federal register

SATURDAY, DECEMBER 23, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 248

Pages 28403–28451

HIGHLIGHTS OF THIS ISSUE

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

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FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one additional position or Confidential Assistant to the Director, Special Action Office for Drug Abuse Prevention, is accepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (12–23–72), § 213.3303(j)(3) is amended as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(j) *Special Action Office for Drug Abuse Prevention.* * * *

(3) Two Confidential Assistants to the Director.

(5 U.S.C. 3301, 3302, E.O. 10577; CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc.72–22069 Filed 12–22–72;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Executive Assistant and one position of Confidential Secretary to the Chairman of the National Advisory Council for Drug Abuse Prevention, Special Action Office for Drug Abuse Prevention, are excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (12–23–72), subparagraphs (4) and (5) of paragraph (j) of § 213.3303 are added as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(j) *Special Action Office for Drug Abuse Prevention.* * * *

* * * * *

(4) One Executive Assistant to the Chairman, National Advisory Council for Drug Abuse Prevention.

(5) One Confidential Secretary to the Chairman, National Advisory Council for Drug Abuse Prevention.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–22070 Filed 12–22–72;8:45 am]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 279, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.579 (Navel Orange Regulation 279, 37 F.R. 26577) during the period December 15, 1972, through December 21, 1972, are hereby fixed as follows:

§ 907.579 Navel Orange Regulation 279.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 798,000 cartons.
(ii) District 2: 76,000 cartons.
(iii) District 3: 76,000 cartons.

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

Dated: December 20, 1972.

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

[FR Doc.72–22074 Filed 12–22–72;8:45 am]

[Grapefruit Reg. 38]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Shipments

On December 6, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 25939), regarding a proposed regulation to be made effective pursuant to Marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of fresh grapefruit grown in Arizona and designated part of California. The proposed regulation was recommended by the Administrative Committee established pursuant to the said marketing order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This regulation imposes minimum grade and size limitations on shipments of grapefruit. The regulation is based upon an appraisal of the crop and prospective market conditions as required in § 909.51 of said marketing order. Seasonal shipments of grapefruit in heavy volume are expected to begin on or about January 1, 1973. Grapefruit is reported to be of poorer quality this year, and this regulation is necessary during the period January 1 through August 31, 1973, to prevent the handling of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with: (1) The overall quality of the crop, and (2) improved returns to producers pursuant to the declared policy of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information

submitted by the Administrative Committee (established pursuant to the marketing order), and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective time. Seasonal shipments of grapefruit from the production area in limited volume are currently underway. Shipments of grapefruit in heavy volume are expected to begin on or about January 1, 1973; the recommendation and supporting information for regulation during the period January 1, 1973, through August 31, 1973, were promptly submitted to the Department after an open meeting of the Administrative Committee on November 16, 1972; notice of the proposed regulation was published in the December 6, 1972, issue of the FEDERAL REGISTER, and no objections were received either to the regulation or to the proposed effective time; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth, so as to provide for the regulation of the handling of such grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 909.338 Grapefruit Regulation 38.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period January 1, 1973, through August 31, 1973, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements for the U.S. No. 2 grade which for purpose of this section shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and including as a part of the fairly well formed requirement, the requirement that the fruit be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That in lieu of the tolerance provided for the U.S. No. 2 grade, the following tolerances, by count, shall be allowed for the defects listed:

(*a*) Ten percent for fruit which is not at least fairly well colored;

(*b*) Ten percent for defects other than color, but not more than one-twentieth of this amount, or one-half of 1 percent shall be allowed for decay and not more than one-half, or 5 percent, shall be allowed for any single defect caused by broken skins, sunburn, scars, or peel that is more than 1 inch in thickness at the stem end; and

(c) Fifteen percent in addition to the tolerance provided in (*b*) of this subdivision for scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface; or

(ii) Any grapefruit which measure less than $3^{6}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3^{6}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance specified in the revised U.S. Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{6}/_{16}$ inches in diameter directly to a destination in Zone 5 or Zone 6.

(b) As used herein, "handler," "grapefruit," "handler," "Zone 5," and "Zone 6," shall have the same meaning as when used in said amended marketing order; the terms "U.S. No. 2," "fairly well colored," "slightly colored," and "farily well formed" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit.

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

Dated: December 19, 1972.

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

[FR Doc.72-22075 Filed 12-22-72;8:45 am]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Increase in Expenses and Rate of Assessment 1972–73 Fiscal Year

On December 9, 1972, notice of proposed rulemaking was published in the FEDERAL REGISTER (37 F.R. 26318) regarding a proposed increase in the expenses and the rate of assessment for the fiscal period September 1, 1972, through August 31, 1973, pursuant to Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona and designated parts of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in such notice which was submitted by the Grapefruit Administrative Committee (established pursuant to said amended marketing order), it is hereby found and determined that due to increased expenses to be caused principally by the addition of inspection as a result of grade and size regulation, effective beginning January 1, 1973, the currently approved expenses and rate of assessment are not sufficient to meet the expenses of the committee, thus rendering necessary an increase in expenses and assessment rate.

It is, therefore, ordered that paragraphs (a) *Expenses* and (b) *Rate of assessment* of § 909.211 (37 F.R. 23819) are hereby amended to read as follows:

§ 909.211 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Administrative Committee during the period September 1, 1972, through August 31, 1973, will amount to $135,000.

(b) *Rate of assessment.* The rate of assessment for such period, payable by each handler in accordance with § 909.41, is hereby fixed at three cents ($0.03) per carton, or equivalent quantity of grapefruit.

* * * * *

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The increased expenses and rate of assessment are necessary to enable the committee to meet its obligations, including inspection expenses, and carry out its functions, (2) grapefruit shipments are now being made and inspection expenses will be incurred beginning January 1, 1973, coincident with the grade and size regulation, (3) the relevant provisions of said marketing order require that the amended rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during said period, and (4) such period began on September 1, 1972, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

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

Dated: December 20, 1972.

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

[FR Doc.72-22142 Filed 12-22-72;8:50 am]

[Papaya Reg. 3]

PART 928—PAPAYAS GROWN IN HAWAII

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 928 (7

CFR Part 928) regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Papaya Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of papayas, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This regulation reflects the committee's current appraisal of the 1973 Hawaiian papaya crop and the current and prospective market conditions. Shipments of Hawaiian papayas are now in progress and the handling thereof is regulated, through December 31, 1972, by Papaya Regulation 2. The grade and size requirements provided herein are necessary to prevent the handling from January 1 through January 31, 1973, of Hawaiian papayas of lower grades and smaller sizes than those specified herein so as to continue to provide consumers with good quality fruit consistent with (1) the over-all quality of the crop, and (2) improving returns to producers pursuant to the declared policy of the act.

The regulation contains requirements applicable, respectively, to intrastate and export shipments of Hawaiian papayas. Intrastate shipments must be composed of papayas grading at least Hawaii No. 2 grade with a minimum individual weight of 12 ounces except that such papayas handled as Hawaii No. 1 grade shall each weigh not less than 14 ounces and such papayas handled as Hawaii Fancy grade shall each weigh not less than 16 ounces. Export shipments must be composed of papayas grading at least Hawaii No. 1 grade having pyriform shape with a minimum individual weight of 10 ounces. The higher minimum grade requirement for exported papayas is included because such papayas (and papayas having a minimum individual size of 10 ounces) better justify the higher transportation costs of export shipments and are aimed at fostering expansion of the export market through the shipment of superior quality fruit. The minimum grade and size requirements for intrastate shipments of papayas will provide Hawaiian markets with fruit of satisfactory quality while providing an outlet for papayas that do not qualify, as to grade, for export shipment. Papayas meeting neither the minimum grade for export shipment nor the minimum individual weights for intrastate shipment may be used for processing without regard to grade and size requirements. By prohibiting the handling of papayas before they attain the prescribed sizes, the regulation will also tend to level out the supply that would otherwise become immediately available for market at the expiration of the current regulation.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 1, 1973. Shipments of papayas grown in Hawaii are currently regulated pursuant to Papaya Regulation 2 (36 F.R. 23994; 37 F.R. 9557, 14687, 21537) and, unless the regulation is sooner terminated, will continue to be so regulated through December 31, 1972; the recommendations and supporting information for regulation of papaya shipments subsequent to December 31, 1972, and in the manner herein provided, were submitted to the Department on December 18, 1972; the provisions of this regulation are identical with the aforesaid recommendations and information concerning such provisions has been disseminated among handlers of papayas; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective as hereinafter set forth and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

§ 928.303 Papaya regulation 3.

(a) *Order.* During the period January 1 through January 31, 1973, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 2 and are of a size which individually weigh not less than 12 ounces: *Provided,* That said papayas handled (i) as Hawaii No. 1 grade shall be of a size which individually weigh not less than 14 ounces, or (ii) as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

(2) To any export destination unless said papayas grade at least Hawaii No. 1: *Provided,* That such papayas shall be of pyriform shape and weigh not less than 10 ounces each.

(b) When used herein "Hawaii Fancy," "Hawaii No. 1," "Hawaii No. 2," and "pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 subsection 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: December 20, 1972.

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

[FR Doc.72-22143 Filed 12-22-72;8:50 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1972 CROP—CIGAR TOBACCO, ADVANCE SCHEDULE

Correction

In F.R. Doc. 72-21653 appearing on page 26826 of the issue for Saturday, December 16, 1972, the line appearing as the last line of footnote 2 to § 1464.27 should appear as the third from last line of footnote 3 to § 1464.24.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WA-12]

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

Designation of Terminal Control Area at Boston, Mass.

Correction

In F.R. Doc. 72-21003 appearing at page 26002 of the issue for Thursday, December 7, 1972, the following words should be inserted in the sixth paragraph, between the words "the" and "seaplanes" in the eighth line: "harbor area south and east of the airport be opened for the operation of".

[Airspace Docket No. 72-WA-28]

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

Alteration of Terminal Control Area of New York, N.Y.

Correction

On November 23, 1972, F.R. Doc. 72-20163 was published in the FEDERAL REGISTER (37 F.R. 24893) which altered the New York, N.Y., terminal control area (TCA), in part, by reducing the size of

the Flushing cutout, effective January 4, 1973.

In the description of Areas A and J, a portion of airspace along the south side of the Flushing cutout which was intended to be included within Area A, was inadvertently omitted. This expansion of Area A is required to provide adequate safety for eastbound turbine engine powered aircraft departing on Runway 13 at La Guardia Airport.

Since this expansion of Area A was included in a notice of proposed rule making published in the FEDERAL REGISTER (37 F.R. 10388) on May 20, 1972, and since safety requires that this correction become effective coincident with the rule published on November 23, 1972, further notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, F.R. Doc. 72-20163 (37 F.R. 24893) is amended, effective upon publication in the FEDERAL REGISTER (12-23-72), as hereinafter set forth.

In Area A, delete "Flushing Airport" and substitute "La Guardia Airport" therefor; and delete all after "clockwise along the LGA VOR 6-mile arc to" and substitute "the LGA 093° radial, thence direct to the JFK VORTAC 349° radial 8.5-mile DME fix, direct to the JFK VORTAC 340° radial 9-mile DME fix, direct to the JFK VORTAC 341° radial 10-mile DME fix, thence direct to the point of beginning." therefor.

In Area J, delete all after "Kennedy VORTAC 340° radial 9-mile DME fix." and substitute "thence easterly to the JFK VORTAC 349° radial 8.5-mile DME fix thence easterly to the Clearview expressway at its point of intersection with a line extending from JFK VORTAC 349° radial 8.5-mile DME fix to the LGA VOR 093° radial at a point 6 miles from the VOR, thence northerly along the Clearview expressway to the point of beginning." therefor.

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

Issued in Washington, D.C., on December 18, 1972.

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

[FR Doc.72-22047 Filed 12-22-72;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-398; Order 415-C]

IMPLEMENTATION OF NATIONAL ENVIRONMENTAL POLICY ACT

DECEMBER 18, 1972.

On December 4, 1970, the Commission issued Order No. 415 (35 F.R. 18958, Dec. 15, 1970), establishing regulations for the implementation of the National Environmental Policy Act of 1969 (83 Stat. 852) (NEPA), which prescribed §§ 2.80–2.82 of its general policy and interpretations (18 CFR 2.80–2.82) and various related amendments to the Commission's Regulations under the Federal Power Act and Natural Gas Act. Experience in applying these regulations, as amended, and the Guidelines for Preparation of Statements on Proposed Federal Actions Affecting the Environment (Guidelines) of the Council on Environmental Quality (36 F.R. 7724) demonstrated the desirability of revising the Commission's regulations for implementation of the National Environmental Policy Act of 1969.

Accordingly, on November 19, 1971, the Commission issued Order No. 415-B, amending §§ 2.80, 2.81, 2.82 of the general rules of practice and procedure and § 4.41 of the regulations under the Federal Power Act. (36 F.R. 22738, Nov. 30, 1971). Because of petitions filed in this docket, Order No. 415-B was amended for clarification, and rehearing was granted for the purpose of further consideration, by order issued January 19, 1972 (37 F.R. 1162).

On January 17, 1972, the Court of Appeals for the Second Circuit ruled that these regulations were not in compliance with NEPA.[1] Having been unsuccessful in seeking a petition for rehearing en banc from the second circuit, on June 8, 1972, the Commission filed a petition for writ of certiorari with the Supreme Court. On October 10, 1972, the Supreme Court denied certiorari.[2]

Because of the finality of the judicial mandate in Greene County, on October 30, 1972, the Commission published notice of its intention to amend its regulations. (37 F.R. 23360, November 2, 1972). November 17, 1972 was given as the last day on which to file comments.[3]

[1] Greene County Planning Board v. F.P.C., 455 F.2d 412 (CA2, 1972).

[2] F.P.C. v. Greene County Planning Board, No. 71-1597 (—— U.S. ——).

[3] Seventeen comments were timely filed: Alabama Power Co., Cities Service Gas Co., Columbia Gas System Service Corp., Consolidated Edison Co., Inc., Debevoise & Liberman, Environmental Defense Fund, Environmental & Energy Systems, Inc., Independent Natural Gas Association of America, Helen McGinnis, Milton Musicus (chairman of Mayor's Interdepartmental Committee on Public Utilities, city of New York), National Wildlife Federation, Northern Natural Gas Co., Public Service Electric & Gas Co., San Diego Gas & Electric Co., Southern California Edison Co., the city of Seattle, and Transcontinental Gas Pipe Line Corp.

Twelve comments were filed late: American Electric Power Service Corp., Department of Interior, Duke Power Co., Environmental & Energy Systems, Inc. (supplement to comment filed Nov. 10, 1972), Environmental Protection Agency, Georgia Power Co., New York State Society of Professional Engineers (Albany County Chapter), Panhandle Eastern and Trunkline Gas Co. (joint comment), Sierra Club and West Virginia Highlands Conservancy, State of California Department of Water Resources, State of New York Department of Environmental Conservation, and United Gas Pipe Line Co.

All comments received in this docket have been considered.

Several of the comments requested a public conference for the purpose of discussing the proposals. In its notice, the Commission stated:

> Because of the vital importance of the Commission's regulatory responsibilities and the great importance and urgency of environmental problems, it is essential that the Commission finalize its amended procedures respecting compliance with NEPA as soon as possible. Therefore, the Commission has determined that the time for public comment on these proposals will be 15 days from the date this notice is published in the FEDERAL REGISTER.

The Commission has considered all written comments, whether filed within the provided time limits or filed late. To allow a public conference in this matter would only serve to further delay implementation of these rules. Balanced against this certain delay is the uncertainty of deriving any substantive benefit from such a conference. Therefore, no conference will be held.

(1) A question frequently raised in the comments involved application of the revised regulations to pending cases.

As of the effective date of this order, this Commission shall apply the procedures adopted herein to each relevant case still pending before the Commission.

(2) *Section 2.80(a).* The proposal read:

> (a) It shall be the general policy of the Federal Power Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (NEPA) in its regulations under the Federal Power Act and the Natural Gas Act. The National Environmental Policy Act of 1969 requires, among other things, a detailed environmental statement in all major Federal actions and in all reports and recommendations on environmental legislative proposals which will significantly affect the quality of the human environment.

Some of the comments pointed out that this is a misstatement of the language of NEPA. To eliminate any possible misinterpretation, § 2.80(a) has been amended to more precisely follow the language in section 102(2)(C) of NEPA.

(3) *Section 2.80(b).* The proposal read:

> (b) Therefore, in compliance with the National Environmental Policy Act of 1969 the Commission staff shall make a detailed environmental statement when the regulatory action taken by us under the Federal Power Act and Natural Gas Act will have a significant environmental impact. A "detailed statement" prepared in compliance with the requirements of §§ 2.81 through 2.82 shall fully develop the five factors listed hereinafter in the context of such considerations as the proposed activity's direct and indirect effect on the air and water environment of the project or natural gas pipeline facility; on the land, air, and water biota; on established park and recreational areas; and on sites of natural, historic, and scienic values and resources of the area. The statement shall discuss the extent of the conformity of the proposed activity with all applicable environmental standards. The statement shall also fully deal with alternative courses of action to the proposal and, to the maximum extent practicable, the environmental effects of each alternative. Further, it shall specifically discuss plans for future development related to the application under consideration.

The above factors are listed to merely illustrate the kinds of values that must be considered in that statement. In no respect is this listing to be construed as covering all relevant factors.

The five factors which must be specifically discussed in the detailed statement are:

(1) The environmental impact of the proposed action.

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

(3) Alternatives to the proposed action.

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Numerous comments were made on this section. The majority center on the proposals to amend the section in order to: (a) Comply with the consideration of alternatives required by the Morton case;[4] and (b) meet the standard of planning under section 10(a)[5] of the Federal Power Act called for by Greene County.[6]

The relevant sentences read:

The statement shall also fully deal with alternative courses of action to the proposal and to the maximum extent practicable, the environmental effects of each alternative. Further, it shall specifically discuss plans for future development related to the application under consideration.

This provision was criticized because the requirement that the statement "fully deal with alternative courses of action" was considered to be too broad, and the consideration of the environmental effects of each alternative "to the maximum extent practicable," was alleged to be too narrow.

It should be noted that this provision is to be construed in light of the standard of reasonableness put forth in the Morton decision. The Commission points out that, in addressing the responsibility of an agency for consideration of environmental effects of reasonable alternatives, the Court in Morton said that "crystal ball" inquiry is not required:

* * * NEPA was not meant to require detailed discussion of the environmental effects of "alternatives" put forth in comments when these effects cannot be readily ascertained and the alternatives are deemed only remote and speculative possibilities * * *[7]

One comment suggests that the discussion of "plans for future development" should not be required unless such plans are "concrete," while another suggests that the discussion include all plans that are technically feasible.

Where the application under consideration is part of a larger plan for future development, we require a discussion of future plans in whatever detail is then available.

Some comments expressed concern that the proposed § 2.80(b) does not give sufficient guidance in the preparation of impact statements. These regulations are meant to apply to actions involving a broad variety of activities; consequently, this section cannot provide detailed guidance for each application, but can offer only a broad framework within which individual statements must be prepared.

Section 2.80(b) is adopted as proposed.

(4) Section 2.80(c)(ii). The proposal read:

Upon a finding that it is necessary and appropriate in the public interest the Commission may dispense with any time period specified in §§ 2.80–2.82.

At least one of the persons commenting misinterprets the purpose of this proposal, for it is assumed that the Commission intends to abrogate NEPA by acting without completing the required review. This is not the case.

The proposal did not contemplate taking action without completing the required environmental statement. It contemplates only a shortened time, in extraordinary circumstances, for review of draft and final statements prior to taking action on an application. Such action will be taken after due consideration of the interests of all, including concerned and responsible agencies as well as the parties to the proceeding.

Section 2.80(c)(ii) is adopted as proposed.

(5) *Section 2.81(a)*. The proposal read:

(a) All applications for major projects (those in excess of 2,000 horsepower) or for reservoirs only providing regulatory flows to downstream (major) hydroelectric projects under Part I of the Federal Power Act for license or relicense, shall be accompanied by Exhibit W, the applicant's detailed report of the environmental factors specified in § 2.80 and § 4.41 of this chapter. All applications for surrender or amendment of a license proposing construction, or operating change of a project shall be accompanied by the applicant's detailed report of the environmental factors specified in § 2.80. Notice of all such applications shall continue to be made as prescribed by law.

One comment requests that application for projects "slightly in excess of 2,000 horsepower" be excluded from NEPA considerations on the grounds that such a project is not really a major project. This distinction is drawn from the Federal Power Act,[8] wherein Congress determined that any project over 2,000 horsepower installed was a major project. We retain the distinction.

Section 2.81(a) is adopted as proposed.

(6) *Section 2.82(a)*. The proposal read:

All certificate applications filed under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) for the construction of pipeline facilities, except abbreviated applications filed pursuant to § 157.7 (b), (c), (d) and (e) of Commission regulations and producer applications for the sale of gas filed pursuant to §§ 157.23–29 of Commission Regulations, shall be accompanied by the applicant's detailed report of the environmental factors specified in § 2.80. Notice of all such applications shall continue to be made as prescribed by law.

The comments raised the question as to whether the applicant's detailed report was the same as, in addition to, or in place of, Exhibit F–IV, required by § 157.14(a)(6–d) of the Commission's Regulations under the Natural Gas Act. For the purpose of all certificate applications subject to § 2.82(a), the applicant's detailed report of environmental factors specified in § 2.80 replaces exhibit F–IV. In those instances, Exhibit F–IV will not be required. However, Exhibit F–IV will continue to be required in conjunction with all abbreviated applications filed in accordance with §§ 157.7 (b), (c) and (d) of our regulations under the Natural Gas Act. An appropriate clarifying amendment to these regulations to this effect is provided hereinafter.

(7) *Sections 2.81/2.82(b)*. The proposal read:

The staff shall make an intial review of the applicant's report and, if necessary, require applicant to correct deficiencies in the report. If the proposed action is determined to be a major Federal action significantly affecting the quality of the human environment, the staff shall conduct a detailed independent analysis of the action and prepare a draft environmental impact statement which shall be made available to the Council on Environmental Quality, the Environmental Protection Agency, other appropriate governmental bodies, and to the public, for comment. The Secretary of the Federal Power Commission shall cause prompt publication in the FEDERAL REGISTER of notice of the availability of the staff's draft environmental statement. All comments shall be made within 45 days of the date the notice of availability appears in the FEDERAL REGISTER. If any governmental entity, Federal, State, or local, fails to comment within the time provided, it shall be assumed, absent a request for a specific extension of time, that such entity has no comment to make. All entities filing comments with the Commission shall submit 10 copies of such comments to the Council on Environmental Quality. Upon expiration of the time for comment the staff shall consider all comments received and revise as necessary and finalize its environmental impact statement which, together with the comments received, shall accompany the proposal through the agency review and decision-making process and shall be made available to the Council on Environmental Quality and to the public. In the event the proposal is the subject of a hearing the staff's environmental statement will be offered in evidence at that hearing.

The first significant point raised by the comments deals with the obligation of Commission staff in the preparation of the draft and final environmental impact statements.

Apparently some of those filing comments feel that the requirement that staff "conduct a detailed independent analysis of the action and prepare a draft statement" does not adequately meet the command in Greene County that the staff prepare its own detailed statement.

Perhaps the notice was unclear as to what is meant by that requirement. It means that staff shall independently analyze all facets of the proposed action. That analysis shall include not only information supplied by applicant, but that available to staff from other sources. The

[4] Natural Resources Defense Council v. Morton, 458 F.2d 827 (CADC, 1972).

[5] 16 U.S.C. 803(a).

[6] Greene County at 423, 424.

[7] Morton at 837, 838.

[8] 16 U.S.C. 803.

analysis will most assuredly not be an "uncritical reliance" on applicant's filings.

Another comment requested that the Commission make it clear that staff would determine whether an action was a "major Federal action." It is contemplated that staff will make an initial determination as to whether a staff draft environmental statement will be issued. However, that determination will be subject to review. The Commission feels there may be some instances in which it will have to make this determination itself, and hence reserves the right to do so.

Several comments were made on the length of time for filing comments. To those who criticize 45 days as an inadequate length of time in which to comment, the Commission points out that 45 days is half again as long as the 30-day period of time suggested by the Guidelines of the Council on Environmental Quality.[3]

Another point concerned the provision for allowing governmental entities to request an extension of time for filing comments on the staff draft statement. Therefore, §§ 2.81/2.82(b) have been amended both to allow members of the public to request specific extensions of time, and to provide that no extension of time shall be granted to any entity except for good cause shown.

The proposal has also been amended to provide that all parties to the proceeding shall be served with draft and final environmental impact statements at the same time they are made available to the public.

Several of the comments requested that the Commission impose a strict time limit on its staff for the completion of each step in the procedures. The Commission will not do this, but will endeavor to insure that these procedures will be implemented and followed with as little delay as possible.

Two points were made concerning the disposition of comments on the draft environmental impact statement.

The first dealt with the requirement that each entity making comment shall, at the time such comment is filed with the Commission, provide 10 copies to the Council on Environmental quality. It was suggested that this might be an undue burden to some, and that the Council "is the best judge of whether it needs 10 copies or one copy or any copies of the filing * * * in a Federal Power Commission proceeding." We point out that this provision is taken directly from section 10(b) of the Council's Guidelines.

The second requested that entities filing comments with the Commission at the same time provide the applicant with a copy. The applicant prior to hearing will be provided a copy of the final statement, to which will be attached copies of all comments made on the draft statement. Furthermore, all comments will be available in the public files as soon as they are received by the Commission.

[3] Section 7.

In accordance with the discussion above, §§ 2.81(b) and 2.82(b) are adopted to read as set forth below.

(8) *Sections 2.81(c) and 2.82(c).* The proposal read:

(c) All interveners taking a position on environmental matters shall file comments on the environmental impact statement with the Commission including an analysis of their environmental position, specifying any difference with the statement upon which intervenor wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the presiding Administrative Law Judge. All interveners shall be responsible for filing ten copies of their filing with the Council on Environmental Quality, and at least one copy with the Environmental Protection Agency at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement. The comments of the Council on Environmental Quality, and the Environmental Protection Agency, if any, should be made in a written statement served upon the Commission Secretary and all parties of record.

Several comments pointed out that this section was confusing in some respects. The Commission has substantially amended this section to make it clear that intervention is permitted on the basis of the staff draft environmental statement. This intervention is governed by existing Commission procedures and will be limited to issues raised by the staff draft environmental impact statepetition to intervene, each environmental intervener is required to file, pursuant to §§ 2.81 (b) and 2.82(b), comments on the staff draft envorinmental impact statement. These comments must, among other things, both analyze intervener's environmental position in the context of the factors enumerated in § 2.80, and specify any differences with the staff's position upon which the intervener wishes to be heard.

This is done so that Staff, in revising and finalizing its draft statement, will have the benefit of all possible comments. Certainly the comments of interveners will be most helpful.

Accordingly, §§ 2.81(c) and 2.82(c) are adopted to read as set forth below.

The proposal read:

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

This section has been amended to require staff, applicant and intervener to offer evidence for the record in support of their environmental position; to require applicant and intervener to identify any differences which they might have with the staff's environmental position, and to discuss their environmental position in the context of the factors in § 2.80. These requirements are in addition to any statement or comment that may have been made pursuant to §§ 2.81 (a–c) and 2.82(a–c).

(9) Sections 2.81(d) and 2.82(d) are adopted to read as set forth below.

(10) *Section 2.81 (e) and 2.82(e).* The proposal read:

(e) In the case of each contested application, the initial and reply briefs filed by the applicant, the staff and all interveners taking a position on environmental matters must specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. Furthermore, the initial decision of the Presiding Administrative Law Judge in such cases and the final order of the Commission, if it approves the application, in all cases shall include an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section.

One point raised was that the Commission should evaluate the environmental evidence in its final order on the merits whether or not it approves the application. This point is well-taken. Sections 2.81(e) and 2.82(e) are adopted to read as set forth below.

The Commission finds:

(1) The revisions to the statement of policy herein adopted result primarily from the final mandate of the Second Circuit in the case of Greene County Planning Board v. F.P.C., 455 F.2d 412 (CA2, 1972), from review and consideration of the comments submitted in response to the notice of proposed rulemaking published October 30, 1972, and from experience derived by the Commission in its implementation of NEPA. These revisions differ in some respects from those proposed in that notice. However, to the extent that these revisions differ from those in the notice, they are in response to the comments received or as a result of Commission experience and are for the purpose of clarifying and strengthening the Commission's procedures in regard to the submission of applications and the preparation and circulation of environmental impact statements.

(2) Since the modifications to the amendments prescribed herein which were not included in the notice of this proceeding are of a minor nature, and are consistent with the prime purpose of the proposed rulemaking herein, further notice thereof is unnecessary.

(3) In view of the judicial mandate issued the Commission, and in view of the great importance and urgency of environmental problems, it is essential that the Commission promulgate these procedures respecting environmental statements at this time.

(4) The amendments to the Commission's General Rules and Regulations under the Federal Power Act adopted herein are necessary and appropriate for carrying out the provisions of the Federal Power Act, the Natural Gas Act, and the National Environmental Policy Act.

(5) Good cause exists that the amendments herein adopted become effective upon the issuance of this order.

The Commission acting pursuant to the provisions of the Federal Power Act, particularly sections 4, 10, 15, 307, 309,

311 and 312 (41 Stat. 1065, 1066, 1068, 1070; 46 Stat. 798, 49 Stat. 839, 840, 841, 842, 843, 844, 856, 857, 858, 859, 860, Stat. 501, 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825j, 825k), and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830, 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 7170), and the National Environmental Policy Act of 1969, Public Law 91–190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854) orders:

A. The statement of general policy to implement procedures for compliance with the National Environmental Policy Act of 1969 in Part 2—general policy and interpretations is revised to read as follows:

PART 2—GENERAL POLICY AND INTERPRETATIONS

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

§ 2.80 Detailed environmental statement.

(a) It shall be the general policy of the Federal Power Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (NEPA) in its regulations under the Federal Power Act and the Natural Gas Act. The National Environmental Policy Act of 1969 requires, among other things, all Federal agencies to include a detailed environmental statement in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) Therefore, in compliance with the National Environmental Policy Act of 1969 the Commission staff shall make a detailed environmental statement when the regulatory action taken by us under the Federal Power Act and Natural Gas Act will have a significant environmental impact. A "detailed statement" prepared in compliance with the requirements of §§ 2.81 through 2.82 shall fully develop the five factors listed hereinafter in the context of such considerations as the proposed activity's direct and indirect effect on the air and water environment of the project or natural gas pipeline facility; on the land, air, and water biota; on established park and recreational areas; and on sites of natural, historic, and scenic values and resources of the area. The statement shall discuss the extent of the conformity of the proposed activity with all applicable environmental standards. The statement shall also fully deal with alternative courses of action to the proposal and, to the maximum extent practicable, the environmental effects of each alternative. Further, it shall specifically discuss plans for future development related to the application under consideration. The above factors are listed to merely illustrate the kinds of values that must be considered in that statement. In no respect is this listing to be construed as covering all relevant factors. The five factors which must be specifically discussed in the detailed statement are:

(1) The environmental impact of the proposed action.

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

(3) Alternatives to the proposed action.

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(c)(1) To the maximum extent practicable no final administrative action is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment or 30 days after the final text of an environmental statement has been made available to the Council on Environmental Quality and the public.

(2) Upon a finding that it is necessary and appropriate in the public interest, the Commission may dispense with any time period specified in §§ 2.80–2.82.

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

(a) All applications for major projects (those in excess of 2,000 horsepower) or for reservoirs only providing regulatory flows to downstream (major) hydroelectric projects under part I of the Federal Power Act for license or relicense, shall be accompanied by exhibit W, the applicant's detailed report of the environmental factors specified in § 2.80 and § 4.41 of this chapter. All applications for surrender or amendment of a license proposing construction, or operating change of a project shall be accompanied by the applicant's detailed report of the environmental factors specified in § 2.80. Notice of all such applications shall continue to be made as prescribed by law.

(b) The staff shall make an initial review of the applicant's report and, if necessary, require applicant to correct deficiencies in the report. If the proposed action is determined to be a major Federal action significantly affecting the quality of the human environment, the staff shall conduct a detailed independent analysis of the action and prepare a draft environmental impact statement which shall be made available to the Council on Environmental Quality, the Environmental Protection Agency, other appropriate governmental bodies, and to the public, for comment. The statement shall also be served on all parties to the proceeding. The Secretary of the Federal Power Commission shall cause prompt publication in the FEDERAL REGISTER of notice of the availability of the staff's draft environmental statement. Written comments shall be made within 45 days of the date the notice of availability appears in the FEDERAL REGISTER. If any governmental entity, Federal, State, or local, or any member of the public, fails to comment within the time provided, it shall be assumed, absent a request for a specific extension of time, that such entity or person has no comment to make. Extensions of time shall be granted only for good cause shown. All entities filing comments with the Commission will submit 10 copies of such comments to the Council on Environmental Quality. Upon expiration of the time for comment the staff shall consider all comments received and revise as necessary and finalize its environmental impact statement which, together with the comments received, shall accompany the proposal through the agency review and decisionmaking process and shall be made available to the parties to the proceeding, the Council on Environmental Quality, and the public. In the event the proposal is the subject of a hearing the staff's environmental statement will be placed in evidence at that hearing.

(c) Any person may file a petition to intervene on the basis of the staff draft environmental statement. All interveners taking a position on environmental matters shall file timely comments, in accordance with paragraph (b) of this section, on the draft statement with the Commission including, but not limited to, an analysis of their environmental position in the context of the factors enumerated in § 2.80, and specifying any differences with staff's position upon which intervener wishes to be heard. Nothing herein shall preclude an intervener from filing a detailed environmental impact statement.

(d) In the case of each contested application, the applicant, staff, and all interveners taking a position on environmental matters shall offer evidence for the record in support of their environmental position. The applicant and all such interveners shall specify any differences with the staff's position, and shall include, among other relevant factors, a discussion of their position in the context of the factors enumerated in § 2.80.

(e) In the case of each contested application, the initial and reply briefs filed by the applicant, the staff and all interveners taking a position on environmental matters must specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. Furthermore, the Initial Decision of the Presiding Administrative Law Judge in such cases, and the final order of the Commission dealing with the application on the merits in all cases, shall include an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section.

§ 2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act.

(a) All certificate applications filed under section 7(c) of the Natural Gas

Act (15 U.S.C. 717f(c)) for the construction of pipeline facilities, except abbreviated applications filed pursuant to § 157.7 (b), (c), and (d) of Commission regulations and producer applications for the sale of gas filed pursuant to §§ 157.23–29 of Commission regulations, shall be accompanied by the applicant's detailed report of the environmental factors specified in § 2.80. Notice of all such applications shall continue to be made as prescribed by law.

(b) The staff shall make an initial review of the applicant's report and, if necessary, require applicant to correct deficiencies in the report. If the proposed action is determined to be a major Federal action significantly affecting the quality of the human environment, the staff shall conduct a detailed independent analysis of the action and prepare a draft environmental impact statement which shall be made available to the Council on Environmental Quality, the Environmental Protection Agency, other appropriate governmental bodies, and to the public, for comment. The statement shall also be served on all parties to the proceeding. The Secretary of the Federal Power Commission shall cause prompt publication in the FEDERAL REGISTER of notice of the availability of the staff's draft environmental statement. Written comments shall be made within 45 days of the date the notice of availability appears in the FEDERAL REGISTER. If any governmental entity, Federal, State, or local, or any member of the public, fails to comment within the time provided, it shall be assumed, absent a request for a specific extension of time, that such entity or person has no comment to make. Extensions of time shall be granted only for good cause shown. All entities filing comments with the Commission shall submit 10 copies of such comments to the Council on Environmental Quality. Upon expiration of the time for comment the staff shall consider all comments received and revise as necessary and finalize its environmental impact statement which, together with the comments received, shall accompany the proposal through the agency review and decisionmaking process and shall be made available to the parties to the proceeding, the Council on Environmental Quality, and the public. In the event the proposal is the subject of a hearing, the staff's environmental statement will be placed in evidence at that hearing.

(c) Any person may file a petition to intervene on the basis of the staff draft environmental statement. All interveners taking a position on environmental matters shall file timely comments, in accordance with paragraph (b) of this section, on the draft statement with the Commission including, but not limited to, an analysis of their environmental position in the context of the factors enumerated in § 2.80, and specifying any differences with staff's position upon which intervener wishes to be heard. Nothing herein shall preclude an intervener from filing a detailed environmental impact statement.

(d) In the case of each contested application, the applicant, staff, and all interveners taking a position on environmental matters shall offer evidence for the record in support of their environmental position. The applicant and all such interveners shall specify any differences with the staff's position, and shall include, among other relevant factors, a discussion of their position in the context of the factors enumerated in § 2.80.

(e) In the case of each contested application, the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters must specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. Furthermore, the initial decision of the presiding administrative law judge in such cases, and the final order of the Commission dealing with the application on the merits in all cases, shall include an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section.

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

B. The Commission amends § 4.41, *Required exhibits* in Part 4, Subchapter B, regulations under the Federal Power Act, Chapter 1, Title 18 of the Code of Federal Regulations as follows:

§ 4.41 **Required exhibits.**

* * * * *

Exhibit W. Applications covered by 18 CFR 2.81(a) shall be accompanied by an applicant's environmental report. Such report shall comply with the detailed requirements set down in 18 CFR 2.80–2.81, and shall include a one-page summary of the report. Furthermore, such report with its supporting papers shall be self-contained.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

C. The Commission amends §§ 157.7 and 157.14(a)(6–d), Part 157, Subchapter E, Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations as follows:

Section 157.7, *Abbreviated applications*, is amended by adding a new paragraph (f) to read:

§ 157.7 **Abbreviated applications.**

* * * * *

(f) All applications filed in accordance with paragraphs (b), (c), and (d) of this section shall include an Exhibit F–IV as prescribed in § 157.14(a)(6–d).

Section 157.14(a)(6–d) is amended to read:

§ 157.14 **Exhibits.**

(a) * * *

(6–d) *Exhibit F–IV—Statement by the Applicant concerning the Requirements of the National Environmental Policy Act of 1969, Public Law 91–190, 83 Stat. 852, title I, section 102.* All applications governed by §§ 157.7 (b), (c), and (d) shall include a brief statement concerning the following factors:

* * * * *

D. The amendments adopted herein shall be effective upon issuance of this order.

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

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22055 Filed 12-22-72;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 310]

PART 22—DRAWBACK

Proof of Export

Correction

In F.R. Doc. 72–19181 appearing at page 23712 of the issue for Wednesday, November 8, 1972, in § 22.13(a) the first portion of the last sentence reading "Claims not completed within the 3-year prescribed above be treated as abandoned * * *.", should read, "Claims not completed within the 3-year period prescribed above shall be treated as abandoned * * *."

[T.D. 73–5]

PART 22—DRAWBACK

PART 25—CUSTOMS BONDS

Customs Forms 7613 and 7595

DECEMBER 18, 1972.

The FEDERAL REGISTER of November 8, 1972 (37 F.R. 23712), published an amendment to § 22.7 of the Customs regulations to provide three procedures by which a drawback claimant could prove export of the goods upon which drawback is claimed. One of these was the exporter's summary procedure. Section 22.7(d)(2)(ii) of the Customs regulations requires that the claimant furnish bond as a prerequisite to use of that procedure.

Pursuant to the authority contained in R.S. 251, as amended, section 313, 46 Stat. 693, as amended, and sections 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1313, 1623, and 1624), drawback claimants under the exporter's summary procedure must file either a Drawback Export Bond on Customs Form 7613, or a General Term Bond for Entry of Merchandise on Customs Form 7595, with

a special condition relating to such claimants. A complete text of the Drawback Export Bond, Customs Form 7613, is set forth below. This shall be taken in an amount equal to 25 percent of the drawback claimed on entries filed by the principal (export-claimant) during the term of the bond. A General Term Bond for Entry of Merchandise, Customs Form 7595, shall only be used in lieu of the above-mentioned bond if the condition set forth below is included in the general term bond at the time it is initially filed with the Bureau of Customs.

Since bond format is a matter of agency procedure, and the bonds implement an exemption by permitting drawback claimants to use the exporter's summary procedure, notice and public procedure as to the manner of the bond to be used is unnecessary under 5 U.S.C. 553. As the bond procedure relieves a restriction and benefits the public, good cause exists under 5 U.S.C. 553(d) for dispensing with a 30-day delayed effective date.

Effective date. These bond formats shall become effective on the date of publication in the FEDERAL REGISTER (12-23-72).

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

BUREAU OF CUSTOMS

DRAWBACK EXPORT BOND

Know all men by these presents,

That _____, of _____, as principal, and _____, of _____, and _____, of _____, as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas, the above-bounden principal has requested permission to file drawback claims under the Exporter's Summary procedure at the port of _____, during the period of 1 year beginning on the _____ day of _____, 19--, and ending on the _____ day of _____, 19--, both dates inclusive, and

Whereas, such claims may be paid before determinations are made with respect to whether: (1) The claimant is the party entitled to the drawback claimed, (2) the exported articles are correctly described in the claim, and (3) the facts of exportation are as alleged in the claim.

Now therefore, the condition of this obligation is such, that—

The above-bounden principal in consideration of the receipt of drawback claimed before a determination is made that the claimant is the party entitled to the drawback, that the exported articles are correctly described in the claim, and that the facts of exportation are as alleged in the claim, agrees to repay promptly to the Government of the United States upon demand the amount of money which has been erroneously paid to the said principal by reason of an incorrect determination with respect to one or more of the above-described three premises, but not exceeding the amount of this bond;

Then this obligation to be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

_____ (Name)	_____ (Address)	
_____ (Name)	_____ (Address)	_____ (Seal) (Principal)
_____ (Name)	_____ (Address)	
_____ (Name)	_____ (Address)	_____ (Seal) (Surety)
_____ (Name)	_____ (Address)	
_____ (Name)	_____ (Address)	_____ (Seal) (Surety)

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____, certify that I am the* _____ secretary of the corporation named as principal in the within bond, that _____, who signed the said bond on behalf of the principal, was then _____ of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

_____ (Corporate seal)

Condition covering proof of export under the Exporter's Summary procedure to be added to the General Term Bond for Entry of Merchandise, Customs Form 7595.

In addition to the conditions appearing in the General Term Bond for Entry of Merchandise dated _____, in the amount of _____, executed by _____, as principal and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

The above-bounden principal in consideration of the receipt of drawback claimed under the Exporter's Summary procedure before a determination is made that the claimant is the party entitled to the drawback, that the exported articles are correctly described in the claim, and that the facts of exportation are as alleged in the claim, agrees to repay promptly to the Government of the United States upon demand the amount of money which has been erroneously paid to the said principal by reason of an incorrect determination with respect to one or more of the above-described three premises, but not exceeding the amount of this bond.

Witness our hands and seals this _____ day of _____, 19--.

_____ (Seal)
(Principal)
_____ (Seal)
(Surety)

[FR Doc.72-22081 Filed 12-22-72;8:47 am]

(To be used when no power of attorney has been filed with the district director of customs.)

*May be executed by the secretary, assistant secretary, or other officer of the corporation.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A-73.1—Production and Maintenance

PRICE REDUCTIONS CLAUSE

Section 5A-73.123-1 (a) and (b) is amended as follows:

§ 5A-73.123-1 Price reductions.

(a) Except as otherwise provided in this § 5A-73.123-1, the following clause shall be included in each solicitation, contract, and resulting Federal Supply Schedule involving multiple awards:

PRICE REDUCTIONS

(a) *Reductions to commercial customers and Federal agencies.* (1) If, after the date of the offer, the Contractor (i) changes any of the pricing documents or related discounts which were offered to and used by the Government to establish the prices in this contract or (ii) sells any supplies, equipment, or services covered by this contract at a price below that listed in any of the above referenced pricing documents so as to reduce any price within the applicable maximum order limitation to any customer, an equivalent price reduction shall apply to this contract for the duration of the contract period or until the price is further reduced, except for temporary price reductions. For purposes of this paragraph, any method by which the price is effectively reduced shall constitute a price reduction; *Provided,* That temporary or promotional price reductions shall be made available to the Contracting Officer under the same terms and conditions as to other customers, except that in lieu of accepting bonus goods, the Contractor's costs of such goods shall be deducted from the contract price.

(2) This clause does not apply to any reduction by a Contractor in its prices to States, the District of Columbia, and other political subdivisions.

(b) *Effective dates and notifications.* (1) Any price reduction pursuant to (a)(1), above, shall be effective under this contract at the same time as the price reduction is effective for any other customer. The Contractor shall invoice at such reduced price and indicate thereon that the price reduction is pursuant to this price reductions clause until such time as this contract is amended.

(2) The Contractor shall notify the Contracting Officer in writing of any price reduction as soon as possible but not later than 10 days after the effective date. Failure to give timely notice shall require that such price reductions apply to the contract for the duration of the contract period or until the price is further reduced, and may constitute a basis for termination of the contract as provided in the default clause (Article 11) of Standard Form 32, General Provisions.

(c) *Contractors statement of price reductions.* The Contractor shall furnish within 10 days after the end of the contract period a statement certifying either (i) that there was no applicable reduction or (ii) that any price reduction was reported to the Contracting Officer. For each reported price reduction, the Contractor shall show the date when the Contracting Officer was so notified.

(d) *Disputes.* Contractor's failure to respond to claims made by the Contracting Officer pursuant to this price reduction clause or failure by the contracting parties to agree to the Contracting Officer's interpretation, application, or enforcement of its provisions shall constitute a "dispute" within the meaning of the disputes clause (Article 12) of SF 32, General Provisions.

(b) The following notice shall be inserted in each Federal Supply Schedule which contains the clause in (a), above:

NOTICE OF PURCHASE AT REDUCED PRICE

As required by FPMR 101-26.408-5, whenever a Federal agency required to use this schedule procures any article or service from the Contractor at a price lower than the schedule contract price, the agency shall, within 10 days, notify the General Services Administration's Contracting Officer of such purchase.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective 30 days after the date shown below but may be observed earlier.

Dated: December 18, 1972.

M. S. MEEKER,
Commissioner, Federal Supply Service.

[FR Doc.72-22087 Filed 12-22-72;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-1139]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Additional Authority Delegated to Chief Engineer

1. On February 9, 1970, the Commission approved the establishment of a Spectrum Management Task Force with responsibility for implementing and administering a Regional Spectrum Management Program. The task force now functions within the Office of the Chief Engineer. The Commission has selected Chicago, Ill., as the location of the first regional center and instructed the task force to proceed with a program to establish and operate the Regional Spectrum Management Center.

2. Part 0 of the Commission rules was amended, effective February 10, 1971, to reflect the establishment of the Spectrum Management Task Force (see §§ 0.31, 0.32, and 0.38). It is now necessary to amend Part 0 for the required delegated authority needed by the task force to discharge its responsibilities.

3. The authority delegated is to the Chief Engineer to act on matters involving the Public Safety, Industrial, Land Transportation and Citizens Radio Services (Class A), and the Remote Pickup Broadcast Service. The specific delegations are contained in the appendix below.

The amendments set forth in the appendix to this order relate to internal Commission organization and practice so that the prior notice provisions of 5 U.S.C. 553, do not apply, and the amendments can be made effective immediately. Authority for the promulgation of these amendments is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), and 303(r).

Accordingly, it is ordered, Effective December 29, 1972, that the rules and regulations of the Commission are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: December 13, 1972.

Released: December 20, 1972.

FEDERAL COMMUNICATIONS COMMISSION [1]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

1. A new § 0.242 is added to Part 0 of Chapter I of Title 47 of the Code of Federal Regulations to read as follows:

§ 0.242 Additional authority delegated to the Chief Engineer.

The Chief Engineer insofar as the Regional Spectrum Management Program is concerned is delegated authority to act, in coordination with the bureaus having primary responsibility for the radio service involved, upon the following applications, requests, extensions, and other matters involving frequencies below 512 MHz allocated to the radio services listed in paragraphs (a) and (b) of this section, which are not in hearing status, in those areas where a regional center has been established:

(a) In accordance with applicable rules, all applications filed in a region for authorizations in the Public Safety, Land Transportation, and Industrial Radio Services (excluding applications in the Industrial Radiolocation Service) and for Class A citizens radio station authorizations.

(b) In accordance with applicable rules, all applications filed in a region in the Remote Pickup Broadcast Service (shared frequencies only) for construction permits, station licenses, modification of station licenses, and special temporary authorizations.

(c) On the following matters insofar as they involve the Public Safety, Industrial, Land Transportation (excluding the Industrial Radiolocation Service), Citizens Radio Service (Class A only) or Remote Pickup Broadcast Service (shared frequencies only).

(1) Requests for extensions of time for equipment or service tests or within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(2) Requests for withdrawal of papers in accordance with § 1.8 of this subchapter.

(3) Requests for extension of time within which briefs, comments, and pleadings may be filed in rulemaking proceedings.

(4) To make the finding of emergency involving danger to life or property or due to damage to equipment, as provided by section 308(a) of the Communications Act of 1934, as amended.

(5) Cancellation of station licenses, construction permits, or other authorizations upon the requests of the licensee or permittee or upon abandonment of the station.

(6) Petitions or requests seeking waiver of or exception to any rule, regulation, or requirement, and to act upon petitions or requests relating to the assignment of frequencies but requiring action under § 2.102 of this subchapter, when he finds that the operation for which permission is sought (i) is of a nonrecurring nature and does not warrant rule making proceedings with a view to establishing it on a regular basis, (ii) will not exceed 180 days, and (iii) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder.

(7) To grant the authorizations provided for in § 2.102(c) of this subchapter.

(8) To act on requests for waiver of application procedures to allow a licensee to submit a request for the identical modification or assignment of a number of outstanding authorizations without filing a separate application for each station. Action taken under this delegation does not include authority to waive or reduce applicable fee requirements which shall be determined as if separate applications were filed for each station.

(9) To dismiss applications without prejudice in cases where, prior to designation of such application for hearing, an applicant has failed to answer official correspondence or a request for additional information from the Commission.

(10) Requests for extension of time within which to file pleadings concerning applications which are not in hearing status.

(11) To dismiss petitions and other pleadings relating to matters not in hearing status which have clearly been rendered moot.

(12) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(13) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(14) To act on requests for assignment of call signs to new stations in the Citizens Radio Service (Class A only) and for changes in the call signs of existing stations in this service.

(d) Except as otherwise provided in § 1.61 of this subchapter, with respect to the construction, marking, and lighting of antenna towers and supporting structures, to exercise the functions of the

[1] Commissioners Robert E. Lee and Reid concurring in the result.

Commission as set forth in Part 17 of this subchapter: *Provided, however,* That in cases in which the Federal Aviation Administration recommends denial of any application, the Chief Engineer will submit the application to the Commission for appropriate action.

2. Section 1.61 of Part 1 of Title 47 of the Code of Federal Regulations is amended by deleting paragraph (a) and substituting a new paragraph (a) to read as follows:

§ 1.61 **Procedures for handling applications requiring special aeronautical study.**

(a) Except for those services and in those areas being managed by the Spectrum Management Task Force, antenna surveys are conducted by the Antenna Survey Branch of the Engineering and Facilities Division, Field Engineering Bureau.

* * * * *

[FR Doc.72-22123 Filed 12-22-72;8:48 am]

[FCC 72-1138; Docket No. 19150]

REGIONAL SPECTRUM MANAGEMENT CENTER AT CHICAGO, ILL.

Second Report and Order; Establishment of Center

In the matter of spectrum management: establishment of first Regional Spectrum Management Center in Chicago, Ill.; and amendment of Parts 1, 2, 21, 74, 89, 91, 93, and 95 of the Commission's rules relating to land mobile allocations and assignments.

Introduction. 1. By virtue of this second report and order, the Commission's rules are amended to provide, in the public interest, for a more efficient and equitable administration and management of the Land Mobile Radio Services in an area of approximately 96,000 square miles which has Chicago, Ill., at its approximate center.

2. A notice of proposed rule making in this proceeding was published in the FEDERAL REGISTER on February 10, 1971 (36 F.R. 2793); and in the reports of the Commission [27 FCC (2d) 400]. A first report and order in the proceeding was adopted on October 28, 1971, and published in the FEDERAL REGISTER on November 12, 1971 (36 F.R. 2167); and in the Commission's Reports at 32 FCC (2d) 347. As we noted in the first report and order, all the comments and reply comments that were filed were carefully read and considered before arriving at our conclusions therein. The same is true for this report and order. All of the major and relevant views and arguments are discussed below. To the extent that certain views and arguments are not specifically discussed or cited, they are believed to be affinitive to the major views and have been considered in that context.

Purpose of proceeding. 3. In Part I of our notice there was detailed at considerable length the reasons and purposes for initiating this proceeding. It was noted that measures must now be taken to insure that a reasonable accommodation of the ever-increasing demands and uses for radio may be realized in both an efficient and equitable fashion. In the Land Mobile Radio Services, where the demand for facilities is growing at the greatest rate, the need for better and more efficient assignment and use of frequency space was and is acknowledged to be critical. The development of sophisticated monitoring techniques and the application of computer technology in the frequency assignment process have now introduced important new techniques for management and administration of the spectrum which have not been available heretofore; and which, when properly applied will achieve a measure of the better and more efficient spectrum use that both the Commission and the public seek. In recognition of the fact that many of the problems afflicting the land mobile services are regionally oriented and best solved at the regional level, a land mobile spectrum management program with a regional organization and administration is being implemented.

4. The first regional office has in fact been established in the Chicago area and is currently engaged in collecting and analyzing data, and building a data base for the Land Mobile Services.[1] All of the necessary tools, to include highly sophisticated monitoring equipment and a computer have been provided to assist this effort. Mathematical models have been constructed which portray the environment in which a licensee will operate; and highly trained and skilled personnel have been provided to staff the regional office.

Scope and methodology. 5. All persons commenting agreed in principle that more effective and efficient management of the radio spectrum would be in the public interest. Some disagreement however centered on the methodology chosen to initiate this spectrum management program; and the scope of this proceeding. To treat the question of methodology first, it was suggested that the Commission conduct an academic-like experiment before actually launching any full-scale implementation of spectrum management plans or schemes looking to use-optimization. In settling upon methodologies, careful consideration was given to the desirability or lack of desirability of conducting an academic-like experiment or project prior to proceeding with a full scale effort of the magnitude that has been initiated in Chicago. It was our conclusion, in view of the time factors and complexities involved in any undertaking of the sort contemplated by an experimental process or indeed the process we have chosen to use and which is reflected in this proceeding, that immediate and realistic action was both warranted and required. Thus, the difficulties incident to the conduct of an experiment—which include among other things, agreement on the scope of the experiment, its participants, cost, etc., while significant in themselves, become critical in terms of the time that would be required to define these parameters, conduct the experiment and translate its results into plants, programs, rules, etc. In the meantime, of course, the situation in the Land Mobile Services would more than likely have worsened—rendering effective solutions even more difficult to define and implement. The approach to spectrum management that the Commission has chosen to follow in this proceeding, represents, in our view, a reasonable compromise between full scale experimentation, and a perpetuation of the cumbersome procedures now being used.

6. Many persons voiced dissatisfaction with the scope of the proposal—particulary insofar as it was confined to the Land Mobile portion of the spectrum alone, and did not propose inroads into the television broadcast bands. This argument looks to the simple reallocation of spectrum space as being the ultimate solution to Land Mobile problems—at least as those problems are viewed by those persons suggesting this convenient though simplistic approach. This approach is predicated on assumptions that: (1) The existing Land Mobile bands are totally saturated and therefore (2) better utilization of the existing land mobile allocation is incapable of realization and, logically, (3) that land mobile use of radio is paramount to other uses, particularly television. Our experience in Chicago and elsewhere may well reveal total saturation and/or an inability to effectively manage the existing land mobile portion of the spectrum. For the present, however, it is our purpose to determine, through the regional spectrum management program using monitoring and other techniques, whether saturation is or is not a reality or whether what is described as saturation indeed that, but is a regional, local, service or channel phenomenon or combinations of these; and whether the application of modern problem-solving techniques and tools may effectively cure the landmobile problem.

7. The major disability in any proposed reallocation of spectrum space at this time however is the absence of truly meaningful information upon which to predicate a reallocation. As in the past, no one can, with any degree of certainty, point to comprehensive or quantitative data or information as to signal populations across the land mobile bands and upon which reliance might be placed for a proposed reallocation. In the past, reallocations were for the most part ordered on the basis of representations by users as to their needs, without any truly efficient capability of measuring the actual use being made of the spectrum by the various users or groups of users in various locales in juxtaposition to one another. With the monitoring capability that we now have however, it will be possible, with the passage of time, to describe signal populations quantitatively and

[1] See first report and order in this docket.

draw some meaningful conclusions therefrom and, if so warranted, propose reallocation or other solutions. But, to reallocate at this time would result in a continuation of the oft-criticized approach and practice of the past which oftentimes resulted in inequitable and inefficient allocations and reallocations which were based largely on insufficient and inadequate data and information.

8. In keeping with good principles of spectrum conservation, a greater effort will be exerted in the future towards making meaningful determinations as to precisely what the spectrum environment and inventory are in a given locale or area before any changes are proposed and made. And one of the tools by which we will be able, in the future, to make these determinations in a monitoring capability which will provide us with the needed factual data. Thus, we are not persuaded that any allocation of additional frequency space to the Land Mobile Services in Chicago is warranted at this time.

9. Our action in this proceeding is neither designed nor intended to foreclose Commission consideration of additional means of improving spectrum utilization. For example, we are presently considering the advisability of expanding to other markets our program of UHF–TV/land mobile sharing adopted in Docket No. 18261. We expect that proceeding, as well as this one establishing our first Regional Spectrum Management Center in Chicago, to continue apace to help meet the needs of land mobile users.

Modification of licenses or removal from the air. 10. Objection was voiced to certain language in the notice of proposed rule making that was suggestive of license modification or removal. It should be made abundantly clear that our goal or purpose in inaugurating a spectrum management program and this proceeding in particular was and is to achieve the larger and more effective use of radio in the public interest that is admonished by section 303(g) of the Communications Act. It is not our purpose to constrict the use of the spectrum by denying access to it by worthwhile and legitimate users. As this proceeding demonstrates, strict adherence to the Communications Act of 1934, as amended, and the Administrative Procedure Act (5 U.S.C. 551–559) in achieving the goals and changes believed to be warranted, is being observed.

Regional procedures. 11. Certain comments were directed to the fact that our proposal contained no provisions relating to resolution of disagreements that may eventuate over assignments or other decisions that are made in Chicago by our regional staff. We are asked to state explicitly how disagreements will be handled and what recourse will be available.

12. We assume that what is intended by these comments is not that the informal administrative process be made formal and codified; but rather that the public be assured that our regional staff will provide a receptive ear to any complaints that may arise. In this context, we have both legal and liaison groups at our regional office in Chicago whose duties, along with those of the regional manager, will encompass the receipt, consideration, and resolution of any disagreements or problems that may arise. In short, informal procedures constituting the vast bulk of administrative adjudication, and being the lifeblood of the administrative process, they will be used to the maximum. If experience with the regional administration of the land Mobile Services dictates that distinct and formal regional procedures are necessary, they will be proposed. In the meantime, it is our judgment that the current procedures enumerated in Part 1 of our rules are adequate; and will be invoked when informal resolution is unattainable at the regional level.

Two category allocation. 13. An essential element of the method proposed to be employed in achieving spectrum efficiency and conservation was a categorization of frequencies into two pools. It was proposed, in essence, that highly time critical police and fire radio services be placed in the highest priority pool or category (Category I) and that all other uses or services be placed in a second pool or category (Category II) where an additional subdivision into five groups was detailed, as follows:

Category I	Category II				
	Group A	Group B	Group C	Group D	Group E
Police Fire	Special emergency Hiway maintenance Forest conservation Local government	Power Telephone maintenance Railroad	Petroleum Forest products Manufacturers special industrial Motor carrier Automobile emergency Business, taxi Motion picture Relay press Remote pickup broadcasting	Domestic public land mobile	Citizens

Frequency reservoir. 14. The comments that were directed to this portion of the proposal reflect a predictable dissatisfaction by those persons currently experiencing a relatively uncrowded and uncongested environment. These persons are fearful that any sharing of the frequencies they currently use will result in a degradation of their current use. But while much dissatisfaction was expressed, extremely little in terms of alternative approaches or methods—other than retaining the status quo—was suggested. After a careful consideration of the comments that were directed to this portion of the proposal, we are persuaded that the categorizations and groupings proposed are a reasonable starting point for the management methodology we intend to employ in achieving use-optimization. In so concluding, we would point out, as we did in paragraph 16 of the notice in this proceeding that—

> * * * use optimization is an ultimate goal; and that the system to be used in obtaining it will evolve.

15. In formulating the two-category proposal, it was our desire to keep the number of frequency pools to a minimum, while at the same time maintaining some system of priorities; and providing a measure of flexibility. With this in mind, Category II was subdivided into five groups with only public safety services sharing in Group A of Category II. Because of their high priority, Group A licensees will receive discrete frequencies for their operations to the extent practicable—the same as licensees in Category I. Thus, where high priority activities are involved, such as some police, fire, and forestry-conservation activities, an effort will be made to assign discrete frequencies. This will be our policy regardless of the category or group into which high priority uses such as firefighting and police are to be found.

16. If practicable, assignments will be made from an applicant's own service frequencies in the pool. If none are available, then a search will be made of the frequencies in the pool which were contributed by the other services. It was for this reason that in forming the groups which will share, we attempted to place together services which would be compatible. In Group A, only Public Safety Services will be sharing and then only when the nature of the operations dictates such sharing is reasonable.

Methodology of assignment. 17. As emphasized in our notice (paragraph 65), it is necessary that the spectrum management program establish criteria and priorities which will clearly consider the requirements of all applicants and the merits of their applications. In addition to the accumulation of data, the development of such criteria and licensing procedures is, of course, a primary objective of the Chicago operation. Initially, we intend to grant licenses in the Land Mobile Radio Services in the Chicago District by applying mathematical models to optimize frequency assignments. Our engineering analysis will consider such factors as: Cochannel and adjacent-channel interference, intermodulation interference, predicted path loss due to propagation, calculation of radio coverage areas, and analysis of noise effect on licensed systems. The data obtained from our channel occupancy monitoring program will be factored into our consideration, as well as correlated with the data base information in the license files. The interference impact of the proposed system on existing land mobile communications will also be considered. Because of the germinal stage of our program at this time, it is

unrealistic to assume that any or all of these factors would remain static and immutable. As with any developing program, we are likely to add or subtract, alter or modify our criteria, as experience dictates. In any event, the above-mentioned factors should be a good point of departure in our development of the necessary standards and criteria to implement the spectrum management program.

Assignment criteria. 18. The questions of assignment criteria, service groupings, who should share and who should not, etc., were the most contentious concepts in our proposal. The comments directed to these matters asserted that criteria, standards, or guidelines relative to channel loading, sharing pools and groups, etc., had not been formulated and that as a consequence no attempt should be made to mix users or services. It was also pointed out, inter alia, that (1) functional needs must or should dictate system loading; (2) area systems and statewide systems should not be mixed; and (3) usage rather than user should determine priorities. All of these comments echo and verify the Commission's concern with the matter of meaningful criteria.

19. The Commission is cognizant of the fact that a multiplicity of factors—some of which were noted in the preceding paragraph—bear upon the question of valid assignment criteria. What has not been noted or mentioned however are the interrelationships between services; the essentially artificial distinctions that exist between services; and the confounding effect of these factors on any attempt to establish workable criteria.

20. The present method of administering the Land Mobile Services (of which there are essentially 21) was and is, at least with respect to the private land mobile services, a method of expedience which was developed piecemeal over a period of years in response to needs as identified by organized industry or functional groups. That no integrated relationship of uses aimed at the establishment of proper functional continuity toward an efficient and equitable management of the spectrum has resulted from the present method is, we believe, apparent. The absence of system moreover, has too often meant that the Commission's allocation decisions were little more than the resulting vector produced by conflicting services and uses.

21. Many of the comments that were addressed to the notions of criteria and sharing recognize that a system must be developed which looks to the use rather than the user of the radio facilities applied for and/or licensed. Implicit in these comments is the notion that the use specified should not be tied to, or modified or compromised by an artificial service use constraint that was generated for administrative or regulatory convenience and that has outlived its purposefulness. We look therefore to uses as being the keystone of the ultimate system being devised; and a reasonable categorization of uses premised on societal priorities. Unfortunately for both users and the Commission there is no current single repository of information from which data might be drawn. This is not to say however that certain criteria—some of which are admittedly rule-of-thumb—do not exist currently and/or are not worthy or capable of being incorporated into the system we are initiating in Chicago. Thus, geographic or mileage separations, for example, are the simplest example that sharing is both feasible and possible. Similarly, as a function of station separations, antenna heights and effective radiated powers (ERP) parameters, to mention just two, are useful, effective, and available means or tools for rendering sharing possible. It should be noted in this connection that homogeneity or lack of it, between users in this type of sharing arrangement, while a consideration, is not necessarily of critical import.

22. Frequency sharing has been and will continue to be the cornerstone of the administrative methodology by which the Land Mobile Radio Services are governed. The necessary concomitants to this basic sharing precept, notably that licensees will be required to cooperate in the use of frequencies; and that licenses will be granted on a nonexclusive basis; and that the use of a given frequency may be restricted to a geographic area and/or to a specified power; or that other restrictions may be imposed, remain as essential provisions of the Commission's current rules and are not changed by this proceeding. Similarly, no changes in eligibility governing entry to the various Land Mobile Services are being ordered (see paragraph 23 infra).

Frequency coordination. 23. For many years frequency coordinators have performed a most valuable and commendable service to both users and the Commission. Frequency advisory committees have spent countless hours preparing recommendations for specific frequencies which in their opinion would result in the least amount of interference to existing stations in a particular area. They have done this at considerable expense; and with considerable success despite inadequate data with which to work. Three new factors now make it possible for the Commission to resume its responsibility of making frequency assignments. They are: (1) Use of the new FCC Form 425, which will provide more and better technical information; (2) a monitoring capability; and (3) a computer which will enable us, for the first time, to consider a variety of technical factors, including noise levels, intermodulation, and monitoring data in the frequency assignment process. The requirement therefore that a frequency recommendation be received from a frequency coordinating committee before a license may issue appears to be no longer necessary. However, in the interest of making an orderly transition to the new system, we will continue to require coordination at least until August 31, 1973. In so doing both we and the frequency coordinators may interface and compare assignments generated through the mathematical models of our frequency assignment programs with those recommendations of the coordinator whose experience with and knowledge of conditions in the industry or group he represents may be unique. There will, therefore, be a period of time within which parallel frequency selection systems will be employed. During this period of time, we will be able to verify the efficacy of the frequency assignment methodology that has been devised. In the unlikely event that the system does not function as well as we anticipate, we retain the option of requiring coordination beyond the August 31, 1973, date noted above. Assuming, however, that model and program debugging may be realized long before August 31, coordinators will, by the end of August, be relieved of the onerous burden that they have, in the past, borne so well. We are hopeful, however, that these coordinators and user organizations will continue to act as liaison between the Commission and user groups. The Chicago Regional Office has a liaison group which will work closely with user groups so that cognizance can be taken of existing master plans, mutual agreements, geographical assignment plans, and types of uses on particular frequencies.

24. It is our expectation that an orderly transition from the present methods of allocating frequencies to the establishment of a new system of frequency management will prove to be indispensable to the achievement of our overall goal of optimum utilization of the radio spectrum. As we emphasized in our notice of proposed rule making, our ultimate goal of use-optimization, and the development of a system to achieve that objective, cannot realistically be implemented immediately. The transition must be effected over a reasonable period of time, taking into account the accumulation of data and administrative experience. This program is, of course, an innovative experience and test in improved regulation and, for that reason, we intend to monitor closely the early returns from our Chicago office before we commit ourselves to its expansion on a nationwide basis. We hope to gain valuable experience from our early and continuing observation of the effectiveness of the project, which should be of considerable benefit in future planning. Accordingly, before mandatory interservice frequency sharing is instituted, and sometime before September 1, 1973, when we expect the full transition to take effect, we intend to review the current status and progress of the Chicago project and take advantage of that experience in formulating the next step in our goal of improved administration of the Land Mobile Radio Services. We are, after all, feeling our way in this area and recognize that adjustments may become necessary as our experience grows. A continuing review of the progress of the program will best serve the public interest by helping us

avoid the problems, difficulties, and need for adjustment we might otherwise not see.

Eligibility. 25. Eligibility was discussed in the notice at paragraph 35; and it was proposed to maintain the present basic eligibility criteria and concomitant permissible communications, points of communication, and station limitations sections. The comments generally agreed with this approach as being necessary to insure an orderly transition to expanded frequency sharing. Thus, there will be no change in eligibility, permissible communications, points of communication, or station limitations. However, one point of clarification should be made. In the notice, it was stated that "station limitations for the service in which eligibility was established will continue to govern, even though the frequency assigned is not from the service in which eligibility was established." In the case of mobile relay, we are modifying this position. Mobile relay will only be permitted on frequencies previously available for mobile relay, and, of course, only by licensees previously permitted to use mobile relay.

26. The "assignment limitations" appearing in the frequency tables will remain unchanged. "General reference" limitations will also remain for the present and will not be abolished as proposed in the notice. To determine which itinerant licensees must file applications with the Regional Office, see the Commission's public notice of April 20, 1972 (83922), entitled "Clarification on Requirements for Filing Application Form 425 in the Land Mobile Services."

Domestic public land mobile radio services. 27. Our proposal with reference to the Domestic Public Land Mobile Radio Service was essentially to accumulate data and examine the feasibility of sharing between common carrier and private systems. In our first report and order in this proceeding, the data accumulation phase of our proposal was ordered, and is currently in progress. The feasibility of sharing, however, remains an imponderable and no decision with respect to it has yet been made. Thus, no interservice sharing between common carrier and private systems will be authorized, nor will applications for sharing be accepted at this time. Insofar as the licensing of Domestic Public Land Mobile Radio Systems is concerned, they will continue to be licensed from the Commission's Washington offices. Submission of Forms 425, pursuant to § 21.14 of the rules, will of course continue.

License period. 28. Almost without exception, our proposal to grant licenses for a 1-year term was opposed. Few objected to the initial filing for the purpose of establishing a data base, but most felt that yearly renewals did not serve any useful purpose except to update or verify the number of mobile units that a licensee was using. For the time being, no change is being ordered in license periods.

29. Except for the rule changes noted in the appendix to this order, the existing rules in Parts 89, 91, and 93 will, for the present, govern operations in the Chicago Region.

Frequency reservoir. 30. In addition to the frequencies contained in Categories I and II, there will be a "Frequency Reservoir." This reservoir will contain, initially, a portion of those UHF TV frequencies made available as a result of Commission action taken in Docket No. 18261. In addition to these frequencies, the reservoir will contain nineteen (19) broadcast remote pickup frequencies between 26.11 and 26.47 MHz. A "Reservoir" of frequencies is being established to afford the measure of flexibility deemed necessary in order to respond to unique or unusual conditions that exist or may arise, either on a temporary or continuing basis. In addition, experience may indicate a need for more frequencies in a particular group or groups. Frequencies from within the reservoir may be disposed to satisfaction of these needs. It should be noted, however, that the initial number of frequencies to be lodged in the reservoir while high, will not remain so. Thus, it is anticipated that after the data base has been established and experience with the system has been gained, the reservoir frequencies will be committed to those groups or areas where they will do the most good.

Area definition. 31. The area to be served by the Chicago Regional Center consists of the States and counties listed in the current rules. Within the Chicago Region there will be an area described by a radius of approximately 100 miles extending from a point in the approximate center of downtown Chicago which will be identified as the Chicago District. The appendix enumerates the counties which fall within the District. The two-category allocation and pooling arrangements ordered in this proceeding will be applicable to all persons operating or proposing to operate a land station (i.e., a base station) in the Chicago District.

32. In view of the foregoing and pursuant to the authority contained in sections 4(i) and 301, 303, 307, and 308 of the Communications Act of 1934, as amended, *It is ordered,* That effective January 29, 1973, Parts 2, 74, 89, 91, and 93 of the Commission's rules are amended in the manner set forth below.

(Secs. 4, 301, 303, 307, 308, 48 Stat., as amended, 1066, 1081, 1082, 1083, 1084; 47 U.S.C. 154, 301, 303, 307, 308)

Adopted: December 13, 1972.

Released: December 20, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Commissioners Robert E. Lee and Reid concurring in the result.

Parts 2, 74, 89, 91, and 93 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.102(b), new subparagraph (9) is added to read as follows:

§ 2.102 Assignment of frequencies.

* * * * *

(b) * * *

(9) Assignments made pursuant to the Land Mobile Spectrum Management program in the Chicago region.

* * * * *

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

2. A new § 74.405 is added to read as follows:

§ 74.405 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

(a) The licensing policies, general operating requirements, equipment, technical, and other operating requirements of this subpart will govern for all licensees and applicants for Remote Pickup Broadcast Station who must file on FCC Form 425 in the Chicago region. Limitations for the service in which licensee eligibility is established will govern the use of a station even though the frequency assigned may not be from the service in which eligibility was established; except in the case of mobile relay stations which will only be permitted on frequencies previously available for mobile relay use.

(b) The table below reflects the basic frequency assignment methodology for use in the Chicago region. Category I consists of the police and fire radio services and their present frequencies.

Category II consists of other radio services and their frequencies:

CATEGORY I

Polic radio service.
Fire radio.

CATEGORY II

GROUP A

Forestry-conservation radio service.
Highway maintenance radio service.
Local government radio service.
Special emergency radio service.

GROUP B

Power radio service.
Telephone maintenance radio service.
Railroad radio service.

GROUP C

Petroleum radio service.
Forest products radio service.
Manufacturers radio service.
Special industrial radio service.

Motor carrier radio service.
Automobile emergency radio service.
Business radio service.
Taxicab radio service.
Motion picture radio service.
Relay press radio service.
Remote pickup broadcast stations.

GROUP D

Domestic public land mobile radio service.[1]

GROUP E

Citizens radio service (Class A).

(c) Frequencies in Category I are available only to those who establish eligibility in that category. Frequencies in Category II are available to persons who establish eligibility in Category II; and are also available to Category I eligibles on a secondary basis.

(d) To the extent practicable, frequencies from the service within which an applicant has established eligibility will be assigned to that applicant. If no suitable frequency is available, then a search will be made of frequencies of other services in the same group as the applicant. Access to the frequencies of a different group will be permitted only on a case-by-case basis and only when no suitable frequency is available in the group in which eligibility is established.

(e) Where services which presently share frequencies are in different categories or groups, the shared frequencies will only be available to the lower priority category or group.

(f) The Chicago Land Mobile Spectrum Management District consists of the following counties in the States noted:

ILLINOIS

1. Boone
2. Bureau
3. Cook
4. DeKalb
5. DuPage
6. Ford
7. Grundy
8. Iroquois
9. Kane
10. Kankakee
11. Kendall
12. Lake
13. LaSalle
14. Lee
15. Livingston
16. McHenry
17. Ogle
18. Putnam
19. Will
20. Winnebago

INDIANA

1. Benton
2. Carroll
3. Cass
4. Elkhart
5. Fulton
6. Jasper
7. Kosciusko
8. Lake
9. LaPorte
10. Marshall
11. Newton
12. Porter
13. Pulaski
14. St. Joseph
15. Starke
16. White

MICHIGAN

1. Allegan
2. Berrien
3. Cass
4. Van Buren

WISCONSIN

1. Jefferson
2. Kenosha
3. Milwaukee
4. Racine
5. Rock
6. Walworth
7. Waukesha

[1] These frequencies will not be shared with private systems in the Chicago region at this time.

PART 89—PUBLIC SAFETY RADIO SERVICES

3. A new § 89.81 is added to read as follows:

§ 89.81 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

(a) The eligibility, permissible communications, points of communications, general reference, and assignment limitations reflected in the various subparts of this part will also govern in the Chicago region. Station limitations for the service in which licensee eligibility is established will govern the use of a station even though the frequency assigned may not be from the service in which eligibility was established; except in the case of mobile relay stations which will only be permitted on frequencies previously available for mobile relay use.

(b) The table below reflects the basic frequency assignment methodology for use in the Chicago region. Category I consists of the police and fire radio services and their present frequencies. Category II consists of other radio services and their frequencies:

CATEGORY I

Police radio service.
Fire radio.

CATEGORY II

GROUP A

Forestry-conservation radio service.
Highway maintenance radio service.
Local government radio service.
Special emergency radio service.

GROUP B

Power radio service.
Telephone maintenance radio service.
Railroad radio service.

GROUP C

Petroleum radio service.
Forest products radio service.
Manufacturers radio service.
Special industrial radio service.
Motor carrier radio service.
Automobile emergency radio service.
Business radio service.
Taxicab radio service.
Motion picture radio service.
Relay press radio service.
Remote pickup broadcast stations.

GROUP D

Domestic public land mobile radio service.[1]

GROUP E

Citizens radio service (Class A).

(c) Frequencies in Category I are available only to those who establish eligibility in that category. Frequencies in Category II are available to persons who establish eligibility in Category II; and are also available to Category I eligibles on a secondary basis.

(d) To the extent practicable, frequencies from the service within which an applicant has established eligibility will be assigned to that applicant. If no suitable frequency is available, then a search will be made of frequencies of other services in the same group as the applicant. Access to the frequencies of a different group will be permitted only on a case-by-case basis and only when no suitable frequency is available in the group in which eligibility is established.

(e) Where services which presently share frequencies are in different categories or groups, the shared frequencies will only be available to the lower priority category or group; except for the 11 low band frequencies shared by police and local government which go to Category I. These licensees who presently operate on these frequencies may continue to do even though the frequencies do not appear in their eligibility pool.

(f) The Chicago Land Mobile Spectrum Management District consists of the following counties in the states noted:

ILLINOIS

1. Boone
2. Bureau
3. Cook
4. DeKalb
5. DuPage
6. Ford
7. Grundy
8. Iroquois
9. Kane
10. Kankakee
11. Kendall
12. Lake
13. LaSalle
14. Lee
15. Livingston
16. McHenry
17. Ogle
18. Putnam
19. Will
20. Winnebago

INDIANA

1. Benton
2. Carroll
3. Cass
4. Elkhart
5. Fulton
6. Jasper
7. Kosciusko
8. Lake
9. LaPorte
10. Marshall
11. Newton
12. Porter
13. Pulaski
14. St. Joseph
15. Starke
16. White

MICHIGAN

1. Allegan
2. Berrien
3. Cass
4. Van Buren

WISCONSIN

1. Jefferson
2. Kenosha
3. Milwaukee
4. Racine
5. Rock
6. Walworth
7. Waukesha

(g) Frequency coordination is required in the Chicago region. However, after August 31, 1973, frequency coordination will not be required from applicants in the Chicago Land Mobile Spectrum Management District.

[1] These frequencies will not be shared with private systems in the Chicago region at this time.

PART 91—INDUSTRIAL RADIO SERVICES

4. A new § 91.67 is added to read as follows:

§ 91.67 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

(a) The eligibility, permissible communications, points of communications, general reference, and assignment limitations reflected in the various subparts of this part will also govern in the Chicago region. Station limitations for the Service in which licensee eligibility is established will govern the use of a sta-

tion even though the frequency assigned may not be from the Service in which eligibility was established; except in the case of mobile relay stations which will only be permitted on frequencies previously available for mobile relay use.

(b) The table below reflects the basic frequency assignment methodology for use in the Chicago region. Category I consists of the police and fire radio services and their present frequencies. Category II consists of other radio services and their frequencies:

CATEGORY I

Police radio service.
Fire radio.

CATEGORY II

GROUP A

Forestry-conservation radio service.
Highway maintenance radio service.
Local government radio service.
Special emergency radio service.

GROUP B

Power radio service.
Telephone maintenance radio service.
Railroad radio service.

GROUP C

Petroleum radio service.
Forest products radio service.
Manufacturers radio service.
Special industrial radio service.
Motor carrier radio service.
Automobile emergency radio service.
Business radio service.
Taxicab radio service.
Motion picture radio service.
Relay press radio service.
Remote pickup broadcast stations.

GROUP D

Domestic public land mobile radio service.[1]

GROUP E

Citizens radio service (Class A).

(c) Frequencies in Category I are available only to those who establish eligibility in that category. Frequencies in Category II are available to persons who establish eligibility in Category II; and are also available to Category I eligibles on a secondary basis.

(d) To the extent practicable, frequencies from the Service within which an applicant has established eligibility will be assigned to that applicant. If no suitable frequency is available, then a search will be made of frequencies of other Services in the same group as the applicant. Access to the frequencies of a different group will be permitted only on a case-by-case basis and only when no suitable frequency is available in the group in which eligibility is established.

(e) Where services which presently share frequencies are in different categories or groups, the shared frequencies will only be available to the lower priority catagory or group; except for the 11 low band frequencies shared by police and local government which go to Category I. These licensees who presently operate on these frequencies may continue to do so even though the frequencies do not appear in their eligibility pool.

(f) The Chicago Land Mobile Spectrum Management District consists of the following counties in the States noted:

ILLINOIS

1. Boone
2. Bureau
3. Cook
4. De Kalb
5. Du Page
6. Ford
7. Grundy
8. Iroquois
9. Kane
10. Kankakee
11. Kendall
12. Lake
13. LaSalle
14. Lee
15. Livingston
16. McHenry
17. Ogle
18. Putnam
19. Will
20. Winnebago

INDIANA

1. Benton
2. Carroll
3. Cass
4. Elkhart
5. Fulton
6. Jasper
7. Kosciusko
8. Lake
9. La Porte
10. Marshall
11. Newton
12. Porter
13. Pulaski
14. St. Joseph
15. Starke
16. White

MICHIGAN

1. Allegan
2. Berrien
3. Cass
4. Van Buren

WISCONSIN

1. Jefferson
2. Kenosha
3. Milwaukee
4. Racine
5. Rock
6. Walworth
7. Waukesha

(g) Frequency coordination is required in the Chicago Region. However, after August 31, 1973, frequency coordination will not be required from applicants in the Chicago Land Mobile Spectrum Management District.

[1] These frequencies will not be shared with private systems in the Chicago region at this time.

PART 93—LAND TRANSPORTATION RADIO SERVICES

5. A new § 93.67 is added to read as follows:

§ 93.67 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

(a) The eligibility, permissible communications, points of communications, general reference and assignment limitations reflected in the various subparts of this part will also govern in the Chicago region. Station limitations for the Service in which licensee eligibility is established will govern the use of a station even though the frequency assigned may not be from the Service in which eligibility was established; except in the case of mobile relay stations which will only be permitted on frequencies previously available for mobile relay use.

(b) The table below reflects the basic frequency assignment methodology for use in the Chicago region. Category I consists of the police and fire radio services and their present frequencies. Category II consists of other radio services and their frequencies:

CATEGORY I

Police radio service.
Fire radio.

CATEGORY II

GROUP A

Forestry-conservation radio service.
Highway maintenance radio service.
Local government radio service.
Special emergency radio service.

GROUP B

Power radio service.
Telephone maintenance radio service.
Railroad radio service.

GROUP C

Petroleum radio service.
Forest products radio service.
Manufacturers radio service.
Special industrial radio service.
Motor carrier radio service.
Automobile emergency radio service.
Business radio service.
Taxicab radio service.
Motion picture radio service.
Relay press radio service.
Remote pickup broadcast stations.

GROUP D

Domestic public land mobile radio service.[1]

GROUP E

Citizens radio service (Class A).

(c) Frequencies in Category I are available only to those who establish eligibility in that category. Frequencies in Category II are available to persons who establish eligibility in Category II; and are also available to Category I eligibles on a secondary basis.

(d) To the extent practicable, frequencies from the Service within which an applicant has established eligibility will be assigned to that applicant. If no suitable frequency is available, then a search will be made of frequencies of other Services in the same group as the applicant. Access to the frequencies of a different group will be permitted only on a case-by-case basis and only when no suitable frequency is available in the group in which eligibility is established.

(e) Where services which presently share frequencies are in different categories or groups, the shared frequencies will only be available to the lower priority category or group; except for the eleven low band frequencies shared by police and local government which go to Category I. These licensees who presently operate on these frequencies may continue to do so even though the frequencies do not appear in their eligibility pool.

(f) The Chicago Land Mobile Spectrum Management District consists of the following counties in the States noted:

ILLINOIS

1. Boone
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3. Cook
4. De Kalb
5. Du Page
6. Ford
7. Grundy
8. Iroquois
9. Kane
10. Kankakee
11. Kendall
12. Lake
13. LaSalle
14. Lee
15. Livingston
16. McHenry
17. Ogle
18. Putnam
19. Will
20. Winnebago

INDIANA

1. Benton
2. Carroll
3. Cass
4. Elkhart
5. Fulton
6. Jasper
7. Kosciusko
8. Lake
9. La Porte
10. Marshall
11. Newton
12. Porter
13. Pulaski
14. St. Joseph
15. Starke
16. White

MICHIGAN

1. Allegan
2. Berrien
3. Cass
4. Van Buren

[1] These frequencies will not be shared with private systems in the Chicago region at this time.

WISCONSIN

1. Jefferson
2. Kenosha
3. Milwaukee
4. Racine
5. Rock
6. Walworth
7. Waukesha

(g) Frequency coordination is required in the Chicago region. However, after August 31, 1973, frequency coordination will not be required from applicants in the Chicago Land Mobile Spectrum Management District.

[FR Doc.72-22124 Filed 12-22-72;8:48 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-37; Notice No. 72-23]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Exemptions for Lightweight Mail Trucks

Correction

In F.R. Doc. 72-21132 appearing at page 26112 of the issue for Friday, December 8, 1972, the heading for § 393.1(b) reading "*Intercity operations*", should read "*Intracity operations*".

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Nos. MC-C-6829, MC-C-6829 (Sub-No. 1)]

PART 1064—NOTICE OF AND PROCEDURES FOR BAGGAGE EXCESS VALUE DECLARATION

Limitation of Free Baggage Allowance, Greyhound Lines' Petition for Investigation; Reasonableness of the $50 Limitation

Upon consideration of the record in the above-entitled proceeding (including the report and order of the Commission at 115 M.C.C. 566), and of

(1) Joint petition of National Bus Traffic Association, Inc., and National Association of Motor Bus Owners, filed November 20, 1972, for, among other things, the postponement of the effective date of the regulations promulgated in No. MC-C-6829 (now fixed as Dec. 20, 1972);

(2) Reply of Dr. Lincoln Smith, filed December 7, 1972; and

It appearing that additional time will be required for consideration of the relief sought and for an orderly and reasonable implementation of the said rules; that the effective date of said rules should be postponed indefinitely until a date to be fixed later upon determination of the issues presented in said petition; and good cause appearing therefor:

It is ordered, That the effective date of the order of July 11, 1972, in No. MC-C-6829 be, and it is hereby, postponed to a date to be hereafter fixed.

Dated at Washington, D.C., this 19th day of December 1972.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-22136 Filed 12-22-72;8:50 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

White River National Wildlife Refuge, Ark.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-23-72).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of raccoon on the White River National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 33,000 acres or 33 percent of the total area of the refuge is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Ga. 30323. Hunting shall be subject to the following conditions:

1. *Species permitted to be taken:* Raccoon.

2. *Open season:* January 17-19, 1973, and January 24-26, 1973.

3. *Daily bag limits:* Six raccoon.

4. *Methods of hunting:* a. Shotguns larger than 28 gauge and 22 caliber, rimfire rifles; no headlight hunting permitted.

b. Camping will be permitted in designated areas only. No fires are permitted outside the camping area. No trees will be cut.

c. Hunters must check in and out each day at the designated check station between the hours of 5 p.m. and 2 a.m. Shooting hours begin at 5 p.m. and close at 1 a.m.

d. Boats will be prohibited on refuge waters. Hunters are not permitted to enter the refuge by boats from navigable waters.

e. Littering of the refuge will be a violation.

f. A Federal permit is required to enter the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 26, 1973.

PHILLIP S. MORGAN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 13, 1972.

[FR Doc.72-22063 Filed 12-22-72;8:45 am]

PART 33—SPORT FISHING

De Soto National Wildlife Refuge, Iowa and Nebr.

The following special regulation is effective on date of publication in the FEDERAL REGISTER (12-23-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA AND NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the De Soto National Wildlife Refuge, Iowa and Nebr., is permitted on the lake area within the refuge. This open area, comprising 850 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing is subject to the following conditions:

(1) All fishermen shall conform with the regulations of the State in which they are properly licensed, either Iowa or Nebraska, subject to more restrictive regulations that may be included herein.

(2) Open season: Daylight hours January 1, 1973, through February 28, 1973, and 6 a.m. to 9 p.m., April 15, 1973, through September 30, 1973.

(3) Trot lines and float lines are not permitted.

(4) Archery fishing is not permitted.

(5) Digging or seining for bait is not permitted.

(6) No more than two lines with two hooks on each line may be used for fishing.

(7) Motor or wind driven conveyances are not permitted on the lake during the period January 1 to February 28.

(8) The use of boats, with or without motors, is permitted during the period April 15 to September 15.

(9) During the period September 15 to September 30, only boats without motors or motors up to 20 h.p. are permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1973.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

DECEMBER 14, 1972.

[FR Doc.72-22064 Filed 12-22-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 128a]

SMOKED AND SMOKE-FLAVORED FISH

Good Manufacturing Practice; Proposal To Permit Alternative Brining Procedure

Notice is given that a request has been filed by the National Fisheries Institute, Inc., Suite 314, 1225 Connecticut Avenue NW., Washington, DC 20036, proposing that the current good manufacturing practice regulation for smoked and smoke-flavored fish (21 CFR 128a, Subpart A) be amended to provide for a brining procedure in which the temperature of the fish and the brine shall not exceed 60° F. at the start of brining and shall not be permitted to rise above 38° F. either after reaching 38° F. or below during brining or if it is 38° F. or below at the start of brining. In addition to the above, the temperature of the fish and brine shall be either continuously lowered to 38° F. or below within 12 hours if it is between 38° F. and 50° F. at the start of brining or shall be continuously lowered to 50° F. or below within 2 hours and to 38° F. or below within the following 10 hours if the temperature is above 50° F. at the start of brining.

The current good manufacturing practice regulation for smoked and smoke-flavored fish requires that all fish be brined in a solution that does not exceed 38° F. or dry-salted at a temperature not to exceed 38° F. throughout the fish. The smoked fish industry has pointed out in the request for the amendment to § 128a.7(c)(3) that it is extremely difficult for all smoked fish processors to comply with the present requirement that the temperature of the brining solution not exceed 38° F. In support of the requested amendment the industry states that the requested amendment provides for processing parameters that assure the safety of the product from the public health standpoint. Experimental data in technical references furnished with the request indicate that there is little if any hazard from botulism in maintaining fish in concentrated brine at 50° F. for periods of 4 days or less. Reducing the temperature of the fish to not more than 38° F. within 12 hours after they are placed in the brining solution provides a further margin of safety and eliminates any realistic possibility of the development of a health hazard during the brining operation.

In addition, the industry has conducted experimental work using the proposed alternative brining procedure on several species of fish and under a wide variety of conditions. The results of that work indicate that smoked fish processors can stay within the proposed processing parameters.

The National Fisheries Institute, as a part of the request for the amendment of § 128a.7(c)(3), suggested wording necessary to amend that paragraph. Since, in the Commissioner's opinion, the requested amendment does not provide an alternative brining procedure, but one which includes the procedure in § 128a.7(c)(3), the words "All fish shall be brined in a solution that does not exceed 38° F." have been deleted from the wording suggested by NFI and from § 128a.7(c)(3). In addition, editorial changes have been made to the remainder of the suggested wording of that paragraph to clarify and emphasize the requirements of the section.

Therefore, it is proposed that § 128a.7 be amended by revising paragraph (c)(3) as follows:

§ 128a.7 Processes and controls.

* * * * *

(c) * * *

(3) All fish shall be dry-salted at a temperature not to exceed 38° F. throughout the fish, or shall be brined in such a manner that the temperature of the fish and the brine:

(i) Does not exceed 60° F. at the start of brining, and

(ii) If between 38° F. and 50° F. at the start of brining, is continuously lowered to 38° F. or below within 12 hours, and

(iii) If between 50° F. and 60° F. at the start of brining is continuously lowered to 50° F. or below within 2 hours and to 38° F. or below within the following 10 hours, and

(iv) Does not rise above 38° F. after reaching that temperature or below either prior to or during the brining operation.

* * * * *

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a)) and in accordance with authority designated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22088 Filed 12-22-72;8:47 am]

Office of Education

[45 CFR Part 182]

DRUG ABUSE EDUCATION PROGRAM

Mini Grants and Contracts; Proposed Criteria

Notice is hereby given in accordance with 5 U.S.C. 553 to public and private nonprofit agencies, institutions, organizations, and other interested parties that the Commissioner of Education pursuant to the authority contained in 21 U.S.C. 1001–1007 proposes to issue the criteria set forth below governing the awarding of mini grants and contracts (awards of not more than $5,000) under section 4 (21 U.S.C. 1003) of the Drug Abuse Education Act for a program called "Help Communities Help Themselves." The purpose of this program is to provide to as many communities as possible throughout the Nation trained leadership for planning, implementing, and administering drug education programs. The Office of Education plans to award 800 to 1,000 of such grants and contracts in fiscal year 1973 to defray the incidental costs of training select community teams at eight regional training/developmental resource centers. Community teams will undergo training for 10–13 consecutive days and during the training will live at the centers. The training will stress understanding of drugs and drug use, the current drug culture, and the development of communications and leadership skills, with special emphasis on team building. It will also focus on the development of program planning and organizational skills which will provide the teams with the tools for devising and carrying out strategies for responding to drug problems in their own communities. Centers will serve as a continuing resource and will provide technical assistance to teams after they return to their local areas.

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed criteria to the National Drug Education Program, Office of the Deputy Commissioner for Development, U.S. Office of Education, Code 414, 400 Maryland Avenue SW., Washington, DC 20202, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Comments received shall be available for public inspection in the above office, Monday through Friday between the hours of 8 a.m. and 4:30 p.m. The Commissioner intends that the proposed criteria as finally adopted and other regulations governing the administration of the Drug Abuse Education Act will be codified under a new Part 182 of Title 45 of the Code of Federal Regulations.

The proposed criteria read as follows:

§ 182.____ **Grants and contracts.**

As a means of providing assistance to communities in their efforts to establish drug abuse education programs, the Commissioner of Education will award grants to and contracts with eligible applicants to support the training of persons who will undertake leadership positions in establishing and operating drug abuse education programs in their communities. Such training will take place at regional training centers. The centers will provide the teams with skills which would enable them to return to their communities to assess their drug problems, mobilize their community resources, and develop and administer a coordinated community program for responding to these drug problems. The center will not charge tuition for such training and therefore the funds awarded under this program will be used to meet the expenses of the trainees undertaking such training.

(21 U.S.C. 1003)

§ 182.____ **Eligible applicants.**

The Commissioner will award grants to and contracts with community based public and private nonprofit agencies, institutions and organizations. (Examples of communities may include among others neighborhoods, rural areas, school districts, colleges, universities, or military bases.) The communities must be limited geographically and numerically so that the persons to be trained under this program will have a measurable impact on the target population in the community which they seek to serve.

(21 U.S.C. 1003)

§ 182.____ **Applications.**

Applications for grants or contracts under this program shall be in such form and contain such information as the Commissioner may require. However, each application shall demonstrate or describe—

(a) The community in which the leadership team will function including whether the community is of a size that is capable of being affected in a measurable way by the team to be trained;

(b) The degree to which the applicant is representative of the community in which it functions;

(c) The degree of collaboration with other community based or professional groups;

(d) The method of selection of persons to be trained;

(e) The Community's readiness and ability to support a drug education program;

(f) The manner in which the team will be utilized after its training in the development and administration of drug education programs in the community; and

(g) The capability of the applicant to administer the grant and be accountable for its expenditures in accordance with the approved budget.

(21 U.S.C. 1003)

§ 182.____ **Assurance of community drug education program.**

The applicant shall assure that a drug education program will be sponsored and supported in the community upon completion of the training program and that the team members will participate in the development and administration of that program.

(21 U.S.C. 1003)

§ 182.____ **Selection of leadership teams.**

The applicant organization shall be responsible for the selection of team members. Such leadership teams shall be composed of five to seven members representing a variety of professions and backgrounds, who are representative of the community and are capable of functioning together as a team within the community.

(a) Priority shall be given in the selection of team members to persons who as individuals have demonstrated leadership or a potential for leadership within their community prior to selection and have open lines of communication with local institutions and power structures in the community, and who in the past have demonstrated concern for or interest in drug abuse problems.

(b) Each team selected shall have at least:

(1) One member who is directly involved with elementary and secondary education preferably in a decisionmaking capacity, and

(2) One member—preferably two—between 15–21 years of age.

(c) The applicant organization shall also be responsible for the selection of alternate team members. If a person selected as a team member is unable to undergo training his place shall be taken by an alternate with similar background and experience.

(d) Each person selected by the grantee or contractor shall be available to work with the leadership team in the development and administration of a drug education program upon returning from the training sessions. Persons employed, other than self-employed, or representing an institution or agency shall have the assurance of their employer or institution or agency that they will be permitted to work with the leadership team in the development and administration of a drug education program upon returning from the training sessions.

(e) The applicant organization shall designate one member of the team as liaison between the applicant organization and the regional training developmental resource center and between the applicant organization and the Office of Education.

(21 U.S.C. 1003)

§ 182.____ **Selection criteria.**

In determining whether to provide assistance under this program, and in fixing the amount thereof, the Commissioner of Education will consider the following specific factors:

(a) The nature of the applicant organization including details of how it was organized, its size, the elements of the community it represents and the degree of collaboration which exists with other community-based or professional groups;

(b) The nature of the community in which the leadership team will function, its geographical size, population, ethnic composition, socioeconomic level, and type (e.g., inner city, rural, college, military);

(c) The dimension of the drug abuse problem in the community;

(d) The degree of community effort to deal with the drug problem. The persons, organizations, agencies, or institutions responsible for the efforts cited, and a brief assessment of their activities;

(e) The degree of coordination with other community groups or organizations;

(f) The population groups within the community which will be affected by the development of drug abuse prevention programs;

(g) The manner in which the team members are selected; and

(h) The manner in which the teams will be utilized after training in the development and administration of drug abuse prevention programs in the communities and the potential impact on the communities involved.

(21 U.S.C. 1003)

§ 182.____ **Allowable costs.**

(a) Funds received under a grant or contract under this program may be used only for the direct costs incident to the training of team members, other than tuition, including:

(1) Transportation costs to and from the training centers; and

(2) Subsistence for the team members while attending the training sessions including hardship expenses (i.e., expenses which if not reimbursed would prevent the individual(s) from participating).

(b) Award recipients are expected to provide for the costs of administering their projects from their own resources.

§ 182.____ **Award amount.**

Each award can be based on the amount of the estimated costs but may not be in excess of $5,000. An award which shall represent the maximum amount the applicant may receive, must be accounted for on the basis of allowable

costs. The Commissioner shall not entertain requests for increases in the amount of awards.

(21 U.S.C. 1003)

Dated: November 29, 1972.

JOHN R. OTTINA,
Acting Commissioner of Education.

Approved: December 19, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72-22118 Filed 12-22-72;8:49 am]

Office of the Secretary

[41 CFR Part 3-50]

ADMINISTRATIVE MATTERS

Closing Completed Contracts

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by adding a Subpart 3-50.5, Closing Completed Contracts. The purpose of this revision is to establish a uniform HEW policy in regard to closing contract files when all contract performance is completed or terminated.

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

Dated: December 19, 1972.

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

As proposed, the new Subpart 3-50.5 would read as follows:

Subpart 3-50.5—Closing Completed Contracts

Sec.

AUTHORITY: The provisions of this Subpart 3-50.5 issued under Federal Property and Administrative Services Act of 1949, as amended.

§ 3-50.500 Scope of subpart.

This subpart establishes policy for closing HEW contract files when all contract performance is completed or terminated.

§ 3-50.501 Definition.

A completed contract is one which is both physically and administratively complete and in which all aspects of contractual performance have been accomplished or formally waived. A contract is physically completed when all services called for under the contract have been rendered and all articles, materiel, reports, data, exhibits, etc., have been delivered and accepted by the Government. A contract is administratively complete when all administrative actions have been accomplished, all releases executed, and final payment made. Contract performance is terminated when a notice of termination is issued under the "Termination Article" incorporated into the contract.

§ 3-50.502 Policy.

§ 3-50.502-1 Closing review.

(a) Upon physical completion, the contract and contract file shall be reviewed to determine that:

(1) All services (i.e., tasks, work effort, etc.) have been rendered;

(2) All articles (i.e., contract and items, reports, data, exhibits, etc.) have been delivered and accepted;

(3) All payments and collections have been accomplished;

(4) Release from liabilities, obligations, and claims have been obtained from the contractor;

(5) Assignment of refunds, rebates, credits, etc., have been executed by the contractor;

(6) All administrative actions have been accomplished, including the settlement of disputes, protests, litigation; determination of final overhead rates; release of funds; disposal of property, etc.; and

(7) The file is documented as prescribed in § 3-1.313.

(b) As a minimum, the closing review will insure that the contract file contains, or that action is initiated to obtain copies of:

(1) *Inspection and acceptance documents.* Inspection and acceptance documents or a statement from program personnel that all services and deliveries required by the contract have been performed or delivered in accordance with the terms of the contract and are acceptable to the Government. All discrepancies in actual performance or delivery with contract requirements must be reconciled before the contract file is closed.

(2) *Public vouchers and contractor invoices which support advance, partial, progress, and final payments.* No contract file may be closed or final payment made until (i) all questions of disallowed or suspended costs are settled; (ii) the "completion voucher" and the cumulative claim and reconciliation statement is verified; (iii) all discrepancies are resolved between payments and deliveries or performance, and between billings and payments; (iv) final overhead rates are established and set forth in a contract modification; (v) assignments of refunds, rebates, credits, and other amounts are executed; (vi) final release of claims is received from the contractor; and (vii) partial or complete termination settlements are set forth in a supplemental agreement and payment or collection made.

(3) *Subcontract approvals.* A copy of each subcontract approved or ratified by the contracting officer, together with the letter or document of approval and the subcontract review memorandum, must be retained in the contract file. If approval of individual subcontracts is waived by approval of the contractor's purchasing system, a copy of or a specific reference to the purchasing system approval must be included in the contract file. Unresolved disputes between prime and subcontractors must be resolved before the prime contract file can be closed; unless the prime contractor releases the Government from any obligation relating to the subcontractor claim.

(4) *Contract modifications.* Before a contract can be closed, all additions or changes to the terms, conditions, or administrative recitals must be formalized by an appropriate supplemental agreement or unilateral change order. Timely action must be taken to formalize adjustment of price, estimated cost, or fee when required by special contract provisions, e.g., price determination, incentive clauses, escalation, partial, or complete termination settlements, etc. Contracting officers must be aware that they have no authority and shall not give, make, or execute any kind of release of claim or obligation to the contractor except by formal modification of the contract.

(5) *Inventory and disposition of Government-owned property.* All Government-owned property, real or personal, either furnished by the Government or acquired by the contractor for the account of the Government, must be accounted for and disposed of at physical completion of the contract. The contract file shall not be closed until the inventory of all such Government-owned property is verified and a complete record of the disposition of all property is placed in the file.

(6) *Approval of contractor systems (policies and procedures) and agreements.* Individual copies of the following must be placed in the contract file prior to closing: (i) System approvals (i.e., accounting, estimating, purchasing, property management, quality assurance, maintenance, etc.); (ii) advance understanding on particular items of cost identified in § 1-15.107 (i.e., IR&D, employee compensation, travel, insurance plans, precontract costs, etc.); and (iii) other agreements relating to contract performance.

(7) *Clearance and reports.* Copies of appropriate clearances and reports relating to inventories, patents, royalties, copyright, publications, tax exemptions, etc., must be included in the official contract file. Also the file must contain copies of inquiries and answers and reports to and from sources such as the Congress, the General Accounting Office, audit activities, etc.

(8) *Delegations of authority.* Copies of letters delegating contract administration (i.e., technical directions, quality control, inspection and acceptance, property management, subcontract approval, etc.) must be included in the official contract file together with the delegation file or a statement that all delegated actions were completed satisfactorily.

§ 3–50.502–2 Contract closing memorandum.

Verification that all contract performance is completed and that all contract actions have been fully documented shall be set forth in a closing memorandum. The memorandum may take the form of a checklist of contract actions applicable to the type of contract involved (see §§ 3–1.313 and 3–50.502–1). Operating agencies will design and prescribe the form and contents of such closing checklists. Sample copies of closing checklists and any agency implementing instructions (and subsequent changes thereto) shall be furnished to the Director, Office of Procurement and Materiel Management, OASAM.

§ 3–50.502–3 Audit.

Before final payment is made under a cost-reimbursable type contract, there must be assurance as to the allowability of all costs incurred under the contract.

(a) Contracts under $50,000:

(1) Prior to final payment of each cost-type contract under $50,000 the contracting officer shall determine or cause to be determined the allowability of costs claimed through the conduct of a desk audit (but see § 3–50.502–3(c)). The file will be documented to show that a desk audit has been performed. Unless there are cost questions which cannot be resolved by the contracting officer, final payment will be made subject to audit provided all other actions necessary to complete the contract have been accomplished and fully documented (see § 3–50.502–2). The release to be executed by the contractor should provide as follows:

> The contractor agrees, pursuant to the clause in this contract entitled Allowable Cost (for cost reimbursement contracts) or Allowable Cost and Fixed Fee (for CPFF contracts), that the amount of any sustained audit exceptions resulting from any subsequent audit made after final payment will be refunded to the Government.

(2) The "desk audit" may include but need not be limited to:

(i) A review of the contract provisions, e.g., negotiated overhead rates clause, advance understandings on particular items of cost identified in § 1–15.107.

(ii) A review of vouchers to determine, if possible, that some types of labor claimed may not be necessary in the performance of the contract and the reasonableness of material, travel and per diem costs.

(iii) A determination that overtime was approved.

(iv) A review of previous available audit reports to determine what adjustments, if any, were made and may be applicable to the contract under review and discussions with the cognizant government auditor when considered appropriate.

(3) The above procedure shall be followed unless the contracting officer determines that a desk audit is not appropriate and states in writing his decision as to the need for an audit of the contractor's books and records.

(b) Contracts of $50,000 and above: Prior to final payment of each cost type contract of $50,000 and above, the Audit Agency will notify the contracting officer that an audit has been completed. Notification may take one of the following forms:

(1) In the case of universities and other entities awarded numerous grants and contracts, a single audit report will usually be issued on grantee/contractor operations for the specified fiscal period(s) covered by the audit. All grant and contract activity, including contracts completed during this period, will be covered by the single audit report. The audit report contains statements describing the purpose of the audit, audit scope, period covered, and problems disclosed by the audit, including recommended adjustments to costs claimed for individual contracts or grants. Often there will be contracts completed during the period covered by the audit which are not singled out in the audit report for financial adjustment. In such cases, the audit report represents a basis for closing those contracts physically completed during the period, provided all other actions necessary to complete the contract have been accomplished and fully documented (see § 3–50.502–2).

(2) In the case of other entities holding few contracts or grants (and in some cases because of special problems with an individual contract or grant) the audit report(s) will usually cover the period of individual grants and contracts, based on an audit of these contracts and grants. These audit reports represent a basis, after decisions on any financial adjustments recommended by the audit, for closing the contracts physically completed during the period covered by the report, provided all other actions necessary to complete the contract have been accomplished and fully documented (see § 3–50.502–2).

(c) Verification of actual costs must be made by the Audit Agency for cost type contracts with incentive provisions and fixed price contracts when cost incentive or price redetermination is involved. Termination settlement proposals shall be submitted for review by the cognizant Audit Agency as prescribed in § 1–8.207.

§ 3–50.502–4 Termination.

(a) All material relating to the terminated portion of a contract shall be maintained in a "termination file," separate from the contract file. After final settlement and payment or collection of all termination claims, the "termination file" shall be reviewed to ensure that the file contains documentation to support all actions relating to the settlement and to the disposition of Government-owned property. Documentation of the file shall include:

(1) Request for termination action or a statement of reasons for the termination;

(2) Notice of termination and instructions to contractor, and notice to General Accounting Office as prescribed by § 1–8.403;

(3) Correspondence with contractor and records of all discussions, meetings, and negotiations;

(4) Copies of all settlement proposals and accounting reviews and analysis thereof;

(5) Records and approvals of subcontractor settlements;

(6) Inventory schedules and records of disposal of Government-owned property; and

(7) Settlement agreements, records of exceptions, and contracting officer determinations, as appropriate.

(b) After all termination actions are completed and the "termination file" is closed, it shall be filed as a component of the contract file.

[FR Doc. 72-22119 Filed 12-22-72; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Parts 207, 213, 220, 221, 227, 231, 232, 234, 235, 236, 241, 242, 244]

[Docket No. R-72-211]

PREPAYMENT PENALTY IN INSURED MULTIFAMILY PROJECTS

Proposed Regulation Eliminating Prepayment Penalty Withdrawn

A proposal was published on August 19, 1972 (37 F.R. 16809), to amend Title 24 of the Code of Federal Regulations to prohibit a mortagee from imposing a prepayment penalty when the principal amount of an insured mortgage on a multifamily project is wholly or partially prepaid.

Interested persons were given the opportunity to participate in the rule making through the submission of written comments. The comments received reflected four basic concerns: (1) Adoption of this regulation would decrease the attractiveness of FHA-insured multifamily mortgages as investments, which would adversely affect production; (2) mortgagees would increase the discount on originations, thus increasing the costs of the projects; (3) prepayment terms are currently a matter for negotiation between the mortgagor and the mortgagee,

and, in the case of multifamily projects, the borrowers are sophisticated and knowledgeable entrepreneurs capable of negotiating acceptable terms with the lender; and (4) mortagees want to have a guaranteed return on their investments, and adoption of this proposal would cause lenders to turn to conventional mortgages which would permit prepayment provisions.

By reason of the foregoing, the Department has determined that rule making action on the proposed amendment is not appropriate at the present time, and that Docket No. R–72–211 should be withdrawn.

The withdrawal of this docket, however, does not preclude HUD from issuing similar amendments in the future nor does it commit the Department to any course of action.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

Issued at Washington, D.C., December 19, 1972.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72-22072 Filed 12-22-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Airspace Docket No. 72–WA–13]

[14 CFR Part 71]

DALLAS-FORT WORTH, TEX.

Proposed Terminal Control Area

Correction

In F.R. Doc. 72–21578, appearing at page 26737, in the issue of Friday, December 15, 1972, on page 26738, in the first column, in the nineteenth line, the word "would" should read "may".

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 319]

FRANKFURTERS AND CERTAIN OTHER COOKED SAUSAGE PRODUCTS

Proposed Ingredient and Labeling Requirements

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), proposes to amend § 319.180 of the meat inspection regulations (9 CFR 319.180) to specify different ingredient and labeling requirements for specified kinds of cooked sausages.

Statement of Considerations. The U.S. District Court for the District of Columbia adjudged on May 5, 1971, that permitting the term "All Meat" or "All (Species)" to be included on labels for sausages within the meaning of § 319.180 of the Federal meat inspection regulations is misleading and therefore invalid under the Federal Meat Inspection Act. The Department was enjoined from permitting these terms to be used on labels for frankfurters and other cooked sausages prepared under Federal inspection.

The U.S. Court of Appeals for the District of Columbia Circuit in a decision on August 18, 1972, affirmed the district court's judgment with a modification which provided for the Department to prescribe revised labels that accurately and without deception distinguish the different types of frankfurters from each other and from competitive meats. While the appeals court decision refers specifically to frankfurters, the district court judgment applies to all sausage products within the meaning of § 319.180.

In moving to draft a proposal to carry out the intent of the court orders, the Department has carefully considered heightened public interest concerning frankfurters and similar cooked sausages and which appear to be indicative of the composition and labeling modifications that should be proposed. Currently, frankfurters and their standards serve as the subject of newspaper and magazine articles and editorials, radio and TV discussions, and statements by State and local government officials, consumers, and spokesmen for consumer groups, and which usually include recommendations of certain product standard criteria that in many cases urge the exclusion of all byproducts.

The publicity on such sausage products has been reflected in the volume of correspondence received by the Department. Many consumers are convinced that the kinds of ingredients permitted in cooked sausage formulas should be limited in variety to insure they do not contain substances considered by some to be unsuited for food purposes or otherwise thought of as esthetically unacceptable. This opinion does not appear to be offset by an awareness by consumers that the ingredient statement on product labels declare each ingredient by its common or usual name. Many of their letters express a viewpoint that it should not be necessary that ingredient statements be required to be consulted prior to purchasing a sausage product so as to insure it contains only skeletal meat and no byproducts.

The recent court challenge involving the preemption clause in the Federal Meat Inspection Act (408, 21 U.S.C. 678) concerning packaging, labeling, or ingredient requirements with respect to federally inspected meat products has been widely reported and has been an additional source of numerous news accounts on the Department's standard for cooked sausages. The general nature of the public's response to this publicity on the standards indicates that byproducts are unattractive to a large segment of the country's consumers. In summary, it also appears that there is a popular opinion that byproducts should not be chopped, added to other substances in emulsions and processed in products so as to be unidentifiable.

It is recognized that byproducts have traditionally received wide acceptance for human food purposes and have in the past been generally accepted as being wholesome and nutritious. Also, they have been until the last decade or so, frequent ingredients in many varieties of sausages and have been included in the Department's cooked sausage standard since first published in 1941. Nevertheless, on the basis of the current responses from consumers received by this Department, it appears that an amendment to the regulations to delete byproducts as acceptable ingredients of cooked sausages may be necessary for the protection of the public, and should be proposed for public review to provide consumers and other interested parties with the opportunity to express their views regarding the standards for cooked sausages. Accordingly, the Department proposes to provide for the following identification of cooked sausages by means of the amended regulation.

1. A cooked sausage made with skeletal muscle meat, which could include poultry meat, combined with required functional agents, such as water, salt, sweeteners, and curing substances, would be required to be labeled by its common or usual name, e.g., frankfurter, wiener, bologna, vienna, garlic bologna, or knockwurst.

2. A cooked sausage made with the ingredients described in Item 1 above and which contains one or more of the approved nonmeat binder materials that are functionally distinctive ingredients, such as "Calcium Reduced Dried Skim Milk," would be required to be labeled with the common or usual name of the cooked sausage together with the name of the binder, e.g., "Frankfurter, Calcium Reduced Dried Skim Milk Added."

Not all cooked sausages as now merchandised are smoked during processing. The title of Subpart G should, therefore, be changed to delete the term "smoked" and the smoking process be made an optional operation by an additional statement to this effect in § 319.180.

Therefore, the following amendments to the standards in 9 CFR Part 319, Subpart G, are proposed:

1. The heading for Subpart G would be amended to read: "Subpart G—Cooked Sausage," and the heading for Subpart H—"Other Cooked Sausage" would be deleted, § 319.200 would be included in Subpart G, and Subpart H would be reserved.

2. Section 319.180 would be amended to read:

§ 319.180 Frankfurter, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products.

(a) Frankfurter, wiener, bologna, vienna, garlic bologna, knockwurst, and similar cooked sausages are comminuted, semisolid, meat food products prepared from one or more kinds of skeletal muscle meat or skeletal muscle meat and

poultry meat, and seasoned and cured using one or more of the curing agents in accordance with § 318.7(c) of this subchapter, and may or may not be smoked. The finished products shall not contain more than 30 percent fat. Water and/or ice may be used to facilitate chopping or mixing or to dissolve the curing ingredients, but the sausage shall contain no more than 10 percent of added water. These sausage prdoucts may contain uncooked cured pork from primal parts, as defined in § 316.9(b) of this subchapter, which do not contain any phosphates or contain only phosphates approved under glands, which, individually or in combi- Part 318 of this subchapter; such products may also contain raw or cooked poultry meat, free of kidneys and sex glans, which, individually or in combination, are not in excess of 15 percent of the total ingredients, excluding water, in the sausage, which shall be designated in the ingredient statements on the label of such sausage in accordance with the provisions of § 381.118 of this chapter. For the purposes of this section, poultry meat means chicken meat, turkey meat, or both.

(b) A cooked sausage, as defined in paragraph (a) of this section, shall be labeled by its common or usual name, e.g., frankfurter, wiener, bologna, vienna, garlic bologna, or knockwurst.

(c) With appropriate labeling as required by § 317.8(b)(16) of this subchapter, e.g., "frankfurter, soy flour added" or "bologna, calcium reduced dried skim milk," one or more of the following binders may be used in a cooked sausage, as defined in paragraph (a) of this section, provided such ingredients, individually or collectively, do not exceed 3½ percent of the finished product, except that 2 percent of isolated soy protein shall be deemed to be equivalent of 3½ percent of any one or more of the other binders: Dried milk, calcium reduced dried skim milk, nonfat dry milk, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, and isolated soy protein.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, so that arrangements may be made for presentation of such views within the 60-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of all views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held confidential and a determination has been made that a proper showing in support of the request has been made on the grounds that its disclosure may adversely affect such persons by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on December 20, 1972.

F. J. MULHERN,
Administrator.

[FR Doc.72-22206 Filed 12-22-72;8:45 am]

Notices

DEPARTMENT OF STATE

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The Advisory Commission on International Educational and Cultural Affairs will meet in open session in the conference room of the Research Institute of America, 589 Fifth Avenue, New York City, beginning at 9 a.m. on Friday, January 5, 1973. The 1-day meeting will consider the outline of a special organizational study of the Commission.

Dated: December 21, 1972.

MARGARET G. TWYMAN,
Director, Commission Secretariat.

[FR Doc.72-22198 Filed 12-22-72;8:50 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-4]

J. F. GOLDKAMP & CO., ST. LOUIS, MO.

Cancellation of Customhouse Broker's License

DECEMBER 18, 1972.

Notice is hereby given that the Commissioner of Customs on December 18, 1972, pursuant to section 641, Tariff Act of 1930, as amended, and § 111.51(a), Customs regulations, as amended, upon the specific request of J. F. Goldkamp & Co. canceled without prejudice customhouse broker's license No. 14 issued to it on May 2, 1924, for Customs collection district No. 45 (now the Customs district of St. Louis).

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

[FR Doc.72-22080 Filed 12-22-72;8:47 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD

Notice of Advisory Committee Meeting

The Defense Science Board will meet in closed session in the Pentagon, Washington, D.C., January 10 and 11, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.72-22078 Filed 12-22-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9217; Docket No. FDC-D—552; NDA No. 5-691 etc.]

CERTAIN ANTIHYPERTENSIVE-BARBITURATE COMBINATION DRUGS

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications; Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antihypertensive drugs:

1. Vertavis-Phen, tablets containing veratrum viride and phenobarbital; Mallinckrodt Chemical Works, Pharmaceutical Products Division, Post Office Box 5439, St. Louis, Mo. 63160 (NDA 5-691).

2. Unitensen-Phen, tablets containing cryptenamine, as tannate salts, and phenobarbital; Mallinckrodt Chemical Works, Pharmaceutical Products Division (NDA 9-217).

3. Vera-Tensil R-S, tablets containing rauwolfia serpentina, phenobarbital, powdered extract aconite, veratrum viride, potassium bicarbonate, and potassium nitrate; Richlyn Laboratories, 3725 Castor Avenue, Philadelphia, Pa. 19124 (NDA 10-129).

The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that these fixed combination drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, and that each component of such combinations contributes to the total effects claimed.

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

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

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

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

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

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

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the

labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

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

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

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

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

Dated: December 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22097 Filed 12-22-72;8:47 am]

[DESI 10899; Docket No. FDC-D-472; NDA 10-899]

CIBA PHARMACEUTICAL CO.

Methylphenidate Hydrochloride Parenteral; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of July 6, 1972 (37 F.R. 13281), extending to Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, NJ 07901, and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 10-899 for Ritalin Hydrochloride lyophilized powder for injection (methylphenidate hydrochloride). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such person not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 10-899 and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (12-23-72).

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: December 15, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22099 Filed 12-22-72;8:48 am]

[DESI 1730; Docket No. FDC-D-534; NDA's 1730, etc.]

CERTAIN DRUGS CONTAINING AMOBARBITAL AND DIOXYLINE PHOSPHATE; PHENOBARBITAL AND THEOBROMINE CALCIUM SALICYLATE; OR BUTABARBITAL AND HYDROCHLOROTHIAZIDE, WITH AND WITHOUT RESERPINE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications; Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs for oral use:

1. Phenobarb Theocalcin tablets containing phenobarbital and theobromine calcium salicylate; Knoll Pharmaceutical Co., 377 Crane Street, Orange, N.J. 07051 (NDA 1-730).

2. Paveril Phosphate and Amytal tablets containing dioxyline phosphate and amobarbital; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 9-047).

3. Butiserpazide-25 and Butiserpazide-50 Prestabs, prolonged action tablets containing butabarbital, hydrochlorothiazide, and reserpine; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa. 19034 (NDA 13-313).

4. Butizide-25 and Butizide-50 Prestabs, prolonged action tablets containing butabarbital and hydrochlorothiazide; McNeil Laboratories, Inc. (NDA 13-312).

The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that these fixed combination drugs will have the effect that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such drugs contributes to the total effects claimed.

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

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

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner

hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

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

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

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

If review of the data submitted by an aplicant 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 bosiness hours, Monday through Friday. business hours, Monday through Friday. visions 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 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–22090 Filed 12–22–72;8:47 am]

[DESI 12373; Docket No. FDC–D–536; NDA 12–373]

CERTAIN DRUGS CONTAINING POLYUNSATURATED FATTY ACIDS WITH OR WITHOUT NIACIN

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Lenic capsules containing 100 mg. total of tetraenoic, pentaenoic, and hexaenoic acids and 500 mg. linoleic acid;

2. Lenic H.P. capsules containing 350 mg. total of tetraenoic, pentaenoic, and hexaenoic acids and 300 mg. linoleic acid; and

3. Lenic with Niacin capsules containing a total of 90 mg. of tetraenoic, pentaenoic, and hexaenoic acids, 450 mg. linoviously marketed by Cooper Laboratories, oleic acid, and 100 mg. naicin; all pre- 2900 North 17th Street, Philadelphia, Pa. 19132 (NDA 12–373).

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act that these drugs are effective for use in lowering blood cholesterol levels at the recommended dosages.

Cooper Laboratories, the holder of NDA 12–373, has discontinued marketing of the above listed drugs.

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

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, Oct. 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 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22103 Filed 12-22-72;8:48 am]

[DESI 9794, Docket No. FDC-D-548; NDA No. 9-794]

CERTAIN DRUGS FOR TOPICAL USE CONTAINING HYDROCORTISONE AND PANTHENOL

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

In a notice (DESI 9794) published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8072) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below, stating that the drugs are regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drugs has been submitted.

NDA 9-794; Pantho-F 0.2 percent and 1 percent cream containing hydrocortisone and panthenol; USV Pharmaceutical Corp., 800 Second Avenue, New York, N.Y. 10017.

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 drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

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

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

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

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

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

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

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

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

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

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

554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22098 Filed 12-22-72;8:48 am]

[DESI 2354; Docket No. FDC-D-559; NDA No. 2-354]

COMBINATION DRUG CONTAINING PHENOBARBITAL, ACETAMINOPHEN, PHENACETIN, ATROPINE SULFATE, SCOPOLAMINE HYDROBROMIDE, AND HYOSCYAMINE HYDROBROMIDE

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

In a notice (DESI 2354) published in the FEDERAL REGISTER of February 19, 1972 (37 F.R. 3775) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug is regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted pursuant to the notice.

NDA 2-354; Hasamal tablets containing phenobarbital, acetaminophen, phenacetin, atropine sulfate, scopolamine hydrobromide, and hyoscyamine hydrobromide; Charles C. Haskell Division, Arnar-Stone Laboratories Inc., 601 East Kensington Road, Mount Prospect, Ill. 60056.

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

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, Oct. 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 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22091 Filed 12-22-72;8:47 am]

[Docket No. FDC-D-564]

HOFFMANN-LA ROCHE, INC.

Certain Antibiotic-Containing Premixes; Notice of Drugs Deemed Adulterated

In announcements in the FEDERAL REGISTER of July 21, 1970 (35 F.R. 11647, DESI 0177NV), July 21, 1970 (35 F.R. 11650, DESI 0180NV), July 24, 1970 (35 F.R. 11951, DESI 0175V), August 5, 1970 (35 F.R. 12490, DESI 0181NV), August 12, 1970 (35 F.R. 12790, DESI 0176NV), and August 21, 1970 (35 F.R. 13401, DESI 0064NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following products marketed by Hoffman-La Roche, Inc., Nutley, N.J. 07110:

A. DESI 0177NV; Certain Penicillin, Vitamin, Mineral Premixes.

1. Kimbell's No. 4 Turkey Starter-Grower-Breeder, Premix No. 2, Premix No. 673 and Premix No. 682;

2. Breeder Premix No. 14780 and Broiler Premix;

3. Broiler Finisher Premix No. 12;

4. Broiler Premix;

5. Turkey Premix, Broiler Premix, Special Starter Broiler Grower Premix, Turkey Starter Premix, Turkey Finisher Premix, and Magic Brand Utility Premix;

6. Chix Mix;
7. ABD Pheasant Premix;
8. Special Stress Vitamin Premix, Poultry Finisher Premix No. 19, and Poultry Finisher Premix No. 17;
9. Poultry and Turkey Premix, Zacky Broiler Premix, Poultry and Turkey Premix No. 2524, Kobernik-Barnes Laying Mash Premix, Bell Starter Broiler Premix, Honaker Thrifty Premix, Custom Turkey Premix, Yukon Utility Poultry Premix, and Special Poultry and Turkey Premix;
10. P.B. Turkey Fortifier;
11. Procaine Penicillin "10";
12. Broiler Premix;
13. Procaine Penicillin "4";
14. Custom Premix WC2;
15. Vilas Chicken Premix No. 1;
16. Chick Starter Premix; and
17. Stress Premix.

B. DESI 0180NV; Premixes containing Penicillin and other Drugs.
1. Premix No. 677 Medicated;
2. Ballard Laying Premix Medicated;
3. Custom Vitamin Premix for Pig Starter "A";
4. Acco Cage Layer Vitamin Premix Medicated;
5. Vilas Turkey Premix No. 1;
6. Premix No. 675 Medicated;
7. Comfort Poultry and Turkey Medicated;
8. Mid Continent Poultry Vitamin Premix Medicated; and
9. Special Starter Broiler Grower Premix Medicated.

C. DESI 0175V; Certain Feed Premixes containing Maganese Bacitracin and other drugs.
1. Medicated Swine Premix "H" 12139;
2. Custom Swine Premix;
3. Special Turkey Grow Premix;
4. Turkey Starter;
5. Custom Mix WC3;
6. Antibiotic Premix;
7. Hog Grower-Finisher Premix 7251;
8. Turkey Starter Premix No. 4076;
9. Special Swine Premix;
10. Turkey Grower Finisher;
11. Ark-La Layer Breeder Premix;
12. P.G.C. Prime Broiler Premix Starter Finisher No. 2800 Medicated; and
13. Swine Premix No. 11136.

D. DESI 0181NV; Certain Premixes containing Bacitracin.
1. Turkey Grower Premix No. 13410;
2. P–G–Q Turkey Premix ZB;
3. Turkey Starter Premix No. 10735;
4. Johnson Turkey No. 1;
5. 1–66 Pullet Starter Premix;
6. Kimber No. 112–M Starter Grower Premix;
7. Chick Starter and Grower F–1163;
8. Broiler Finisher Premix No. 11043;
9. Starter & Broiler Premix;
10. Grower Premix;
11. Vilas Turkey Premix No. 3;
12. Custom Vitamin & Antibiotic Premix for Swine Finishing Feed A; and
13. Premix No. 12 Medicated.

E. DESI 0176NV; Certain Feed Premixes containing Oxytetracycline.
1. Calf Premix 10108; and
2. Pig Supplement Premix Medicated.

F. DESI 0064; Certain Premixes containing Bacitracin.
1. 4–66 Turkey Grower Premix;
2. Turkey Grower Premix 6357;
3. Turkey Grower Premix;
4. Turkey Premix 6937;
5. Turkey Starter Premix No. 13680;
6. Turkey Grower Premix;
7. Broiler Premix 6398;
8. Turkey Finisher Premix 6391;
9. Amerine Turkey Starter Premix;
10. Turkey Starter Premix;
11. Turkey Starter Premix;
12. Turkey Starter Premix 6361;
13. Turkey Starter Premix P.P.A. No. 211;
14. Special Pullet Grow Premix;
15. Chick Starter-Grower Premix 6370;
16. Direct Services Turkey Premix;
17. Starter Broiler Grower Premix 7153;
18. Turkey Starter Premix; and
19. Turkey Starter Premix.

Said announcements provided the manufacturer and all interested parties a 6-month period in which to submit new animal drug applications.

Hoffman-La Roche, Inc., did not submit new animal drug applications for the above named products. However, they responded to said announcements by advising the Commissioner that these premixes have been discontinued and that these drugs are no longer marketed.

Therefore, based on information before him, the Commissioner concludes that the named premixes are adulterated within the meaning of section 501(a) (5) or (6) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subject of approved new animal drug applications pursuant to section 512 of the Act. Notice is given to Hoffman-La Roche, Inc., and all interested persons that all stocks of the above named drugs for use in animal feed and all animal feeds bearing or containing these products within the jurisdiction of the Federal Food, Drug, and Cosmetic Act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a) (5), (6), 512, 52 Stat. 1049) as amended, 82 Stat. 343–351; 21 U.S.C. 351(a) (5) and (6), 360(b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 15, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22089 Filed 12-22-72;8:47 am]

[DESI 6566; Docket No. FDC-D-557; NDA No. 10-723]

MERCK SHARP & DOHME

Benactyzine Hydrochloride; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 6566) published in the FEDERAL REGISTER of June 25, 1970 (35 F.R. 10394), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug is regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted pursuant to the notice.

NDA 10–723; Suavitil tablets containing 1 milligram benactyzine hydrochloride per tablet; Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486.

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

All identical, related, or similar products, not the subject of an approved new-drug application, are covered by the new-drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, Oct. 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 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 72-22094 Filed 12-22-72;8:47 am]

[DESI 11524; Docket No. FDC-D-544; NDA 11-524]

STEROID COMBINATION PREPARATION FOR ORAL USE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Prednal tablets containing prednisone, mephenesin, and mephobarbital; USV Pharmaceutical Corp., 1 Scarsdale Road, Tuckahoe, N.Y. 10707 (NDA 11-524).

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that this fixed combination drug will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such combination contributes to the total effects claimed.

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

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

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

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

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

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

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

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

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and

place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

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

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

Dated: December 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22102 Filed 12-22-72;8:48 am]

[DESI 12451; Docket No. FDC-D-553; NDA No. 12-452]

USV PHARMACEUTICALS CORP.

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

In a notice (DESI 12451) published in the FEDERAL REGISTER of April 10, 1970 (35 F.R. 5972) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug is regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

NDA 12-452; Emivan Parenteral containing 50 milligrams ethamivan per cubic centimeter; USV Pharmaceuticals Corp., 800 Second Avenue, New York, N.Y. 10017.

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

All identical, related, or similar products, not the subject of an approved new-drug application ,are covered by the new-drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, Oct. 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 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22101 Filed 12-22-72;8:48 am]

[DESI 8183; Docket No. FDC-D-487; NDA 8-183]

WYETH LABORATORIES, DIVISION AMERICAN HOME PRODUCTS CORP.

Promethazine Hydrochloride for Dermatologic Use; Notice of Withdrawal of Approval of New-Drug Application

A notice was published in the FEDERAL REGISTER of July 13, 1972 (37 F.R. 13723), extending to Wyeth Laboratories Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101, and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs

to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 8-183 for Phenergan Cream (promethazine hydrocloride). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new-drug application are covered by the new-drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 F.R. 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 8-183 and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (12-23-72).

Shipment in interstate commerce of any of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: December 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22096 Filed 12-22-72;8:47 am]

Health Services and Mental Health Administration

PSYCHOLOGICAL SCIENCES FELLOWSHIP REVIEW AND CULTURAL ANTHROPOLOGY FELLOWSHIP REVIEW COMMITTEES

Notice of Meetings

Pursuant to Executive Order 11671, the Administrator, Health Services and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble during the month of January 1973, in accordance with provisions set forth in section 13(a) (1) and (2) of that Executive order:

Committee name, date/time/place, type of meeting and/or contact person

Psychological Sciences Fellowship Review Committee, January 4th and 5th, 9 a.m., Board Room, Sheraton-Silver Spring Motor Inn, Silver Spring, Md., Closed, Contact Dr. R. Czeh, Room 9C-24, Parklawn Building, 5600 Fishers La., Rockville, Md., Code 301—443-3855.

Purpose. The committee is charged with the review of predoctoral, postdoctoral, and special research fellowship applications from individuals requesting Federal assistance for training in general experimental, comparative, and physiological psychology. Recommendations are made to the Division of Manpower and Training Programs, National Institute of Mental Health.

Agenda. The committee will be performing the review of fellowship applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare, pursuant to the provisions of Executive Order 11671, section 13(d).

Committee Name, Date/Time/Place, Type of Meeting and/or Contact Person

Cultural Anthropology Fellowship Review Committee, 1/4-5, 9 a.m., Pine Inn, Ocean Avenue, Carmel, Calif.; Closed, Dr. Bela C. Maday, Room 9C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Md. Code 301-443-3857.

Purpose. The committee is charged with the initial review of fellowship grant applications for Federal assistance relating to research training activities in anthropology and makes recommendations to the Division of Manpower and Training, National Institute of Mental Health.

Agenda. The committee will be performing initial review of fellowship applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare, pursuant to the provisions of Executive Order 11671, section 13(d).

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: December 19, 1972.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.72-21974 Filed 12-22-72;8:45 am]

National Institutes of Health

ARBOVIRUS SUBCOMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Arbovirus Subcommittee of the Research Resources Committee, NIAID from 9 a.m. to 4 p.m. on January 3, 1973, at the California State Department of Public Health Laboratories, Berkeley, Calif. This meeting will be open to the public to discuss the certification of reagents in final packaged form, recommendations for packaging of bulk reagents and discussion of new viruses for inclusion into production program. Attendance by the public will be limited to space available.

Mr. Robert Schreiber, NIAID Information Officer, National Institutes of Health, Building 31, Room 7A-34, phone 496-5717, will furnish a summary of the meeting and a roster of the committee members.

Dr. John E. Nutter, Chief, Research Resources Branch, NIAID, National Institutes of Health, Building 31, Room 7A-30, phone 496-5937, will furnish substantive program information.

Dated: December 15, 1972.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.72-22108 Filed 12-22-72;8:48 am]

DENTAL HEALTH RESEARCH AND EDUCATION ADVISORY SUBCOMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of a meeting of the following study section and the individual from whom summaries of the meeting may be obtained.

Study section, Date, Time, and Location

Dental Health Research and Education Advisory Committee, January 18-19, 1973, 8:30 a.m. to 5 p.m., Holiday Inn, Bethesda, Md.

1. Summaries of the meeting and rosters of committee members will be furnished by Ms. Mary Gailbreath, Division Information Officer, Room 304B Federal Building, Bethesda, Md. Phone 496-1103.

2. Substantive information may be obtained from Mr. Solomon Levy, Executive Secretary to the Committee, Room 308 Federal Building, Bethesda, Md. Phone 496-4535.

This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., January 18, 1973 to discuss Division activities and closed thereafter in accordance with section 13(d) of Executive Order 11671 and the Secretary's Determination of September 27, 1972, in order to review, discuss and evaluate and rank grant applications. Attendance by the public will be limited to space available.

Dated: December 14, 1972.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.72-22106 Filed 12-22-72;8:48 am]

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Notice of Meetings

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

following committees and the individuals from whom summaries of meetings may be obtained.

Committee, date, time, and location

Allergy and Infectious Diseases Training Grant Committee; January 18–19, 1973; 9 a.m.; Building 31C, Conference Room 10, NIH, Bethesda, Md.

Allergy and Immunology Research and Research Training Committee; January 25–26, 1973; 9 a.m.; Building 31C, Conference Room 6, NIH, Bethesda, Md.

Mr. Robert Schreiber, NIAID Information Officer, National Institutes of Health, Building 31, Room 7A–34, telephone 496–5717, will furnish a summary of the meeting and a roster of the committee members.

Dr. Noel H. Gross, Executive Secretary of the Allergy and Infectious Diseases Training Grant Committee, National Institutes of Health, Westwood Building, Room 709, telephone 496–7820, will furnish substantive program information concerning the Training Grant Committee.

Dr. Luz A. Froehlich, Executive Secretary of the Allergy and Immunology Research and Research Training Committee, National Institutes of Health, Westwood Building, Room 703, telephone 496–7131, will furnish substantive program information concerning the Research Training Committee.

These meetings will be open to the public from 9 to 9:30 a.m., January 18 and 25, respectively, to discuss administrative matters relating to the training and research training programs of the National Institute of Allergy and Infectious Diseases, and closed thereafter in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination of September 27, 1972, in order to review, discuss, and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

Dated: December 15, 1972.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.72-22107 Filed 12-22-72;8:48 am]

Office of the Secretary

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE CONSOLIDATED FUNDING SYSTEM

Filing of Applications

Notice is hereby given that, effective immediately, consolidated applications for Federal assistance under programs administered by more than one agency of the Department of Health, Education, and Welfare may be filed with the Division of Consolidated Funding, Office of the Secretary, Department of Health, Education, and Welfare, Washington, D.C. 20201, in lieu of making separate application to each of the programs from which assistance is sought.

Consolidated applications shall be made on forms specified in Office of Management and Budget Circular A–102. These application forms are available from the Division of Consolidated Funding or from DHEW Regional Offices. Consolidated applications will be processed in accordance with each program's regulations with respect to that portion of assistance sought from such program.

Applicants may apply for assistance from any combination of two or more discretionary DHEW grant or contract assistance programs, except that requests for funds for construction or biomedical research may not be part of a consolidated application.

Any individual or organization which meets the various eligibility requirements for all of the programs from which assistance is sought in its consolidated application, as specified in the statutes and regulations governing each program, is eligible to use the consolidated application process.

The purpose of the consolidated application process is to simplify and minimize the paperwork required of applicants, and its use is discretionary on the part of applicants. Applicants who do not wish to take advantage of the consolidated application process may apply to each program separately without prejudice.

The consolidated application process is being operated on a demonstration basis for fiscal year 1973 and only a limited number of applications will be accepted for processing by the Division of Consolidated Funding. Refusal to process a consolidated application shall be without prejudice to the applicant, who shall remain free to apply directly to the individual programs under the respective regulations and guidelines of each.

Dated: December 19, 1972.

JAMES B. CARDWELL,
Assistant Secretary, Comptroller.

[FR Doc.72-22079 Filed 12-22-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 72-12-77]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 15, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to an unprotested notice to the carriers and promulgated in an IATA letter dated December 7, 1972.

Specific commodity item No., description and rate

4266—Sporting Boat Parts and Accessories 101 cents per kilogram, minimum weight 500 Kilograms from Auckland to Los Angeles.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23425 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; *Provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-22132 Filed 12-22-72;8:50 am]

[Docket No. 24488; Order 72-12-95]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger-Fare and Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of December 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted for expedited effectiveness at the Worldwide Passenger Traffic Conference held September–October 1972, at Torremolinos, Spain.

The agreement would amend an existing resolution which establishes rules for currency conversion in instances where exchange rates vary, as a result of government action, by more than 2¼ percent from previously agreed IATA exchange rates. Application of these rules would be made uniform as regards not only changes in the value of third currencies against the pound sterling and/or the U.S. dollar, but also changes in value between sterling and dollars. Additionally, provisions specifying sales to which these rules apply would be extended to include not only all sales of transportation commencing in the countries of the currencies concerned, but also any sales for which payment is made in the currencies concerned. Since the agreement also regularizes the procedures by which the IATA member carriers agreed to a general 4-percent increase in fares/rates for transportation commencing in the United Kingdom/Ireland,[1] and provides retroactive application to the present situation, the effect is to extend application of the 4-percent increase to any transportation paid in pounds.

It appears that these conversion rules would, in some instances, require payment in dollars in amounts greater than those stipulated in the appropriate tariffs on file with the Board. Accordingly, we are herein conditioning IATA Resolution 001 (Permanent Effectiveness Resolution) in such manner as to preclude any possibility of such overcharging. We are also conditioning the instant resolution to require that in the event that any action taken pursuant to the provisions of the resolution results in a revision of a basic specified or constructed fare or rate, such new basic fare or rate shall be filed with the Board as an agreement under section 412 of the Act and approved by the Board before becoming effective. We will also require that the U.S. member carriers of IATA notify the Board, directly or through the Conference Secretary, of any action pursuant to the subject resolution which results in an amendment to the Resolution 021b exchange rate previously agreed by IATA and approved by the Board.

The agreement would also adopt a new resolution which provides that, in all cases where combination fares are permitted end-on with normal fares published for a specific area, members may continue to combine these fares when there are no effective IATA-agreed fares for such area.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in the agreement as indicated, to be adverse to the public interest or in violation of the Act provided that approval is subject to the conditions hereinafter ordered:

Accordingly, it is ordered, That:

1. Agreement CAB 23368, R–1 and R–2, be and hereby is approved, provided that with respect to IATA Resolution 021f:

(1) In the event that actions pursuant to said resolution result in revision of a basic specified or constructed fare or rate, such new basic fare or rate shall be filed with the Board as an agreement under section 412 of the Act and approved by the Board prior to being placed in effect.

(2) The U.S. carrier members of IATA notify the Board, directly or through the Conference Secretary, of any action pursuant to said resolution which results in an amendment to currency exchange rates previously agreed by IATA under Resolution 021b and approved by the Board; and

2. The outstanding approval of Resolution 001, Permanent Effectiveness Resolution is subject to the following condition:

No provision of any resolution shall be construed so as to require payment in U.S. dollars of fares, rates, or charges in excess of the dollar amounts stipulated in the appropriate tariffs on file with the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-22133 Filed 12-22-72;8:50 am]

Agreement CAB	IATA No.	Title	Application
23368:			
R–1	009a	Combination Rule in Absence of IATA Agreed Fares (New)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R–2	021f	Special Conversion Rates (Revalidating and Amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

[1] The agreement was approved by the Board by Order 72-8-114, Aug. 28, 1972.

[Docket No. 18401; Order 72-12-94]

REOPENED SERVICE TO OMAHA AND DES MOINES CASE

Order Consolidating Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of December 1972.

On August 16, 1972, the Board issued its order on remand in the Service to Omaha and Des Moines Case, Order 72–8–72, in which all parties to the original proceeding were made parties to the reopened and remanded proceeding and interested persons were given 30 days after the date of service of Order 72–8–72 to file additional or amended applications conforming to the scope of the remanded proceeding, together with motions to consolidate such applications for hearing and decision thereon. Frontier, American, and TWA filed such applications within the time prescribed by the Board.

Docket 24725; TWA, amended No. 1 to Docket 19804; and American, amendment No. 2 to Docket 19166. Order 72–

On October 5, 1972, the Board issued a further order, Order 72–10–10, which consolidated the applications of Frontier, 10–10 also made several changes in the scope of the proceeding and provided for the filing of additional or amended applications conforming to the revised scope of the case within 10 days. Applications were filed by North Central, Docket 24830, and Ozark, Docket 24840, within the time prescribed by the Board.

Subsequent to the prehearing conference which was held on November 15, 1972, applications were filed by Northwest, Docket 24997, and Eastern, Docket 24994, and an amended application was filed by Ozark, Docket 24840, conforming to the revised scope of the case and accompanied by motions for leave to file late and motions to consolidate. Applicants allege that they were under the assumption that their original applications were still pending until the Administrative Law Judge ruled to the contrary in his Prehearing Conference Report served on November 29, 1972. We find that Northwest, Eastern, and Ozark have shown good cause for their failure to file on time and their applications will be consolidated. We will also consolidate North Central's application which was timely filed.

Braniff, Delta, and Continental did not file additional or amended applications and made no appearance at the prehearing conference. Western appeared at the conference but subsequently advised the Administrative Law Judge that it will not participate further in this case as an applicant. Therefore, we find that Braniff, Delta, Continental, and Western should not remain as parties to this proceeding.

Although the Board's order on remand provided that all parties to the original proceeding shall be parties to the reopened and remanded proceeding, it is apparent from the failure of many of the parties to appear at the prehearing conference that they no longer have an interest in this proceeding. The prehearing conference report provided that unless those parties who did not appear at the prehearing conference notified the Administrative Law Judge of their intention to participate in this case within 10 days of the date of service of the prehearing conference report, the Administrative Law Judge would recommend to the Board that their status as parties be revoked. We will therefore eliminate those parties who have not filed appropriate notice as required by the prehearing conference report.

Accordingly, it is ordered, That:

1. The following applications, to the extent they conform to the scope of this proceeding, be and they hereby are consolidated for hearing and decision with (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1331) has been filed by Rhodia Inc.,

the reopened proceeding: North Central, Docket 24830; Ozark, amendment to Docket 24840; Eastern, Docket 24994; and Northwest, Docket 24997.

2. Parties to the reopened and remanded proceeding are as follows: American Airlines, Inc.; Eastern Air Lines, Inc.: Frontier Airlines, Inc.; North Central Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; city of Billings, Mont., Billings Airport Commission, and Billings Chamber of Commerce; city of Chicago Ill.; city of Des Moines, Iowa, and Greater Des Moines Chamber of Commerce; Greater Detroit, Mich., Chamber of Commerce, Detroit Aviation Commission, and Wayne County Road Commission; city of Kansas City, Mo., and Chamber of Commerce of Greater Kansas City; city of Lincoln, Nebr., and Lincoln Airport Authority; Louisville, Ky., and Jefferson County Air Board; Maryland Department of Transportation and the Chamber of Commerce of Metropolitan Baltimore, Md.; Port of Oakland, Calif., and Oakland Chamber of Commerce; Airport Authority of Omaha, Nebr., and Omaha Chamber of Commerce; city of Philadelphia, Pa., and the Greater Philadelphia Chamber of Commerce; city of Kearney, Nebr.; Portland, Oreg., parties; city and Chamber of Commerce of Scottsbluff, Nebr.; South Dakota Aeronautics Commission; Chamber of Commerce of Metropolitan St. Louis, Mo.; the Port Authority of New York and New Jersey; Metropolitan Washington Board of Trade; the Washington parties; and the Bureau of Operating Rights.

3. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-22134 Filed 12-22-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

LEPTOPHOS

Notice of Establishment of Temporary Tolerances

Correction

In F.R. Doc. 72-20976 appearing on page 26086 of the issue for Thursday, December 7, 1972, the first word in the 10th line of the first paragraph reading "chloiophenol" should read "chlorophenol".

RHODIA INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide asulam (methyl sulfanilycarbamate) in or on the raw agricultural commodities sugarcane and sugarcane fodder and forage at 0.25 part per million.

The analytical method proposed in the petition for determining residues is a procedure in which the herbicide extract is diazotized and coupled with *N*-1-naphthylethylenediamine and the resulting azo dye is measured colorimetrically at 510–590 nanometers.

Dated: December 18, 1972.

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

[FR Doc.72-22083 Filed 12-22-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

ASSOCIATED ELECTRIC COOPERATIVE, INC., SPRINGFIELD, MO.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a final environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with loan applications from 43 distribution cooperatives supplied by Associated Electric Cooperative, Inc., of Springfield, Mo., through six-member G&T systems. These funds will finance construction of a 600,000-kilowatt generating unit at the New Madrid plantsite in New Madrid County, Mo. Financing arrangements involve Federated Electric Cooperative, Inc., a subsidiary of Associated.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The final environmental statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

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

Dated at Washington, D.C., this 18th day of December 1972

E. C. WEITZELL,
Acting Administrator, Rural Electrification Administration.

[F.R. Doc. 72-22076; Filed 12-22-72, 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

"BEEP TONE" REQUIREMENTS FOR RECORDING TWO-WAY CONVERSATIONS FOR BROADCAST

Notice of Waiver

DECEMBER 14, 1972.

In response to views by broadcast licensees expressing a preference for prerecording "on the air" telephone conversations and contending that there is no longer a need for a "beep tone," the FCC has waived automatic tone warning requirements for recording two-way telephone conversations for broadcast.

The "beep tone" requirement, adopted November 26, 1947 and May 20, 1948, was based upon "the importance and desirability of privacy in telephone conversations" (Docket 6787). It specified that "the use of recording devices should be permitted only when measures are in effect that assure notification to the parties that their conversation is being recorded." At that time, the transmission of a distinctive "beep tone" was considered the best of optional modes available, and for the past 25 years, the "beep tone" has been recognized as an automatic audible warning to a party that a call was being recorded and he had the option of asking that the recording be stopped or of ending the conversation.

In 1970, the Commission adopted new broadcast rules in Docket 18601 which require that a broadcast licensee, prior to recording a telephone conversation for broadcast, inform the other party to the call that the station intends to broadcast the conversation.

The Commission said that the new rules make the "beep tone" unnecessary because if a broadcast licensee complies with the new rules, the parties to the conversation are aware that the licensee intends to put it on the air, and they have already agreed to the loss of privacy that would otherwise be protected by the "beep tone."

The Commission, noting that the Bell System had indicated that if the "beep tone" is waived then its companies would amend the tariffs to provide for an appropriate exception for the recording of two-way telephone conversations for broadcast purposes, authorized the American Telephone & Telegraph Co. to file such tariff revisions.

In taking the action to waive the "beep tone" requirements, the Commission made it clear that it expected "full adherence on the part of all broadcast licensees to our rules requiring notice of intent to broadcast recorded conversations." It said that if future experience indicates a need for reimposing the tone or some other form of notice requirement, "we will not hesitate to reverse or modify" the waiver.

Action by the Commission December 13, 1972, by memorandum opinion and order. Commissioners Burch (Chairman), Robert E. Lee, Johnson, H. Rex Lee, Reid, Wiley, and Hooks.

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

[FR Doc.72-22129 Filed 12-22-72;8:48 am]

CABLE TELEVISION RELAY SERVICE

Request for Additional Copies of Applications

DECEMBER 12, 1972.

To aid in the expeditious processing of applications in the Cable Television Relay Service (Part 78 of the Commission's rules and regulations), applicants are requested to file an original and two copies of every application. Two additional copies (for a total of five) should be submitted with every application involving changes in or construction of a new antenna structure.

In addition to the original application, which is used by the staff of the Cable Television Bureau, a copy is retained for public inspection in the Cable Television Bureau public reference room, a copy is referred to the Broadcast Bureau for frequency coordination purposes, and two copies, where appropriate, are referred to the Antenna Survey Branch of the Field Engineering Bureau.

If the copies requested are submitted, applicants need not submit the carbon copies of the upper portions of forms 400 and 402.

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

[FR Doc.72-22128 Filed 12-22-72;8:48 am]

FEDERAL MARITIME COMMISSION

MALAYSIA-PACIFIC RATE 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 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. D. D. Day, Jr., secretary, Malaysia-Pacific Rate Agreement, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 9836-2 modifies Article 2 of the basic Malaysia-Pacific Rate Agreement to allow the parties, either in meetings or by telephone ballots by a majority vote to agree on the various rates, charges, classifications, practices, and other related tariff matters to be charged or observed by each of them in the Malaysia trade subject to the exercise of independent action by any line. Any proposed independent action is to be made to the other member lines through the Agreement Secretary, who in turn will poll the members and advise them of the results. Also, even without the approval of all of the other parties the line making the proposal shall have the right to adopt its proposal for itself upon a twenty-four (24) hour notice through the Agreement Secretary to the other parties; any other party wishing to adopt the original proposal may do so on a twenty-four (24) hour notice to the Agreement Secretary.

Dated: December 19, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-22140 Filed 12-22-72;8:49 am]

[Independent Ocean Freight Forwarder License 525]

P.I.E. TRANSPORT, INC.

Order of Revocation

On January 1, 1973, P.I.E. Transport, Inc., Post Office Box 953, Oakland, CA 94604 surrendered its Independent Ocean Freight Forwarder License No. 525 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 5-1-72);

It is ordered, That Independent Ocean Freight Forwarder License No. 525 of P.I.E. Transport, Inc., be and is hereby revoked effective January 1, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon P.I.E. Transport, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-22139 Filed 12-22-72;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. E-7841]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Interconnection and Changes in Rates

DECEMBER 18, 1972.

Take notice that Public Service Company of Oklahoma (Company) on October 6, 1972, tendered for filing proposed changes in its FPC Rate Schedule No. 118. The filing consists of a 10th Supplemental Agreement (Agreement) dated September 11, 1972, which amends the above rate schedule and provides for a new high voltage (138kv.) point of delivery between the Company and Southwestern Electric Power Co. (SWEPCO). Further, the Agreement provides relief to the Company in the event of overloading, and the new interconnection will be at the rates in the present Rate Schedule No. 118. SWEPCO will pay the Company a facilities charge plus a maintenance and operations expense charge for the Company's expenditures in its Craig Junction Substation for the new delivery point during the interim period prior to the operational date of the new delivery point estimated to amount to $23,244 per year.

The Company states that the early filing of this Agreement, ahead of the normal 90 days prior to the operational date of June 1, 1973, is occasioned by the desire of both companies to have both Commission approval of the Agreement prior to the start of construction. The proposed effective date is November 6, 1972.

In support of this filing, the Company avers that it will result in an immediate, improved interconnection for SWEPCO's service area. Further, the new high voltage point of delivery will enable the companies to exchange large blocks of power and energy, reduce losses, and thereby improve reliability.

SWEPCO's certificate of concurrence is included in this filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a

petition to intervene. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22056 Filed 12-22-72;8:45 am]

[Docket No. CP73-155]

TRUNKLINE GAS CO.

Notice of Application

DECEMBER 15, 1972.

Take notice that on December 7, 1972, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP73-155 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing March 10, 1973, or for a period of 1 year from the date of the requested certificate, whichever is later, and operation of facilities to enable Applicant to take into its certificated main pipeline system such natural gas which may be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The application states that the total cost of all facilities will not exceed $7 million, with no single onshore project to cost in excess of $1 million and no single offshore project to cost in excess of $1,750,000. Applicant proposes to finance the facilities from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 8, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22054 Filed 12-22-72;8:45 am]

FEDERAL RESERVE SYSTEM

ASHLAND INVESTMENT CO.

Acquisition of Bank

Ashland Investment Co., Cleveland, 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 up to 100 percent of the voting shares of the Medina County Bank, Lodi, 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, D.C. 20551, to be received not later than January 15, 1973.

Board of Governors of the Federal Reserve System, December 18, 1972.

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

[FR Doc.72-22084 Filed 12-22-72;8:47 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., 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 successor by purchase of assets and assumption of liabilities of Corpus Christi Bank and Trust, Corpus Christi, Tex. 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 Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 15, 1973.

Board of Governors of the Federal Reserve System, December 18, 1972.

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

[FR Doc.72-22086 Filed 12-22-72;8:47 am]

MOUNTAIN BANKS, LTD.

Merger of Bank Holding Companies and Acquisition of Bank

Mountain Banks, Ltd., Colorado Springs, Colo. (Applicant), has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge bank holding companies and to thereby acquire up to 100 percent of the voting shares of Boulder National Bank, Boulder, Colo. (Bank). The acquisition of Bank would be accomplished through the merger of Boulder National Corp., a registered bank holding company, Boulder, Colo., with Applicant. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 15, 1973.

Board of Governors of the Federal Reserve System, December 18, 1972.

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

[FR Doc.22085 Filed 12-22-72;8:47 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF PUBLIC MEETING

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on January 5, 1973 at 5 p.m.-10 p.m., and January 6, 1973 at 8 a.m.-6 p.m., local time at the Statler Hilton Hotel in the Federal Room, 16th and K Streets NW., Washington, D.C.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of Disadvantaged Children.

The Agenda of the meeting is to give a representative, preselected national group of constituents an opportunity to

recommend to the Council their first-hand experience with this Federal program.

Because of limited space for the meeting, all persons wishing to attend should call for reservations at Area Code 202/632-5221 by December 29, 1972.

Records shall be kept of all Council proceedings and visitors and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located in Room 202, 1717 H Street NW., Washington, DC 20006.

Signed at Washington, D.C., on December 18, 1972.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.72-22039 Filed 12-22-72;8:45 am]

POSTAL RATE COMMISSION

NOTICE OF VISIT TO POSTAL FACILITIES

DECEMBER 21, 1972.

In furtherance of the Postal Rate Commission's training program noticed in the FEDERAL REGISTER on September 20, 1972 (37 F.R. 19404), employees of the Commission will be visiting the Baltimore, Md., post office and associated facilities in the Baltimore area on January 4, 1973.

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

By direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.72-22197 Filed 12-22-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

DECEMBER 18, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 18, 1972, through December 27, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-22062 Filed 12-22-72;8:45 am]

[File No. 500-1]

DCS FINANCIAL CORP.

Order Suspending Trading

DECEMBER 18, 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 DCS Financial 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 19, 1972, to December 28, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-22057 Filed 12-22-72;8:45 am]

[File No. 500-1]

GOODWAY, INC.

Order Suspending Trading

DECEMBER 18, 1972.

The common stock, $0.10 par value of Goodway, Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 19, 1972, through December 28, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-22058 Filed 12-22-72;8:45 am]

[File No. 500-1]

MANAGEMENT DYNAMICS, INC.

Order Suspending Trading

DECEMBER 15, 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 Management Dynamics, 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 December 18, 1972, through December 27, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-22059 Filed 12-22-72;8:45 am]

[File 500-1]

MINUTE APPROVED CREDIT PLAN, INC.

Order Suspending Trading

DECEMBER 19, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Minute Approved Credit Plan, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period from December 20, 1972, through December 29, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-22111 Filed 12-22-72;8:48 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse Consumption

DECEMBER 19, 1972.

On November 15, 1972, there was published in the FEDERAL REGISTER (37 F.R.

24212) a letter of November 14, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, between the Governments of the United States and the Republic of China which establish group ceilings on wool textile products, produced or manufactured in the Republic of China, for the agreement year beginning October 1, 1972. On November 16, 1972, the Governments of the United States and the Republic of China exchanged notes amending the agreement. This amendment, among other things, adjusted the group ceilings applicable to wool textile products for the current agreement year. The apparel group ceiling (Categories 111–125) was reduced from 4,390,500 to 3,990,500 square yards equivalent, and the group ceiling encompassing fabric, madeups and miscellaneous wool textiles (Categories 101–110, 126 128, and 131–132) was increased from 414,000 to 804,000 square yards equivalent.

Accordingly, there is published below a letter of December 19, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint for wool textile products produced or manufactured in the Republic of China and exported to the United States during the period October 1, 1972, through September 30, 1973.

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 19, 1972.

DEAR MR. COMMISSIONER: This directive amends the directive issued to you on November 14, 1972, by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of wool textile products produced or manufactured in the Republic of China and exported to the United States during the 12-month period beginning October 1, 1972.

Under the provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, 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 levels of restraint established in the directive of November 14, 1972, for wool textile products as follows:

Category	*Twelve-month level of restraint* [1] *(square yards equivalent)*
111–125 (apparel)	3,990,500
101–110, 126, 128, and 131–132 (fabric, made-ups and miscellaneous) [2]	804,000

The actions taken with respect to the Government of the Republic of China, and with respect to imports of wool textile products from the Republic of China, 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. 533. 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.72-22232 Filed 12-22-72;8:50 am]

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[1] These levels have not been adjusted to reflect any entries on or after Oct. 1, 1972.

[2] The textile category structure for wool textile products does not contain categories numbered 127, 129, or 130.

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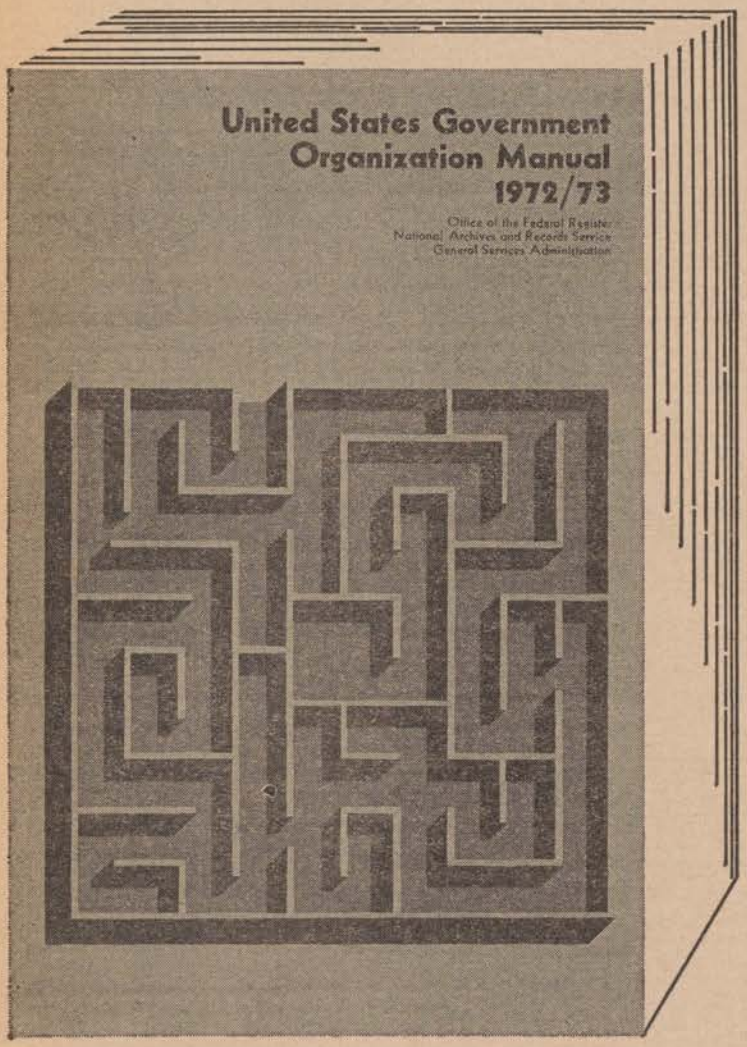

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