"; "Qatar," after "Portugal,"; "South Yemen," after "South Africa,"; and "United Arab Emirates," after "Switzerland,".

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (12-13-72).

Dated: December 6, 1972.

MAURICE J. WILLIAMS,
Acting Administrator.

[FR Doc.72-21423 Filed 12-12-72;8:49 am]

Title 31—MONEY AND FINANCE

Chapter I—Monetary Offices, Department of the Treasury

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Liberalization of Certain Requirements

In order to clarify certain features of the recordkeeping and reporting requirements imposed pursuant to titles I and II of Public Law 91–508 (84 Stat. 1114 et seq.) the Department finds that it is necessary to make the following amendments to 31 CFR Part 103, 37 F.R. 4912 (1972) set forth below, effective immediately.

The Department also finds that, since each of these amendments relieves restrictions, notice and public procedure with respect to said amendments is unnecessary under the provisions of 5 U.S.C. 553(b) and that good cause exists for making it effective less than 30 days after publication.

[SEAL] SAMUEL R. PIERCE, JR.,
General Counsel.

EUGENE T. ROSSIDES,
Assistant Secretary.

DECEMBER 6, 1972.

Part 103 of Title 31 of the Code of Federal Regulations is amended as follows:

1. Subpart B is amended by an amendment to § 103.23 as follows:

§ 103.23 Reports of transportation of currency or monetary instruments.

(a) Each person who physically transports, mails, or ships, or causes to be physically transported, mailed, or shipped, currency or other monetary instruments in an aggregate amount exceeding $5,000 on any one occasion from the United States to any place outside the United States, or into the United States from any place outside the United States, shall make a report thereof. A person is deemed to have caused such transportation, mailing or shipping when he aids, abets, counsels, commands, procures, or requests it to be done by a financial institution or any other person. A transfer of funds through normal banking procedures which does not involve the physical transportation of currency or monetary instruments is not required to be reported by this section.

(b) Each person who receives in the U.S. currency or other monetary instruments in an aggregate amount exceeding $5,000 on any one occasion which have been transported, mailed, or shipped to such person from any place outside the United States with respect to which a report has not been filed under paragraph (a) of this section, whether or not required to be filed thereunder, shall make a report thereof, stating the amount, the date of receipt, the form of monetary instruments, and the person from whom received.

(c) This section shall not require reports by (1) a Federal Reserve bank, (2) a bank, a foreign bank, or a broker or dealer in securities, in respect to currency or other monetary instruments mailed or shipped through the postal service or by common carrier, (3) a commercial bank or trust company organized under the laws of any State or of the United States with respect to overland shipments of currency or monetary instruments shipped to or received from an established customer maintaining a deposit relationship with the bank, in amounts which the bank may reasonably conclude do not exceed amounts commensurate with the customary conduct of the business, industry or profession of the customer concerned, (4) a person who is not a citizen or resident of the United States in respect to currency or other monetary instruments mailed or shipped from abroad to a bank or broker or dealer in securities through the postal service or by common carrier, (5) a common carrier of passengers in respect to currency or other monetary instruments in the possession of its passengers, (6) a common carrier of goods in respect to shipments of currency or monetary instruments not declared to be such by the shipper, (7) a travelers' check issuer or its agent in respect to the transportation of travelers' checks prior to their delivery to selling agents for eventual sale to the public, (8) nor by a person engaged as a business in the transportation of currency, monetary instruments and other commercial papers with respect to the transportation of currency or other monetary instruments overland between established offices of banks or brokers or dealers in securities and foreign persons.

(d) This section does not require that more than one report be filed covering a particular transportation, mailing or shipping of currency or other monetary instruments with respect to which a complete and truthful report has been filed by a person. However, no person required by paragraph (a) or (b) of this section to file a report shall be excused from liability for failure to do so if, in fact, a complete and truthful report has not been filed.

2. Subpart C is amended by amending § 103.34 to read as follows:

§ 103.34 Additional records to be made and retained by Banks.

(a) (1) With respect to each deposit or share account opened with a bank after June 30, 1972, by a person residing or doing business in the United States or by a citizen of the United States, such bank shall, within 45 days from the date such an account is opened, secure and maintain a record of the taxpayer identification number of the person maintaining the account; or in the case of an account of one or more individuals, such bank shall secure and maintain a record of the social security number of an individual having a financial interest in that account. In the event that a bank has been unable to secure the identification required herein with respect to an account within the 45-day period specified, it shall nevertheless not be deemed to be in violation of this section if (i) it has made a reasonable effort to secure such identification, and (ii) it maintains a list containing the names, addresses, and account numbers of those persons from whom it has been unable to secure such identification, and makes the names, addresses, and account numbers of those persons available to the Secretary as directed by him.

(2) The 45-day period provided for in subparagraph (1) of this paragraph shall be extended where the person opening the account has applied for a taxpayer identification or social security number on Form SS–4 or SS–5, until such time as the person maintaining the account has had a reasonable opportunity to secure such number and furnish it to the bank.

(3) A taxpayer identification number for a deposit or share account required under subparagraph (1) of this paragraph need not be secured in the following instances: (i) Accounts for public funds opened by agencies and instrumentalities of Federal, State, local, or foreign governments, (ii) accounts for aliens who are (*a*) ambassadors, ministers, career diplomatic, or consular officers, or (*b*) naval, military, or other attachés of foreign embassies and legations, and for the members of their immediate families, (iii) accounts for aliens who are accredited representatives to international organizations which are entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act of December 29, 1945 (22 U.S.C. sec. 288), and for the members of their immediate families, (iv) aliens temporarily residing in the United States for a period not to exceed 180 days, (v) aliens not engaged in a trade or business in the United States who are attending a recognized college or university or any training program, supervised or conducted by any agency of the Federal Government, (vi) unincorporated subordinate units of a tax exempt central organization which are covered by a group exemption letter, (vii) interest bearing accounts maintained by a person under 18 years of age opened as part of a school thrift savings program, provided the annual interest does not exceed $10, and (viii) Christmas Club, vacation club, and similar installment savings programs provided the annual interest does not exceed $10. In instances (vii) and (viii), the bank shall, within 15 days following the end of any calendar year in which the interest accrued in that year exceeds $10, use its best efforts to secure and maintain the appropriate taxpayer identification number or application form therefor.

(4) The rules and regulations issued by the Internal Revenue Service under

section 6109 of the Internal Revenue Code of 1954 shall determine what constitutes a taxpayer identification number and whose number shall be obtained in the case of an account maintained by one or more persons.

(b) Each bank shall, in addition, retain either the original or a microfilm or other copy or reproduction of each of the following:

(1) Each document granting signature authority over each deposit or share account;

(2) Each statement, ledger card, or other record on each deposit or share account, showing each transaction in, or with respect to, that account;

(3) Each check, clean draft, or money order, drawn on the bank or issued and payable by it, except those drawn on accounts which can be expected to have drawn on them an average of at least 100 checks per month over the calendar year or on each occasion on which such checks are issued, and which are: (i) Dividend checks, (ii) payroll checks, (iii) employee benefits checks, (iv) insurance claim checks, (v) medical benefit checks, (vi) checks drawn on governmental agency accounts, (vii) checks drawn by brokers or dealers in securities, (viii) checks drawn on fiduciary accounts, (ix) checks drawn on other financial institutions, or (x) pension or annuity checks;

(4) Each item other than bank charges or periodic charges made pursuant to agreement with the customers, comprising a debit to a customer's deposit or share account, not required to be kept, and not specifically exempted, under subparagraph (3) of this paragraph;

(5) Each item, including checks, drafts, or transfers of credit, of more than $10,000 remitted or transferred to a person, account or place outside the United States;

(6) A record of each remittance or transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than $10,000 to a person, account, or place outside the United States;

(7) Each check or draft in an amount in excess of $10,000 drawn on or issued by a foreign bank which the domestic bank has paid or presented to a nonbank drawee for payment;

(8) Each item, including checks, drafts, or transfers of credit, of more than $10,000 received directly and not through a domestic financial institution, by letter, cable, or any other means from a bank, broker, or dealer, in foreign exchange outside the United States;

(9) A record of each receipt of currency, other monetary instruments, investment securities, or checks, and of each transfer of funds or credit, of more than $10,000 received on any one occasion directly and not through a domestic financial institution, from a bank, broker, or dealer, in foreign exchange outside the United States;

(10) Records prepared or received by a bank in the ordinary course of business, which would be needed to reconstruct a demand deposit account and to trace a check deposited in such account through its domestic processing system or to supply a description of a deposited check. This subparagraph shall be applicable only with respect to demand deposits.

§ 103.35 Additional records to be made and retained by brokers and dealers in securities.

(a) (1) With respect to each brokerage account opened with a broker or dealer in securities after June 30, 1972, by a person residing or doing business in the United States or a citizen of the United States, such broker or dealer shall within 45 days from the date such account is opened, secure and maintain a record of the taxpayer identification number of the person maintaining the account; or in the case of an account of one or more individuals, such broker or dealer shall secure and maintain a record of the social security number of an individual having a financial interest in that account. In the event that a broker or dealer has been unable to secure the identification required within the 45-day period specified, it shall nevertheless not be deemed to be in violation of this section if: (i) It has made a reasonable effort to secure such identification, and (ii) it maintains a list containing the names, addresses, and account numbers of those persons from whom it has been unable to secure such identification, and makes the names, addresses, and account numbers of those persons available to the Secretary as directed by him.

(2) The 45-day period provided for in subparagraph (1) of this paragraph shall be extended where the person opening the account has applied for a taxpayer identification or social security number on Form SS–4 or SS–5, until such time as the person maintaining the account has had a reasonable opportunity to secure such number and furnish it to the broker or dealer.

(3) A taxpayer identification number for a deposit or share account required under subparagraph (1) of this paragraph need not be secured in the following instances: (i) Accounts for public funds opened by agencies and instrumentalities of Federal, State, local, or foreign governments, (ii) accounts for aliens who are (*a*) ambassadors, ministers, career diplomatic or consular officers, or (*b*) naval, military or other attachés of foreign embassies, and legations, and for the members of their immediate families, (iii) accounts for aliens who are accredited representatives to international organizations which are entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act of December 29, 1945 (22 U.S.C. sec. 288), and for the members of their immediate families, (iv) aliens temporarily residing in the United States for a period not to exceed 180 days, (v) aliens not engaged in a trade or business in the United States who are attending a recognized college or university or any training program, supervised or conducted by any agency of the Federal Government, and (vi) unincorporated subordinate units of a tax exempt central organization which are covered by a group exemption letter.

(b) Every broker or dealer in securities shall, in addition, retain either the original or a microfilm or other copy or reproduction of each of the following:

(1) Each document granting signature or trading authority over each customer's account;

(2) Each record described in § 240.17a–3(a) (1), (2), (3), (5), (6), (7), (8), and (9) of Title 17, Code of Federal Regulations;

(3) A record of each remittance or transfer of funds, or of currency, checks, other monetary instruments, investment securities, or credit, of more than $10,000 to a person, account, or place, outside the United States;

(4) A record of each receipt of currency, other monetary instruments, checks, or investment securities and of each transfer of funds or credit, of more than $10,000 received on any one occassion directly and not through a domestic financial institution, from any person, account or place outside the United States.

[FR Doc.72–21458 Filed 12–12–72;8:52 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72–240R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hudson River, N.Y.

This amendment revokes the regulations for the New York Central (Penn Central) Passenger Bridge and the Congress Street Bridge across the Hudson River near Albany, N.Y., because these bridges have been removed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking subparagraphs (2) and (5) of paragraph (h) of § 117.185.

This revocation shall be effective upon publication in the FEDERAL REGISTER (12–13–72).

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

DECEMBER 8, 1972.

[FR Doc.72–21425 Filed 12–12–72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Interim Tolerances

Correction

In F.R. Doc. 72-20622, appearing at page 25716, in the issue of Saturday, December 2, 1972, make the following changes in the table on page 25717:

1. Under the heading "Substance", the ninth entry reading "2-methyl-4-chlorophenoxyacetic acid", should read "2-Methyl-4-chlorophenoxyacetic acid".

2. Under the heading "Raw agricultural commodity", the last six entries should read as follows:

Bananas, beans, broccoli, brussels sprouts, cabbage, cauliflower, garlic, peppers, potatoes, tomatoes.

* * *

Kidney and liver of cattle and horses (external animal uses only).
Meat, fat, and meat byproducts of cattle and horses (external animal uses only).
Grapes.
Celery, peppers, potatoes, tomatoes.

* * *

Potatoes (to be used only for seed piece treatment).

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5320]

[Oregon 7308 (Wash.)]

WASHINGTON

Withdrawal for National Forest Rock Pits

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

1. Subject to valid existing rights, the following described lands 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:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Pipe Line Rock Pit No. 2707–1.1

T. 26 N., R. 2 W., unsurveyed (protraction approved 9/24/63) sec. 4, a strip of land within the NW¼NE¼ described as follows:

Beginning at a point approximately 1.1 miles from intersection of Forest Service Roads Nos. 2812 and 2707 along centerline of Road 2707 in NW¼NE¼ sec. 4, said point being S. 63°00′ W. 1,690 feet from northeast corner of said section, thence N. 37°00′ W. 330 feet, thence S. 53°00′ W. 330 feet, thence S. 37°00′ E. 330 feet, thence N. 53°00′ E. 330 feet to point of beginning, containing 2.50 acres.

Townsend Creek Rock Pit No. 2812.2–1.5

T. 27 N., R. 2 W.,
Sec. 32, a strip of land within the NE¼SW¼ described as follows:

Beginning at a point approximately 0.2 mile from intersection of Forest Service Roads Nos. 2743 and 2812 along centerline of Road 2812 in NE¼SW¼ sec. 32, said point being N. 57°00′ E. 2,970 feet from southwest corner of said section, thence N. 19°00′ E. 330 feet, thence S. 71°00′ E. 330 feet, thence S. 19°00′ W. 330 feet, thence N. 71°00′ W. 330 feet to point of beginning, containing 2.50 acres.

Cene Rock Pit No. 2765–0.0

T. 27 N., R. 2 W., unsurveyed (protraction approved 9/24/63)
Sec. 18, a strip of land within the SW¼NW¼ and N½NW¼SW¼ described as follows:

Beginning at the center of intersection of Forest Service Roads Nos. 272 and 2765 in SW¼NW¼ sec. 18, said point being S. 21°00′ E. 2640 feet from northwest corner of said section,thence south 100 feet, thence west 330 feet, thence north 462 feet, thence east 330 feet, thence south 362 feet to point of beginning, containing 3.50 acres.

Upper Snow Creek Rock Pit No. 2814–2.7

T. 28 N., R. 2 W., unsurveyed (protraction approved 9/24/63)
Sec. 7, a strip of land within the NW¼SE¼ described as follows:

Beginning at a point approximately 2.7 miles from intersection of Forest Service Roads Nos. 2907 and 2814 along centerline of Road 2814 in NW¼SE¼ sec. 7, said point being N. 44°00′ W. 1,901 feet from southeast corner of said section, thence west 300 feet, thence north 300 feet, thence east 300 feet, thence south 300 feet to point of beginning, containing 2.10 acres.

Snow Creek Rock Pit No. 2907.1–5.5

T. 26 N., R. 2 W.,
Sec. 9, a strip of land within the NW¼NW¼ described as follows:

Beginning at a point approximately 2.5 miles from intersection of Forest Service Roads Nos. 2907 and 2847 along centerline of Road 2907 in NW¼NW¼ sec. 9, said point being S. 42°30′ E. 1,267 feet from the northwest corner of said section, thence S. 83°00′ E. 330 feet, thence N. 07°00′ E. 330 feet, thence N. 83°00′ W. 330 feet, thence S. 07°00′ W. 330 feet to point of beginning, containing 2.50 acres.

Dutchman Rock Pit No. 294.3–7.5

T. 29 N., R. 2 W., unsurveyed (protraction approved 9/24/63)
Sec. 19, a strip of land within the SW¼NW¼ described as follows:

Beginning at a point in SW¼NW¼ sec. 9, said point being N. 15°00′ E. 2,692 feet from section corner common to secs. 19 and 30, T. 29 N., R. 2 W., and secs. 24 and 25, T. 29 N., R. 3 W., thence N. 26°00′ E. 300 feet, thence N. 64°00′ W. 300 feet, thence S. 26°00′ W. 300 feet, thence S. 64°00′ E. 300 feet to point of beginning, containing 2.10 acres.

Old Bon Jon Rock Pit No. 2849–4.1

T. 28 N., R. 3 W., unsurveyed (protraction approved 9/24/63)
Secs. 3 and 10, a strip of land within the SE¼SW¼ and SW¼SE¼ sec. 3, and NW¼NW¼ section 10, described as follows:

Beginning at a point approximately 1.5 miles from intersection of Forest Service Roads Nos. 2909.1 and 2849 along centerline of Road 2849 in SE¼SW¼ sec. 3, said point being 2,112 feet due east from southwest corner of said section, thence N. 39°00′ E. 330 feet, thence S. 51°00′ E. 330 feet, thence S. 39°00′ W. 330 feet, thence N. 51°00′ W. 330 feet to point of beginning, containing 2.50 acres.

Dungeness Rock Pit No. 295–5.5

T. 28 N., R. 3 W., unsurveyed (protraction approved 9/24/63) sec. 7, a strip of land within the SW¼SE¼ described as follows:

Beginning at a point on the Dungeness Road No. 295, 0.3 mile from intersection of Maynard Ridge Road No. 295 E. in SW¼SE¼ sec. 7, said point being N. 52°00′ W. 2,244 feet from section corner common to secs. 5, 6, 7, and 8, T. 28 N., R. 3 W., thence S. 55°00′ W. 260 feet, thence S. 35°00′ E. 250 feet, thence N. 55°00′ E. 260 feet, thence N. 35°00′ W. 250 feet to point of beginning, containing 1.50 acres.

Trapper Creek Rock Pit No. 2959–3.0

T. 28 N., R. 3 W., unsurveyed (protraction approved 9/24/63) sec. 12, a strip of land within the NE¼NE¼ described as follows:

Beginning at a point approximately 1.7 miles from intersection of Forest Service Roads Nos. 2904 and 2959 along centerline of Road 2959 E. in NE¼NE¼ sec. 12, said point being S. 11°00′ W. 990 feet from northeast corner of said section, thence N. 67°00′ W. 330 feet, thence S. 23°00′ W. 330 feet, thence S. 67°00′ E. 330 feet, thence S. 23°00′ E. 330 feet to point of beginning, containing 2.50 acres.

Old Bon Jon Rock Pit No. 2849–2.1

T. 28 N., R. 3 W., unsurveyed (protraction approved 9/24/63) sec. 14, a strip of land within the SW¼NE¼ described as follows:

Beginning at a point approximately 2.1 miles from intersection of Forest Service Roads Nos. 2909.1 and 2849 along centerline of Road 2849 in SW¼NE¼ sec. 14, said point being N. 19°30′ W. 3,102 feet from southeast corner of said section, thence N. 17°00′ W. 300 feet, thence S. 73°00′ W. 300 feet, thence S. 17°00′ E. 300 feet, thence N. 73°00′ E. 300 feet to point of beginning containing 2.10 acres.

Old Bon Jon Rock Pit No. 2849–0.5

T. 28 N., R. 3 W., unsurveyed (protraction approved 9/24/63) sec. 24, a strip of land within the NW¼NW¼ described as follows:

Beginning at a point approximately 0.5 miles from intersection of Forest Service Roads Nos. 2909.1 and 2849 along centerline of Road 2849 in NW¼NW¼ sec. 24, said point being S. 06°00′ E. 528 feet from northwest corner of said section, thence N. 70°00′ E. 300 feet, thence S. 20°00′ E. 300 feet, thence S. 70°00′ W. 300 feet, thence N. 20°00′ W. 300 feet, to the point of beginning, containing 2.10 acres.

Old Bon Jon Rock Pit No. 2909.1–4.8

T. 28 N., R. 3 W., unsurveyed (protraction approved 9/24/63) sec. 25, a strip of land within the NW¼NE¼ described as follows:

Beginning at a point approximately 0.3 mile from intersection of Forest Service Roads Nos. 2852 and 2909.1 along centerline of Road 2909.1 in NW¼NE¼ sec. 25, said point being S. 56°00′ W. 1,452 feet from northeast corner of said section, thence S. 66°00′ W. 350 feet, thence S. 24°00′ E. 350 feet, thence N. 66°00′ E. 350 feet, thence N. 24°00′ W. 350 feet to point of beginning, containing 2.80 acres.

Townsend Creek Rock Pit No. 2812.2–17.2

T. 28 N., R. 3 W., unsurveyed (protraction approved 9/24/63) sec. 26, a strip of land within the SW¼SE¼ described as follows:

Beginning at a point approximately 1.5 miles from intersection of Forest Service Roads Nos. 2844 and 2812 along centerline of Road 2812 in SW¼SE¼ sec. 26, said point being 2,250 feet due west from the southeast corner of said section, thence N. 40°00′ E. 400 feet, thence N. 50°00′ W. 400 feet, thence S. 40°00′ W. 400 feet, thence S. 50°00′ E. 400 feet to point of beginning, containing 3.70 acres.

River Spur Rock Pit No. 2844–1.5

T. 28 N., R. 3 W., unsurveyed (protraction approved 9/24/63)
Sec. 36, a strip of land within the SW¼NE¼ described as follows:

Beginning at a point approximately 1.5 miles from intersection of Forest Service Roads Nos. 2812 and 2844 along centerline of Road 2844 in SW¼NE¼ sec. 36, said point being S. 45°00′ E. 3,696 feet from the northwest corner of said section, thence north 330 feet, thence east 330 feet, thence south 330 feet, thence west 330 feet to point of beginning, containing 2.50 acres.

Cranberry Rock Pit No. 2983–2.2

T. 29 N., R. 3 W.,
Secs. 19 and 30, a strip of land within the SW¼ of lot 4 (SW¼SW¼SW¼), sec. 19, and NW¼ of lot 1 (NW¼NW¼NW¼), sec. 30, described as follows:

Beginning at a point on the Cranberry Road No. 2983, 2.2 miles east of intersection of Caraco Road No. 2927, said point being N. 53°00′ E. 264 feet from section corner common to secs. 19 and 30, T. 29 N., R. 3 W., and secs. 24 and 25, T. 29 N., R. 4 W., thence S. 47°00′ W. 396 feet, thence S. 43°00′ E. 396 feet thence N. 47°00′ E. 396 feet, thence N. 43°00′ W., 396 feet to point of beginning, containing 3.60 acres.

Racoon Rock Pit No. 2925C–0.6

T. 29 N., R. 3 W.,
Sec. 23, a strip of land within the N½NE¼SE¼ and S½SE¼NE¼, described as follows:

Beginning at a point, said point being N. 12°00′ W. 2,521 feet from section corner common to secs. 23, 24, 25, and 26, T. 29 N., R. 3W., thence S. 64°00′ W. 330 feet, thence N. 26°00′ W. 330 feet, thence N. 64°00′ E. 330 feet, thence S. 26°00′ E. 330 feet to point of beginning, containing 2.50 acres.

Dutchman Rock Pit No. 294.3–8.7

T. 29 N., R. 3 W., sec. 24, E½SE¼SE¼SE¼, containing 5.00 acres.

Hinkle A Rock Pit No. 2991–1.7

T. 29 N., R. 3 W., partially unsurveyed (protraction approved 9/24/63)
Sec. 26, a strip of land within the SE¼NW¼ and NE¼SW¼, described as follows:

Beginning at a point, said point being S. 52°30′ W. 3,894feet from section corner common to secs. 23, 24, 25, and 26, T. 29 N., R. 3 W., thence S. 40°00′ W. 330 feet, thence N. 50°00′ W. 330 feet, thence N. 40°00′ E. 330 feet, thence S. 50°00′ E. 330 feet to point of beginning, containing 2.50 acres.

Bear Mountain Rock Pit No. 2979–0.7

T. 29 N., R 3 W.,
Sec. 29, a strip of land within the SE¼NE¼ described as follows:

Beginning at a point approximately .7 mile from intersection of Forest Service Roads Nos. 2909 and 2979 along centerline of Road 2979 in SE¼NE¼ sec. 29, said point being S. 28°30′ W., 2,244 feet from northeast corner of said section, thence S. 28°00′ W. 300 feet, thence S. 62°00′ E. 462 feet, thence N. 28°00′ E. 300 feet, thence N. 62°00′ W. 462 feet to point of beginning, containing 3.50 acres.

Coho Rock Pit No. 29067–0.2

T. 29 N., R. 3 W., unsurveyed (protraction approved 9/24/63)
Sec. 35, a strip of land within the S½SE¼ described as follows:

Beginning at a point approximately 0.3 mile from intersection of Forest Service Roads Nos. 2904 and 29067 along centerline of Road 29067 in the SE¼SE¼ sec. 35, said point being N. 61°00′ W., 1,320 feet from the southwest corner of said section, thence N. 20°00′ W. 462 feet, thence S. 70°00′ W. 330 feet, thence S. 20°00′ E. 462 feet, thence N. 70°00′ E. 330 feet to point of beginning, containing 3.50 acres.

Canyon Creek Rock Pit No. 2926–6.7

H. 28 N., R. 4 W., unsurveyed (protraction approved 9/24/63) sec. 4, a strip of land within the NW¼SW¼ described as follows:

Beginning at a point on the Canyon Creek Road No. 2926, 2.4 miles from intersection of Ned Mill Road No. 2981, said point being N. 08°00′ E. 2,442 feet from section corner common to secs. 4, 5, 8, and 9, T. 28 N., R. 4 W., thence N. 61°00′ W. 330 feet, thence S. 29°00′ W. 200 feet, thence S. 61°00′ E. 330 feet, thence N. 29°00′ E. 200 feet to point of beginning, containing 1.50 acres.

Camp Handy Rock Pit No. 2825–2.2

T. 28 N., R. 4 W., unsurveyed (protraction approved 9/24/63) sec. 36, a strip of land within the NE¼NE¼ described as follows:

Beginning at a point on the Camp Handy Road No. 2825, 2.2 miles from the intersection of the Dungeness Road No. 295, said point being S. 78°00′ W. 1,056 feet from section corner common to secs. 30 and 31, T. 28 N., R. 3 W., and secs. 25 and 36, T. 28 N., R. 4 W., thence E. 300 feet, thence S. 300 feet, thence W. 300 feet, thence N. 300 feet to point of beginning, containing 2.10 acres.

Caraco Rock Pit No. 2927–1.3

T. 29 N., R. 4 W., unsurveyed (protraction approved 9/24/63) sec. 23, a strip of land within the SE¼SW¼ described as follows:

Beginning at a point on Caraco Creek Road No. 2927, 0.25 mile southwest of intersection of Cranberry Road No. 2983, said point being N. 61°00′ E. 2,442 feet from section corner common to secs. 22, 23, 26, and 27, T. 29 N., R. 4 W., thence S. 54°00′ W. 400 feet, thence S. 36°00′ E. 400 feet, thence N. 54°00′ E. 400 feet, thence N. 36°00′ W. 400 feet to point of beginning, containing 3.80 acres.

McDonald Creek Rock Pit No. 2956–2.7

T. 29 N., R. 4 W., unsurveyed (protraction approved 9/24/63)
Sec. 30, a strip of land within the S½NE¼ and N½SE¼, described as follows:

Beginning at a point on the upper McDonald Creek Road No. 2956, 0.3 mile south of the intersection of McDonald Forks Road No. 2956–B, said point being S. 31°00′ W. 2,640 feet from section corner common to secs. 19, 20, 29, and 30, T. 29 N., R. 4 W., thence N. 21°00′ W. 600 feet, thence S. 78°00′ W. 528 feet, thence S. 22°00′ E. 700 feet, thence N. 65°30′ E. 415 feet to point of beginning, containing 7.00 acres.

Graywolf Rock Pit No. 2928–0.2

T. 29 N., R. 4 W., unsurveyed (protraction approved 9/24/63)
Sec. 36, a strip of land within the SW¼NE¼ described as follows:

Beginning at a point on the Graywolf Road No. 2928, 0.2 mile southwest from intersection of Caraco Creek Road No. 2927, said point being S. 34°00′ W. 2,508 feet from section corner common to secs. 25 and 36, T. 29 N., R. 4 W., and secs. 30 and 31, T. 29 N., R. 3 W., thence N. 55°00′ W. 350 feet, thence S. 35°00′ W. 300 feet, thence S. 55°00′ E. 350 feet, thence N. 35°00′ E. 300 feet to point of beginning, containing 2.40 acres.

The areas described aggregate 72.30 acres in Clallam and Jefferson Counties.

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 minerals or vegetative resources other than the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 6, 1972.

[FR Doc.72-21284 Filed 12-12-72;8:45 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 71-170CR]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Etiologic Agents; Correction

In F.R. Doc. 72-16610, appearing in the Saturday, September 30, 1972, issue of the FEDERAL REGISTER, at page 20551, paragraph (c) of § 146.30-1 contains an incorrect reference to regulations of the Bureau of Biologics, Food and Drug Administration.

In paragraph (c) of § 146.30-1, Part 173 of Title 42, Code of Federal Regulations is referenced as containing the regulations concerning the licensing of biological products for humans. This reference contained a typographical error since it should have read "42 CFR Part 73," but it also contained an additional error because the regulations in 42 CFR Part 73 were transferred to 21 CFR Part 273 in the Wednesday, August 9, 1972, issue of the FEDERAL REGISTER (37 F.R. 15993). This document corrects those errors.

In consideration of the foregoing, F.R. Doc. 72-16610 is amended as follows:

1. By striking in § 146.30-1(c) the reference "42 CFR Part 173" and inserting in place thereof, the reference "21 CFR Part 273."

(R.S. 4472, as amended, R.S. 4417a, as amended; sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: December 7, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.72-21426 Filed 12-12-72;8:49 am]

[CGD 71-170B]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Etiologic Agents; Postponement of Effective Date

In the September 30, 1972, issue of the FEDERAL REGISTER (37 F.R. 20551), the Coast Guard published an amendment to the dangerous cargo regulations to provide for the shipment of etiologic agents. The amendment resulted from a notice of proposed rule making published in the January 7, 1972, issue of the FEDERAL REGISTER (37 F.R. 220).

Based on considerations by the Hazardous Materials Regulations Board, the Coast Guard is proposing an additional notice of proposed rule making on page 26530 of this issue of the FEDERAL REGISTER. Since action on this new proposal cannot be completed by December 30, 1972, this document changes the effective date of the amendment from December 30, 1972, to March 31, 1973.

In consideration of the foregoing, the effective date published in F.R. Doc. 72-16610 on page 20553 of the September 30, 1972, issue of the FEDERAL REGISTER, is revised to read as follows:

Effective date. This amendment becomes effective on March 31, 1973.

(R.S. 4472, as amended, R.S. 4417a, as amended, sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: December 7, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.72-21424 Filed 12-12-72;8:49 am]

Chapter IV—Federal Maritime Commission

[General Order 22; Amdt. 4]

PART 503—PUBLIC INFORMATION

Declassification and Classification of National Security Information

The Federal Maritime Commission (FMC) hereby implements requirements of the Freedom of Information Act, Executive Order 11652, and the National Security Council Directive of May 17, 1972. Pursuant to the foregoing, Part 503 of Title 46 is amended by adding a new Subpart F, §§ 503.51-503.56 as follows:

Subpart F—Declassification and Classification of National Security Information

Sec.
503.51 Authority.
503.52 Classification.
503.53 Authority to downgrade and declassify.
503.54 Requests for declassification review.
503.55 Mandatory review of classified material over thirty (30) years old.
503.56 Implementation and review.

AUTHORITY: The provisions of this Subpart F issued under the Freedom of Information Act; Executive Order 11652; National Security Council Directive of May 17, 1972.

Subpart F—Declassification and Classification of National Security Information

§ 503.51 Authority.

The authority to originally classify information under Executive Order 11652 as "Secret" shall be exercised only by the Chairman, Federal Maritime Commission, and such senior principal deputy or assistant as the Chairman may designate in writing. The authority to originally classify information as "Confidential" may be exercised by officials who have "Top Secret" or "Secret" classification.

§ 503.52 Classification.

(a) Each person possessing classifying authority shall be accountable for the propriety of the classification.

(b) Each classified document shall show on its face its classification and whether it is subject to or exempt from the general declassification schedule, the identity of the highest authority authorizing the classification, the office of origin, and the date of preparation and classification.

(c) Classified information or material furnished to the United States by a foreign government shall retain its original classification or be assigned a U.S. classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.

(d) Classification shall be solely on the basis of national security considerations. In no case shall information be classified to conceal administrative error, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security.

(e) Whenever information or material classified by an authorized official is incorporated in another document or other material by any person other than the classifier, the previously assigned security classification category and downgrading and declassification schedule shall be reflected thereon together with the identity and office of the classifier.

§ 503.53 Authority to downgrade and declassify.

(a) Information or material may be downgraded or declassified by the official authorizing the original classification, by a successor in capacity, a supervisory official of either, or the head of the agency.

(b) "Secret" information and material shall become automatically downgraded to "Confidential" at the end of the second full calendar year in which it was originated and declassified at the end of the eighth full calendar year in which it was originated.

(c) "Confidential" information and material shall become automatically declassified at the end of the sixth full year following the year in which it was originated.

§ 503.54 Requests for declassification review.

(a) Any person desiring a declassification review of a FMC document classified as National Security Information by reason of the provision of Executive Order 11652 or any previous Executive order, and which is more than 10 years old, should address such requests to the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

(b) Requests shall describe the document with sufficient particularity to enable FMC personnel to identify it.

(c) Charges for locating and reproducing copies of records will be made in accordance with § 503.43, Subpart E of this part.

(d) Every effort will be made to complete action on each request within thirty (30) days of receipt of the request. If action cannot be completed within thirty (30) days, the Secretary, FMC, will so advise the requester. If the requester does not receive a decision within sixty (60) days from the date of his request, he may appeal to the Interagency Classification Review Committee, Executive Office Building, Washington, D.C. 20500.

§ 503.55 Mandatory Review of Classified Material over Thirty (30) Years Old.

All classified information or material which is thirty (30) years old or more shall become automatically declassified at the end of thirty (30) full years in accordance with section 5 (C) or (D) of the Executive Order 11652. A request by a member of the public or by a department to review for declassification a document more than thirty (30) years old shall be referred directly to the Archivist of the United States, Washington, D.C. 20408.

§ 503.56 Implementation and review.

(a) The Managing Director, Federal Maritime Commission, is hereby designated the official of the Commission who shall insure effective compliance with and implementation of these regulations. He is authorized to act on all complaints and suggestions with respect to the administration of Executive Order 11652.

(b) The Managing Director shall also serve as Chairman of the Federal Maritime Commission Classification Review Committee which shall be composed of the:

Director, Bureau of Enforcement, Director, Bureau of Compliance, and the Chief, Office of Agreements.

(c) All suggestions and complaints, including those regarding overclassification, failure to declassify or delay in declassifying not otherwise resolved, shall be referred to the Committee for Resolution. In addition, the Committee shall

review all appeals for records under section 552 of Title 5, U.S.C. (Freedom of Information Act) when the proposed denial is based on their continued classification under Executive Order 11652.

Effective date. This regulation shall be effective upon its publication in the FEDERAL REGISTER (12–13–72).

Dated at Washington, D.C., this seventh day of December 1972.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–21451 Filed 12–12–72;8:45 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 15]

RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT

Notice of Proposed Rule Making

Notice is hereby given that the Department of Health, Education, and Welfare proposes to revise the regulations in Part 15 of Title 45 of the Code of Federal Regulations to the form set forth below. The proposed revision is intended to reflect the guidelines of the Office of Management and Budget as set out in OMB Circular No. A–103, of May 1, 1972, to reflect the lapse of the statutory authorization for full Federal funding up to $25,000 of payments under titles II and III of the Act and the lapse of eligibility for Federal funding of projects involving the dislocation of persons in States unable to give satisfactory assurances of compliance with the Act, and to clarify the existing regulations by making extensive changes in their format and wording.

Comments and suggestions for refinement of this proposed revision of regulations are invited and will be considered in the preparation of the definitive revised regulations and procedures. Any such comments or suggestions should be forwarded to the Facilities Engineering and Construction Agency, Office of the Secretary, Department of Health, Education, and Welfare, Washington, D.C. 20201 by January 22, 1973, for appropriate consideration and possible inclusion in the definitive revision. Any comments that may be received in response to this notice will be available for public inspection in Room 3025, 330 Independence Avenue SW., Washington, DC, during regular office hours.

Part 15 of Title 45, Subtitle A, of the Code of Federal Regulations would be revised to read as follows:

AUTHORITY. The provisions of this Part 15 are authorized by Sec. 213, 84 Stat. 1900, 42 U.S.C. 4633.

Subpart A—General

§ 15.1 Purpose.

The purpose of the regulations in this part is to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646) and the guidelines therefor in OMB Circular No. A–103, of May 1, 1972.

§ 15.2 Background

The Act provides a uniform policy for the fair and equitable treatment of owners and tenants of real property who are displaced by Federal or federally assisted programs or projects or whose real property or interests in real property is taken for or as a direct result of such programs or projects. The need for such a uniform policy arises from the growing impact on such persons of such programs and projects as they evolve to meet the public needs of a growing, and increasingly urban, population. Title II of the Act provides for a program of relocation payments, of relocation assistance (including advisory services), of assurances that prior to the displacement of persons comparable quality decent, safe, and sanitary replacement housing will be available for them, and of economic adjustments and other assistance to owners and tenants displaced from their homes, businesses, or farm operations. Title III of the Act provides a uniform policy with respect to real property acquisitions for or as a direct result of Federal or federally assisted programs or projects.

§ 15.3 Effective date.

Relocation payments and assistance provided for by title II of the Act are to be made to all persons otherwise eligible who are displaced on or after January 2, 1971; the real property acquisition policies provided by title III of the Act apply to real property acquisitions on or after January 2, 1971. Until July 1, 1972, the provisions of both those titles of the Act applied to State programs and projects receiving Federal financial assistance, to the extent that the State was under its laws able to comply with those titles. On July 2, 1972, the provisions of title II and the provisions of sections 303 and 304 of title III, relating to incidental expenses and litigation expenses in connection with real property acquisitions, became fully applicable to State programs and projects receiving Federal financial assistance; and the provisions of sections 301 and 302 of the Act, relating to real property acquisition policies and to practices relating the acquisition of buildings, structures, and improvements, continue to guide State programs and projects receiving Federal financial assistance,

but only to the greatest extent practicable under State law.

§ 15.4 Definitions.

(a) The "Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646), approved January 2, 1971 (42 U.S.C. 4601–4655).

(b) "Actually occupied" means openly and visibly occupied by the owner or tenant or his immediate family more than temporarily or casually, but does not call for constant personal presence nor foreclose temporary absence occasioned by some casualty or for business or pleasure.

(c) "Business" means any lawful activity, except a farm operation, including an activity by a nonprofit organization, conducted primarily: (1) For the purchase, sale, lease, or rental of personal or real property or for the manufacturing, processing, or marketing of products, commodities, or other items of personal property, (2) for the sale of services to the public, or (3) but solely for purposes of entitlement to the cost of actual moving and related expenses, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, other personal property, or services by the erection and maintenance of outdoor advertising displays, whether or not such displays are located on the premises on which any of such activities are conducted. The term includes only those activities which are conducted regularly on a bona fide basis, and does not include activities conducted as avocations.

(d) "The Department" means the U.S. Department of Health, Education, and Welfare or one of its constituent agencies.

(e) "Displaced person" means any person who moves from real property, or moves his personal property from real property, as a result of the acquisition, in whole or in part, of such real property, or as a result of the written order of the acquiring agency to vacate such real property for a program or project undertaken by the Department, or by a State agency for or as a direct result of a program or project for which it receives Federal financial assistance from the Department. It also means, but solely for purposes of entitlement to the actual cost of moving and related expenses or to a sum in lieu thereof or of entitlement to relocation assistance advisory services, such a person who so moves from other real property, or so moves his personal property from other real property, as a result of the acquisition for or as a direct result of such a program or project of, or the written order of the acquiring agency to vacate, such other real property on which such person conducts a business or farm operation.

(f) "Displacing agency" means the Department when it acquires real property or gives a written notice to a person to vacate real property for a program or project undertaken by the Department, or a State agency so acting for or as a direct result of a program or project for which financial assistance is provided by the Department and which results in the displacement of a person.

(g) "Dwelling" means the structure constituting the place of permanent, or customary and usual, abode of a person. It includes a single-family dwelling; a multifamily building; a condominium or cooperative housing project; or a mobile home or other residential unit.

(h) "Family" means two or more individuals who are related by blood, adoption, marriage, or guardianship, or one of whom stands in loco parentis to another of such individuals, and who live together as a family unit. However, individuals who live together as a family unit as if they were so related may be regarded as a single family.

(i) "Farm operation" means any activity conducted solely or primarily for the production of one or more raw agricultural products or commodities, including timber, for sale or home use, and customarily producing such agricultural products or commodities in quantities sufficient to be capable of contributing materially to the operator's support.

(j) "Federal financial assistance" means a grant, loan, or contribution provided by the Department, whether in the form of a grant, contract, or agreement and without regard to whether the financial assistance applies to the acquisition of real property required for, or as a direct result of, the project being assisted, but does not mean any annual payment or capital loan to the District of Columbia or any Federal guarantee or insurance.

(k) "Financial means" means the ability of a displaced person to afford the rental or price of a replacement dwelling determined to be available for rent or sale to such a displaced person. For this purpose, the rental or housing cost (e.g., mortgage payments, insurance for the dwelling unit, property taxes, and other related recurring expenses) which the displaced person will be required to pay for the replacement dwelling should not normally exceed the fair rental or value of the acquired dwelling by more than 20 percent and, for purposes of housing referrals, the rental value should not, except in unusual circumstances, exceed 25 percent of the gross income of the displaced person excluding supplemental payments made by public agencies.

(l) "Initiation of negotiations" means the first personal contact by or on behalf of the displacing agency with the owner of real property or with his representative at which the price of the real property is discussed.

(m) "Mortgage" means a deed of trust or lien commonly used in the State in which the real property is located to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

(n) "Nonprofit organization" means a partnership, corporation, or association no part of the profits of which inures, or is intended to inure, to the benefit of any private shareholder or individual.

(o) "Owner" means a person who holds a fee simple title, a life estate, or a 99-year lease in real property, or an interest in a cooperative project which includes the right of occupancy, or who is possessed of such other proprietary interest in real property as, in the judgment of the Secretary, warrants being treated as ownership. In the case of a person who has succeeded to any of the foregoing interests in real property by devise, bequest, inheritance, or operation of law, the tenure of the succeeding owner includes the tenure of the preceding owner in relation to ownership but not in relation to occupancy.

(p) "Person" means any individual, partnership, corporation, or association.

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

(r) "State" means any of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, or any political subdivision thereof.

(s) "State agency" means any department, agency, or instrumentality of a State or any department, agency, or instrumentality of two or more States, and includes a State itself.

§ 15.5 Applicability.

(a) This part applies, in relation to title II of the Act, to all direct projects of the Department which have resulted in or will result in the displacement of persons or, in relation to title III of the Act, which have resulted in or will result in the acquisition of real property.

(b) This part applies, in relation to title II of the Act, to all projects of State agencies receiving financial assistance in whole or in part from the Department which projects have resulted in or will result in the displacement of persons or, in relation to title III of the Act, which have resulted in or will result in the acquisition of real property. For this purpose, it is immaterial whether Federal funds are used by the State agency for the acquisition of such real property as is required for, or as a direct result of, the project.

§ 15.6 Categorical exceptions.

This part does not apply to federally assisted projects of those entities, such as private entities, that do not meet the definition of a State agency in § 15.4(s), except when such an entity is acting as an agent or contractor of a State agency, or of the Department, in the discharge of its responsibilities.

Subpart B—Assurances From State Agencies as a Condition Precedent to Participation in Federally Assisted Programs

§ 15.10 State agency program assurances.

(a) The Department will not approve any grant to, or contract or agreement with, a State agency under a program for

which financial assistance will be available from the Department to pay all or part of the cost and which will result in the acquisition of real property or an interest therein and in the displacement on or after January 2, 1971, of any person, until satisfactory assurances are received from that State agency that fair and reasonable relocation payments and assistance will be provided by the displacing agency under title II of the Act and this part; that relocation assistance programs offering the advisory services described in section 205 of the Act and this part will be provided to such displaced persons; and in connection with individual projects that, within a reasonable period of time prior to the displacement of persons, decent, safe, and sanitary dwellings will be available, as provided for in § 15.15 to persons so displaced by that project.

(b) In connection with programs which result in the acquisition of real property, whether or not involving the displacement of persons, the Department will also require, as a condition precedent to providing financial assistance, assurances that expenses incidental to the transfer of title, and litigation expenses in the event the real property is not in fact so acquired, will be paid as provided for in sections 303 and 304 of the Act, and that the State agency will be guided, to the greatest extent practicable under State law, by the real property acquisition policies prescribed by section 301 of the Act and by the practices relating to the acquisition of buildings, structures, and improvements prescribed by section 302 of the Act.

(c) The assurances required by this section will be required even though the financial assistance by the Department does not extend to the acquisition of the real property, whether or not such real property is furnished by the State agency as a required contribution incident to a project receiving financial assistance from the Department.

Subpart C—Assurance of Adequate Replacement Housing Prior to Displacement By a Project

§ 15.15 Project assurance of housing availability.

(a) The Department will not proceed with any phase of a project, or authorize a State agency to proceed with any phase of a project, which will result in the displacement of any person until the Department has determined, or received from the displacing State agency (in addition to the assurances called for by § 15.10) a relocation plan containing satisfactory assurances that within a reasonable period of time prior to the displacement of such persons by that project there will be, on a basis consistent with the requirements of title VIII, Fair Housing, of Public Law 90-284 (42 U.S.C. Ch. 45), available in areas not generally less desirable in regard to public utilities and public and commercial facilities, such as schools, stores, and public transportation, and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings (as described in paragraph (d) of this section) equal to the number of, and available to, those of such displaced persons who are expected to require replacement dwellings and reasonably accessible to their places of employment. A State agency that is not required to obtain an authorization from the Department with respect to individual projects must nevertheless submit a relocation plan to the Department for approval unless the State agency determines before the project is carried out that the project will not cause the dislocation of persons.

(b) An assurance or determination called for by paragraph (a) of this section must be based upon a current survey and analysis of available replacement housing made by or on behalf of the displacing agency. Such a survey and analysis must take into account competing demands for such housing.

(c) In certain extraordinary situations, such as where immediate possession of real property is of crucial importance, the Secretary may waive or modify the requirements of paragraph (a) of this section. A request for such a waiver or modification must be supported by a documentation sufficiently substantial to show the need for such a waiver or modification.

(d) A decent, safe, and sanitary dwelling is one which is in sound, clean, and weathertight condition and which meets the applicable requirements of State and local building, plumbing, electrical, housing and occupancy codes or regulations. The following criteria, subject to adjustment for unusual circumstances or for unique geographical areas, will be applied in determining whether a dwelling is decent, safe, and sanitary:

(1) If it is a housekeeping unit it must include a kitchen with a fully usable sink; a cooking stove, or connections for one; a separate and complete bathroom; hot and cold running water in both the kitchen and bathroom; an adequate and safe wiring system for lighting and other electrical services; and such heating facilities as are required by local housing codes or are called for by climatic conditions.

(2) If it is a nonhousekeeping unit it must meet local code standards for boarding houses, hotels, or other congregate living quarters. If local codes do not include requirements relating to space and sanitary facilities, standards to be applied in that regard are subject to the approval of the Secretary.

(3) Occupancy standards must comply with local housing codes or, in the absence of such local housing codes, the requirements of the Secretary in that regard.

(e) Where local housing codes do not exist or do not contain adequate minimum standards, the Secretary will prescribe the minimum standards to be applied.

§ 15.16 Housing provided as a last resort.

The Secretary will provide for replacement housing for Federal projects, or take or approve action by a State agency to develop replacement housing for projects financially assisted by the Department. In taking or approving such action, the Secretary will be guided by the criteria and procedures prescribed by the Secretary of Housing and Urban Development and published at 37 F.R. 3633 on February 18, 1972 (24 CFR Part 43, Subpart A).

§ 15.17 Loans for planning and preliminary expenses.

Section 215 of the Act authorizes the making of loans, in the nature of seed money loans, for planning and obtaining federally insured mortgage financing to stimulate the construction or rehabilitation of sale and rental housing to meet the needs of displaced persons. Such loans may be made to nonprofit, limited dividend, or cooperative organizations, or to public bodies, for not more than 80 percent of the reasonable expenses, prior to construction, for activities such as preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site title searches and appraisals, application and mortgage commitment fees and charges, legal fees, and construction loan fees and discounts. Loans to nonprofit organizations will be interest free. The making of such loans is subject to the criteria and procedures prescribed by the Secretary of Housing and Urban Development and published at 37 F.R. 14768 on July 25, 1972 (24 CFR Part 43, Subpart B).

Subpart D—Actual Moving and Related Expenses and Losses

§ 15.21 Eligibility.

Any displaced person (including one who conducted a business or farm operation on acquired property) is eligible for payment for his moving and related expenses in moving from real property acquired by or on behalf of a displacing agency. A person who conducts a business or farm operation on acquired property on which he lives or on other acquired property may be eligible for the moving and related expenses of himself and his family, and for his personal property, including personal property used in such a business or farm operation.

§ 15.22 Application.

A displaced person eligible for payments under title II of the Act shall be entitled to payments or assistance under this subpart only upon application therefor, with necessary supporting documentation, within 18 months from the date of his displacement or from the date on which the displacing agency makes final payment for the real property, whichever is later. The head of the displacing agency may extend that period upon a proper showing of good cause.

§ 15.23 Allowable moving and related expenses.

(a) Subject to the limitations in paragraph (b) of this section, the following expenses are allowable as moving and related expenses:

(1) The cost of transportation of individuals, families, and personal property to a replacement site not more than 50 miles distant except when the Secretary determines that relocation beyond 50 miles is justified under the circumstances.

(2) The cost of packing and crating, and of unpacking and uncrating, personal property.

(3) The cost of advertising for packing and crating, unpacking and uncrating, and transportation services when the Secretary determines that such advertising is necessary or desirable.

(4) The cost of storage of personal property for a period of time when the Secretary determines that storage for such a period, generally not in excess of 12 months, is necessary or desirable in connection with the relocation.

(5) The cost of premiums on insurance covering the loss of or damage to personal property while in transit or in storage authorized pursuant to subparagraph (4) of this paragraph.

(6) The value of personal property lost, stolen, or damaged (other than through the fault or negligence of the displaced person or his agent or employee) in the process of moving or in storage authorized pursuant to subparagraph (4) of this paragraph, if insurance to cover such a loss was not reasonably available.

(7) The cost of removal, installation, and reestablishment of, and the reconnection of utilities for, machinery, equipment, appliances, and other items not acquired as real property, including such modifications thereof as is deemed necessary by the Secretary. Prior to the payment for any such costs in relation to such property, the displaced person must agree in writing that such property is personalty and that the displacing agency is released from any liability for payment for the value of such property.

(8) Such other related expenses as the Secretary determines to be reasonable under the circumstances.

(b) When the displaced person accomplishes the move by himself or by the use of his family or employees, the amount of allowable expenses will not exceed the estimated commercial cost of such a move.

§ 15.24 Direct losses incurred in moving or discontinuing a business or farm operation.

(a) If a displaced person does not move personal property used in a business or farm operation but has made a bona fide effort to sell such personal property, he is entitled to payment for the loss of such personal property, and he may be reimbursed for expenses reasonably incurred in such a selling effort.

(b) If a business or farm operation is discontinued, a displaced person is entitled, with respect to personal property which was used in connection therewith, to a payment for what would have been its fair market value for its continued use at its location prior to displacement minus the net proceeds from its sale or, if abandoned after a bona fide effort to sell, to the estimated cost of moving it 50 miles, whichever is less. Payments to a displaced person shall not be offset by the cost to the displacing agency of removing such abandoned property.

(c) If a business or farm operation is reestablished, a displaced person is entitled, with respect to personal property which was used in connection therewith but which is not moved but rather is sold and promptly replaced by a comparable item, to a payment for its replacement cost minus the net proceeds from its sale or the estimated cost of moving it 50 miles, whichever is less.

(d) If personal property used in a business or farm operation to be moved is of high bulk and low value and the cost of moving it would, in the judgment of the Secretary, be disproportionate to its value, the allowable expense of moving such personal property will not exceed the cost of replacing it at the relocated premises with comparable personal property available on the market minus the estimated net amount that would have been received for such personal property on liquidation. This provision is applicable to junkyard items and to stockpiled sand, gravel, minerals, metals, or similar items of personal property.

(e) If the cost of moving or relocating an outdoor advertising display is determined by the displacing agency to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such a display as a part of the real property except when such an acquisition is prohibited by law.

§ 15.25 Allowable expenses in connection with searching for a replacement location for a business or farm operation.

(a) The following expenses are allowable under this subpart in connection with the searching for a replacement location for a business or farm operation:

(1) Actual travel costs but not in excess of 10 cents a mile.

(2) Cost of meals and lodging away from home.

(3) The value of time spent in searching for a replacement location for a business or farm operation, at the rate of the displaced person's salary or earnings but not in excess of $10 an hour.

(4) In the discretion of the displacing agency, such brokerage, realtor, or other professional fees in connection with relocating a business or farm operation in the area as is customary under the circumstances.

(b) The total amount allowable to a displaced person under this section will not exceed $500 unless the Secretary determines that a larger amount is justified under the circumstances.

§ 15.26 Nonallowable moving expenses and losses.

The following expenses are not allowable under this subpart in connection with the relocation of a business or farm operation:

(a) Additional expenses incurred because of living at a new location.

(b) The cost of moving structures or other improvements to real property as to which the displaced person reserved ownership, except as otherwise provided for by the Act.

(c) The cost of improvements to the replacement site, except as provided for in § 15.23.

(d) Interest on loans to cover moving and related expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Added expenses incurred because of a loss of trained employees.

(h) Expenses or losses resulting from personal injury.

(i) The cost of preparing applications for moving and related expenses and of preparing supporting documentation.

(j) The cost of the modification of personal property to adapt it to the replacement site, except when required by law.

(k) The cost of searching for a replacement dwelling.

(l) The cost of establishing a different or larger business or farm operation to the extent that such cost exceeds the estimated cost of reestablishing the business or farm operation being discontinued.

Subpart E—Payments in Lieu of Actual Moving and Related Expenses

§ 15.30 Use of schedules in connection with displacement from dwelling.

A person displaced from a dwelling may at his option receive, in lieu of actual moving and related expenses for himself and his family under Subpart D of this part, a moving expense allowance, not in excess of $300, determined according to schedules established by the highway department of the State in which the acquired dwelling is located and approved by the Federal Highway Administrator or, in the absence of such a highway department schedule, according to schedules established by the Federal Highway Administrator, plus a dislocation allowance of $200.

§ 15.31 Fixed payment for person displaced from his place of business or farm operation.

(a) A person displaced from his place of business or farm operation may at his option, receive, in lieu of actual moving and related expenses in that regard under Subpart D of this part but in addition to such payments as he may be entitled to for himself and his family under Subpart D of this part or § 15.30, a fixed payment in the amount of the average annual net earning before Federal, State, and local income taxes of his bona fide business or farm operation during the 2

taxable years immediately preceding the taxable year in which the business or farm operation is moved from the acquired real property or during such other period as the head of the displacing agency determines to be more equitable for establishing such average annual net earnings, including any compensation paid by the business or farm operation to the owner or his spouse or dependents during such a base period, but not less than $2,500 nor more than $10,000 in respect of any bona fide business or farm operation, except that no payment will be made under this section with respect to a business conducted primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, other personal property, or services by the erection and maintenance of outdoor advertising displays.

(b) No payment may be made pursuant to this section in respect of a business unless the Secretary determines (1) that the business cannot be relocated without a substantial loss of existing patronage and (2) that the business is not a part of an enterprise with at least one other establishment which is engaged in the same or a similar business and which is not being acquired.

(c) The determination of whether there will be a substantial loss of existing patronage is to be made, except as provided for in paragraph (d) of this section, by the displacing agency after considering all pertinent circumstances, including but not limited to the following factors:

(1) The type of business conducted by the displaced person.

(2) The nature of the clientele of the displaced person.

(3) The availability of property suitable for use as a new location on which to conduct the business.

(4) The relative importance to the business of the present location and such new locations as are available.

(d) The determinations of whether there will be a substantial loss of existing patronage of an activity conducted by a nonprofit organization and of whether the activity is a part of an enterprise with at least one other establishment which is engaged in the same or a similar activity and which is not being acquired will be made by the Secretary. For this purpose, the term "existing patronage" includes the persons, community, or clientele served or affected by the activities of the nonprofit organization.

(e) A payment will be made under this section with respect to the acquisition of a part of the property used by a person for a farm operation only when the displacing agency determines that the acquired property was in fact used for a farm operation before the taking and that the remaining property cannot be expected to be so used for a farm operation and continue to contribute substantially to the operator's support.

Subpart F—Replacement Housing Payments

§ 15.35 Payments for replacement housing costs to homeowners.

(a) A person displaced from a dwelling actually owned and occupied by him for at least 180 days prior to the initiation of negotiations for the acquisition of that dwelling is entitled, in addition to entitlement to other payments under this part, to payment for the additional cost, if reasonable, of acquiring a comparable replacement dwelling which is decent, safe, and sanitary and which he purchases and occupies within 1 year from the date he received final payment for the dwelling from which he was displaced or from the date on which he moved therefrom, whichever is later, as well as payment for additional interest costs as provided for in § 15.37.

(b) A comparable replacement dwelling is a dwelling that is functionally equivalent to, and substantially the same as, the acquired dwelling, not excluding for this purpose newly constructed housing. Each aspect of the dwellings need not be individually compard as long as all the requirements of paragraph (c) of this section are met.

(c) The additional cost of a replacement dwelling will not be regarded as unreasonable if that additional cost results from the need for acquiring a dwelling which is decent, safe, and sanitary, which is adequate to accommodate the displaced person and his family, which is located in an area not generally less desirable in respect of neighborhood conditions such as municipal services and other environmental factors, public utilities, and public and commercial facilities, which is reasonably accessible to the displaced person's place of employment or potential place of employment, which is within the financial means of the displaced person, and which is available on the private market. If such housing is not available, the displacing agency may, for purposes of this subpart and for making housing referrals, consider housing exceeding the other basic criteria.

§ 15.36 Limitation on payments for replacement housing costs.

(a) The amount of a payment for the additional cost of a replacement dwelling to a displaced dwelling owner will not exceed the difference between the amount paid by the displacing agency for the acquired dwelling and the amount paid by the displaced dwelling owner for a comparable dwelling not in excess of a reasonable amount as determined by the schedule method described in paragraph (b) of this section, or by the comparative method described in paragraph (c) of this section, or by another method approved pursuant to paragraph (d) of this section, whichever is the least, and in no event will exceed $15,000.

(b) *Schedule method.* The Secretary may establish a schedule of reasonable acquisition costs of comparable replacement dwellings for the various types of dwellings to be acquired in the community or area involved and meeting the conditions prescribed in § 15.15(d) as well as being open to all persons regardless of race, color, religion, or national origin consistent with the requirements of title VIII, Fair Housing, of Public Law 90–284 (42 U.S.C. ch. 45).

(c) *Comparative method.* The Secretary may determine the cost of a comparable replacement dwelling on the basis of the asking price, adjusted to reflect market experiences, of a dwelling or dwellings most representative of the dwelling acquired by the displacing agency and meeting the conditions prescribed in § 15.15(d) and paragraph (b) of this section. A single dwelling unit will be used for comparison purposes only when additional comparable dwellings are not available.

(d) *Alternative method.* The head of the displacing agency may develop criteria for computing the cost of replacement housing when the use of neither of the methods described in paragraph (b) or (c) of this section is feasible. Such an alternative method will be subject to the approval of the Secretary.

(e) For purposes of this section, the cost of a replacement dwelling includes legal, closing, and related costs such as: (1) The cost of a title search, the preparation of conveyance instruments, notarial fees, surveys, the preparation of plats, and charges incident to recordation, (2) lender's, FHA, or VA appraisal fees, (3) FHA application fee, (4) the cost of a certification of structural soundness when required by the lender, FHA, or VA, (5) the cost of a credit report, (6) the cost of a title policy or abstract of title, (7) an escrow agent's fee, and (8) the cost of revenue stamps and of sale or transfer taxes.

(f) For purposes of this section, the cost of a replacement dwelling does not include a fee, cost, charge, or expense determined to be a part of the finance charge under title I, the Truth in Lending Act, of Public Law 90–321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

§ 15.37 Payments for additional interest costs incurred.

(a) In addition to entitlement to the payments provided for by § 15.35, a person displaced from a dwelling actually owned and occupied by him shall be entitled to compensation for any increased interest costs with respect to the amount that is refinanced if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage for not less than 180 days prior to the initiation of negotiations for the acquisition of that dwelling.

(b) A payment under this section shall be equal to the difference between the discounted present value of the remaining interest payments that were called

for by the mortgage on the acquired dwelling and the discounted present value of the interest payments, including points paid with respect to the replacement dwelling, called for with respect to that amount of principal of the mortgage on the replacement dwelling that is equal to the unpaid principal of the mortgage on the acquired dwelling for the length of its remaining term.

(c) For purposes of paragraph (b) of this section, discounted present value shall be calculated on the basis of the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

§ 15.38 Mortgage insurance.

Section 203(b) of the Act authorizes the head of any Federal agency administering a Federal mortgage insurance program, upon application by a mortgagee, to insure any mortgage (including advances during construction) executed by a person assisted under that section on a comparable replacement dwelling, which mortgage is eligible for such insurance without regard to any eligibility requirements otherwise applicable with respect to age, physical condition, or other personal characteristics of mortgagors, and to make commitments for the insurance of such a mortgage prior to the date of execution of the mortgage.

§ 15.39 Payments to tenants and others for the rental of replacement dwellings.

(a) A displaced tenant of a dwelling which he actually and lawfully occupied for a period of not less than 90 days prior to the initiation of negotiations for the acquisition of that dwelling by the Department or by a State agency as a direct result of a program financially assisted by the Department may be eligible for a payment under this section if he rents rather than purchases a decent, safe, and sanitary replacement dwelling.

(b) A displaced owner of a dwelling which he actually owned and occupied for a period of not less than 90 days prior to the initiation of negotiations for the acquisition of that dwelling by the Department or by a State agency as a direct result of a program financially assisted by the Department or which he so owned and occupied for a period of more than 180 days but as to which he has not purchased and occupied a decent, safe, and sanitary replacement dwelling may be eligible for a rental payment under this section.

(c) The amount of the rental payment under this section, which will not exceed $4,000 for a displaced person, will be based on the rental agreed to by the displaced person subject to a limitation determined either by the schedule method described in paragraph (d) of this section or by the comparative method described in paragraph (e) of this section.

(d) The Secretary will establish a rental schedule for renting comparable replacement dwellings (or one or more dwellings most representative of the dwelling acquired) which are available in the private market for the various types of dwellings to be acquired, based upon a current survey and analysis of the market for each type of dwelling required. Payment pursuant to such a schedule will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (based on the average monthly rental from the schedule) and by subtracting from that amount an amount equal to 48 times the average monthly rental, if reasonable, paid by the displaced person for the acquired dwelling over the 3 months (or more if necessary to determine a representative figure) immediately preceding the initiation of negotiations for the acquisition of that dwelling. If the average rental was unreasonably high or if the displaced person was the owner, the subtraction will be based on a rental charge that is determined would have been reasonable for the acquired dwelling. The amount subtracted will include any rent supplements supplied by others except when such a supplement is to be discontinued upon vacation of the property.

(e) When the method described in paragraph (d) of this section cannot be feasibly applied, the Secretary will apply such criteria as are reasonable and appropriate for computing the rental payment.

(f) A payment of $500 or less for rental will be made in a lump sum. All such payments aggregating in excess of $500 will be paid in installments of $500 each except that the final installment shall be for that amount, not in excess of $500, necessary to complete the payments. Prior to making each such payment, the displacing agency must have received a certification from the displaced person that he is occupying a decent, safe, and sanitary dwelling or, if the dwelling is no longer decent, safe, and sanitary, that its deterioration was not occasioned by the fault of the displaced person.

§ 15.40 Payments to tenants and others for the purchase of replacement dwellings.

(a) A displaced tenant of a dwelling which he actually and lawfully occupied for a period of not less than 90 days prior to the initiation of negotiations for the acquisition of that dwelling by the Department or by a State agency as a direct result of a program financially assisted by the Department may be eligible for a payment sufficient for him to make a downpayment on the purchase of a decent, safe, and sanitary dwelling if he elects to purchase rather than to rent such a dwelling.

(b) A displaced owner of a dwelling which he actually owned and occupied for a period of not less than 90 days, but not more than 180 days, prior to the initiation of negotiations for the acquisition of that dwelling by the Department or by a State agency as a direct result of a program financially assisted by the Department may be eligible for a payment sufficient for him to make a downpayment on the purchase of a decent, safe, and sanitary dwelling if he elects to purchase rather than to rent such a dwelling.

(c) The amount of a payment under this section is the amount, not in excess of $4,000, necessary to enable the displaced person to make the downpayment required under a conventional loan arrangement for the purchase of a comparable replacement dwelling plus expenses incident to such a purchase, except that such a payment must be applied to the downpayment or incidental expenses as shown on the closing statement and shall be matched by the displaced person for the same purpose to the extent that such a payment exceeds $2,000.

§ 15.41 Notice to tenants of initiation of negotiations for the property.

When a dwelling is being acquired by the Department or by a State agency as a direct result of a program financially assisted by the Department, tenants actually and lawfully occuping such a dwelling shall promptly be advised that negotiations have been initiated for the acquisition of that property and of the date of the initiation of such negotiations.

Subpart G—Relocation Assistance Advisory Services

§ 15.45 Relocation assistance advisory services.

(a) All programs of the Department or of State agencies receiving financial assistance from the Department shall provide for relocation assistance advisory services for persons displaced as a result of such programs, and for persons occupying property immediately adjacent to the real property so acquired who suffer substantial economic injury because of such an acquisition.

(b) The program of the Department for providing relocation assistance advisory services, which will be administered by the Facilities Engineering and Construction Agency of the Department, and the programs for that purpose of State agencies receiving financial assistance for such programs from the Department will:

(1) Determine with respect to persons displaced from their dwellings, their places of business, or their farm operations their needs for relocation assistance arising from such a displacement;

(2) Provide current, complete, and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary dwellings for sale or rent, and of comparable commercial properties and locations for displaced businesses;

(3) Assure that suitable replacement dwellings will be available to displaced persons prior to their displacement except to the extent that that requirement is waived or modified in extraordinary situations as provided for in § 15.15(d);

(4) Assist persons displaced from a place of business or farm operation in obtaining and becoming reestablished in a suitable replacement location;

(5) Supply information to displaced persons concerning Federal and State housing programs, disaster loan programs, and other Federal and State programs offering assistance to displaced persons, business concerns, or farm operations; and

(6) Provide such other advisory services to displaced persons as are appropriate to minimize the hardships to such persons in adjusting to the place of relocation.

(c) In order to assure maximum coordination of relocation activities in a community or area, the displacing agency should consult with appropriate local officials, consistent with the procedures contained in the Office of Management and Budget Circular No. A–95 (Revised), before approving any proposed project in that community or area.

(d) A displacing agency should consider whether to contract for providing the required relocation services with the central relocation agency in such a community or area or, if necessary, with another public agency or a private organization with the capability of providing such relocation services.

Subpart H—Federally Assisted Programs

§ 15.50 Assurances from State agencies.

(a) The Secretary will, through the cognizant agencies of the Department, obtain from State agencies applying to the Department for financial assistance, or entitled by statute to an allotment or apportionment of funds from the Department for financial assistance, with respect to programs or projects which will cause the displacement of any owner or tenant of real property the following assurances:

(1) That fair and reasonable relocation payments and assistance will be provided to or for displaced persons as provided for in this part;

(2) That the relocation assistance advisory programs provided for in this part, including information concerning applicable benefits, policies, and procedures, will be provided to or for persons displaced or to be displaced, and that tenants who will be dislocated will be advised of the initiation of negotiations for the acquisition of the property occupied by them; and

(3) That, within a reasonable period of time prior to displacement, decent, safe, and sanitary housing will be available to persons to be displaced.

(b) In the case of each program or project involving the acquisition of real property regardless of whether it results in the dislocation of a person, the assurance shall also provide that the State agency will be guided, to the greatest extent practicable under State law, by the real property acquisition policies prescribed in Subpart I of this part and will, in any event, pay to the owner of the real property expenses incidental to the transfer of title as prescribed in said Subpart I and, in the event the real property is not finally acquired, the litigation expenses of the owner as prescribed in said Subpart I.

(c) A State agency assurance called for by paragraph (a) or (b) of this section, shall, if appropriate, be accompanied by a statement specifying those provisions of such an assurance that the State agency is unable to give, or that it is not practicable for it to give, in whole, or in part, under its State law. Such an assurance shall also be accompanied by a statement specifying that part, if any, of the payments required under the State law of eminent domain to be made to the owner of real property to be acquired which has substantially the same purpose and effect as a relocation payment called for by this part but which, without regard to this part, is chargeable to the Federal financial assistance for the program or project involved or that no part of such payments is so chargeable. Each such statement shall be supported by an opinion of the chief or other appropriate legal officer of the State, containing an adequate discussion of any asserted legal inability or impracticability of the State agency to provide any part of the required assurances and the extent of any asserted inability of the State agency to pay for a part of the expenses called for by this part.

§ 15.51 Unsatisfactory assurances.

(a) If a State agency is unable to provide an assurance pursuant to § 15.50 that is satisfactory to the Secretary, the project involved shall not be financially assisted by the Department until such time as a satisfactory assurance is so provided unless other means of making the required payments and of providing the required assistance are provided for in a manner satisfactory to the Secretary.

(b) If no such assurance is provided only those projects in that State under the program involved will be financially assisted by the Department that do not involve the displacement of persons or the acquisition of land, as the case may be.

(c) If a State agency does not provide an assurance pursuant to § 15.50 because of a belief that no real property is to be acquired for or as a direct result of the project involved or that the project involved will not directly result in the dislocation of any person and if subsequently real property is in fact so acquired or a person is in fact so dislocated, the financial assistance for that project by the Department will forthwith be terminated until such time as the requisite payment or assistance is provided for to the satisfaction of the Secretary.

§ 15.52 Records.

Each displacing agency receiving financial assistance from the Department shall keep such records, and submit to the Secretary such reports, regarding relocation payments and assistance as may be prescribed by the Secretary. Such records shall include records of notifications to tenants to be displaced of the initiation of negotiation for the acquisition of the properties involved. Such records shall be retained for the period prescribed by the regulations for the affected program for the retention of records but in no event less than 3 years following the completion of the project involved, and shall be available for inspection by representatives of the Federal Government.

§ 15.53 State agency contracts for relocation assistance.

(a) A State agency whose programs or projects cause the dislocation of persons may enter into contracts with any person for providing the relocation assistance called for by this part, or may carry out its responsibilities in that regard through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs.

(b) A copy of any such contract or other agreement pursuant to this section shall be provided to the Secretary. Such a contract or other agreement shall contain such provisions as are consistent with this part, including the following provisions:

(1) Services will be provided consistent with the requirements of this part;

(2) Records will be kept and maintained as required by this part;

(3) The clauses required by Part 80 of this title implementing title VI of the Civil Rights Act of 1964 (Public Law 88–352);

(4) Such other provisions as may from time to time be called for by the Secretary.

§ 15.54 Appeals.

(a) Any person aggrieved by a determination as to eligibility for, or the amount of, a payment or assistance under the regulations in this part may appeal that determination in accordance with such procedures as may be established by the agency concerned.

(b) Each agency concerned shall establish procedures for such appeals, which shall assure that the appellant be accorded a fair hearing including the opportunity for making an oral presentation, that each appeal will be decided promptly, that each appeal decision will include a statement of the basis for the decision, that the agency will for a period of 3 years retain all documents associated with an appeal, that each appellant will have a right of final appeal to the head of the agency concerned, and that any amounts determined to be due the appellant will be promptly paid.

(c) A copy of each appeal decision by a State agency shall be promptly sent to the Department.

§ 15.55 Funding of the cost of payments and assistance.

(a) The cost to a State agency of providing the relocation payments and assistance to a person displaced by a State

agency, and of providing payments to owners for the acquisition of real property by a State agency, as a direct result of a program or project for which that State agency receives financial assistance from the Department shall be a cost chargeable in accordance with that program or project unless the Secretary determines that a payment required by a State law of eminent domain has substantially the same purpose and effect as, and would duplicate, a payment otherwise chargeable as a program or project cost by virtue of this section.

(b) Except to the extent that the costs of such payments and assistance are, by section 207 and 211(a) of the Act, made fully chargeable up to $25,000 to the financial assistance provided by the Department, such costs shall be eligible for reimbursement in the same manner and to the same extent as other costs under the program or project involved. It should be noted that the provisions of those sections authorizing the first $25,000 to be fully chargeable to Federal financial assistance expired as of July 1, 1972.

(c) To the extent that Federal funds are available for the purpose, existing grants to, or contracts or agreements with, State agencies will be amended to reflect the additional cost, if any, of providing relocation payments and services to persons displaced on or after January 2, 1971, or the date on which the Act is fully effective in the particular State, and of providing the additional payments, if any, to the owner of property acquired on or after such a date, called for by this part within the limitations provided for by the Act.

(d) Reimbursement or other participation by the Department in payments made by State agencies for relocation will be limited, except in hardship cases, to those payments which are made to persons who move, or move their personal property, as a result of the receipt of written notice to vacate (which notice may have been given before or after negotiations for the acquisition of the real property involved).

(e) State agencies receiving financial assistance from the Department for programs or projects should carefully review such programs or projects for the purpose of eliminating or lessening the extent of the dislocation of persons in order to minimize the financial and social impact of such programs and projects and to avoid significant adverse effects on the quality of the human environment.

§ 15.56 Advance payments.

The Secretary may advance Federal funds to a State agency for relocation payments and assistance pursuant to this part if he determines that such an advance is necessary for the expeditious completion of the program or project.

Subpart I—Real Property Acquisition Policies

§ 15.60 Just compensation.

When real property is acquired by the Department or by a State agency as a direct result of a program or project receiving financial assistance from the Department, the owner of such real property shall be paid as just compensation therefor by the Department, or, to the greatest extent practicable under State law, by such a State agency, not less than the approved appraisal of its fair market value in accordance with § 15.61, even if the property is not acquired by eminent domain proceeding.

§ 15.61 Negotiations for the acquisition of real property.

(a) Before negotiations are initiated for the acquisition of real property, the acquiring agency shall have the real property appraised in terms of its fair market value, and the owner thereof or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(b) When negotiations are initiated for the acquisition of real property, the owner thereof shall be furnished a written statement concerning the proposed acquisition. Such a statement shall contain, as a minimum, the following:

(1) An identification of the real property, including the buildings, structures, and other improvements on the land, as well as fixtures, considered to be a part of the real property, and the estate or interest therein to be acquired.

(2) The amount of the estimated just compensation for the property to be acquired, which shall not be less than the agency's approved appraisal of the fair market value of the property to be acquired, and a summary of the basis for determining the amount of such just compensation. Any decrease or increase in the fair market value of the real property prior to the date of its valuation caused by the public improvement for which the real property is being acquired, or by the likelihood that the real property would be acquired for such an improvement, other than a decrease due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. In the case of a partial taking, the damages, if any, to the remaining real property shall be separately stated.

(3) Appraisals shall be conducted as nearly as practicable pursuant to the Uniform Appraisal Standards for Federal Land Acquisition published in 1972 by the Interagency Land Acquisition Conference (G.P.O. 1972).

(c) The acquiring agency shall promptly either make an offer to purchase the property at the full amount of the just compensation therefor as so determined or initiate eminent domain or other proceeding that may be required to avoid a cloud on title to the property.

§ 15.62 Notices to tenants and owners.

(a) Tenants of real property to be acquired shall be promptly notified of the initiation of negotiations for the acquisition of that real property.

(b) To the greatest extent practicable, an owner or tenant lawfully occupying real property shall not be required to move from a dwelling, or to move his business or farm operation, without at least 90 days' written notice of the date by which such a move is required. Such a notice shall be served personally or by certified (or registered) first-class mail.

§ 15.63 Payment of certain expenses.

(a) The owner of real property acquired shall be reimbursed for expenses incidental to the transfer of title to the real property, and litigation expenses incurred when real property is not acquired, as provided for in sections 303 and 304 of the Act.

(b) State agencies receiving financial assistance from the Department for a program or project involving the acquisition of real property shall otherwise be guided by the land acquisition policies enunciated in sections 301 and 302 of the Act to the greatest extent practicable under State law.

Subpart J—Relocation Assistance Payments as Income

§ 15.67 Relocation payments and assistance as income or resources for purpose of other laws.

Section 216 of the Act provides that payments received under title II of the Act in relation to relocation assistance shall not be considered as income for the purposes of the Internal Revenue Code of 1954 for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law. For the treatment of such payments, particularly in relation to resources, in connection with assistance under the Social Security Act, see § 233.20 of this title (37 F.R. 19371, September 20, 1972).

Dated: December 6, 1972.

ELLIOT L. RICHARDSON,
Secretary, Health, Education, and Welfare.

[FR Doc.72-21457 Filed 12-12-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGD 72-226PH]

ETIOLOGIC AGENTS

Proposed Exemptions

In F.R. Doc. 72-16610, published in the September 30, 1972, issue of the FEDERAL REGISTER (37 F.R. 20551), the requirements for the shipment of etiologic agents were established. The Coast Guard is now considering amending these regulations to add an exemption for cultures of etiologic agents.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the

U.S. Coast Guard (GMHM), 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address, identify the notice (CGD 72-226PH), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold a hearing on January 23, 1973, at 9:30 a.m. in Conference Room 8334, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the U.S. Coast Guard (GCMC), 400 Seventh Street SW., Washington, DC 20590.

All communications received before January 30, 1973, will be evaluated before final action is taken on this proposal. The proposed regulations may be changed in the light of comments received.

By a separate document published at page 25243 of November 29, 1972, issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to Part 173 of Title 49, Code of Federal Regulations. For reasons fully stated in that document the Board has proposed these changes.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

The Coast Guard proposes to incorporate the substance of the Board's proposal in 46 CFR Part 146.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46 of the Code of Federal Regulations by adding subparagraph (3) to follow subparagraph (2) in § 146.30-3(a) to read as follows:

§ 146.30-3 Exemptions.

(a) * * *

(3) Cultures of etiologic agents of less than 50 milliliters (1.666 fluid ounces) total quantity in one outside package.

(R.S. 4472, as amended; R.S. 4417a, as amended, sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: December 5, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-21427 Filed 12-12-72;8:49 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-GL-64]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Houghton, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

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

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

New public use instrument approach procedures, based on the ILS, have been established for the Houghton County Memorial Airport, Houghton, Mich. Accordingly, it is necessary to alter the Houghton, Mich., control zone and transition area to adequately protect aircraft executing the new procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

HOUGHTON, MICH.

Within a 6-mile radius of Houghton County Memorial Airport (latitude 47°10'06" N., longitude 88°29'20" W.); within 3 miles each side of the 020° bearing from the Calumet RBN, extending from the 6-mile radius zone to 6½ miles north of the RBN.

In § 71.181 (37 F.R. 2143, the following transition area is amended to read:

HOUGHTON, MICH.

That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Houghton VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 020° bearing from the Calumet RBN, extending from the RBN to 18½ miles north of the RBN; within 4½ miles northeast and 10½ miles southwest of the Houghton ILS localizer northwest course, extending from the airport to 24½ miles northwest; within 4½ miles southeast and 9½ miles northwest of the Houghton VOR 060° radial extending from the VOR to 18½ miles northeast of the VOR; and within 4½ miles southwest and 9½ miles northeast of the Houghton ILS localizer southeast course extending from the airport to 23½ miles southeast.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on November 21, 1972.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.72-21387 Filed 12-12-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-NW-2]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the North Bend, Oreg., control zone and the transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAC International Standards and Recommended Practices.

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

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

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

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

The airspace actions proposed in this docket would:

1. Alter the North Bend Control Zone by adding that airspace within 3 miles each side of the 241° T. (221° M.) bearing from the Empire LOM (lat. 43°23'42" N., long. 124°18'33" W.) extending from the 5-mile radius to 7 miles southwest of the LOM.

2. Alter the North Bend 700-foot transition area by adding that airspace within 2 miles south and 6.5 miles north of the North Bend VORTAC 241° T. (221° M.) radial extending from the VORTAC to 17 miles southwest of the VORTAC.

3. Alter the North Bend 1,200-foot transition area by adding that airspace within 2.5 miles southeast and 11.5 miles northwest of the North Bend VORTAC 241° T. (221° M.) radial extending from the VORTAC to 25.5 miles southwest.

These alterations are required to provide controlled airspace for the ILS approach procedure that has been developed for runway 4 at the North Bend Municipal Airport, North Bend, Oreg.

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

Issued in Washington, D.C., on December 6, 1972.

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

[FR Doc.72-21388 Filed 12-12-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-NE-22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Danbury, Conn., control zone and alter the Danbury, Conn., transition area (37 F.R. 2179).

The Federal Aviation Administration will commission a new air traffic control tower at the Danbury Municipal Airport, Danbury, Conn., on or about February 15, 1973. This will require the designation of a control zone at Danbury, Conn., and the alteration of the Danbury, Conn., 700-foot transition area in order to provide additional protected airspace for IFR operations at the Danbury Municipal Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

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

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA.

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

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Danbury, Conn., control zone described as follows:

Within a 5-mile radius of the center 41°22'-15" N., 73°29'00" W., of the Danbury Airport, Danbury, Conn., and within 2 miles each side of the Carmel VORTAC 038° radial extending from the 5-mile radius area to the Carmel VORTAC. This control zone is effective from 0700 to 2300 hours local time daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airmen's Information Manual.

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

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 41°22'15" N., 73°29'00" W. of Danbury Airport, Danbury, Conn., extending clockwise from the 018° bearing from the center of the airport to the 288° bearing and within a 13-mile radius from the 288° bearing clockwise to the 018° bearing and within 3.5 miles each side of the Carmel VORTAC 218° radial extending from the 9-mile radius area to 11.5 miles southwest of the Carmel VORTAC, excluding that airspace which coincides with the Bridgeport, Conn., and White Plaines, N.Y., 700-foot floor transition areas.

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

Issued in Burlington, Mass., on November 29, 1972.

W. E. CROSBY,
Deputy Director, New England Region.

[FR Doc.72-21389 Filed 12-12-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-AL-10]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the King Salmon, Alaska, control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

An official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501.

Alteration of the King Salmon, Alaska, control zone and transition area, is required to comply with U.S. standard terminal instrument procedures (TERPS) and revised criteria for establishment of terminal controlled airspace. Additionally, refined coordinates of the airport reference point (ARP) are contained in this docket.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (37 F.R. 2056) the King Salmon, Alaska, control zone is amended to read:

KING SALMON, ALASKA

Within a 5-mile radius of the King Salmon, Alaska, airport (latitude 58°40'43" N., longitude 156°38'50" W.); within 2.5 miles each side of the King Salmon VORTAC 312° and 132° radials, extending from the 5-mile radius zone to 12.5 miles northwest of the VORTAC; and within 2 miles each side of the King Salmon VORTAC 132° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

2. In § 71.181 (37 F.R. 2143) the King Salmon, Alaska, transition area is amended to read:

KING SALMON, ALASKA

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the King Salmon, Alaska, airport (latitude 58°40'43" N., longitude 156°38'50" W.); that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the King Salmon, Alaska, airport; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon VORTAC, excluding the portions within the United States, Federal Airways, Control 1217, Control 1234, Control 1400, and Control 1401.

The action proposed herein would alter the control zone by increasing the width and length of the control zone extension to the northwest and add a zone extension to the southeast. This would provide controlled airspace, required by new criteria, for instrument approaches to runways 11 and 29. The 700-foot floor and 1,200-foot floor transition areas would be increased to provide controlled airspace necessary for aircraft executing prescribed instrument departures, approaches, missed approaches, and holding procedures beyond the control zone boundary. Additionally, the proposed expansion to the transition areas would provide protective airspace and latitude for aircraft operating within the King Salmon approach control radar environment. The airspace extending upward from 14,500 feet MSL remains unchanged but is included in the proposal to provide continuity.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on December 1, 1972.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.72-21390 Filed 12-12-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-AL-28]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Bethel, Alaska, terminal airspace structure.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK.

Application of the U.S. standard terminal instrument procedure (TERPS), revised criteria for establishment of terminal controlled airspace, and the planned installation of an ILS/DME approach system in 1973, require amendments to the Bethel, Alaska, control zone and transition area. Additionally, refined coordinates of the airport reference point (ARP) are contained in this docket. The following airspace actions are proposed:

1. In § 71.171 (37 F.R. 2056) the Bethel control zone is amended to read:

BETHEL, ALASKA

Within a 5-mile radius of the Bethel Airport (latitude 60°46'54" N., longitude 161°-50'05" W.); within 3 miles each side of the Bethel RBN (BEA) 023° bearing, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 3 miles each side of the Bethel VORTAC 007° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; and within 3 miles each side of the Bethel VORTAC 214° radial, extending from the 5-mile radius zone to 9 miles southwest of the VORTAC.

2. In § 71.181 (37 F.R. 2143) the Bethel transition area is amended to read:

BETHEL, ALASKA

That airspace extending upward from 700 feet above the surface within 3 miles each side of the Bethel VORTAC 007° radial, extending from the north control zone extension to 11.5 miles north of the VORTAC; within 3 miles each side of the Bethel VORTAC 214° radial, extending from the southwest control zone extension to 11.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Bethel VORTAC; and within 9.5 miles northwest and 4.5 miles southeast of the 023° bearing from BET localizer (latitude 60°46' 08" N., longitude 161°50'39" W.) extending from the 20-mile radius area to 26 miles northeast of the BET localizer.

The action proposed herein would alter the Bethel, Alaska, control zone by increasing the length and width of the control zone extensions to comply with new criteria. Additionally, it would provide necessary controlled airspace for aircraft conducting the Bethel VOR Runway 18 instrument approach procedure. The control zone extension to the northwest would be canceled. The proposed 700-foot floor portion of the transition area would provide controlled airspace in accordance with revised criteria for aircraft executing prescribed instrument approach and departure procedures beyond the limits of the control zone. The lateral limits of the 1,200-foot floor portion of the transition area would be reconfigured to provide adequate controlled airspace to encompass the DME approach orbits to runways 18 and 36, procedures for holding aircraft, and the planned ILS/DME approach to runway 18.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on December 1, 1972.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.72-21391 Filed 12-12-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-116]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Reading, Pa., control zone (37 F.R. 2056) and transition area (37 F.R. 2143).

After a review of the Reading, Pa., terminal area the alteration is required so as to conform to the criteria established by the terminal instrument procedures (TERPS).

Interested parties may submit such written data or views as they may desire.

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

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

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

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

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

Within a 5-mile radius of the center, 40°22'39" N., 75°57'57" W., of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa., extending clockwise from a 160° bearing to a 030° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 160° bearing from the airport; within 4.5 miles each side of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course, extending from the 5-mile radius zone and 5.5-mile radius zone to 8.5 miles south of the OM; within 4 miles each side of a 161° bearing from a point 40°22'32" N., 75°57'57" W., extending from said point to 8.5 miles south.

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

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center; 40°22'39" N., 75°57'57" W., of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa., extending clockwise from a 050° bearing to a 100° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 100° bearing to a 140° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 140° bearing to a 280° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 280° bearing to a 050° bearing from the airport; within 5 miles each side of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course extending from the OM to 9.5 miles south of the OM; within 9.5 miles east and 4.5 miles west of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course, extending from the OM to 18.5 miles south of the OM; within 6.5 miles north and 4.5 miles south of the East Texas, Pa. VORTAC 252° radial, extending from 12 miles west of the VORTAC to 29 miles west of the VORTAC.

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

Issued in Jamaica, N.Y., on November 22, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.72-21392 Filed 12-12-72;8:46 am]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Docket No. 72-41]

TRUCK DETENTION AT THE PORT OF NEW YORK

Revision of Filing Schedule

Upon consideration of Docket No. 72-41, published in the FEDERAL REGISTER on Wednesday, August 23, 1972 (37 F.R. 16980), and amended in the FEDERAL REGISTER on Tuesday, November 21, 1972 (37 F.R. 24769).

Upon request of Hearing Counsel and good cause appearing, the remaining filing schedule in this proceeding is revised to provide that Hearing Counsel's reply shall be filed on or before December 22, 1972, and participants' replies to Hearing Counsel shall be filed on or before January 8, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21452 Filed 12-12-72;8:52 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Nonbanking Activities

The Board of Governors has considered the comments received on its proposal (37 F.R. 4098) to permit bank holding companies, under the authority of section 4(c)(8) of the Bank Holding Company Act, to engage in real property leasing under certain conditions. Upon further consideration of the regulatory proposal the Board believes it is desirable to have uniformity of regulation with regard to the leasing activities of bank holding companies. Accordingly, the Board proposes to amend § 225.4(a) of Regulation Y to permit bank holding companies, subject to the procedures of § 225.4(b), to engage in the leasing of both real and personal property under substantially the same conditions.

If the proposal is adopted, it would supersede the existing regulatory provision authorizing bank holding companies to engage in personal property leasing (12 CFR 225.4(a)(6)) and related interpretation (12 CFR 225.123(d)). Permitting bank holding companies to act as agent, broker, or adviser in connection with financial leases, as proposed to be authorized, would not give bank holding companies authority to act as general agents or brokers for real or personal property transactions not otherwise meeting the conditions set forth in this regulation. Although certain additional restrictions would, as a technical matter, be imposed on personal property leasing, they are not intended or expected to have any practical effect on personal property leasing operations of bank holding companies, as presently authorized by the Board. Furthermore, although the proposal would not permit the recognition of residual value for real property leased in computation of the lessor's "full pay-out" recovery, it is understood that such property might be sold at the expiration of the lease for a price that would produce some additional return to the lessor.

The text of the proposed amendment reads as follows:

§ 225.4 **Nonbanking activities.**

(a) Activities closely related to banking or managing or controlling banks. * * * The following activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto:

* * * * *

(6) Leasing real and personal property or acting as agent, broker, or adviser in leasing such property provided:

(i) The lease is to serve as the functional equivalent of an extension of credit to the lessee of the property;

(ii) The property to be leased is acquired specifically for the leasing transaction under consideration;

(iii) The lease is on a nonoperating basis;

(iv) At the inception of the initial lease the effect of the transaction (and, with respect to municipal corporations only, reasonably anticipated future transactions [1]) will yield a return from:

[1] The Board understands that by law some municipal corporations may not enter into a lease for a period in excess of 1 year. Such an impediment does not prohibit a company authorized under § 225.4(a) from entering into a lease with the municipality if the company reasonably anticipates that the municipality will renew the lease annually until such time as the company is fully compensated for its investment in the leased property plus its costs of financing the property. Further, a company authorized under § 225.4(a) may also engage in a so-called "bridge" lease financing of personal property, but not real property, where the lease is short-term pending completion of long-term financing, by the same or another lender.

(*a*) Rentals, (*b*) estimated tax benefits (investment tax credit and tax deferral from accelerated depreciation), and (*c*) in the case of personal property, but not real property, the estimated salvage value at the end of the minimum useful life allowed by the Internal Revenue Service, that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease; [2]

(v) At the expiration of the lease all interest in the property shall be liquidated as soon as practicable but in no event later than 2 years from the expiration of the lease; and

[2] The estimate by the lessor of the total cost of financing the property over the term of the lease should reflect, among other factors, the term of the lease, the modes of financing available to the lessor, the credit rating of the lessor and prevailing rates in the money and capital markets.

(vi) The maximum term of the lease, including renewals, shall be no more than 30 years.

* * * * *

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or argument. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 5, 1973. Such material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Board of Governors of the Federal Reserve System, December 5, 1972.

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

[FR Doc.72-21404 Filed 12-12-72;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1972; Rev., Supp. No. 8]

NORTHEASTERN INSURANCE COMPANY OF HARTFORD

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $1,372,000 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated. Northeastern Insurance Company of Hartford; Des Moines, Iowa; Connecticut.

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, DC 20226.

Dated: December 7, 1972.

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

[FR Doc.72-21456 Filed 12-12-72;8:52 am]

Internal Revenue Service

TAX TREATMENT OF CONTRIBUTIONS OF APPRECIATED PROPERTY TO COMMITTEES OF POLITICAL PARTIES

Notice of Extension of Time for Comments

A notice permitting the submission of written comments or suggestions relating to the tax treatment of contributions of appreciated property to committees of political parties appeared in the FEDERAL REGISTER for Thursday, October 19, 1972 (37 F.R. 22427).

Written comments or suggestions were required by November 20, 1972. A notice extending the time for submission of written comments or suggestions pertaining to the above-mentioned subject to December 15, 1972, appeared in the FEDERAL REGISTER for November 18, 1972 (37 F.R. 24720).

The time for submission of written comments or suggestions pertaining to the above-mentioned subject is hereby extended to January 5, 1973.

LEE H. HENKEL, Jr.,
Chief Counsel.

[FR Doc.72-21557 Filed 12-12-72;10:26 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Act of June 17, 1902, 32 Stat. 388, as as amended or supplemented; No. 89]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA RESERVATION DIVISION, CALIFORNIA

Public Notice of Annual Operation and Maintenance Charges and Annual Water Rental Charges

NOVEMBER 17, 1972.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for calendar year 1973 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $15.75 per irrigable acre, whether water is used or not, payment of which will entitle the water user (may be landowner, lessee, and/or water right applicant or holder) to 8 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72, dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the Division under Public Notice. Additional water, if available, will be furnished at the rate of $4.00 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of any calendar year will be applied against the minimum charges for water for the following calendar year. No credit will be given for water purchased during any calendar year at the minimum charge but undelivered at the end of said calendar year.

The minimum annual operation and maintenance charge per calendar year for each parcel of land under public notice containing less than 1 acre shall be $15.75.

Where in the opinion of the Project Manager, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free or charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Manager that although the water so served free of charge during such preceding year was applied to the lands in sufficient quantities over a period of not more than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1973, and on January 1 of each year thereafter.

2. *Annual water rental charges for other lands, reservation division.* Irrigation water will be furnished during the calendar year 1973 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications at the following rates:

A. The minimum annual charge shall be $15.75 per irrigable acre, payment of which will entitle the applicant to 8 acre-feet of water per acre on certain sandy areas listed in Public Notice No. 86, Supplement No. 1, dated July 10, 1970, and to 5 acre-feet of water per irrigable acre on all other lands in the Division not under public notice.

B. Additional water, if available, will be furnished at the rate of $4 per acre-foot.

All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Damages and termination of water deliveries.* Upon failure of any water user in the Reservation Division, including for purposes of this paragraph only, lessees of Indian lands, to comply with the regulations for ordering and delivery of irrigation water in the Division, or to pay any bill rendered by the United States for costs of extra maintenance of or repairs to the irrigation and drainage systems of the Reservation Division of the Yuma Project which are required as a result of faulty irrigation practices of the water user, all as established and determined by the Project Manager after consultation with the water user, the United States reserves the right to withhold the delivery of water to the lands of any water user who is in default thereof, or to stop the delivery of water thereto if water is being so delivered during any period in which said user is in violation of the provisions of the regulations, or has failed to pay said bills.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of 1 percent of the amount unpaid and a like penalty of

one-half of 1 percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of payment.* All payments should be made to the Bureau of Reclamation, Office of Project Manager, Yuma Projects Office, Yuma, Ariz., or mailed to Bureau of Reclamation, Post Office Bin 5569, Yuma, AZ 85364.

E. A. LUNDBERG,
Regional Director.

[FR Doc.72-21422 Filed 12-12-72;8:49 am]

National Park Service

[Order 75]

DIRECTOR AND ASSISTANT DIRECTOR, COOPERATIVE ACTIVITIES, NATIONAL CAPITAL PARKS

Delegation of Authority Regarding Representation on Zoning Commission of the District of Columbia

SECTION 1. *Delegation.* The authority of the Director, National Park Service, to serve as a member of the Zoning Commission of the District of Columbia is hereby subdelegated to the Assistant Director, Cooperative Activities, National Capital Parks, and in the event of his absence or inability to serve, to the Director, National Capital Parks: *Provided, however,* That the Director, National Park Service, may serve as a member of the Zoning Commission in lieu of the Assistant Director, Cooperative Activities, National Capital Parks, or the Director, National Capital Parks, at his discretion. The Assistant Director, Cooperative Activities, National Capital Parks, and the Director, National Capital Parks, shall serve as herein authorized, subject to the supervision and direction of the Director, National Park Service.

SEC. 2. *Redelegation.* The authority subdelegated in Section 1 of this order may not be redelegated.

SEC. 3. *Revocation.* Delegation Order No. 71 of October 28, 1971 (36 F.R. 21085) and Order No. 71, Revised of November 16, 1971 (36 F.R. 22243), are hereby revoked.

(5 D.C. Code 412 (1967), as amended; 41 Stat. 500, as amended; Reorganization Plan No. 3 of 1950, 15 F.R. 3174; 245 DM 1, 27 F.R. 6395)

Dated: November 29, 1972.

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

[FR Doc.72-21398 Filed 12-12-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 12339; Docket No. FDC-D-457; NDA 13-415]

MERCK SHARP & DOHME

Certain Combination Drug for Inhalation; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

On June 14, 1972, the Commissioner of Food and Drugs published in the FEDERAL REGISTER (37 F.R. 11793) a notice of opportunity for hearing on the proposal to withdraw approval of NDA 13-415, and all amendments and supplements thereto, held by Merck Sharp and Dohme, Division of Merck and Co., West Point, Pa. 19846, for ProDecadron Respihaler containing dexamethasone sodium phosphate and isoproterenol sulfate. The basis of the proposed withdrawal of approval was the lack of substantial evidence that this fixed combination is effective for its claimed indications.

The aforesaid notice was issued pursuant to the initial DESI announcement which was published in the FEDERAL REGISTER November 3, 1970 (35 F.R. 16951), stating that substantial evidence of effectiveness was lacking, that the Commissioner intended to initiate proceedings to withdraw approval of the NDA, and inviting the submission of pertinent data within 30 days. On November 30, 1970, Merck Sharp & Dohme submitted a response to the November 3, 1970, announcement. Inadvertently, that submission was not reviewed by the Administration, and the notice of opportunity for hearing of June 14, 1972, erroneously stated that data had not been submitted pursuant to the announcement. On July 18, 1972, Merck Sharp & Dohme resubmitted a complete copy of their submission of November 30, 1970. The information submitted July 18, 1972, has now been reviewed and found not to provide substantial evidence of effectiveness of the fixed combination. The Commissioner herewith renews his proposal to withdraw approval of the aforesaid new drug application.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. The Commissioner further concludes that the drug is not appropriate for administration as a fixed dose combination within the guidelines set forth in the Statement of General Policy or Interpretation § 3.86 *Fixed-combination prescription drugs for humans,* published in the FEDERAL REGISTER of October 15, 1971 (36 F.R. 20037).

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

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

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

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

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file,

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

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

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

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

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

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

Dated: December 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-21380 Filed 12-12-72;8:45 am]

[DESI 10996]

PROPOXYPHENE HYDROCHLORIDE; PROPOXYPHENE HYDROCHLORIDE WITH ASPIRIN; PROPOXYPHENE HYDROCHLORIDE WITH ASPIRIN, PHENACETIN, AND CAFFEINE

Followup Notice and Amendment—Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of April 8, 1969 (34 F.R. 6264), regarding the efficacy of the following analgesic preparations marketed by Eli Lilly & Co., 740 South Alabama Street, Indianapolis, Ind. 46206:

1. Darvon; 32 and 65 milligrams of propoxyphene hydochloride per capsule (NDA 10–997).

2. Darvon Compound; 32 milligrams of propoxyphene hydrochloride, 227 milligrams of aspirin, 162 milligrams of phenacetin, and 32.4 milligrams of caffeine per capsule (NDA 10–996).

3. Darvon Compound-65; 65 milligrams of propoxyphene hydrochloride, 227 milligrams of aspirin, 162 milligrams of phenacetin, and 32.4 milligrams of caffeine per capsule (NDA 10–996).

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications 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.

Upon the basis of recent studies and reconsideration of the reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the 32-mg. dose of propoxyphene hydrochloride, the Commissioner finds it appropriate to revise the second paragraph of the announcement of April 8, 1969, to read as follows:

The Food and Drug Administration concludes that these drugs are effective for the relief of mild to moderate pain. In regard to the 32-mg. dose of propoxyphene, recent studies have shown that this dose does have an analgesic effect in a certain fraction of the population of patients with mild to moderate pain. While 32 mg. of propoxyphene is a weak analgesic dose, only the physician attending a particular patient can determine by titrating the dose whether that individual patient is one of the minority who will respond adequately to the 32-mg. dose, or is one of the majority who will require at least 65 mg. to achieve adequate analgesia. It is therefore appropriate that the 32-mg. dose remain available for those patients in whom it represents an adequate analgesic. On the other hand, because this patient group represents a small fraction of the total population of patients with mild to moderate pain, it is likewise appropriate to state that the usual dose of propoxyphene is 65 mg. Although the labeling of Darvon with A.S.A. (65 mgs. of propoxyphene hydrochloride with 325 mg. of aspirin (NDA 10–995)), was not submitted for review by the Academy, the Food and Drug Administration also concludes that this combination is effective for relief of mild to moderate pain. Because of the close relationship of this combination to the other preparations reviewed by the Academy, it is appropriate to include it in this announcement.

The announcement of April 8, 1969, is further amended to require that adequate data to show the biologic availability of the drug be submitted only with respect to the combination products. For holders of "deemed approved" new drug applications (i.e., an application that became effective on the basis of safety prior to October 10, 1962), clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

The conditions for marketing and for approval of propoxyphene hydrochloride in 32 mg. oral dosage form are the same as the conditions stated for the higher strength dosage form in the FEDERAL REGISTER of April 8, 1969, except that an abbreviated new drug application is required within 60 days after publication of this notice in the FEDERAL REGISTER from any manufacturer or distributor of the drug who does not now hold an approved application. Bioavailability data are not required.

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 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.72-21381 Filed 12-12-72;8:45 am]

Office of the Secretary

TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

Notice of Closed Meeting

A meeting of the Tuskegee Syphilis Study Ad Hoc Advisory Panel is to be held on December 18–19, 1972. This panel was established by the Assistant Secretary for Health and Scientific Affairs to provide advice on the circumstances surrounding the Tuskegee, Ala., Study of Untreated Syphilis in the Male Negro initiated by the U.S. Public Health Service in 1932. The Assistant Secretary for Health and Scientific Affairs requested the Panel to advise him on the following

specific aspects of the Tuskegee syphilis study:

1. Determine whether the study was justified in 1932 and whether it should have been continued when penicillin became generally available.

2. Recommend whether the study should be continued at this point in time, and if not, how it should be terminated in a way consistent with the rights and health needs of its remaining participants.

3. Determine whether existing policies to protect the rights of patients participating in health research conducted or supported by the Department of Health, Education, and Welfare are adequate and effective and to recommend improvements in these policies, if needed.

This meeting is for the sole purpose of considering and formulating the advice which the Panel will give to the Assistant Secretary for Health and Scientific Affairs on the three charges outlined above, and will involve exclusively the internal expression of views and judgments of its members. Accordingly, under the authority of the Secretary's Notice of Determination of September 27, 1972, this meeting is closed to the public.

The meeting will begin at 9 a.m. in Conference Room 2, Building 31 at the National Institutes of Health, Bethesda, Md. A summary of the meeting and a roster of Panel members may be obtained from Mr. John Blamphin (202-962-7906), Room 5614, HEW North Building, 330 Independence Avenue, SW., Washington, DC 20201.

Dated: November 8, 1972.

R. C. BACKUS,
Executive Secretary, Tuskegee Syphilis Study Ad Hoc Advisory Panel.

[FR Doc.72-21448 Filed 12-12-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX72-2; Notice 1]

GENERAL MOTORS CORP.

Petition for Temporary Exemption From Motor Vehicle Safety Standard

General Motors Corp. (GM) of Detroit, Mich., has applied for a temporary exemption for certain Chevrolet passenger cars from compliance with Federal Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection*, on the basis that the exemption would facilitate the development or field evaluation of an innovational safety feature.

GM states that an early decision is necessary if the decision of the Sixth Circuit Court of Appeals in the case of Chrysler Corp. v. DOT decided December 5, 1972 (No. 71-1339, etc., 6th Cir. 1972), precludes the use of passive restraints as the sole means of providing occupant protection, until further action is taken by the NHTSA. GM wishes to complete the manufacture of certain vehicles it intends to use in a field evaluation of air cushion restraint systems under development. Because of the imminent need of GM for a decision on its petition, the National Highway Traffic Safety Administration has decided to consider the petition of GM in advance of adoption of the procedures for temporary exemption petitions recently proposed (37 F.R. 25533, December 1, 1972).

GM requests the exemption for a period of up to 1 year for up to 1,000 Chevrolet passenger cars. The vehicles would be relieved from compliance with paragraph S4 of Standard No. 208 as it applies to front seating positions. Instead, the vehicles would be equipped with separate inflatable occupant restraints for the driver and front passengers. In GM's opinion, test results using this system indicate occupant protection performance in frontal and side impacts superior to the levels required by Standard No. 208. GM would use the vehicles in its own fleets or lease them to public fleets. No vehicles would be sold to the public.

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

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed, and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: January 3, 1973.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Public Law 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 49 CFR 1.51)

Issued on: December 11, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-21543 Filed 12-11-72;3:54 pm]

ATOMIC ENERGY COMMISSION

[Docket No. 50-368]

ARKANSAS POWER & LIGHT CO.

Notice of Issuance of Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, the Deputy Director for Reactor Projects, Directorate of Licensing, has issued Construction Permit No. CPPR-89 to Arkansas Power and Light Co. for the construction of Arkansas Nuclear One, Unit 2, a pressurized water reactor, on the applicant's site adjacent to Arkansas Nuclear One, Unit 1, on a peninsula in the Dardanelle Reservoir on the Arkansas River in Pope County Ark. The reactor is designed for initial operation at 2760 megawatts thermal.

The initial decision and Construction Permit No. CPPR-89 are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington DC, and in the Arkansas River Valley Regional Library, Dardanelle, Ark. 72834. Copies of the construction permit 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.

Dated at Bethesda, Md., this 6th day of December 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.72-21397 Filed 12-12-72;8:47 am]

[Docket No. 50-412]

DUQUESNE LIGHT CO. ET AL.

Notice of Receipt of Application for Construction Permit and Facility License and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., the Cleveland Electric Illuminating Co., and the Toledo Edison Co. (the applicants), pursuant to section 103 of the Atomic Energy Act of 1054, as amended, have filed on application, which was docketed October 20, 1972, for authorization to construct and operate a pressurized water nuclear reactor at its site, located in Shippingport Borough, Beaver County, Pa. The site consists of 449 acres of land, and is located on the south bank of the Ohio River approximately 1 mile from Midland, Pa., 5 miles east of East Liverpool, Ohio, and 22 miles northwest of Pittsburgh, Pa.

The proposed nuclear facility, designated by the applicant as Beaver Valley Power Station, Unit 2, is designed for initial operation at approximately 2660 megawatts (thermal) with a net electrical output of approximately 852 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such

views to the Commission within 60 days after November 28, 1972.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in appendix D to 10 CFR Part 50, a report entitled, "Applicants' Environmental Report—Construction permit Stage," dated November 6, 1972. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Beaver Valley Power Station, Unit 2, is also being made available at the Commonwealth of Pennsylvania, State Clearing House, 5100 Finance Building, Harrisburg, PA 17120, and at the Southwestern Pennsylvania Regional Planning Commission, 564 Forbes Avenue, Pittsburgh, PA 15219.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 21st day of November 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.72-20358 Filed 11-28-72;8:45 am]

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Availability of Final Environmental Statement for Midwest Fuel Recovery Plant

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D, 10 CFR Part 50, notice is hereby given that the Final Environmental Statement related to the proposed operation of the Midwest Fuel Recovery Plant, General Electric Co., Docket No. 50-268, prepared by Fuels and Materials, Directorate of Licensing, U.S. Atomic Energy Commission, is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Morris Public Library, 604 Liberty Street, Morris, IL. The statement is also being made available at the Illinois State Clearinghouse, Office of the Governor, 205 State House, Springfield, IL.

The notice of availability of the Draft Environmental Statement for the Midwest Fuel Recovery Plant and requests for comments from interested persons was published in the FEDERAL REGISTER on March 17, 1972 (37 F.R. 5674). A supplementary notice of availability was published in the FEDERAL REGISTER on April 22, 1972 (37 F.R. 8015) to provide additional time for the submission of comments pursuant to 10 CFR Part 50, Appendix D. The comments received from Federal, State, local officials and interested members of the public have been included as appendixes to the final statement.

Single copies of the final statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Md., this 28th day of November 1972.

For the Atomic Energy Commission.

LELAND C. ROUSE,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.72-21290 Filed 12-12-72;8:47 am]

[Dockets Nos. 50-416, 50-417]

MISSISSIPPI POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Mississippi Power and Light Co., 308 East Pearl Street, Jackson, MS 39201, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated November 17, 1972, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Claiborne County, Miss. The proposed site consists of 2,300 acres and is located on the east bank of the Mississippi River, approximately 25 miles south of Vicksburg, Miss., and 37 miles north of Natchez, Miss.

Each unit of the proposed facility, designated by the applicant as the Grand Gulf Nuclear Station, Units 1 and 2, is designed for initial operation at approximately 3,833 megawatts (thermal) with a net electrical output of approximately 1,313 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after December 5, 1972.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the Harriet Person Memorial Library, Municipal Building, Point Gibson, Miss. 39150.

Dated at Bethesda, Md., this 30th day of November 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Directorate of Licensing.

[FR Doc.72-20939 Filed 12-5-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24365, Order 72-12-27]

ALLEGHENY AIRLINES, INC.

Order to Show Cause Regarding Authority To Suspend Service Temporarily at Lima, Ohio

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1972.

On March 30, 1972, Allegheny Airlines, Inc. (Allegheny) filed an application in Docket 24365 requesting: Authority to suspend service at Lima, Ohio, for a period of 10 years pursuant to section 401(g) of the Federal Aviation Act and Part 205 of the Board's Economic Regulations; approval of the service agreement[1] among Allegheny, Apollo Aviation, Inc., and J. B. Moore pursuant to section 412 of the Act; and the grant of an exemption from section 401 of the Act and Part 298 of the Economic Regulations, pursuant to section 416(b) of the Act, to the extent necessary to authorize Apollo's transportation of the U.S. mail to and from Lima as contemplated by the service agreement.

The agreement among Allegheny, Apollo, and Moore requires Apollo to provide initially a replacement service of 5 daily Lima-Columbus round trips, 1 daily Columbus-Lima-Toledo round trip and 1 daily Columbus-Toledo round trip without a traffic stop in Lima; frequencies are to be reduced on weekends. Apollo is obligated throughout the life of the agreement to provide a minimum of two round trips (7 days per week) between Lima and Columbus. Allegheny agrees to restore service at its present level[2] at Lima should the commuter air service cease or should the Civil Aeronautics Board so order.

Apollo will use the "Allegheny Commuter" trademark while engaged in scheduled service, will conduct airline type operations and will maintain insurance coverage satisfactory to Allegheny. For its part, Allegheny will provide financial guarantees, particularly that during the first 2 years of operations Apollo will

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[1] Agreement C.A.B. 23016, dated Mar. 30, 1972.

[2] As of Sept. 15, 1972, Allegheny was providing 2 daily Lima-Columbus round trips (except 1 on weekend days).

do no worse than to break even on its services between Lima, on the one hand, and Columbus and Toledo, on the other. In addition, Allegheny will furnish certain support services including reservations nationwide and ground handling at the Port Columbus and Toledo Express Airports. The agreement also provides for the establishment of joint fares between Lima and any other point on Allegheny's system for which Allegheny has on file single factor Lima fares.

The agreement provides further that Apollo will transport such mail on its scheduled Allegheny Commuter flights as shall be tendered to it by the U.S. Postal Service at Lima and by Allegheny at Columbus and Toledo. The transportation of mail will be performed under Allegheny's currently effective mail rates. Allegheny will keep all records and accounts and will perform such other administrative functions as may be required by the USPS. For all categories of mail boarded on Apollo's commuter flights at Lima, Columbus, and Toledo, Allegheny will pay Apollo at the rate of 6 cents per pound, subject to adjustment by mutual agreement.

Allegheny's proposal is supported by letters from the Council of the City of Lima, the Mayor of Lima, the Lima Area Chamber of Commerce, the Allen County Commissioners and an answer filed by the U.S. Postal Service.

Upon consideration of the pleadings and all the relevant facts, we have tentatively decided to approve the agreement in question, subject to conditions, and to authorize Allegheny to temporarily suspend service at Lima, Ohio. We have also tentatively decided to exempt Allegheny from the provisions of section 408 of the Federal Aviation Act to the extent that that section would otherwise preclude the relationships between Allegheny and Apollo, and to exempt Apollo from the provisions of Part 298 of the Economic Regulations to permit it to engage in transportation of mail by aircraft to and from Lima under Allegheny's currently effective service rates in accordance with the subject agreement.

Our tentative findings and conclusions are as follows:

The agreement here is in general terms the same as other "Allegheny Commuter" arrangements by which Allegheny employs an independent contractor with small aircraft to discharge Allegheny's certificate obligation. As a practical matter the services are held out to the public in Allegheny's name and performed through its facilities.

Allegheny has been experiencing substantial losses in operating service at Lima; for the fiscal year 1973 it estimates that its losses after provision for return and taxes will be $128,000, a figure which we believe to be reasonable, if not slightly conservative. These losses result from the low passenger response—seven emplanements per day during 1970 and 1971—which the carrier has experienced at Lima, coupled with an apparent lack of growth in the market. In addition, the short-haul and low-traffic nature of the markets involved [3] makes operations with CV–580 aircraft (with a seating capacity of 50) highly uneconomical. On the other hand, Apollo, as an air taxi operator utilizing commuter-type aircraft (Beech–99 turbo prop) with a seating capacity of 15, can serve that market more economically and with increased frequencies. The proposed services should benefit the community by developing passenger potential and should benefit the Government by facilitating a reduction in Allegheny's need for subsidy.

Unlike other air taxi operators who have entered into agreements with Allegheny, Apollo has never been engaged in scheduled operations of any kind; however, Apollo's management, facilities, financial backing and operating plans appear to be sound and impressive. Allegheny states that the president and chief executive officer has 34 years of aviation experience. He holds various pilot's licenses and has personally completed a course provided by Beech Aircraft Co. related to operation and maintenance of the Beech 99 aircraft which he proposes to employ in his operations. Apollo states that it has also leased a Beech Twin Bonanza and a Beech Bonanza for the purpose of charter operations and that it has been issued ATCO certificate 7–GL–11 by the Federal Aviation Administration GADO in Columbus, Ohio. Apollo further states that it has leased a large modern hanger with office and shop facilities at Allen County Airport for a period of 10 years. The Board believes that Apollo will be fully capable of performing its agreement with Allegheny and of providing safe and beneficial air taxi operations at Lima.

We have examined the proposed agreement in light of section 408 of the Federal Aviation Act. We tentatively find and conclude that the same basic control factors which were found to exist in previously approved agreements are present in the agreement now in question; that these factors indicate that Allegheny will control Apollo within the meaning of section 408 of the Act; and that other relationships within the proscriptions of sections of section 408 may ultimately result.

We have tentatively decided, pursuant to section 408(a)(5) of the Act, as amended, to exempt the acquisition by Allegheny of control over Apollo, a noncertificated air carrier, from the prohibitions of section 408. The agreement in question will not create a monopoly, restrain competition, or jeopardize another air carrier not a party to the transaction, nor will it be inconsistent with the public interest. In these circumstances, to require Allegheny to obtain approval under section 408(b) of the Act and the applicable regulations would delay the implementation of the agreement unnecessarily, would subject the parties to unnecessary expense, and would not be in the public interest.

[3] Columbus-Lima, 78 miles; Toledo-Lima, 62 miles.

In view of the foregoing, the Board tentatively finds and concludes that, subject to conditions, Agreement C.A.B. 23016 will not be adverse to the public interest; that it is in the public interest to exempt the acquisition by Allegheny of control over Apollo from the requirements of section 408 of the Federal Aviation Act to the extent that it would otherwise prevent Allegheny from implementing such agreement; and, that to the extent necessary to relieve Allegheny of its obligation to provide services in excess of those provided in the agreement, a temporary suspension of service at Lima is in the public interest.

We have also examined the facts presented by this application in light of the Board's findings in Order 72–9–39, dated September 12, 1972, and we tentatively find that Apollo's operations conform with the statutory conditions and guidelines for exemption from certification.[4]

First, we tentatively find and conclude for the reasons set forth in Order 72–9–39 that the certification process would not be appropriate for Apollo's operations which are of limited extent in terms of both the replacement services and the other proposed services.[4a] In this connection it should be noted that air taxi service has traditionally involved a relatively substantial financial risk which can be mitigated in large part by a high degree of operational flexibility not available to the certificated carrier. Further, for the reasons stated in Order 72–9–39, certification would effectively preclude the arrangement between Allegheny and Apollo, which we here tentatively find to be in the public interest and which has the enthusiastic support of the relevant community.

Second, we tentatively find and conclude that certification would impose an undue burden on Apollo. Given the limited scope of its services, the considerable expense of certification proceedings would subject Apollo to a financial burden disproprotionate to the proposed operations. Certification also would deprive Apollo of the operating flexibility essential to the conduct of nonsubsidized services with small aircraft in low-density, short-haul markets.

Third, we tentatively find and conclude that Apollo should be granted an exemption from Part 298 of the Board's Economic Regulations in order to permit it to transport mail by aircraft to and from Lima under Allegheny's currently effective service mail rates. We find that Apollo's operations are limited and that, in addition, the compensation

[4] Order 72–9–39 was adopted in response to a remand to the Board from the U.S. Circuit Court of Appeals of the three applications which were in issue in the case of Air Line Pilots Association v. C.A.B., 458 F. 2d. 846 (D.C. Cir. 1972).

[4a] As noted above, Apollo does not now operate any air taxi service and plans to operate scheduled service with a single aircraft only as the Allegheny Commuter at Lima. In addition, Apollo would operate some charter services, with other aircraft, apart from its Allegheny Commuter services.

to be paid to Apollo by Allegheny is reasonable. To require Apollo to undergo certification proceedings in order to transport mail would be to deprive the public of an important service and to subject the carrier to a financial burden disproportionate to the authority sought. The proposed replacement service should offer the U.S. Postal Service substantial additional benefits without any increase in cost. The USPS will deal with, and provide compensation to, Allegheny only and Allegheny will, in turn, transfer funds to Apollo pursuant to the contract between them. The Board will tentatively approve this arrangement subject to the condition that Apollo will be compensated solely according to its contract with Allegheny and, therefore, may not claim additional awards under section 406 of the Act.

Finally, we are confident that there are no safety considerations which would warrant a determination that the substitute service arrangement is contrary to the public interest. The experience of Apollo's management, the quality of its aircraft and ground facilities and the confidence placed in Apollo by Allegheny indicate a future record of safe operations and compliance with all FAA standards.[5] There is thus no basis to assume that any safety hazard to the public will be posed.

Interested persons will be given 10 days following the service date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support these objections, if any, with detailed economic and/or legal analysis.

TENTATIVE FINDINGS

For the reasons set forth herein, the Board tentatively finds and concludes that:

1. Agreement CAB 23016 should be approved subject to the following conditions:

(a) Any financial transactions between Allegheny Airlines, Inc., and Apollo Aviation, Inc., be appropriately appended to Allegheny's Form 41 reports and so footnoted;

(b) The information requested in (a) above must be shown separately from similar information regarding financial transactions between Allegheny and various other replacement carriers;

(c) Approval of this agreement does not constitute approval for ratemaking purposes, and in no event shall Allegheny receive any subsidy, directly or indirectly, for the operations performed or the services provided by either party pursuant to the agreement; and

(d) Apollo Aviation, Inc. shall, with respect to the operations conducted pursuant to this agreement, keep on deposit with the Board a signed counterpart of Agreement CAB 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E–23680, dated May 13, 1966, and a signed counterpart of any amendment which may be approved by the Board and to which the holder becomes a party;

2. Pursuant to section 408(a)(5) of the Federal Aviation Act of 1958, as amended, the acquisition by Allegheny of control over Apollo Aviation, Inc., should be temporarily exempted from the requirements of section 408 of the Act to the extent necesary for the implementation of Agreement CAB 23016;

3. Apollo Aviation, Inc., should be temporarily exempted from the provisions of Part 298 of the Board's economic regulations to the extent that it would otherwise prevent the carrier from transporting mail in conformance with the provisions of Agreement CAB 23016;

4. The entire compensation for the transportation of mail to be received by Apollo Aviation should be the compensation payable by Allegheny as provided by the subject agreement. Apollo Aviation should not be eligible for additional mail compensation under section 406 for services rendered between the points specified in the agreement;

5. To the extent necessary to relieve Allegheny of its obligation to provide services in excess of those provided for by Agreement CAB 23016, Allegheny should be authorized to temporarily suspend service at Lima, Ohio, subject to the conditions that:

(a) Allegheny shall not itself resume service to Lima without Board approval during the period in which Apollo Aviation is providing at least two round trips 7 days a week between Lima and Columbus, Ohio; and

(b) Such suspension shall terminate immediately if Apollo Aviation ceases to provide regularly the service specified in (a) above;

6. The authority proposed in paragraphs 1, 2, 3, 4, and 5 above, will be effective for a period of 10 years, unless sooner terminated by the Board.

Accordingly, it is Ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order (a) making final the tentative findings and conclusions stated herein, (b) granting the requested suspension and exemption authority, and (c) approving the agreement;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, suspension and exemption authorizations and approvals set forth herein shall, within 10 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix A below, a statement of objections together with such statistical data and other materials and evidence relied upon to support the stated objections. Answers to such objections shall be filed within 5 days thereafter;

3. Any interested persons requesting an evidentiary hearing shall state in detail why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. A copy of this order shall be served upon all persons listed in Appendix A below.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX A

SERVICE LIST

Mr. Edwin I. Colodny, Mr. David B. Armstrong, Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.
Hon. Christian P. Morris, Mayor of Lima, City Building, 219 East Market Street, Lima, OH 45801.
Postmaster, Lima, Ohio 45801.
Airport Manager, Port Columbus Airport, Columbus, Ohio.
Apollo Aviation, Inc., Allen County Airport, Lima, Ohio 45801.
Mr. J. B. Moore, Allen County Airport, Lima, Ohio 45801.
Ohio Department of Commerce, Division of Aviation, University Airport, 3130 Case Road, Columbus, OH 43220.
Gambrell, Russell, Killorin, Wade, and Forbes, 918 11th Street NW., Washington, DC.
Mr. R. S. Maurer, Senior Vice President-General Counsel and Secretary, Delta Air Lines, Inc., Atlanta Airport, Atlanta, Ga. 30320.
Airport Manager, Allen County Airport, Lima, Ohio 45801.
Mr. Milan R. Forkapa, Commissioner of Aviation, Toledo Express Airport, Post Office Box 37, Swanton, OH 43558.
Postmaster General, Washington, D.C. 20260.
AirLine Pilots Association International, 1329 E Street NW., Washington, DC 20004.
Honorable Governor, State of Ohio, Columbus, Ohio 43215.
Honorable Mayor, City of Toledo, Toledo, Ohio 43624.
Honorable Mayor, City of Columbus, Columbus, Ohio 43215.

[FR Doc.72-21432 Filed 12-12-72;8:50 am]

[5] The FAA has informally advised us that Apollo is in the process of being certified for air taxi operations and that no impediments are foreseen.

FOUR CORNERS REGIONAL COMMISSION

Notice of Meeting

Notice is hereby given that a meeting with the above Commission (comprising the States of Arizona, Colorado, New Mexico, and Utah), will be held on January 9, 1973, at 2:30 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, to make a presentation based on a

study of the long-range airline requirements of the four-State region.

Dated at Washington, D.C., December 8, 1972.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-21433 Filed 12-12-72;8:50 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN ROMANIA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 11, 1972.

On December 18, 1971, there was published in the FEDERAL REGISTER (36 F.R. 24098), a letter dated December 13, 1971, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Romania and exported to the United States during the 12-month period beginning January 1, 1972. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 4 of the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and Romania, which provides that within the aggregate limit, limits on certain categories may be exceeded by not more than five (5) percent.

Accordingly, at the request of the Government of Romania and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of December 11, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 60 for the 12-month period which began on January 1, 1972.

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

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

DECEMBER 11, 1972.

DEAR MR. COMMISSIONER: On December 13, 1971, the Chairman, President's Cabinet Textile Advisory Committee, directed you to prohibit entry during the 12-month period beginning January 1, 1972, of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 4 of the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and Romania, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of December 13, 1971, for cotton textile products in Category 60 to 21,218 dozen for the 12-month period beginning January 1, 1972.

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

Sincerely yours,

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

[FR Doc.72-21550 Filed 12-12-72;9:31 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Acquisition of Bank

American Bancorporation, Columbus, Ohio, 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 The Continental Bank, Continental, Ohio. 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 Cleveland. 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, DC 20551, to be received not later than January 3, 1973.

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of Dec. 31, 1970, between the Governments of the United States and Romania which provide in part that within the aggregate, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

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

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

[FR Doc.72-21402 Filed 12-12-72;8:47 am]

POPLAR INSURANCE AGENCY, INC.

Order Approving Formation of Bank Holding Company and Continuation of Insurance Agency Activities

Poplar Insurance Agency, Inc., Poplar, Mont., 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 93.34 percent of the voting shares of Traders State Bank of Poplar Montana, Poplar, Mont. (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 section 225.4(b)(2) of the Board's Regulation Y, to continue to engage in the activities of a general insurance agency in a community of less than 5,000 persons.

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act, and the time for filing comments and views has expired. 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 was incorporated early in 1972 and, in April, acquired the insurance agency activities that previously had been conducted as a proprietorship by applicant's principal shareholders. Applicant also owns a building and some equipment valued at approximately $35,000 that it has stated it will divest itself of within 2 years in accordance with section 4(a)(2) of the Act (12 U.S.C. 1843(a)(2)). Bank, with deposits of $5.7 million, controls 16.3 percent of commercial bank deposits in the Roosevelt County banking market, ranks fourth in size of the five banks in the market, and is the only bank in Poplar. (Banking data areas of December 31, 1971.) As the principal owners of applicant presently own 93.34 percent of the shares of Bank, the proposed transaction involves only a change from individual to corporate ownership, and if consummated will have no adverse effects on existing or potential competition.

Considerations relating to the financial and managerial resources and prospects of applicant and Bank appear to be satisfactory and consistent with approval. In this regard, the Board notes that a substantially equivalent offer to purchase shares has been made to Bank's minority shareholders. Although applicant will assume certain debts incurred when Bank and the insurance agency activities were

acquired by applicant's principal shareholders, as individuals, the servicing of such debt does not appear to place an undue strain on Bank. Considerations related to the convenience and needs of the communities involved are also consistent with approval. Accordingly, it is the Board's judgment that consummation of the transaction would be in the public interest and that the acquisition of Bank should be approved.

Applicant operates a general insurance agency from Bank's premises in Poplar, a community of less than 5,000 persons. The Board has previously determined by regulation that the conduct of a general insurance agency in a community of less than 5,000 persons is closely related to banking (12 CFR 225.4(a)(9)(iii)(*a*)).

Although Bank, itself, sells credit life and credit accident and health insurance, consummation of the present proposal would not eliminate any competition between applicant and Bank for insurance sales, because both are under common control. Further, 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 interest, unsound banking practices, or other adverse effects on the public interest. It does appear that approval of the application will assure the community of Poplar a convenient source of insurance agency services. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the public interest factors that the Board is required to consider regarding the continuation of applicant's insurance agency activities 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 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 Minneapolis pursuant to delegated authority. The determination, as to the 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,[1] effective December 5, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-21403 Filed 12-12-72;8:47 am]

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

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Agency Comments

Appendix I below contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from November 16, 1972, to November 30, 1972, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II below contains definitions of the four classifications of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III below contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: December 6, 1972.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I—ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN NOVEMBER 16, 1972, AND NOVEMBER 30, 1972

Responsible Federal agency	Title and identifying number	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-06067-33: Arkansas Nuclear 1 Power Plant—Unit 1.	2	H
Corps of Engineers	D-COE-35044-15: Maintenance Dredging Thimble Shoal Channel, Va.	1	A
Do	D-COE-32305-25: Port Sanilac County, Mich.	1	F
Do	D-COE-10027-54: Port of Everett, Norton Ave. Terminal, Wash.	2	K
Department of Agriculture	D-DOA-61094-27: Nutwood Watershed, Jersey and Green Counties, Ill.	2	F
Do	D-DOA-61081-25: Bergland Hill Ski Complex Development, Mich.	3	F
Department of the Interior	D-DOI-41463-31: Carlsbad Cavern National Park Proposed Pollution Abatement Project, N. Mex.	2	G
Department of Transportation	D-DOT-41477-27: FA 405, Supplemental Freeway F-3 Peoria County., Ill.	1	A
Do	D-DOT-40355-55: Grants Pass New Hope Rd. Section, Jacksonville, Oreg.	1	E
Do	D-DOT-41501-27: FA Rt. 8320, Champaign County, Ill.	1	F
Do	D-DOT-41555-34: R.M. 1431: From near U.S. 183 TO I.H. 35, Tex.	1	G
Do	D-DOT-51187-49: Reactivation of Isley Field Saipan Trust Territory.	2	J
Do	D-DOT-40399-48: Mesa Payson Hwy. Rt. 87, Ariz.	2	J
Do	D-DOT-51022-46: Big Bear City Airport, Big Bear, Calif.	2	J
Do	DOT-40355-55: Vail Creek Sweet Home, Santiam Hwy., Oreg.	1	K
Do	D-DOT-41556-54: Junction SR 5 to West Shore Mercer Island; Wash.	1	K
Do	D-DOT-41511-54: West Snoqualmie to Tanner, Wash.	1	K
Federal Power Commission	D-FPC-05422-03: Molly's Falls Project Vt.	2	B
Do	D-FPC-05410-26: Badger-Rapids Croche Project, Outagamie County, Wis.	2	F
Department of Housing and Urban Development.	D-HUD-85008-15: Harpers Square Apartments, Virginia Beach, Va.	2	D

ERRATA—THE FOLLOWING ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH CATEGORIZATIONS WERE LISTED ON NOV. 18, 1972, 37 F.R. 24703, ARE AMENDED ACCORDINGLY

	D-COE-35041-27: McGee Creek Drainage and Leveedis, Brown and Pike Counties, Ill.	3	F
	D-DOT-41471-29: State Routes 157 and 13, Knox and Licking Counties., Ohio.	3	F

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General Agreement/Lack of Objections:* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggests only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate Information.* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major Changes Necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed

further (including the possibility of no action at all).

APPENDIX III

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, MA 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peacetree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-21431 Filed 12-12-72;8:50 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

American Export Lines, Inc., Atlantic Gulf Services AB, Combi Line, Dart Containerline Company Limited, Sea-Land Service, Inc., Seatrain Lines, Inc., United States Lines, Inc.

Supplemental modification of pending agreement. Notice of agreement filed by:

Howard A. Levy, Esq.
Suite 631, 17 Battery Place,
New York, NY 10004

Agreement No. 9984, originally filed May 15, 1972, and now pending Commission action, has been modified by a supplemental filing on November 22, 1972.

The supplemental filing changes the Agreement from a discussion and ratemaking agreement with the right of independent action on 48 hours notice to a discussion agreement requiring 48 hours prenotice to the other members of any change to be effected in published rates and related matters. It should also be noted that American Export Lines, Atlantic Gulf Services, Combi Line, and Dart were not parties to the original agreement.

By order of the Federal Maritime Commission.

Dated: December 6, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21453 Filed 12-12-72;8:51 am]

BRAZIL/U.S. ATLANTIC PORTS NORTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Franscisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thos. E. Stakem, Esq., Macleay, Lynch, Bernhard & Gregg, 1625 K Street NW., Washington, DC 20006

Agreement No. 10027 establishes a pooling arrangement among,

A/S Ivaran Rederi (Ivaran); Companhia De Navegacao Lloyd Brasileiro (Lloyd); Companhia De Navegacao Maritima Netumar (Netumar); Empresa Lineas Maritimas Argentinas (E.L.M.A.); Moore-McCormack Lines, Inc. (Moore-McCormack); and Van Nievelt, Goudriaan and Co. N.V. (Hopal);

for the apportionment of freight revenue on all cargo (except refrigerated cargo, lumber (rough sawn and logs), open-rated items of iron and steel, open-rated dry and liquid bulk cargoes other than vegetable oils, mail, corpses, and livestock, and transshipment cargoes to other than U.S.A. destinations), transported by the carriers on owned and/or operated vessels in the northbound trade from ports in Brazil, within the Porto Alegre/Recife range, both inclusive, to any port on the Atlantic Coast of the United States.

Under the arrangement, Lloyd, Netumar, and Moore-McCormack combined will maintain a minimum of 80 sailings during each pool period (12 months), and will share an 80 percent portion of the cargo revenue. E.L.M.A., Ivaran, and Hopal will maintain 12, 15, and 6 sailings, respectively, during each pool period, and the cargo revenue will be allocated to said carriers on the basis of 6.70, 11.30, and 2 percent, respectively. Any number of lines with individual or combined allocated quotas under the agreement may make tonnage, sailing, or rationalization agreements amongst themselves to fulfill their minimum sailing requirements through a combined service to insure regularity of service in the trade. Lloyd/Netumar will participate jointly in the 80-percent National Flag share of the trade and in the sailings provided for under the arrangement as a single party.

Provisions with respect to (1) minimum sailings and cargo capacity, (2) adjustments in event of a sailing deficiency, (3) calculation of revenues from pooled cargo, and (4) pool accounting and settlement, are set forth in the agreement. The agreement will be effective as from January 1, 1973, or the first day of the month following approval by the Brazilian and appropriate U.S. Government authorities, and will remain in effect for five (5) years thereafter, unless earlier cancelled as provided therein.

Agreement No. 10028, entered into pursuant to the language of Article 2(b) of Agreement No. 10027, described above,

by Companhia De Navegacao Lloyd Brasileiro (Lloyd), Companhia De Navegacao Maritima Netumar (Netumar) Brazilian flag companies, and Moore-McCormack Lines, Inc., a U.S. flag company, is an auxiliary arrangement containing a supplementary understanding of the National Flag carriers under the latter agreement with respect to (1) allocation of minimum sailings, (2) the division of the 80-percent share of the cargo revenue allocated the National Flag carriers under Agreement No. 10027 on the basis of 50 percent to the Brazilian carriers jointly, and 50 percent to the U.S. flag carrier, (3) adjustment for call deficiency, and (4) provisions for further calculation and settlement of revenues from pooled cargo under terms and conditions set forth in Article 4 of said Agreement No. 10028.

By order of the Federal Maritime Commission.

Dated: December 8, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21455 Filed 12-12-72;8:51 am]

BRAZIL/U.S. GULF PORTS NORTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thos. E. Stakem, Esq., Macleay, Lynch, Bernhard & Gregg, 1625 K Street NW., Washington, DC 20006.

Agreement No. 10029 establishes a pooling arrangement among,

Companhia De Navegacao Lloyd Brasileiro (Lloyd); Delta Steamship Lines, Inc. (Delta Line); Empresa Lineas Martimas Argentinas (E.L.M.A.); Montemar Comercial y Maritima S.A. (Montemar); and The Northern Pan-America Line A/S (Nopal).

for the apportionment of freight revenue on all cargo (except refrigerated cargo, logs and lumber items, iron and steel sheets, plates, strips, angles, and profiles, etc., loose, bundles, or in rolls or coils and other open-rated items, open-rated dry and liquid bulk cargoes other than vegetable oils, mail, corpses, and livestock, and transhipment cargoes destined to other than U.S.A. ports), transported by the carriers on owned and/or operated vessels, in the northbound trade from ports in Brazil, within the Porto Alegre/Vitoria range, both inclusive, to any port on the U.S. coast of the Gulf of Mexico–Brownsville, Tex., to Key West, Fla., both inclusive.

Under the arrangement, the carriers will maintain a minimum of 57 sailings during each pool period (12 months), i.e., Lloyd—16, Delta Line—18, E.L.M.A.—8, Montemar—3, and Nopal—12. Lloyd and Delta Line, the National Flag lines will divide an 80 percent share of the cargo revenue under the pool on the basis of 40 percent to each. E.L.M.A., Montemar, and Nopal will share the remaining 20 percent of the carbo revenue on the basis of 6.1, 0.8, and 13.1 percent, respectively.

Provisions with respect to (1) minimum sailings and cargo capacity, (2) adjustments in the event of a sailing deficiency, (3) calculation of revenues from pooled cargo, and (4) pool accounting and settlement are set forth in the agreement. The agreement will be effective as from January 1, 1973, or as soon thereafter as it becomes effective through approval by the respective government authorities, and shall remain in effect for five (5) years thereafter, unless sooner canceled as provided therein.

By order of the Federal Maritime Commission.

Dated: December 8, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-21454 Filed 12-12-72;8:51 am]

FEDERAL POWER COMMISSION

ALASKA POWER SURVEY TECHNICAL ADVISORY COMMITTEES

Order Designating Additional Members

DECEMBER 7, 1972.

The Federal Power Commission, by order issued August 25, 1972, established Technical Advisory Committees of the Alaska Power Survey.

1. *Membership.* Additional members of the following Technical Advisory Committees, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

TECHNICAL ADVISORY COMMITTEE ON ECONOMIC ANALYSIS AND LOAD PROJECTIONS

Bruce C. Milne, Staff, Alaska Public Service Commission, Anchorage, Alaska.

TECHNICAL ADVISORY COMMITTEE ON RESOURCES AND ELECTRIC POWER GENERATION

William W. Hopkins, Manager, Alaska Oil and Gas Association, Anchorage, Alaska.
Benno J. G. Patsch, Regional Geologist, American Exploration and Mining Co., San Francisco, Calif.
Russell N. Staley, Staff, Alaska Public Service Commission, Anchorage, Alaska.

TECHNICAL ADVISORY COMMITTEE ON COORDINATED SYSTEM DEVELOPMENT AND INTERCONNECTIONS

J. Lowell Jensen, Executive Director, Alaska Public Service Commission, Anchorage, Alaska.

TECHNICAL ADVISORY COMMITTEE ON ENVIRONMENTAL CONSIDERATIONS AND CONSUMER AFFAIRS

Walt Parker, Conservationist, 3724 Campbell Airstrip Road, Anchorage, AK.
J. L. Schultz, Manager, Chugach Electric Association, Anchorage, Alaska.
Gordon W. Watson, Area Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Anchorage, Alaska.
Ray Wipperman, Staff, Alaska Public Service Commission, Anchorage, Alaska.

By the commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-21441 Filed 12-12-72;8:50 am]

[Docket No. CP73-152]

BLUE DOLPHIN PIPE LINE CO.

Notice of Application

DECEMBER 7, 1972.

Take notice that on December 4, 1972, Blue Dolphin Pipe Line Co. (Applicant), Post Office Box 2463, Houston, TX 77001, filed in Docket No. CP73-152 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1973, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch is making miscellaneous rearrangements which will not result in any material change in the transportation service presently rendered by Applicant. Applicant states that it will not construct any gas sales facilities under the authorization requested herein. Total cost of the

proposed facilities will not exceed $10,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1973, 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.72-21436 Filed 12-12-72;8:50 am]

[Docket Nos. E-7799,[1] E-7803]

CONSUMERS POWER CO.

Superseding Wholesale Rate Contract and Proposed Increased Rates and Charges

DECEMBER 7, 1972.

Take notice that Consumers Power Co. (Consumers Power) on October 30, 1972, tendered for filing in Docket No. E-7799 a wholesale rate contract between Consumers and the city of Lansing, Mich., by its Board of Water and Light (Board), dated October 7, 1970, relating to the construction and operation of a 138 kv. interconnection between Consumers' Delhi Substation and the Board's Enterprise Substation. The interconnection is planned for commercial operation in the fall of 1972. The new contract is intended to supersede and cancel the wholesale rate contract dated May 15, 1964 (designated as Consumers Power Company Rate Schedule FPC No. 19) between Consumers and the city. Consumers requests waiver of the notice requirements, § 35.3 of the Commission's regulations under the Federal Power Act, to permit the new contract to become effective on the commercial operating date of the interconnection, currently estimated to be November 26, 1972.

Take notice, also, that Consumers Power on November 6, 1972, tendered for filing in Docket No. E-7803 proposed changes to its contracts with 19 customers in the State of Michigan as supplements to its FPC Rate Schedules applicable to wholesale electric service, to become effective on January 6, 1973.

The rate schedule changes in Docket No. E-7803 would increase rates and charges in the annual amount of approximately $1,542,000 based upon operations in the calendar year 1971, representing a 20-percent overall increase in charges to the 19 customers. The new rates increase demand charges by 77 cents per kilovoltampere per month and increase energy charges by 0.05 cent (½ mill) per kilowatt hour. In addition, the contract changes would increase the billing demand interval for all wholesale customers from a 15-minute interval to a 30-minute interval and also change the method of calculating the minimum charge for partial purchase customers.

In support of the proposed rate increase, Consumers Power states that its earnings have become inadequate due to inflation; that its current rates yield only a 4.5 percent return from wholesale service on a 1971 test year basis; that it is experiencing construction expenditures of approximately $379 million in 1972; and that it expects to expend over $2 billion in construction activities by the end of 1976. The rate filing includes cost of service and financial data based upon rate of return allowance of 8 percent.

Copies of the filings have been served on Consumers Power's customers and interested State regulatory agencies.

Any person desiring to be heard or make protest with reference to said applications should on or before December 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate in any hearing therein, must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-21437 Filed 12-12-72;8:50 am]

[1] This notice does not have the effect of consolidating these two filings but is captioned for noticing purposes only.

[Projects 885, 1379, 1854, and 2141-Idaho]

CITY OF SANDPOINT, IDAHO

Order Vacating Land Withdrawals

DECEMBER 6, 1972.

By letter dated October 17, 1928, the Commission gave notice to the General Land Office (now Bureau of Land Management) of the withdrawal of approximately 3,924 acres of public lands adjacent to Priest River and Priest Lake, Idaho, pursuant to the filing of an application for preliminary permit for Project No. 885 by the City of Sandpoint, Idaho.

A re-examination of our records shows that the notification letter erroneously included certain lands beyond the boundary of the project.

In its applications for preliminary permit and license for Project No. 885, the City of Sandpoint stated that it intended to regulate Priest Lake between ordinary high water and ordinary low water and that Federal lands adjoining Priest Lake would not be required for the project. Consequently, the Commission's notice of October 17, 1928, should not have included any lands bordering Priest Lake.

Subsequently, the project boundary bordering Priest Lake, insofar as it might include Kaniksu National Forest lands, was fixed in the license (terminated Apr. 21, 1936, for failure to construct) at an elevation of 2,441 feet above mean sea level as determined by reference to a certain bench mark of the U.S. Geological Survey stamped "V 1 1929" located about 0.2 mile southwest of the Coolin Post Office. Said 2,441 foot elevation was the maximum boundary proposed for Project No. 885 around Priest Lake. Similar applications for Project Nos. 1379, 1854, and 2141 (none of these projects was ever constructed and all proceedings have ended) did not include any lands adjacent to Priest Lake beyond said limit of 2,441 feet (in Project No. 1854 the project boundary bordering Priest Lake was set at 2,443.85 feet above mean sea level as determined by reference to a gauge at the outlet of Priest Lake or 2,440.923 feet as determined by reference to bench mark "V 1 1929").

A search of the record for Project No. 885 has failed to disclose whether said 2,441 foot elevation lies above or below the line of ordinary high water of Priest Lake (the line of ordinary high water is the boundary between the bed and shorelands of the lake which are State owned and adjoining lands) and it appears there was uncertainty as to whether national forest lands bordering Priest Lake were affected by the project as it was licensed. This is evidenced by the use of the word "may" in Article 20 of the license which stated:

> The licensee hereby agrees that the project area bordering Priest Lake, in so far as it may include national forest lands shall be fixed at a level of 2,441 feet * * *

The State of Idaho has constructed a control structure at the outlet of Priest Lake which regulates the level of the lake to preserve beach, boating, and other

recreational facilities located on the lake. According to the U.S. Geological Survey storage began August 9, 1950, and lake elevations have fluctuated between 2,434.41 and 2,440.87 feet above mean sea level for the period 1951–68.

Pursuant to a special act of the Idaho State Legislature, the unappropriated water of Priest Lake was appropriated by the Governor of Idaho to preserve the lake in its present condition. Furthermore, the Priest River is under study to determine whether it should be included in the national system of wild and scenic rivers.

In House Document No. 531, 81st Congress, 2d Session (1950) the Corps of Engineers proposed construction of a dam which would raise Priest Lake to an elevation of 2,459.5 feet and provide 870,000 acre-feet of usable storage for power and other purposes. However, the possibility of this project being developed is very slight and the U.S. Geological Survey has concluded that creation of a Power Site Classification to protect the Federal lands that would be flooded by the project is not appropriate.

Under the circumstances, it would be in the public interest to vacate the withdrawal for Project No. 885 insofar as it may pertain to lands bordering Priest Lake (lands described in attached Land List). The withdrawal for Project No. 885 is being retained insofar as it pertains to lands below the outlet of Priest Lake as they would be affected by the development of the potential Priest No. 4 project which is listed in the Commission's current inventory of undeveloped hydroelectric sites.

In addition, it would be in the public interest to vacate the withdrawals for Projects Nos. 1379, 1854, and 2141 in their entirety. These projects were similar to Project No. 885 and did not effectuate the withdrawal of any additional lands considered valuable for hydroelectric development purposes. Formal notices of land withdrawal were not issued for Projects Nos. 1379, 1854, and 2141, and the acreage withdrawn pursuant to the filings of applications for these projects has not been determined.

The Commission finds:

(1) The land withdrawal pursuant to the filing for Project No. 885 no longer serves a useful purpose insofar as it may pertain to lands described in the attached Land List and should be vacated to that extent.

(2) The land withdrawals pursuant to the filings for Projects Nos. 1379, 1854, and 2141 serve no useful purpose and should be vacated in their entirety.

The Commission orders:

(A) The land withdrawal pursuant to the filing for Project No. 885 is hereby vacated insofar as it may pertain to lands described in the Land List set forth below.

(B) The land withdrawals pursuant to the filings for Projects Nos. 1379, 1854 and 2141, are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

LAND LIST

BOISE MERIDIAN, IDAHO

T. 60 N., R. 4 W.,
Sec. 3, lots 3, 6, 7;
Sec. 5, lots 1, 2;
Sec. 6, lots 1, 6, 7, 12;
Sec. 7, lots 1, 2, 3, 4, 5;
Sec. 8, lots 1, 2, 3;
Sec. 16, lots 1, 2;
Sec. 17, lots 1, 2, 3, 4, 5;
Sec. 19, lots 1, 2, 3, 4, 7, NE¼SE¼SE¼;
Sec. 20, lots 1, 2, 3, 4;
Sec. 21, lot 1;
Sec. 28, lot 2;
Sec. 29, lots 1, 2, 3, 4;
Sec. 30, lot 6;
Sec. 32, lots 1, 2, 3, 4.
T. 61 N., R. 4 W.,
Sec. 4, lots 1, 2;
Sec. 5, lots 1, 4;
Sec. 8, lots 1, 2;
Sec. 9, lots 2, 3;
Sec. 17, lot 2;
Sec. 19, unpatented parts of lots 3 and 6;
Sec. 20, lots 1, 2, 3, 4, 5;
Sec. 21, lot 2;
Sec. 28, lot 3;
Sec. 29, lots 2, 3, 4;
Sec. 30, unpatented part of lot 1;
Sec. 32, lots 1, 2, 3, 4.
T. 62 N., R. 4 W.,
Sec. 4, lots 4, 5, 8, 9;
Sec. 9, lots 4, 5, 6, 9;
Sec. 16, lots 1, 2, 3, 4;
Sec. 21, lots 1, 2, 3, 4, 5;
Sec. 23, lots 1, 2, 3;
Sec. 29, lots 1, 2;
Sec. 32, lots 1, 2, 3, 4.
T. 63 N., R. 4 W.,
Sec. 19, lots 4, 5, 6, 7;
Sec. 29, lot 4;
Sec. 30, lots 1, 2, 5, 6, 7;
Sec. 32, lots 1, 2, 3, 4, 6;
Sec. 33, lots 1, 4, 5.
T. 60 N., R. 5 W.,
Sec. 12, lot 5;
Sec. 13, lots 1, 2, 3, 4;
Sec. 24, lots 1, 2, 3, 4.
(Approximately 2,918 acres.)

[FR Doc.72-21324 Filed 12-12-72;8:48 am]

[Docket No. CS73-382, etc.]

FLYNN ENERGY CORP. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

DECEMBER 4, 1972.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 29, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS73-382...	11-10-72	Flynn Energy Corp., 2612 4th National Bldg., Tulsa, Okla. 74119.
CS73-383...	11-10-72	Lenhart and Bennett, Inc., Post Office Box 56, Wooster, OH 44691.
CS73-384...	11-10-72	Cow Gulch Oil Co., 909 17th St., Room 338, Denver, CO 80202.
CS73-385...	11- 9-72	Jackson M. Langton, Post Office Drawer 97, Morenci, AZ 85540.
CS73-386...	11-13-72	H. E. Bryan, Operator, 3636 Lemmon, Suite 406, Dallas, TX 75219.
CS73-387...	11-13-72	Elmer Dixon, 302 N. Main St., Kingfisher, OK 73750.
CS73-388...	11-10-72	Oil Resources Inc., Post Office Box 986, Billings, MT 59103.
CS73-389...	11- 9-72	Hydro-Carbon Facilities, Inc., 2100 Harrison, Great Bend, KS 67530.
CS73-390...	11-13-72	Penroc Oil Corp., Post Office Box 82, Midland, TX 79701.
CS73-391...	11-13-72	C. H. Coster Gerard, 1014 Lane Bldg., Shreveport, La. 71101.
CS73-392...	11- 9-72	Zoller & Danneberg Exploration, Ltd., 1600 Broadway, Suite 1360, Denver CO 80202.
CS73-393...	11- 9-72	Warall J. N. Whipple and Albert H. Stall, 316 Oil & Gas Bldg., New Orleans, La. 71101.
CS73-394...	11-14-72	Standard-Southern Corp. *et al.*, 1720 Esperson Bldg., Houston, Tex. 77002.
CS73-395...	11-13-72	L. E. Smith, 604 Johnson Bldg., Shreveport, La. 71101.
CS73-396...	11-16-72	Weimer & FitzHugh, 1912 First National Bldg., Tulsa, Okla. 74103.
CS73-397...	11-16-72	The Clayton Oil Company of 1961, Ltd., 2300 Western Federal Savings Bldg., Denver, Colo. 80202.
CS73-400...	11-12-72	Victoria Equipment & Supply Co., Post Office Box 3791, Victoria, TX 77901.
CS73-401...	11-20-72	Lucius C. Gerr, doing business as Lucius C. Gerr & Associates, 719 C & I Bldg., Houston, Tex. 77002.

Docket No.	Date filed	Name of applicant
CS73-402...	11-16-72	Lincoln Rock Corp., Post Office Box 418, Northfield, IL 60093.
CS73-403...	11-21-72	C. Ralph Blodgett, 1606 First National Center, Oklahoma City, Okla. 73102.
CS73-404...	11-21-72	Ralph P. Clark, Jr., 1606 First National Center, Oklahoma City, Okla. 73102.
CS73-405...	11-21-72	Red Clark, Inc., 1606 First National Center, Oklahoma City, Okla. 73102.
CS73-406...	11-21-72	Emma Frel Beck, 801 Hillcrest Ave. SW., Calgary, AB, Canada.
CS73-407...	11-20-72	Joseph L. Hargrove, Post Office Box 188, Shreveport, LA 71161.
CS73-408...	11-22-72	Norphlet Corp., 200 Wilco Bldg., Midland, Tex. 79701.
CS73-409...	11-22-72	John A. Taylor, 3220 Liberty Tower, Oklahoma City, Okla. 73102.
CS73-410...	11-24-72	Northeast Texas Production Co., 501 Laurel Lane, Marshall, TX 75670.
CS73-411...	11-24-72	E. A. Wood, Jr., Post Office Box 2522, Denver, CO 80201.
CS73-412...	11-24-72	George W. Arrington, Post Office Box 608, Canadian, TX 79014.
CS73-413...	11-24-72	Engeo, Co., 323 Oil & Gas Bldg., Shreveport, La. 71101.
CS73-414...	11-24-72	Big Horn-Powder River Corp., 1385 Colorado State Bank Bldg., Denver, Colo. 80202.
CS73-415...	11-22-72	Mumma Oil Production Co., 3620 Hamilton Blvd., Allentown, PA 18103.
CS73-416...	11-24-72	Robert L. Waller, 6220 North Warren, Oklahoma City, OK 73102.

[FR Doc.72-21323 Filed 12-12-72;8:48 am]

[Docket No. E-7818]

IDAHO POWER CO.

Notice of Application

DECEMBER 7, 1972.

Take notice that on November 6, 1972, Idaho Power Co. pursuant to § 35.12 of the Commission's regulations filed an agreement between Idaho Power Co. (Applicant) and the Pasadena Water and Power Department, a department organized and existing under the charter of the city of Pasadena, Calif., providing for the supply of nonfirm energy by Idaho Power Co. for the Pasadena Water and Power Department at the Company's La Grande 230 kv. point of interconnection with the Bonneville Power Administration (BPA) system.

This agreement provides that it shall become effective for a term commencing October 25, 1972, and continuing until written notice of termination is given by either party.

Energy deliveries under this agreement have commenced as of October 30, 1972, and will be made over BPA transmission facilities and the 750,000 volt direct current transmission line extending into the Los Angeles area.

Applicant states that this energy is urgently required by the Pasadena Water and Power Department in order to offset the short supply of fossil fuel in Los Angeles County, particularly the low sulfur fuel oil and natural gas supplies. Applicant further states that with this emergency situation, the Pasadena Water and Power Department requires as much outside energy as is economically available in order to alleviate its generating problem.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-21438 Filed 12-12-72;8:50 am]

[Docket No. E-6467]

MONTANA POWER CO.

Notice of Filing

DECEMBER 7, 1972.

Notice of filing of agreement to coordinate operations in the upper Missouri River Basin; to provide a method for determining annual headwater benefits; and setting rates for interconnection agreement.

Public notice is hereby given that the Bureau of Reclamation (USBR) of the Department of the Interior, acting for the United States of America, and the Montana Power Co. (TMPC) entered into an agreement (Contract No. 14-06-600-476A), dated March 30, 1972, to coordinate the operation of their respective reservoirs and hydroelectric generating plants on the Missouri River and its tributaries above the Fort Peck Reservoir in Montana. The USBR filed the agreement with this Commission on August 6, 1972, pursuant to § 11.26 of the Commission's regulations under the Federal Power Act. The agreement provides, among other things, for payments to the United States for power benefits received from operation of the Federal Canyon Ferry Reservoir at seven downstream hydroelectric plants owned by TMPC. Such headwater benefits payments would be made annually to the Federal Power Commission upon submission of a bill by the Commission. The agreement specifies the procedures for computing the annual payments and provides that such payments are intended to constitute full satisfaction between the parties of all obligations under section 10(f) of the Federal Power Act. Under the procedures specified in the agreement, a payment of $201,962 would be made by the Montana Power Co. for benefits received during the calendar year 1971.

This agreement provides that it shall be in full force and effect from the date of its execution for an initial period of 5 years and from year to year thereafter, unless terminated by either party by giving the other party 3 years' prior written notice of such termination.

The existing developments in the upper Missouri River Basin include five upstream reservoir projects, one owned by USBR and four owned by TMPC. Below these reservoir projects are five hydroelectric projects with pondage. Of the 10 projects, all are owned by TMPC except the Federal Canyon Ferry project. In downstream order these projects are: Hebgen (no power installed), Madison, Canyon Ferry, Hauser, Holter, Black Eagle, Rainbow, Cochrane, Ryan, and Morony. The Canyon Ferry project is a multipurpose development serving the purposes of flood control, power generation, irrigation, and water supply. The agreement's stated purpose is to make available to each party its optimum usable energy production at all times and to assure the availability and release on a preplanned basis of all water, exclusive of certain nonpower uses, during the critical flow period.

In accordance with the agreement, a determination would be made each year for headwater benefits payments, using the formula and instructions therein. The agreement further provides that the payment each year should be limited to 1.39 mills per kilowatt-hour for energy available from Canyon Ferry storage during the critical period.

Public notice is further given that the Montana Power Co. submitted as an initial filing an agreement entered into with the Bureau of Reclamation dated May 14, 1964, providing for the interconnected operation of TMPC and USBR's systems for the exchange of various services. Both the Interconnection Agreement of May 14, 1964, and the Coordination Agreement dated March 30, 1972 discussed above, were filed with this Commission under separate letters dated May 19, 1972.

The Interconnection Agreement of 1964 provides that services to be exchanged between the parties shall include (1) dump power, (2) emergency service, (3) interchange in energy, (4) transmission service, and (5) maintenance service. This agreement further provides that each of these services is subject to a specified rate as consideration. The agreement is to remain in effect until December 31, 1983.

Any person desiring to be heard or to make protests with reference to the agreements filed by the Montana Power Co. and the Department of the Interior, Bureau of Reclamation, should on or before January 22, 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 protestants parties to the proceedings. Persons wishing to become parties 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. These agreements are on file with this Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-21440 Filed 12-12-72;8:50 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

DECEMBER 7, 1972.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

Membership. An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

W. Reid Thompson, Chairman of the Board and President, Potomac Electric Power Co.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-21442 Filed 12-12-72;8:50 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS TECHNOLOGY

Order Designating a Member

DECEMBER 7, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

Membership. A new member to the Supply-Technical Advisory Task Force-Natural Gas Technology, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. Richard E. Balzhiser, Assistant Director for Science and Technology, Office of Science and Technology, Executive Office of the President.

By the commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-21444 Filed 12-12-72;8:51 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE TASK FORCE—FUTURE FINANCIAL REQUIREMENTS

Order Establishing and Designating Initial Membership and Chairmanship

DECEMBER 7, 1972.

The Federal Power Commission hereby determines that the establishment of the National Power Survey Technical Advisory Committee on Finance Task Force—Future Financial Requirements, as identified hereinafter, is in the public interest and necessary and appropriate for the purposes of the Federal Power Act, 16 U.S.C. 791(a) et seq., and the Commission establishes this task force in accordance with the provisions of the Commission's order issued June 29, 1972 (37 F.R. 13380), Order authorizing the establishment of National Power Survey Advisory Committees and prescribing procedures; the Commission's order issued September 28, 1972 (37 F.R. 20999), Order establishing National Power Survey Technical Advisory Committees and designating initial membership and chairmenship; and the provisions of this order.

1. *Purpose.* The purposes of the National Power Survey Technical Advisory Committee on Finance Task Force—Future Financial Requirements, are to study, analyze, and report information relative to the development of a year-by-year forecast of construction expenditures for the electric power industry using various construction cost assumptions; the development of a probable range of year-by-year internal cash generation for the electric power industry available to meet forecasted plant construction expenditure requirements; the study of the adequacy and significance of various principal sources of internal cash generation for the electric power industry, e.g., depreciation, amortization, other noncash charges against income, and retained earnings; the development of a forecast of new and refunding money needs, year-by-year, of the electric power industry related to the money market in general; and forecasted demand for funds within the electric power industry relative to the aggregate demand for funds, the size of the total economy, and potential sources of funds. The National Power Survey Task Force established herein is organizationally subordinate to the National Power Survey Technical Advisory Committee on Finance.

2. *Membership.* The chairman, coordinating representative, secretaries, and members of the National Power Survey Technical Advisory Committee on Finance Task Force—Future Financial Requirements established herein, as selected by the Chairman of the Commission, with the approval of the Commission, are designated in the Appendix below.

3. *Selection of future committee members.* All future National Power Survey Task Force members and persons designated to act as committee chairmen, coordinating representatives, and secretaries, shall be selected and designated by the Chairman of the Commission, with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the Commission order issued June 29, 1972, are hereby incorporated by reference:

3. *Conduct of meetings.*
4. *Minutes and records.*
5. *Secretary of the committee.*
6. *Location and time of meetings.*
7. *Advice and recommendations offered by the committee.*
8. *Duration of the committee.*

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX—NATIONAL POWER SURVEY, TECHNICAL ADVISORY COMMITTEE ON FINANCE TASK FORCE—FUTURE FINANCIAL REQUIREMENTS

Chairman. Professor John D. Glover, Harvard Graduate School of Business Administration.

Coordinating representative. John W. Wilson, Office of Economics, Federal Power Commission.

Secretary. Edward J. Fowlkes, Bureau of Power, Federal Power Commission.

Alternate Secretary. Peter W. Nygard, Bureau of Power, Federal Power Commission.

Members. Mr. Fred C. Eggerstedt, Jr., Senior Vice President and Treasurer, Long Island Lighting Co.

Mr. Robert R. Fortune, Vice President Finance, Pennsylvania Power and Light Co.

Mr. Paul Fox, Finance Officer, National Rural Utilities Cooperative Finance Corp.

Mr. G. P. Gaw, Director of Finance, Seattle Department of Lighting.

[FR Doc.72-21435 Filed 12-12-72;8:50 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Order Designating Additional Member

DECEMBER 7, 1972.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Research and Development.

Membership. An additional member of the Technical Advisory Committee on Research and Development, as selected

by the Chairman of the Commission, with the approval of the Commission, is as follows:

Dr. George E. Watkins, Member, Executive Secretary, Electric Research Council.

By the Commission.

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

[FR Doc.72-21443 Filed 12-12-72;8:51 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Order Designating Additional Member

DECEMBER 7, 1972.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committees.

Membership. An additional member of the Technical Advisory Committee on Research and Development, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Dr. Henry R. Linden, Director and Executive Vice President, Institute of Gas Technology.

By the Commission.

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

[FR Doc.72-21445 Filed 12-12-72;8:51 am]

[Docket No. CP73-151]

SOUTHERN NATURAL GAS CO.

Notice of Application

DECEMBER 7, 1972.

Take notice that on December 4, 1972, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP73-151 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the West Bryceland Field, Bienville Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, as nonoperator, proposes to continue the sale of natural gas from its own interests from which sales were heretofore authorized to be made pursuant to Franks Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule No. 9. Franks Petroleum, Inc., is now a small producer certificate holder in Docket No. CS71-1014 and may not sell gas from Applicant's interest under said certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1973, 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.72-21439 Filed 12-12-72;8:50 am]

GENERAL SERVICES ADMINISTRATION

ENGLISH DICTIONARIES

Industry Specification Development Conference

The notice that appeared on December 2, 1972, at 37 F.R. 25797 is revised as follows:

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with Interim Federal Specification G-D-00331C and Amendment-1, dictionaries, English.

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specification and procurement requirements to: (1) Promote mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) enhance the quality of the products shipped to the Government. It will be open to all those in the private sector who have an interest or concern for the use of specifications in the procurement of English dictionaries, and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on January 16, 1973, at 9:30 a.m., Room 1129, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, VA. Anyone who wants to attend or desires further information should contact Mr. Ben Ward, General Services Administration, Federal Supply Service, at telephone number 703—557-7850, or write General Services Administration, Federal Supply Service (FMSO), Washington, D.C. 20406.

Issued in Washington, D.C., on December 8, 1972.

M. S. MEEKER, *Commissioner.*

[FR Doc.72-21508 Filed 12-12-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3268]

AGE FUND, INC., ET AL.

Notice of Application for Exemption

DECEMBER 6, 1972.

Notice is hereby given that Age Fund, Inc., Wincap Fund, and Winfield Growth Fund, Inc., 155 Bovet Road, San Mateo, CA 94402 (Funds), all diversified, open-end management investment companies registered under the Investment Company Act of 1940 (Act), and Winfield Distributors, Inc. (WDI) principal underwriter of the Funds (hereinafter collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting the Applicants and certain transactions described below from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current public offering price as described in the prospectus. The prospectuses of the Funds state that a sales commission is included in the offering price of the shares of such Funds.

Applicants request an exemption from section 22(d) of the Act and Rule 22d-1 thereunder to enable each of the Funds to sell its shares at their net asset value, i.e., without any sales charge, to persons who have caused their shares in such Fund to be redeemed. Investors will be permitted to reinvest up to the exact amount of their redemption proceeds (or to the nearest full share if fractional shares are not purchased). To be effective, notice from such persons of the

exercise of the privilege must be received by Applicants, or be postmarked, within 15 days after the date the request for redemption had been received.

Applicants state that WDI will, at its expense, probably by a statement included with the redemption check, advise eligible shareholders of the right to reinvest the proceeds without any sales charges. Applicants also state that the proposed repurchases will be made at the net asset value per share next determined after receipt of the order, and that no sales commission will be received by WDI or any sales representative on such repurchases.

Applicants further state that the privilege of reinvesting the proceeds of a redemption without any sales charge will be limited to persons who have not previously exercised such privilege as to any of the Funds, and that because of this limitation, the proposed privilege will not afford an opportunity for speculative short-term trading in shares of the Funds.

Applicants contend that the proposed privilege will enable investors to be reminded of features of their investment which they may have overlooked, or of which they may have been unsure at the time they redeemed.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 27, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21414 Filed 12-12-72;8:48 am]

[812-3312]

AMERICAN EXPRESS CAPITAL FUND, INC., ET AL.

Notice of Application for Order Exempting Applicants

DECEMBER 6, 1972.

Notice is hereby given that American Express Capital Fund, Inc., American Express Income Fund, Inc., American Express Investment Fund, Inc., American Express Special Fund, Inc., American Express Stock Fund, Inc., 550 Laurel Street, San Francisco, CA 94120 (Funds), diversified, open-end management investment companies registered under the Investment Company Act of 1940 (Act), and American Express Investment Management Co. "AEIMCO" (hereinafter collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from section 22(d) of the Act and Rule 22d–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants propose to allow AEIMCO to reinstate a shareholder's account, or to allow a shareholder to purchase shares of any of the Funds, at net asset value within 15 days form the date AEIMCO sends the account statement to the shareholder following redemption of Fund shares. Pursuant to the privilege a shareholder could, within 15 days from the date of mailing the account statement, either repurchase at net asset value on the date the privilege is exercised shares of the Fund up to the amount redeemed, or could purchase at net asset value shares of any other of the Funds in a dollar amount equal to the amount of the redemption. The privilege could be exercised only once by a shareholder, even though he may own shares of more than one Fund. There would be no charge to the shareholder of any kind upon reinvestment, and all of the administration costs involved will be borne by AEIMCO. There is no charge for an exchange of shares of one Fund for another, so there would be no charge for a purchase of shares of another Fund under the terms of the privilege. There will be no compensation of any kind paid to any salesman in connection with the exercise of the privilege by a shareholder.

Applicants state that the primary reason for offering the privilege is that it is in the best interests of the investing public to provide a means for correcting, without charge and within a short period of time, a hasty and inadvisable decision to liquidate investment company shares.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than December 27, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmal if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21409 Filed 12-12-72;8:48 am]

[File 500-1]

CLINTON OIL CO.

Order Suspending Trading

DECEMBER 6, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 8, 1972 through December 17, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21416 Filed 12-12-72;8:48 am]

[70-5285]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Capital Contribution by Subsidiary of Holding Company

DECEMBER 6, 1972.

Notice is hereby given that Connecticut Light and Power Co., Selden Street, Berlin, CT (C.L. & P.), an electric and gas utility subsidiary of Northeast Utilities, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

C.L. & P.'s wholly owned nonutility subsidiary, the Shelton Canal Co. (Shelton), has incurred unexpected capital and maintenance expenses in 1972 which, together with normal operating expenses, will be in excess of Shelton's income. The sole source of income for Shelton is the sale of industrial water to customers under long-term contracts. To cover Shelton's cost of capital expenditures and to meet its anticipated 1972 deficit, C.L. & P. proposes to make a capital contribution of $75,000 to Shelton.

It is stated that Shelton, to which C.L. & P. has made capital contributions in prior years aggregating $90,000, has incurred a cumulative deficit in retained earnings of $230,614, and that Shelton's total net capitalization as of September 30, 1972, was $359,385. Shelton, all of whose common stock is held by C.L. & P., has no outstanding indebtedness of any kind.

Incidental services estimated to cost $300 will be performed at cost by Northeast Utilities Service Co., an affiliated service company, in connection with the proposed transaction. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 27, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21410 Filed 12-12-72;8:48 am]

[File 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

DECEMBER 6, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 7, 1972 through December 16, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21417 Filed 12-12-72;8:48 am]

[812-3329]

INA INCOME AND CONVERTIBLE FUND

Notice of Filing of Application Exemption

DECEMBER 6, 1972.

Notice is hereby given that INA Income and Convertible Fund, 1617 John F. Kennedy Boulevard, Philadelphia, PA 19101 (Applicant), a Delaware corporation registered under the Investment Company Act of 1940 (Act) as a diversified, closed-end management investment company, has filed an application for an order of the Commission pursuant to section 6(c) of the Act to exempt the issuance of rights to purchase additional shares of $0.10 par value common stock (stock) of the Applicant from the provisions of section 18(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant proposes to make a public offering of its shares through a group of underwriters, and has filed a registration statement covering these shares under the Securities Act of 1933. The shares are to be purchased by the underwriters from the Applicant at a price of $18.40 per share, and will be reoffered to the public at a maximum price of $20 per share. Applicant will be managed by Philadelphia Investment Co., Philadelphia, Pa.

The initial offering of the shares of Applicant will be made through Blyth Eastman Dillon & Co., Inc., and Paine, Webber, Jackson & Curtis, Inc., as representatives of the underwriters.

Each initial purchaser of shares issued in Applicant's public offering will have a nontransferable right to purchase one additional share of the Applicant for every share purchased. This option to acquire additional shares will be exercisable only during a 12-month period beginning 90 days after the termination of the initial public offering. Shares acquired through exercise of the options will be purchased at their net asset value as next determined after Applicant receives the shareholder's purchase order. Options will be exercisable only by the initial purchaser of shares issued in the public offering, his spouse, his children under the age of 21 or his legal representatives.

No prospective secondary offering of Applicant's shares to the general public is presently contemplated by Applicant's Board of Directors.

Section 18(d) of the Act prohibits a registered management investment company from issuing any warrant or right to subscribe to or purchase a security of which such company is the issuer, except in the form of warrants or rights to subscribe expiring not later than 120 days after their issuance and issued exclusively and ratably to a class or classes of such company's security holders. Since the proposed options to purchase additional shares of common stock of Applicant would be exercisable during a 12-month period beginning 90 days after the

termination of the offering, issuance of these rights to initial purchasers would be barred by section 18(d) of the Act.

Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person, securities or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order exempting the described issuance of rights to purchase additional shares of Applicant from the provisions of section 18(d) which would require that such rights expire not later than 120 days after their issuance. The options to purchase additional shares are intended to enhance the marketability of the Applicant's public offering by providing for the possibility that initial purchasers may be able to reduce their average sales charges by electing to effect subsequent purchases at net asset value. Applicant submits that the requested order would permit transactions which are both appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act since the rights to purchase additional shares would be nontransferable and their exercise would not dilute the Applicant's net asset value per share.

Notice is hereby given that any interested person may, not later than December 28, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21411 Filed 12-12-72;8:48 am]

[File 500-1]

MAJOR D CORP.

Order Suspending Trading

DECEMBER 6, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of Major D Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:50 a.m., e.s.t., on December 6, 1972 through December 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21418 Filed 12-12-72;8:48 am]

[812-3315]

MASSACHUSETTS INVESTORS TRUST ET AL.

Notice of Filing of Application for Exemption

DECEMBER 6, 1972.

Notice is hereby given that Massachusetts Investors Trust ("Trust"), Massachusetts Investors Growth Stock Fund, Inc., Massachusetts Income Development Fund, Inc., Massachusetts Capital Development Fund, Inc. and Massachusetts Financial Development Fund, Inc. ("Funds"), 300 Berkeley Street, Boston, MA 02116 collectively, ("Applicants"), open end, diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application for an order pursuant to section 6(c) of the Act declaring that Dr. Bruce S. Old ("Dr. Old") shall not be deemed an interested person of Applicants as that term is defined under section 2(a)(19) of the Act solely by reason of his status as an officer of Arthur D. Little, Inc. ("ADL"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The Funds' Board of Directors and Trustees of the Trust have been constituted to comply with section 10 of the Act. Mr. Richard R. Higgins, one of the disinterested Directors of each of the Funds and a Trustee of the Trust, has indicated his desire to resign. The remaining Directors and Trustees presently intend to fill the vacancy created by this resignation by electing Dr. Old as a Director and Trustee.

Dr. Old is an officer of ADL, a research and consulting organization. ADL has a wholly-owned subsidiary, First Cambridge Corp. ("First"), which is registered as a broker-dealer under the Securities Exchange Act of 1934.

Applicants state that Dr. Old is not a director or officer of First and has no direct dealings with it. The majority of First's business involves orders by clients of ADL which wish to pay for ADL's services through brokerage commissions. First will not sell mutual fund shares and Applicants have no interest in or relationship with First. Massachusetts Financial Services, Inc. ("MFS"), the investment adviser to Applicants, subscribes to an ADL program, which is generally available to the public, called "Service to Investors." MFS pays cash for Services to Investors and intends to continue to subscribe for the service and to pay for it in cash. Applicants represent that brokerage on Applicants' portfolio transactions will not be used by MFS to pay for the service, and that no portfolio brokerage on behalf of Applicants will be placed with First.

Applicants aver that Dr. Old is a man of stature and recognized integrity, experience, and confidence in a wide variety of fields. Applicants believe that it is in the public interest, as well as in the best interests of Applicants and their shareholders, that Dr. Old be permitted to serve as a disinterested director of Applicant.

Section 2(a)(19) of the Act, in pertinent part, defines an interested person of an investment company as any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any officer of such other person, or any person under common control with such other person.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In his capacity as senior vice president of ADL, Dr. Old would have no authority over or responsibility for the management or operations of First. Accordingly, Applicants assert that Dr. Old should not be deemed an interested person of Applicants because his affiliation with ADL will not impair his independence in acting on behalf of Applicants, and their stockholders, and the requested exemption is therefore consistent with the provisions of section 6(c).

Notice is further given that any interested person may, not later than December 27, 1972, at 5:30 p.m., submit to the

Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such application, unless an order for hearing upon such application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21412 Filed 12-12-72;8:48 am]

[70-5282]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Gas Gathering and Transmission Agreement with Nonassociate Company and Guarantee of Nonassociate's Related Notes

DECEMBER 6, 1972.

Notice is hereby given that Mississippi Power & Light Co., Post Office Box 1640, Jackson, MS 39205 (Mississippi), an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Mississippi proposes to enter into a gas gathering and transmission agreement (Agreement) with Mississippi Fuel Co. (Fuelco), a nonassociate company, to provide for construction of a pipeline which would be dedicated to the transportation of gas purchased by Mississippi from the points of purchase to Mississippi's generating stations. Mississippi presently owns and operates four steam electric stations, all of which are designed to burn natural gas as the principal fuel. In order to augment the supply of gas presently available under contracts for such stations, Mississippi has contracted to purchase gas from a gas processing plant in Ranken County, Miss., along with the entire output of the South State Line Field in Greene County, Miss. Under these contracts, it is estimated that 15,000 Mcf per day and 10,000 Mcf per day, respectively, will be available. Considerable exploration is presently being conducted along a substantial portion of the route of the proposed pipeline, and it is estimated that at least 100,000 Mcf per day will be available at the end of the first 5 years' operation. Mississippi has no expertise in the construction and operation of pipelines and expects to contract with Fuelco for the gathering and transportation of this gas over a pipeline system which is to be constructed, owned, financed and operated by Fuelco pursuant to the Agreement. Fuelco will also represent Mississippi in the aquisition of additional reserves, conduct reserve studies, pay producers and royalty owners and perform certain other duties, as set forth in the Agreement. Initially, the proposed pipeline system including laterals will extend approximately 170 miles, from the South State Field to Mississippi's Rex Brown Generating Station at Jackson, Miss., and will be further extended if and when sufficient quantities of gas are secured. The estimated cost of the initial pipeline and gathering facilities and working capital involved will be $8 million.

Fuelco expects to finance construction of the facilities through the private placement of $8 million of its notes (Notes) due 1992. Pursuant to the Agreement, Mississippi will covenant to provide revenues to Fuelco on a monthly basis sufficient to cover debt service on the Notes and all of Fuelco's operating and other expenses and taxes other than income taxes. In addition, the payments by Mississippi will provide Fuelco with a profit of three-fourths of 1 cent per MCF of gas delivered to any of Mississippi's generating stations. All items of compensation (other than those based on capital cost and said profit to Fuelco) would be based on actual and allocated costs incurred by Fuelco. The proposed physical facilities, which are expected to be completed by June 1, 1973, will be exclusively owned by Fuelco, and Mississippi will have no rights to acquire them except in the event of cancellation by or refusal by Fuelco to renew the Agreement at the end of its 20-year term or specified defaults in performance. Under these circumstances, Mississippi would have the option of purchasing the facilities at the installed cost thereof less depreciation at 5 percent per annum, but in no event less than Fuelco's then outstanding long-term debt. Mississippi proposes to charge the entire amounts paid to Fuelco under the Agreement to its fuel expense account.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by Mississippi in connection with the proposed transaction are expected not to exceed $1,000.

Notice is further given that any interested person may, not later than December 28, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21413 Filed 12-12-72;8:48 am]

[File 500-1]

SOVEREIGN INDUSTRIES, INC.

Order Suspending Trading

DECEMBER 6, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Sovereign Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from

11:50 a.m., e.s.t., on December 6, 1972, through December 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21419 Filed 12-12-72;8:49 am]

[File 500-1]

TRAN-AIRE SYSTEMS, INC.

Order Suspending Trading

DECEMBER 6, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Tran-Aire Systems, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:50 a.m., e.s.t., on December 6, 1972, through December 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21420 Filed 12-12-72;8:49 am]

UNION TANK CAR CO.

Notice of Application and Opportunity for Hearing

DECEMBER 5, 1972.

Notice is hereby given that Union Tank Car Co. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 ("the Act") for a finding by the Securities and Exchange Commission ("the Commission") that the trusteeship of the Harris Trust and Savings Bank under an indenture dated November 15, 1966 ("the 1966 Indenture") which was qualified under the Act, and the proposed trusteeship of Harris Trust and Savings Bank under a proposed indenture to be qualified under the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Harris Trust and Savings Bank from acting as trustee under such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, that with certain exceptions, a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the same obligor are outstanding, if the obligor shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeship under such qualified indenture and such other is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under both indentures.

The company alleges that:

(1) Harris Trust and Savings Bank is presently acting as trustee under the Company's Series 1 Equipment Trust Agreement, which is one of the company's eight presently outstanding issues of Equipment Trust Certificates. The aggregate principal amount of Equipment Trust Certificates outstanding under the Series 1 Equipment Trust as of October 31, 1972, was $15,928,000.

(2) The Company intends to file with the Commission on or about December 8, 1972, a registration statement covering a proposed offering of $25 million principal amount of Equipment Trust Certificates expected to be issued pursuant to an Equipment Trust Agreement (Series 9) to be qualified under the Act.

(3) The Company desires to appoint Harris Trust and Savings Bank to act as trustee under the proposed Series 9 Equipment Trust Agreement.

(4) The Series 1 Equipment Trust Certificates issued under the present trusteeship of Harris Trust and Savings Bank and the proposed Series 9 Equipment Trust Certificates for which it is proposed Harris Trust and Savings Bank shall act as trustee, are secured by a separate lot of identified railroad tank cars, so that, should the trustee have occasion to proceed against the security under one of the equipment trusts, such action would not affect the security, or the use of any security, under the other equipment trust. Thus, the existence of the other trusteeship should in no way inhibit or discourage the trustee's actions.

(5) The company is not in default under any of its equipment trust obligations.

The company has waived notice of hearing, hearing and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice in connection with the matter referred to in this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than December 22, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-21415 Filed 12-12-72;8:48 am]

SMALL BUSINESS ADMINISTRATION

[MESBIC License Application No. 02/02-5296]

CEDC MESBIC, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 461 et seq.), has been filed by CEDC MESBIC, Inc. (applicant) with the Small Business Administration (SBA) pursuant to section 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)).

The officers and directors of the applicant are as follows:

Arthur J. Choice, Chairman of the Board, 128 Babylon Turnpike, Roosevelt, NY 11575.
Lorenzo Merritt, Vice Chairman, Director, 420 Madison Avenue, Westbury, NY 11590.
John L. Kearse, President, 191 Bedford Avenue, Garden City, NY 11530.
James S. Conley, Jr., General Manager, Associate Director, 1727-19 145th Avenue, Laurelton, NY 11413.
Robert D. Bell, Treasurer, 200 North Franklin Street, Hempstead, NY 11550.
Geraldine Moore, Secretary, 27 Old Mill Court, Apt. C, Rockville Centre, NY 11778.
Kenneth R. Bedford, Director, 93 Willow Avenue, Hempstead, NY 11550.
Alywin L. Conover, Director, 27 Pondhill Road, Great Neck, NY 11020.
Dan M. Hester, Director, 248 Yale Street, Hempstead, NY 11550.
Charles G. Hieronymus, Jr., Director, 1131 Myron Avenue, Uniondale, NY 11553.
Edward A. Lawrence, Director, 189 Harbor Road, Port Washington, NY 11050.
Melvin Lowenstein, Director, 3688 Libby Lane, Wantagh, NY 11793.
Mamie McCurty, Director, 39 Harbor Homes, Port Washington, NY 11050.

Armando Meneses, Director, 110 Main Street, Hempstead, NY 11550.
Isaiah Moultrie, Director, 128 Babylon Turnpike, Roosevelt, NY 11575.
Pauline Y. Washington, Director, 351 North Columbus Avenue, Freeport, NY 11520.
James R. Wells, Director, 1 West Street, Mineola, NY 11501.
Charles T. Williams, Director, 40 Hickory Drive, Roslyn, NY 11576.
Mary E. Wilson, Director, 62 Oakland Avenue, Hempstead, NY 11550.
George J. Jackson, Jr., Director, 21 Second Avenue, Westbury, NY 11590.

The applicant, a New York corporation with its principal place of business located at 106 Main Street, Hempstead, NY 11550, will begin operations with $500,000 of paid-in capital, consisting of 3,750 shares of common stock (issued at $100 a share and having all voting rights) and 1,250 shares of Series A preferred stock also issued at $100 a share but having no voting rights. All of the common stock will be owned by CEDC, Inc., a New York not-for-profit corporation funded in part by a grant from the Economic Opportunity Commission of Nassau County, Inc., a New York not-for-profit corporation, which in turn has received grants from the Economic Development Division of the U.S. Office of Economic Opportunity and from the Caroline Veatch Committee of the North Shore Unitarian Church.

Five hundred (500) shares of the Series A preferred stock will be owned by the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, and 750 shares of the Series A preferred stock will be owned by the Caroline Veatch Committee of the North Shore Unitarian Church.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed MESBIC. Any such communication should be addressed to the Associated Administrator for Operations and Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Hempstead, NY.

Dated: November 1, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-21396 Filed 12-12-72;8:47 am]

[Delegation of Authority No. 30-Region I, Amdt. 1]

DISASTER BRANCH MANAGERS, ET AL.

Delegation of Authority to Conduct Program Activities in the Field Offices

Delegation of Authority No. 30-Region I (37 F.R. 17590), is hereby amended by revising Parts II and VIII in their entirety. This amendment more clearly defines certain authorities; eliminates references to Class B disasters; and includes authority to contract for local credit bureau services and loss verification services.

* * * * *

PART II—DISASTER PROGRAM

SECTION A. *Disaster loan authority.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(1) Disaster Branch Manager, as assigned.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

(1) Disaster Branch Manager, as assigned.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

(1) Disaster Branch Manager, as assigned—$500,000.

4. To appoint as a processing representative any bank in the disaster area:

(1) Disaster Branch Manager, as assigned.

SEC. B. *Administrative authority.* 1. *Establishment of disaster field offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (2) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space.

(1) Disaster Branch Manager, as assigned.

2. *Purchase and contract authority.* a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Disaster Branch Manager, as assigned.

b. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Disaster Branch Manager, as assigned.

* * * * *

PART VIII—ADMINISTRATIVE

SECTION A. *Authority to purchase, or contract for equipment, services, and supplies.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases:

(1) Chief, Administrative Division, Regional Office.

(2) District Director, District Office.

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Chief, Administrative Division, Regional Office.

(2) Office Services Manager, Administrative Division, Regional Office.

(3) District Director, District Office.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration.

(1) Chief, Administrative Division, Regional Office.

(2) Office Services Manager, Administrative Division, Regional Office.

(3) District Director, District Office.

Effective date: July 1, 1972.

DAVID P. HEILNER,
Regional Director, Region I.

[FR Doc.72-21395 Filed 12-12-72;8:46 am]

[Declaration of Disaster Loan Area 938]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of September 1972, because of excessive rainfall and flooding, damage resulted to property located in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) as amended, may be received and considered by the office below indicated from persons or firms whose property situated in or adjacent to the counties of Fremont, Page, Adair, Cass, Mills, Montgomery, Pottawatomie, Harrison, Shelby, Audubon, Guthrie, and Dubuque, Iowa, suffered damage or destruction resulting from excessive rainfall and flooding on September 9, 1972, and continuing.

Office: Small Business Administration District Office, 210 Walnut Street, Des Moines, IA 50309.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1972.

Dated: September 15, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-21405 Filed 12-12-72;8:47 am]

[Declaration of Disaster Loan Area 943]

NEW JERSEY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1972, because of the effects of a fire, damage resulted to property located in the State of New Jersey;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act (15 U.S.C. 636 (b)) as amended, may be received and considered by the office below indicated from persons or firms whose property situated in or adjacent to Columbus, Burlington County, N.J., suffered damage or destruction resulting from fire on August 29, 1972.

Office: Small Business Administration District Office, 970 Broad Street, Room 1635, Newark, NJ 07102.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1972.

Dated: September 26, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-21406 Filed 12-12-72;8:47 am]

[Declaration of Disaster Loan Area 937]

NEW MEXICO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of September 1972, because of the effects of heavy rainfall, and flooding, damage resulted to property located in the State of New Mexico;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act (15 U.S.C. 636 (b) as amended, may be received and considered by the office below indicated from persons or firms whose property situated in or adjacent to Sierra and Dona Ana Counties, N.M., suffered damage or destruction resulting from heavy rains resulting in flooding on September 2, 1972.

Office: Small Business Administration District Office, 500 Gold Avenue SW., Albuquerque, NM 87101.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1972.

Dated: September 14, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-21407 Filed 12-12-72;8:47 am]

TARIFF COMMISSION

[TEA-W-164]

JERROLD ELECTRONICS CORP.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Philadelphia, Pa., plant of the Jerrold Electronics Corp. subsidiary of the General Instrument Corp., Newark, N.J., the U.S. Tariff Commission, on December 8, 1972, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with matching transformers; coils; taps, splitters and directional couplers; amplifiers and preamplifiers; and attenuators (of the types provided for in items 682.05, 682.60, 685.20, and 685.90 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: December 8, 1972.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-21450 Filed 12-12-72;8:51 am]

[337-L-52]

PASSENGER ENTERTAINMENT HEADSETS AND REPLACEMENT TIPS (STETHOSCOPES)

Notice of Dismissal of Preliminary Inquiry

On the basis of the submissions made to the Commission by interested parties, the Tariff Commission on December 8, 1972, dismissed preliminary inquiry 337-L-52 without a determination on its merits.

Issued: December 8, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-21449 Filed 12-12-72;8:51 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-318]

PRUDENTIAL LASH LINES, INC.

Notice of Application

Notice is hereby given that the following corporation has filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date) for any of five LASH vessels in particular the LASH Atlantico and LASH Pacifico, which the applicant proposes to purchase or lease. The bulk cargo carrying vessels proposed to be subsidized and the trades in which each proposes to engage are presented also.

Applicant's name and address	Type of ship	Name of ship
Prudential Lash Lines, Inc., 1 New York Plaza, New York, N.Y. 10004.	LASH	SS LASH Atlantico.
Do.	do	SS LASH Espana.
Do.	do	SS LASH Italia.
Do.	do	SS LASH Pacifico.
Do.	do	SS LASH Turkiye.

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

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

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

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

Any person having an interest in the granting of such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before December 18, 1972, notify the Board's secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

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

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

Dated: December 8, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr., *Secretary.*

[FR Doc.72-21553 Filed 12-12-72;8:57 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the patent application number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION, *Patent Program Coordinator, National Technical Information Service.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Patent application 274,749. Inhibition of Leukemia Utilizing 5-Methyltetra-Hydrohomofolate. Filed July 24, 1972. PC $3/MF $0.95.

Patent 3,674,818. Synthesis of a Material with Juvenile Hormone Activity. Filed December 5, 1969. Patented July 4, 1972. Not available NTIS.

Patent 3,677,092. Volume Metering Apparatus for Circulatory Assist Pumps. Filed June 17, 1970. Patented July 18, 1972. Not available NTIS.

Patent 3,678,233. Standardized Set of Compensating Filters for Mantel-Field Radiation Therapy. Filed April 2, 1970. Patented July 18, 1972. Not available NTIS.

DEPARTMENT OF THE INTERIOR

Patent 3,693,412. Method for Measuring Thixotropy. Filed March 18, 1971. Patented September 26, 1972. Not available NTIS.

Patent 3,693,411. Apparatus for Measuring Thixotropy. Filed March 18, 1971. Patented September 26, 1972. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Patent application 266,930. A Potable Water Dispenser. Filed June 28, 1972. PC $3/MF $0.95.

Patent application 266,925. A Fluid Dispenser. Filed June 28, 1972. PC $3/MF $0.95.

Patent application 266,822. Method and Apparatus for Synchronizing a Single Channel Digital Communications System. Filed June 27, 1972. PC $5.50/MF $0.95.

Patent application 274,360. Pulse Code Modulated Signal Synchronizer. Filed July 24, 1972. PC $3.50/MF $0.95.

Patent application 266,912. Gated Compressor, Distortionless Signal Limiter. Filed June 28, 1972. PC $3.25/MF $0.95.

Patent application 258,464. Multi-Wire High Temperature Thermocouple. Filed May 31, 1972. PC $3/MF $0.95.

Patent application 254,323. Thermocouple Tape. Filed May 17, 1972. PC $3/MF $0.95. $0.95.

Patent application 271,951. An Apparatus Used in the Calibration of Ultra High Vacuum System. Filed July 14, 1972. PC $3/MF $0.95.

Patent application 266,911. Apparatus for Scanning the Surface of a Cylindrical Body. Filed June 28, 1972. PC $3/MF $0.95.

Patent application 239,577. A System for Calibrating Pressure Transducer. Filed March 30, 1972. PC $3/MF $0.95.

Patent application 275,118. High Field CDS Detector for Infrared Radiation. Filed July 26, 1972. PC $3/MF $0.95.

Patent application 266,927. Apparatus for Producing High Purity I-123. Filed June 28, 1972. PC $3/MF $0.95.

Patent application 266,943. Doppler Shift System. Filed June 28, 1972. PC $3/MF $0.95.

Patent application 266,866. Electrostatically Controlled Heat Shutter. Filed June 28, 1972. PC $3/MF $0.95.

TENNESSEE VALLEY AUTHORITY

Patent 3,676,101. Self-Suspending Ammonium Polyphosphate Suspension Fertilizer. Filed January 28, 1971. Patented July 11, 1972. Not available NTIS.

Patent 3,674,219. Green-Wood Fibrating Means and Method. Filed July 24, 1970. Patented July 4, 1972. Not available NTIS.

[FR Doc.72-21421 Filed 12-12-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 8, 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. 42584—*Newsprint Paper from Brooklyn (Queens County), Nova Scotia, Canada.* Filed by traffic executive, Eastern Railroads, agent (E. R. No. 3027), for interested rail carriers. Rates on newsprint paper in carloads, as described in the application, from Brooklyn (Queens County), Nova Scotia, Canada, to Brooklyn, Harlem River, New York, N.Y., Secaucus, N.J., and Alexandria, Va.

Grounds for relief: Water competition.

Tariff—Supplement 53 to Canadian Freight Association tariff ICC 341. Rates are published to become effective on January 6, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-21429 Filed 12-12-72;8:49 am]

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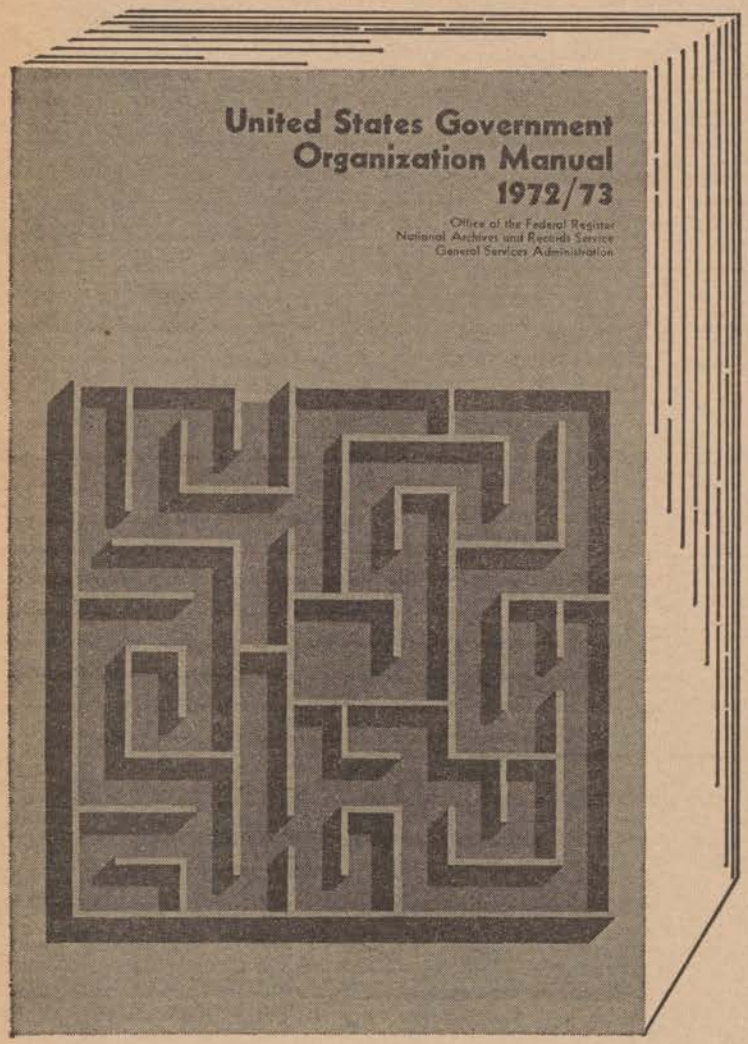

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