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PART I

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NOTICE TO AGENCIES

Agencies preparing documents for publication in the FEDERAL REGISTER are reminded that the revised rules of the Administrative Committee of the Federal Register go into effect on January 3, 1973. (1 CFR Chapter I, 37 F.R. 23602, November 4, 1972.)

These revised rules include the following significant changes:

1. Requirement for a preamble in each proposed rule making and final rule making document that describes the contents of the document in a manner sufficient to apprise a reader who is not an expert in the subject area of the general subject matter of the document.
2. Requirement for setting forth specific effective dates and action dates.
3. Change in publication dates of the daily FEDERAL REGISTER (Monday through Friday instead of Tuesday through Saturday). See 1 CFR 17.2, 18.12, and 18.17.

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[A Cumulative checklist of CFR issuances for 1972 appears in the first issue of the Federal Register each month under Title 1]

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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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.

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PROCLAMATION 4176

Announcing the Death of Harry S Truman

By the President of the United States of America

A Proclamation

TO THE PEOPLE OF THE UNITED STATES:

It is my sad duty to announce officially the death of Harry S Truman, thirty-third President of the United States, on December 26, 1972.

Throughout his long career in public service, Harry S Truman was known as a man of forthrightness and integrity. He served with distinction in the United States Senate; and when the death of President Franklin Delano Roosevelt thrust him suddenly into the Presidency in April of 1945 at one of the most critical moments of our history, he met that moment with courage and vision. His far-sighted leadership in the postwar era has helped ever since to preserve peace and freedom in the world.

Confronted during his Presidency with a momentous series of challenges, his strength and spirit proved equal to them all. His fortitude never wavered, and his faith in America never flagged.

President Truman had a deep respect for the office he held and for the people he served. He gave himself unstintingly to the duties of the Presidency while he held it, and in the years afterward he honorably supported and wisely counseled each of his successors.

The Nation to which he gave so much will honor his memory in admiration and respect, and the other countries for which he helped keep freedom alive will remember his name with gratitude.

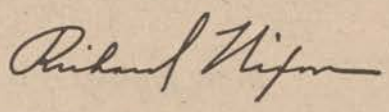
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in tribute to the memory of President Truman, and as an expression of public sorrow, do hereby direct that the flag of the United States be displayed at half-staff at the White House and on all buildings, grounds, and Naval vessels of the United States for a period of thirty days from the day of his death. I also direct that for the same length of time the representatives of the United States in foreign coun-

tries shall make similar arrangements for the display of the flag at half-staff over their Embassies, Legations, and other facilities abroad, including all military facilities and stations.

I hereby order that suitable honors be rendered by units of the Armed Forces under orders of the Secretary of Defense on the day of the funeral.

I do further appoint December 28, 1972 to be a National Day of Mourning throughout the United States. I recommend that the people assemble on that day in their respective places of worship, there to pay homage to the memory of President Truman and to seek God's continued blessing on our land and on this His servant. I invite the people of the world who share our grief to join us in this solemn observance.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of December, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.72-22385 Filed 12-26-72;11:55 am]

EXECUTIVE ORDER 11693

Providing for the Closing of Government Departments and Agencies on December 28, 1972

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. All executive departments, independent establishments, and other governmental agencies, including their field services, shall be closed on Thursday, December 28, 1972, as a mark of respect for Harry S Truman, the thirty-third President of the United States. That day shall be considered as falling within the scope of 5 U.S.C. 6103(b), and of all statutes so far as they relate to the compensation and leave of employees of the United States.

SEC. 2. Section 1 of this order shall not apply to those offices and installations, or parts thereof, in the Department of State, the Department of Defense, or other departments, independent establishments, and governmental agencies which the heads thereof determine should remain open for reasons of national security or defense or other public reasons.



THE WHITE HOUSE,
December 26, 1972.

[FR Doc.72-22386 Filed 12-26-72;12:07 pm]

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

PART 9—AWARDS OF FELLOWSHIPS TO APPLICANTS FROM OTHER AMERICAN REPUBLICS

This part prescribes delegations of authority from the Secretary of Agriculture to general officers, and delegations of authority from general officers to Department agency heads.

Previous delegations of authority, designations, and assignment of functions to agency heads not delegated authority in this part are confirmed and shall continue in effect until delegations of authority to such agency heads are prescribed and codified in this part.

The previous Part 2 of this subtitle entitled "Awards of fellowships to applicants from other American Republics" is hereby redesignated as Part 9, with appropriate changes in section numbers.

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2.3 Authority of the Secretary to delegate authority.
2.4 General officers.
2.5 Order in which Assistant Secretaries shall serve as Acting Secretary.

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2.18 Reservations of authority.
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2.20 Reservations of authority.
2.21 Delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs.
2.22 Reservations of authority.
2.25 Delegations of authority to the Assistant Secretary for Administration.
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2.27 Delegations of authority to the Director of Agricultural Economics.
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2.52 Administrator, Commodity Exchange Authority.
2.53 Administrator, Food and Nutrition Service.
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2.61 Administrator, Rural Electrification Administration.
2.62 Administrator, Soil Conservation Service.

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

2.65 Administrator, Agricultural Stabilization and Conservation Service.
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2.68 Administrator, Foreign Agricultural Service.

Subpart I—[Reserved]

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

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2.77 Director, Office of Management Services.
2.78 Director, Office of Personnel.
2.79 Director, Office of Plant and Operations.
2.80 Director, Office of Equal Opportunity.

Subpart K—Delegations of Authority by the Director of Agricultural Economics

2.85 Administrator, Farmer Cooperative Service.
2.86 Administrator, Economic Research Service.
2.87 Administrator, Statistical Reporting Service.

Subpart L—Delegations of Authority by the Director of Science and Education

2.90 Administrator, Agricultural Research Service.
2.91 Administrator, Cooperative State Research Service.
2.92 Administrator, Extension Service.
2.93 Director, National Agricultural Library.

AUTHORITY: The provisions of this Part 2 issued under 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.

Subpart A—General

§ 2.1 Establishment of the Department.

The Department of Agriculture was created by the Act of May 15, 1862, and by the Act of February 9, 1889, it was made an executive department in the Federal Government under the supervision and control of the Secretary of Agriculture. 7 U.S.C. 2201, 2202, 2204.

§ 2.2 Authority of the Secretary to prescribe regulations.

The general authority of the Secretary to prescribe regulations governing the work of the Department is based on 5 U.S.C. 301 which provides in part, that:

> The head of an executive department * * * may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use and preservation of its records, papers, and property * * *.

§ 2.3 Authority of the Secretary to delegate authority.

The general authority of the Secretary to make delegations of his authority is based on section 4(a) of Reorganization Plan No. 2 of 1953 which provides:

> The Secretary of Agriculture may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by an agency or employee, of the Department of Agriculture of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

§ 2.4 General officers.

The work of the Department is under the supervision and control of the Secretary, who is assisted by the following general officers: The Under Secretary, the Assistant Secretary for Marketing and Consumer Services, the Assistant Secretary for Rural Development and Conservation, the Assistant Secretary for International Affairs and Commodity Programs, the Assistant Secretary for Administration, the Director of Agricultural Economics, the Director of Science and Education, the General Counsel, the Inspector General, and the Judicial Officer.

§ 2.5 Order in which Assistant Secretaries shall serve as Acting Secretary.

Pursuant to Executive Order 10481, dated August 15, 1953 (18 F.R. 4944), the Assistant Secretaries in the order named shall perform the duties of the Officer of the Secretary in case of the absence, sickness, resignation, or death of both the Secretary of Agriculture and the Under Secretary:

Assistant Secretary for Marketing and Consumer Services.
Assistant Secretary for Rural Development and Conservation.
Assistant Secretary for International Affairs and Commodity Programs.

Subpart B—General Delegations of Authority by the Secretary of Agriculture

§ 2.7 Authority to supervise and direct.

Unless specifically reserved, or otherwise delegated, the delegations of authority to each general officer of the Department and each agency head includes the authority to direct and supervise the employees engaged in the conduct of activities under his jurisdiction, and the authority to take any action, execute any document, authorize any expenditure, promulgate any rule, regulation, order, or instruction required by or authorized by law and deemed by the general officer or agency head to be necessary and proper to the discharge of his responsibilities. This authority will be exercised subject to applicable administrative rules and regulations. Unless otherwise provided, a general officer or agency head may, subject to his continuing responsibility for the proper discharge of delegations made to him, delegate and provide for the redelegation of his authority to appropriate officers and employees.

§ 2.8 Additional delegations.

The authority granted to a general officer may be exercised in the discharge of any additional functions which the Secretary may assign.

§ 2.9 Limitations.

The delegations made in this part shall not be construed to confer upon any general officer or agency head the authority of the Secretary to prescribe regulations which by law require approval of the President.

§ 2.10 New principles and periodic reviews.

In the exercise of authority delegated by the Secretary, the application of new principles of major importance or a departure from principles established by the Secretary should be brought to the attention of the Secretary. General officers are responsible for assuring that periodic reviews are conducted of the activities of the agencies assigned to their direction and superivsion, as required by 5 U.S.C. 305.

§ 2.11 Secretary and general officers not precluded from exercising delegated powers.

No delegation of authority by the Secretary or a general officer contained in this part or elsewhere shall preclude the Secretary or general officer from exercising any of the authority so delegated.

§ 2.12 Status of prior delegations.

Nothing in this part shall affect the bylaws of the Commodity Credit Corporation, the Federal Crop Insurance Corporation, or the Rural Telephone Bank. All delegations previously made which are inconsistent with delegations made in this part are superseded; however, any regulation, order, authorization, expenditure, or other instrument, heretofore issued or made pursuant to any delegation of authority shall continue in full force and effect unless and until withdrawn or superseded pursuant to authority granted in this part.

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Directors

§ 2.15 Delegations of authority to the Under Secretary.

The following delegations of authority are made by the Secretary of Agriculture to the Under Secretary:

(a) *General.* Perform all of the duties and exercise all of the powers and functions which are now or which may hereafter be, vested in the Secretary of Agriculture. This delegation is subject to the limitation in § 2.9.

(b) *Related to planning, evaluation, and budgeting.* Coordinate all program planning, evaluation, and budgeting in the Department.

(c) *Related to intergovernmental affairs.* (1) Coordinate all programs involving intergovernmental affairs. (2) Coordinate the department emergency preparedness program including the disaster emergency response program.

(3) Direct activities of the USDA representatives to the 10 Federal Regional Councils and designate the Department's representative for Federal Executive Board matters.

(d) *Related to congressional relations.* (1) Coordinate all congressional relations matters in the Department.

§ 2.16 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a) [Reserved]

(b) *Related to planning, evaluation, and budgeting.* Final approval of the Department's program and financial plans.

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Consumer Services.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Marketing and Consumer Services:

(a) *Related to agricultural marketing.* (1) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), including payments to State Departments of Agriculture in connection with cooperative marketing service projects under section 204(b) (7 U.S.C. 1623(b)), and transportation activities under section 203(j) (7 U.S.C. 1622(j)), but excepting matters otherwise assigned.

(2) Administer transportation activities under Section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291).

(3) Exercise the functions of the Secretary of Agriculture contained in the following legislation:

(i) U.S. Cotton Standards Act (7 U.S.C. 51–65).

(ii) Cotton futures provisions of the Internal Revenue Code of 1954 (26 U.S.C. 4854, 4862–4865, 4876, and 7263).

(iii) Cotton Statistics and Estimates Act, as amended (7 U.S.C. 471–476), except as otherwise assigned.

(iv) U.S. Grain Standards Act, as amended (7 U.S.C. 71–87h).

(v) Naval Stores Act (7 U.S.C. 91–99).

(vi) Tobacco Inspection Act (7 U.S.C. 511–511q).

(vii) Wool Standard Act (7 U.S.C. 415b–415d).

(viii) Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601, 602, 608a–608e, 610, 612, 614, 624, 671–674).

(ix) Cotton Research and Promotion (7 U.S.C. 2101–2119).

(x) Export Apple and Pear Act (7 U.S.C. 581–590).

(xi) Export Grape and Plum Act (7 U.S.C. 591–599).

(xii) Federal Seed Act, as amended (7 U.S.C. 1551–1611).

(xiii) Perishable Agricultural Commodities Act (7 U.S.C. 499a–499s).

(xiv) Produce Agency Act (7 U.S.C. 491–497).

(xv) Tobacco Seed and Plant Exportation Act (7 U.S.C. 516–517).

(xvi) U.S. Warehouse Act, as amended (7 U.S.C. 241–273).

(xvii) Tobacco Statistics Act (7 U.S.C. 501–508).

(xviii) Section 32 of the Act of August 23, 1935 (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c) and related legislation except functions which are otherwise assigned relating to the domestic distribution and donation of agricultural commodities and products thereof following the procurement thereof.

(xix) Procurement of agricultural commodities and other foods under section 6 of the National School Lunch Act of 1946, as amended (42 U.S.C. 1755).

(xx) In carrying out the procurement functions in (xviii) and (xix) above, the Agricultural Marketing Service shall, to the extent practicable, use the commodity procurement, handling, payment, and related services of the Agricultural Stabilization and Conservation Service.

(xxi) Process or Renovated Butter Act (26 U.S.C. 4817–4818).

(xxii) Section 401(a) of the Organic Act of 1944 (7 U.S.C. 415e).

(xxiii) Agricultural Fair Practices Act (7 U.S.C. 2301–2306).

(xxiv) Wheat Research and Promotion Act (7 U.S.C. 1292 note).

(xxv) Plant Variety Protection Act (7 U.S.C. 2321–2331), 2351–2357, 2371–2372, 2401–2404, 2421–2427, 2441–2443, 2461–2463, 2481–2486, 2501–2504, 2531–2532, 2541–2545, 2561–2569, 2581–2583).

(xxvi) Egg Products Inspection Act (21 U.S.C. 1031–1056).

(xxvii) Potato Research and Promotion Act (7 U.S.C. 2611–2627).

(xxviii) Act of May 23, 1908, regarding inspection of dairy products for export (21 U.S.C. 693).

(4) Administer the warehouse examination function for the Agricultural Stabilization and Conservation Service, except functions of inventory management.

(b) *Related to animal and plant health inspection.* Exercise the functions of the Secretary of Agriculture under the following Acts:

(1) The Mexican Pink Bollworm Act (7 U.S.C. 145).

(2) Section 102, Organic Act of 1944, as amended, and the Act of April 3, 1937, as amended (7 U.S.C. 147a, 148–148e) relating to control and eradication of plant pests and diseases.

(3) The Mexican Border Act, as amended (7 U.S.C. 149).

(4) The Golden Nematode Act (7 U.S.C. 150–150g).

(5) The Federal Plant Pest Act (7 U.S.C. 150aa–150jj).

(6) The Plant Quarantine Act, as amended (7 U.S.C. 151–165, 167).

(7) The Terminal Inspection Act, as amended (7 U.S.C. 166).

(8) The Honeybee Act, as amended (7 U.S.C. 281–282).

(9) The Halogeton Glomeratus Act (7 U.S.C. 1651–1656).

(10) Tariff Act of June 17, 1930, as amended, sec. 306 (19 U.S.C. 1206).

(11) Act of August 30, 1890, as amended (21 U.S.C. 102–105).

(12) Act of May 29, 1884, as amended, Act of February 2, 1903, as amended, and Act of March 3, 1905, as amended, and supplemental legislation (21 U.S.C. 111–114a, 114a–1, 115–130).

(13) Act of February 28, 1947, as amended (21 U.S.C. 114b–114c, 114d–1, and Public Law 92–152).

(14) Act of June 16, 1948 (21 U.S.C. 114e–114f).

(15) Act of September 6, 1961 (21 U.S.C. 114g–114h).

(16) Act of July 2, 1962 (21 U.S.C. 134–134h).

(17) Act of May 6, 1970 (21 U.S.C. 135–135b).

(18) Poultry Products Inspection Act, as amended (21 U.S.C. 451–470).

(19) Federal Meat Inspection Act, as amended, and related legislation (21 U.S.C. 601–692, 694, 695).

(20) Humane Slaughter Act (7 U.S.C. 1901–1906).

(21) (Laboratory) Animal Welfare Act, as amended (7 U.S.C. 2131–2155).

(22) Horse Protection Act (15 U.S.C. 1821–1831).

(23) 28 Hour Law, as amended (45 U.S.C. 71–74).

(24) Export Animal Accommodation Act, as amended (46 U.S.C. 466a–466b).

(25) Purebred Animal Duty Free Entry Provisions of Tariff Act of June 17, 1930, as amended (19 U.S.C. 1202, Part 1, Item 100.01).

(26) Virus-Serum-Toxin Act (21 U.S.C. 151–158).

(27) Anti-Hog-Cholera Serum and Hog-Cholera Virus Act (7 U.S.C. 851–855).

(28) The Agricultural Marketing Act of 1946, sections 203, 205, as amended (7 U.S.C. 1622, 1624), with respect to voluntary inspection and certification of edible meat and other products; certified products for dogs, cats, and other carnivora; and animal byproducts (9 CFR Parts 156, 350, 355).

(29) Talmadge Aiken Act (7 U.S.C. 450) with respect to cooperation with States in control and eradication of plant and animal diseases and pests and administration of the Federal Meat Inspection Act and Poultry Products Inspection Act.

(c) *Related to commodity exchange regulation.* (1) Administer the Commodity Exchange Act, as amended and supplemented (7 U.S.C. 1 et seq.).

(d) *Related to food and nutrition.* (1) Administer the following legislation:

(i) The Food Stamp Act of 1964, as amended (7 U.S.C. 2011–2025).

(ii) National School Lunch Act of 1946, as amended (42 U.S.C. 1751–1763), except procurement of agricultural commodities and other foods under section 6 thereof.

(iii) Child Nutrition Act of 1966, as amended (42 U.S.C. 1771–1785).

(2) Administer those functions relating to the distribution and donation of agricultural commodities and products thereof under the following legislation:

(i) Clause (3) of section 416, Agricultural Act of 1949, as amended (7 U.S.C. 1431), except the estimate and announcement of the types and varieties of food commodities, and the quantities thereof, to become available for distribution thereunder.

(ii) Section 709 of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1446a–1).

(iii) Section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c), and related legislation.

(iv) Section 9 of the Act of September 6, 1958 (7 U.S.C. 1431b).

(v) Section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), except with respect to donations to Federal penal and correctional institutions.

(vi) Section 402 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1922).

(vii) Section 707 of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f).

(viii) Sections 203 and 238 of the Disaster Relief Act of 1970 (42 U.S.C. 4413, 4457).

(3) Administer those functions relating to the distribution of food coupons under section 238 of the Disaster Relief Act of 1970 (42 U.S.C. 4457).

(4) In connection with the functions assigned in subparagraphs (1), (2), and (3) of this paragraph, relating to the distribution and donation of agricultural commodities and products thereof and food coupons to eligible recipients, authority to determine the requirements for such agricultural commodities and products thereof and food coupons to be so distributed.

(5) Receive donation of food commodities under clause (3) of section 416 of the Agricultural Act of 1949, as amended, and section 709 of the Food and Agricultural Act of 1965, as amended.

(e) *Related to packers and stockyards.* (1) Administer the Packers and Stockyards Act, as amended and supplemented (7 U.S.C. 181–229).

(2) Enforce provisions of the Consumer Credit Protection Act (15 U.S.C. 1601–1655, 1681–1681t) with respect to any activities subject to the Packers and Stockyards Act, 1921, as amended and supplemented.

§ 2.18 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a) *Relating to agricultural marketing.* (1) Promulgation, with the Secretary of the Treasury of joint regulations under section 402(b) of the Federal Seed Act, as amended (7 U.S.C. 1592(b)).

(b) *Related to animal and plant health inspection.* (1) Determination that an emergency or extraordinary emergency exists because of the outbreak of any dangerous, communicable disease of livestock or poultry anywhere in the United States and that such outbreak threatens the livestock or poultry of the United States (21 U.S.C 114a, 134a(b)).

(2) Determination as to the measure and character of cooperation with Canada, Mexico, Central American countries, Panama, and Colombia related to operations and measures to eradicate, suppress, or control or to prevent or retard any communicable disease of animals, the designation of members of advisory committees, and the appointment of commissioners on any joint commission with these governments set up under such programs (21 U.S.C. 114b, as amended by Public Law 92–152).

(3) Approval of requests for apportionment of reserves for the control of outbreaks of insects, plant diseases, and animal diseases to the extent necessary to meet emergency conditions (31 U.S.C. 665).

(d) *Related to food and nutrition.* (1) Authority to appoint members of the National Advisory Council on Child Nutrition as directed in the National School Lunch Act of 1966, as amended (42 U.S.C. 1763).

§ 2.19 Delegations of authority to the Assistant Secretary for Rural Development and Conservation.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Rural Development and Conservation:

(a)–(b) [Reserved]

(c) *Related to forest service.* (1) Provide national leadership in forestry. (As used here and elsewhere in this section the term "forestry" encompasses the tangible physical resources such as forests, forest-related rangeland, grassland, brushland, woodland, alpine areas, minerals, water areas, wildlife habitat, and less tangible forest-related values

such as outdoor recreation, scenery, air and water quality, economic strength, and social well-being.)

(2) Protect, manage, and administer the national forests, national forest purchase units, national grasslands, and other lands and interests in lands administered by the Forest Service, which collectively are hereby designated as the National Forest System, including the acquisition and disposition of lands and interests in lands as may be required in these programs.

(3) Conduct research programs to provide fundamental knowledge and technology for improved policy decisions and improved professional management of forest and range ecosystems; increased efficiency in timber production; forest soils and watersheds; range, wildlife, and fish habitat management; forest recreation; environmental forestry; forest fire; forest insects; forest diseases; forest products utilization; forest engineering; forest resource surveys; forest products marketing; and forest economics.

(4) Administer the programs of cooperation in the protection, planning, development, conservation, multiple-purpose management, and utilization of forest and related resources.

(5) Administer forest insect, disease, and other pest control and eradication programs.

(6) Administer programs under section 23 of the Federal Highway Act (23 U.S.C. 101(a), 202(b), 204(a)–(c), 205 (a)–(c), 317).

(7) Exercise the custodianship of lands and interests in lands under lease or contract of sale to States and local agencies pursuant to title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012).

(8) Administer under such general program criteria and procedures as may be established by the Soil Conservation Service, the forestry aspects of subdivisions (i), (ii), and (iii) of this paragraph on the National Forest System and rangelands within national forest boundaries and adjacent rangelands which are administered under formal agreement, and other forest lands.

(i) Cooperative river basin surveys and investigations program (16 U.S.C. 1006).

(ii) Eleven authorized watershed improvement programs and emergency flood preventon measures program under the Flood Control Act (33 U.S.C. 701b–1).

(iii) Small watershed protection program under the Pilot Watershed Protection and Watershed Protection and Flood Prevention Acts (67 Stat. 214 and 16 U.S.C. 1001–1011).

(9) Provide assistance to the Agricultural Stabilization and Conservation Service in connection with the rural environmental assistance program, the naval stores conservation program, and the cropland conversion program, as authorized by sections 7–17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g–590q).

(10) Coordinate mapping work of the Department, including: (i) Clearing mapping projects to prevent duplication; (ii) keeping a record of mapping done by Department agencies; (iii) preparing and submitting required departmental reports; (iv) serving as liaison on mapping with the Office of Management and Budget, Department of the Interior, and other departments and establishments; (v) promoting interchange of technical information, including techniques which may reduce costs or improve quality; and (vi) maintenance of the mapping records formerly maintained by the Office of Plant and Operations.

(11) Enter into research agreements (grants, contracts, agreements, and cooperative aid) under the provisions of 7 U.S.C. 450i; 42 U.S.C. 1891–1893; and 16 U.S.C. 581; 7 U.S.C. 427i(a); and 7 U.S.C. 1624, for the support of applied and/or basic scientific research in forestry activities.

(12) Provide assistance to the Farmers Home Administration in connection with grants and loans under authority of the Consolidated Farmers Home Administration Act of 1961, 7 U.S.C. 1912; and consultation with the Department of Housing and Urban Development under the authority of 40 U.S.C. 461(e).

(13) Exercise responsibility, under such general program criteria and procedures as may be established by the Soil Conservation Service in connection with the forestry aspects of the resource conservation and development program authorized by title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(14) Administer the radio frequency licensing work of the Department, including: (i) Representation of the Department on the Interdepartmental Radio Advisory Committee and its Frequency Assignment Subcommittee, in the office of the Director of Telecommunications Management; (ii) establishing policies, standards, and prodcedures for allotting and assigning frequencies within the Department and for obtaining effective utilization of them; (iii) providing licensing action necessary to assign radio frequencies for use by the agencies of the Department and maintenance of the records necessary in connection therewith; and (iv) providing inspection of the Department's radio operations to insure compliance with national and international regulations and policies for radio frequency use.

(15) Administer the Youth Conservation Corps Act (42 U.S.C. Precede 2711 Note) for the Department of Agriculture.

(16) Establish and operate the Job Corps Civilian Conservation Centers on national forest lands as authorized by title II, sections 106 and 107, of the economic Opportunity Act of 1964 (42 U.S.C. 2716–2717), in accordance with the terms of an agreement dated May 11, 1967, between the Secretary of Agriculture and the Secretary of Labor; and administration of other cooperative manpower training and work experience programs where the Forest Service serves as host or prime sponsor with other departments of Federal, State, or local governments.

(17) Administer the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a–558d, 558a note).

(d) *Related to rural electrification and telephone service.* (1) Administer the "Rural Electrification Act of 1936," as amended (7 U.S.C. 901–950(b)).

(e) *Related to soil conservation activities.* (1) Provide national leadership in the conservation, development, and productive use of the Nation's soil, water, and related resources. Such leadership encompasses soil, water, plant, and wildlife conservation; small watershed protection and flood prevention; and resource conservation and development. Integrated in these programs are erosion control, sediment reduction, pollution abatement, land use planning, multiple use, improvement of water quality, and several surveying and monitoring activities related to environmental improvement. All are designed to assure (i) quality in the natural resource base for sustained use; (ii) quality in the environment to provide attractive, convenient, and satisfying places to live, work, and play; and (iii) quality in the standard of living based on community improvement and adequate income.

(2) Evaluate and coordinate land use policy.

(3) Administer the basic program of soil and water conservation under Public Law 46, 74th Congress, as amended, and related laws (16 U.S.C. 590a–f, 590i–1, 590q, 590q–1; 42 U.S.C. 3271–3274; 7 U.S.C. 2201), including:

(i) Technical assistance to land users in carrying out locally adapted soil and water conservation programs primarily through the conservation districts in the 50 States, Puerto Rico, and the Virgin Islands, but also to communities, watershed groups, Federal and State agencies, and other cooperators including such assistance as:

(a) Comprehensive planning assistance in nonmetropolitan districts.

(b) Assistance in the field of income-producing recreation on rural non-Federal lands.

(c) Forestry assistance, as a part of total technical assistance, to private land owners and land users when such services are an integral part of land management and such services are not available from a State agency; and forestry services in connection with windbreaks and shelter belts to prevent wind and water erosion of lands.

(d) Assistance in developing programs relating to natural beauty.

(e) Assistance to other Department agencies in connection with the administration of their programs, as follows:

(1) Agricultural Stabilization and Conservation Service in the development and technical servicing of certain programs, such as the rural environmental assistance program, water bank program, Appalachian regional development program, and other such similar conservation programs.

(2) Farmers Home Administration in connection with their loan programs.

(ii) Soil surveys, including:

(a) Providing leadership for the Federal part of the National Cooperative Soil Survey which includes conducting and publishing of soil surveys.

(b) Conducting soil surveys for resource planning and development.

(c) Performing the cartographic services essential to carrying out the delegated authorities, including furnishing photographs, mosaics, and maps.

(iii) Conducting and coordinating snow surveys and making water supply forecasts pursuant to Reorganization Plan No. 4 of 1940 (5 U.S.C. App.).

(iv) Operating plan materials centers for the assembly and testing of plant species in conservation programs, including the use, administration, and disposition of lands under the administration of the Forest Service.

(ii) The emergency flood control work under section 216 of Public Law 516, 81st Congress, 33 U.S.C. 701b–1.

(iii) The cooperative river basin surveys and investigations program under section 6 of Public Law 566, 83d Congress, 16 U.S.C. 1006, except for responsibilities assigned to the Forest Service. Representation of the Water Resources Council and river basin commissions created by Public Law 89080, 42 U.S.C. 1962, and on river basin interagency committees.

(iv) The pilot watershed projects under Public Law 46, 74th Congress, 16 U.S.C. 590a–f, and Public Law 156, 83d Congress, except for responsibilities assigned to the Forest Service.

(v) The watershed protection and flood prevention program under Public Law 566, 83d Congress, as amended 16 U.S.C. 1001–1009, except for responsibilities assigned to the Farmers Home Administration and the Forest Service.

(vi) The joint investigatons and surveys wth the Department of the Army under Public Law 87–639, 16 U.S.C. 100.

(5) Administer the Great Plains conservation program under Public Law 1021, 84th Congress, as amended 16 U.S.C. 590p(b).

(6) Administer the resource conservation and development program under Public Laws 46, 74th Congress, and 703, 87th Congress, as amended 16 U.S.C. 590a and 7 U.S.C. 1010–1011, except for responsibilities assigned to the Farmers Home Administration.

§ 2.20 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a)–(b) [Reserved]

(c) *Related to forest service.* (1) Wildfire protection assistance.

(d) [Reserved]

(e) *Related to soil conservation activities.* (1) Designation of new project areas in which the resource conservation and development program assistance will be provided.

(2) Responsibility for entering into long-term contracts for carrying out conservation and environmental measures in watershed areas.

(3) Responsibility for carrying out a land inventory and monitoring program.

§ 2.21 Delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for International Affairs and Commodity Programs:

(a) *Related to agricultural stabilization and conservation.* (1) Administer the acreage allotment and farm marketing quota programs under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.).

(2) Coordinate and prevent duplication of aerial photographic work of the Department, including: (i) Clearing of photographic projects; (ii) assigning symbols for new aerial photography, maintaining symbol records, and furnishing symbol books; (iii) recording departmental aerial photography flown and coordinating the issuance of aerial photography status maps of latest coverage; (iv) promoting interchange of technical information and techniques to develop lower costs and better quality; (v) representing the Department on the Interagency Committee on Sales Prices of Aerial Photographic and Satellite Imagery Reproductions and serving as liaison with other governmental agencies on aerial photography and related activities including classification of departmental aerial photography but excluding mapping; and (vi) providing a chairman for the Photography Sales Committee of the Department.

(3) Administer the rural environmental assistance program and diversion programs (except Great Plains program and naval stores conservation program) under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g et seq.).

(4) Administer the land stabilization, conservation, and erosion program authorized by section 203 of the Appalachian Regional Developmental Act of 1965, as amended (40 U.S.C. App. 203), with assistance from the Soil Conservation Service.

(5) Administer the beekeeper indemnity payment program under section 804 of the Agricultural Act of 1970 (7 U.S.C. 135b note).

(6) Administer the conservation reserve program under the Soil Bank Act of 1956, as amended (7.U.S.C. 1081 note).

(7) Administer the cropland adjustment program under title VI of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1938).

(8) Administer the cropland conversion program under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590(e)).

(9) Administer the dairy indemnity payment program under Public Law 90–484, as amended (7 U.S.C. 450j–l).

(10) Administer responsibilities and functions under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), the Federal Civil Defense Act of 1959, as amended (50 U.S.C. App. 2251 et seq.).

(11) Conduct refinancing operations pursuant to section 304 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2094).

(12) Administer the emergency conservation program under Public Law 85–58, as amended (71 Stat. 177).

(13) Provide management support activities for the Export Marketing Service with respect to both program and administrative matters, including fiscal, accounting, budget, personnel, and administrative service functions, the preparation and issuance of information releases on agricultural exports, and the processing and disposition for the Export Marketing Service of all claims arising under Department functions for which the Export Marketing Service has responsibility, and in participation with other agencies of the U.S. Government, to develop and formulate amendments to credit agreements under title I, Public Law 480, and the export credit sales program involving the rescheduling of amounts due from foreign countries under such agreements.

(14) Administer the feed grain set-aside program under section 105 of the Agricultural Act of 1949, as amended (7 U.S.C. 1441 note).

(15) Administer the haybank program pursuant to section 805 of the Agricultural Act of 1970 (7 U.S.C. 1339d).

(16) Serve as focal point in the Department for consultation on the leasing of federally owned farm lands to insure consistency with the Government's farm programs to reduce production of price-supported crops in surplus supply and determine and proclaim agricultural commodities in surplus supply, pursuant to Presidential memorandum of May 21, 1956.

(17) Administer assigned activities under the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98–98h).

(18) Administer the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.).

(19) Administer the International Sugar Agreement (7 U.S.C. 1161).

(20) Supervise and direct Agricultural Stabilization and Conservation Service State and county offices, and designate functions to be performed by Agricultural Stabilization and Conservation Service State and county committees.

(21) Administer the upland cotton program set-aside program under section 103 of the Agricultural Act of 1949, as amended (7 U.S.C. 1444).

(22) Administer the water bank program under Public Law 91–599 (16 U.S.C. 1301–1311).

(23) Administer the wheat certificate and set-aside programs under Subtitles B and D, title III, Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1339 and 1379a et seq.), other than as specified in § 2.22(b).

(24) Administer the distress and disaster relief programs under section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and the Disaster Relief Act of 1970, Public Law 91–606 as amended (42 U.S.C. 4401).

(25) Administer the emergency livestock feed assistance program under section 407 of the Agricultural Act of 1949 and Public Law 86–299, as amended (7 U.S.C. 1427 and 1427 note).

(26) Determine the quantities of agricultural commodities subject to price support available for export programs, and estimate and announce the types, quantities, and varieties of food com-

modities to become available for distribution under clause (3) of section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431).

(27) Administer programs to stabilize, support, and protect farm income and prices and to assist in the maintenance of balanced and adequate supplies of agricultural commodities, including programs to sell or otherwise dispose of and aid in the disposition of such commodities, except those specified in §§ 2.17(d), 2.21(b), and 2.21(d).

(28) Administer procurement, processing, handling, distribution, disposition, transportation, payment, and related services on surplus removal and supply operations, under sections 5 (b), (c), and (d) of the CCC Charter Act (15 U.S.C. 714c (b), (c), and (d)), section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), section 210 of the Agricultural Act of 1956 (7 U.S.C. 1446a–1), except as specified in §§ 2.17(d), and 2.21(b).

(29) Administer commodity procurement and supply, transportation (other than from point of export except for movement to trust territories or possessions), handling, payment, and related services in connection with programs under title II of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721–1725), hereinafter referred to as "Public Law 480"; and payment and related services for the Export Marketing Service with respect to export subsidy and barter operations, operations under title I of Public Law 480 (7 U.S.C. 1701–1710), and the export credit sales program.

(30) Administer functions relating to agreements under section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787).

(31) Administer other functions on behalf of CCC as assigned in accordance with CCC bylaws.

(b) *Related to export marketing.* (1) Formulate and administer programs under section 5(f) of the CCC Charter Act (15 U.S.C. 714(f)) and section 4, Public Law 89–808 (7 U.S.C. 1707a) to finance commercial export credit sales of agricultural commodities by U.S. exporters.

(2) Formulate and administer barter programs, under which agricultural commodities are exported, under section 5(f) of the CCC Charter Act (15 U.S.C. 714c(f)).

(3) Negotiate and implement agreements between CCC and private trade entities to finance the sales and exportation of agricultural commodities for dollars on long-term credit under title I of the Agricultural Trade Development and Assistance Act, as amended (7 U.S.C. 1707), hereinafter referred to as "Public Law 480."

(4) Perform functions of the Department in connection with the development and implementation of basic country agreements under title I of Public Law 480 to finance the sales and exportation of agricultural commodities on long-term credit or for foreign currencies.

(5) Participate in program development, evaluation, and review, including related liaison with the Agency for International Development, private relief agencies, and intergovernmental organization, and activities involving operational responsibilities with respect to making agricultural commodities available for distribution in foreign countries under title II, Public Law 480 (7 U.S.C. 1721–1725).

(6) Coordinate within the Department activities arising under Public Law 480 (except as assigned to the Director of Agricultural Economics in § 2.27(a)) and to represent the Department in its relationships in such matters with the Department of State, the Interagency Staff Committee on Public Law 480, and other departments, agencies and committees of the Government.

(7) Arrange for transportation in connection with moving commodities from point of export under Public Law 480 and under section 5 of the CCC Charter Act (15 U.S.C. 714c) except for movement to trust territories or possessions.

(8) Formulate policy for export pricing and price review, in connection with export sales of CCC-owned commodities, except for tobacco, peanuts, tung oil, and gum naval stores and for export sales under Public Law 480.

(9) Formulate and administer programs for sales for export of CCC-owned agricultural commodities, except for tobacco, peanuts, tung oil, and gum naval stores.

(10) Allocate among the various export programs, agricultural commodities determined under § 2.21(a) to be available for export.

(11) Formulate and administer export payment programs (other than those under section 32, Public Law 320, 74th Congress (7 U.S.C. 612c)), and other programs as assigned to encourage or cause the export of U.S. agricultural commodities.

(12) Administer domestic operations to implement the Wheat Trade Convention of the International Wheat Agreement.

(13) Formulate and direct the program relating to acquisition of wheat export marketing certificates by exporters under Subtitle D, title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1379a et seq.).

(14) Develop foreign markets for agricultural commodities under section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c)(f)), except as otherwise specifically assigned to the Foreign Agricultural Service.

(15) Perform those functions under section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) with respect to improvement of transportation service, facilities, and rates for the export of agricultural commodities and farm supplies which involve action before the Federal Maritime Commission, the Maritime Administration, or other similar transportation regulatory body, or which involve working directly with individual ocean carriers or groups of such carriers.

(c) *Related to Federal crop insurance.* Management of the Federal Crop Insurance Corporation is vested in a Board of Directors subject to the general supervision of the Secretary. The general powers and authorities of the Corporation are stated in the Federal Crop Insurance Act, as amended, 7 U.S.C. 1501–1520. The Manager of the Corporation is its chief executive officer, with such power and authority as may be conferred upon him by the Board. Since general supervision of the Corporation is vested in the Secretary, the following delegation of authority is made to the Assistant Secretary for International Affairs and Commodity Programs:

(1) Exercise general supervision of the Federal Crop Insurance Corporation.

(d) *Related to foreign agriculture.* (1) Coordinate the carrying out by Department agencies of their functions involving foreign agricultural policies and programs of the Department and their operations and activities in foreign areas (other than those functions arising under the Agricultural Trade Development Act of 1954, as amended (7 U.S.C. 1701–1710, 1721–1725, 1731–1736), which are not related to foreign agriculture and those functions relating to international development, technical assistance, and training assiged to the Director of Agricultural Economics). Act as liaison agency on these matters and functions relating to foreign agriculture between the Department of Agriculture and the Department of State, the Special Representative for Trade Negotiations, the Trade Expansion Act Advisory Committee, and other departments, agencies, and committees of the U.S. Government, foreign governments, Organization for Economic Cooperation and Development, the European Common Market, the Food and Agriculture Organization of the United Nations and other international organizations, and the contracting parties to the General Agreement of Tariffs and Trade.

(2) Administer departmental programs concerned with development of foreign markets for agricultural products of the United States except functions relating to export marketing, operations under section 32, Public Law 320, 74th Congress (7 U.S.C. 612c) delegated to the Assistant Secretary for Marketing and Consumer Services, and utilization research delegated to the Director of Science and Education. Legal authority for these programs is contained in section 104(b)(1) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(1)), and section 601 of the Agricultural Act of 1954, as amended (7 U.S.C. 1761).

(3) Conduct studies of worldwide production, trade, marketing, prices, consumption, and other factors affecting exports and imports of U.S. agricultural commodities and to obtain information on methods used by other countries to move farm commodities in world trade on a competitive basis for use in the development of programs of this Department, provision of information to domestic pro-

ducers, agricultural trade, the public and other interests, and the promotion of normal commercial markets abroad. This delegation excludes basic and long-range analyses of world conditions and developments affecting supply, demand, and trade in farm products and general economic analyses of the international financial and monetary aspects of agricultural affairs as assigned to the Director of Agricultural Economics.

(4) Conduct functions of the Department relating to the General Agreement of Tariffs and Trade (GATT), the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.), and other legislation affecting international agricultural trade including those programs designed to reduce foreign tariffs and other trade barriers.

(5) Maintain a worldwide agricultural attaché intelligence and reporting system, including provision of foreign agricultural representation abroad to protect and promote U.S. agricultural interests, and to acquire information on demand, competition, marketing and distribution of United States agricultural products abroad pursuant to Title VI of the Agricultural Act of 1954, as amended, Public Law 83–690 (7 U.S.C. 1761–1766).

(6) Conduct Department activities to carry out the provisions of the International Coffee Agreement Act of 1968 (19 U.S.C. 1356f–j).

(7) Administer functions of the Department relating to import controls, including, among others, functions under section 22 of the Agricultural Adjustmet Act (of 1933), as amended (7 U.S.C. 624), section 2 of Public Law 88–482 (19 U.S.C. 1202 note), and section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), but not including those functions reserved to the Secretary under § 2.22(d), those relating to the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), as specified in § 2.21(a) and those relating to section 8e of the Agricultural Adjustment Act (of 1933), as amended (7 U.S.C. 608e–1), as assigned to the Assistant Secretary for Marketing and Consumer Services.

(8) Represent the Department on the Interdepartmental Committee for Export Control and to conduct departmental activities to carry out the provisions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401–2413), except as reserved to the Secretary under § 2.22(d).

(9) Conduct international negotiations and contacts in connection with the International Wheat Agreement and authority for the administration of the Food Aid Convention of the IWA within the Department.

(10) Plan and provide overall direction to the programs and activities undertaken to carry out the foreign market promotion portions of the Wheat Research and Promotion Act (Public Law 91–430); the Cotton Research and Promotion Act (Public Law 89–502); and the Potato Research and Promotion Act (Public Law 91–670). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

§ 2.22 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a) *Related to agricultural stabilization and conservation.* (1) Appointment of State ASC committeemen.

(2) Recommendations to the President regarding the designation of areas of major disaster under the Disaster Relief Act of 1970, Public Law 91–606 (42 U.S.C. 4401), and regarding the designation of acute distress areas because of unemployment or other economic causes, pursuant to section 407 of the Agricultural Act of 1949, as amended, the designation of boundaries within areas under Public Law 91–606 or acute distress areas under section 407 of the Agricultural Act of 1949, as amended; the execution of cooperative agreements with State Governors and heads of other Federal agencies with respect to the program designations of emergency areas under the statutes to which reference is made in § 2.21(a), (26) and (27).

(3) Final approval of regulations relating to the selection and exercise of the functions of committees promulgated under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590h(b)).

(4) Under section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), entering into agreements with, or approving agreements entered into between marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof.

(5) Responsibility for entering into long-term contracts with agricultural producers for cost-sharing for rural environmental development.

(b) *Related to export marketing.* (1) Determining the agricultural commodities and the quantities thereof available for disposition under titles I and II of Public Law 480 (7 U.S.C. 1731).

(c) *Related to Federal crop insurance.* (1) Appointing the Board of Directors, Federal Crop Insurance Corporation.

(2) Appointing of the Manager, Federal Crop Insurance Corporation.

(d) *Related to foreign agriculture.* (1) Approving export controls with respect to any agricultural commodity, including fats and oils or animal hides or skins as provided for in section 4(e) of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2403).

(2) Advising the President that imports are having the effect on programs or operations of this Department required as a prerequisite for the imposition of import controls under Section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624a) and to recommend that the President cause an investigation to be made by the Tariff Commission of the facts so that a determination could be made whether import restrictions should be imposed under that Act.

(3) Determining and publishing the estimates required by the Meat Import Act, Public Law 88–482, which serve as a basis for the imposition of import restrictions on certain meats by the President.

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Administration:

(a) *Related to administrative law judges.* (1) Assign, after appropriate consultation with other general officers, to the Office of Administrative Law Judges proceedings not subject to sections 556 and 557 of title 5, United States Code, involving the holdings of hearings and performance of related duties pursuant to the applicable rules of practice, when the Assistant Secretary for Administration determines that because of the nature of the proceeding it would be desirable for the proceeding to be presided over by an Administrative Law Judge and that such duties and responsibilities would not be inconsistent with those of an Administrative Law Judge.

(2) Provide administrative supervision of the Office of Administrative Law Judges.

(b) *Related to budget and finance.* (1) Exercise general responsibility and authority for all matters related to the administration of the Department's financial affairs including:

(i) Budgetary administration, including all phases of acquisition, distribution, and control of funds.

(ii) Financial administration, including accounting and related activities.

(iii) Budgetary and financial reporting.

(iv) Legislative reporting and related activities.

(v) The Department's central payroll, personnel and related services, central voucher payment service, and central accounting system.

(2) Formulate and promulgate Departmental financial policies, procedures, and regulations.

(3) Provide staff assistance to the Secretary, general officers, and other Department and agency officials.

(4) Review budgetary, financial, legislative, and fiscal management aspects of agency operations and proposals.

(5) Represent the Department in contacts with the Office of Management and Budget, the General Accounting Office, the Treasury, congressional Committees on Appropriations, and any other organizations or agencies on matters related to his responsibilities.

(6) Designate the Department's Director of Finance and the Department's Budget Officer to carry out the Department's responsibilities under the Budget and Accounting Act of the 1921 and other applicable statutes.

(c) *Related to information systems.* (1) Administer the Department's management improvement program including the provision of assistance to agencies through management studies; review the

management and operating policies and processes, search for more economical approaches to the conduct of business and provide such other assistance as will aid in improving the management effectiveness, organization and operation of the Department's programs.

(2) Administer the Department's records, forms, reports, and directives management programs (authority to maintain, review, update, and amend departmental delegations of authority is included in this delegation).

(3) Administer the Department's management review program. This authority includes the development and promulgation of departmental directives regulating the management review function.

(4) Develop, design, install, and revise systems, processes, work methods and techniques, and undertake other system engineering efforts to improve the management and operational effectiveness of the USDA.

(5) Manage and operate the total USDA data processing program through all stages of the data processing management cycle: Advance planning, feasibility, design, equipment selection and acquisition readiness effort, systems installation, systems impact appraisal, time sharing and service center arrangements, systems monitoring and evaluation. These authorities will be transferred from the various agencies involved (authority to specify functions, resources and timing is included in this delegation).

(6) Exercise full departmentwide contracting and procurement authority for automatic data processing and data transmission equipment, software, services, maintenance, and related supplies. This authority includes the development and promulgation of departmental directives regulating the management of contracting and procurement functions related to the above.

(7) Plan, develop, install, and manage USDA information systems, and assist in the maintenance of such systems to satisfy agency needs.

(8) Develop an integrated computer network for use by Department agencies and offices; manage telecommunications in areas related to automatic data processing and coordinate with GSA in these areas.

(d) *Related to management services.* The Assistant Secretary for Administration, under agreements with the general officers or agency heads concerned, shall have full authority to provide management support services to the Under Secretary, the Assistant Secretaries, the Director of Agricultural Economics, the Director of Science and Education, and to the following Agencies:

(1) Rural Development Service,
(2) Commodity Exchange Authority,
(3) Packers and Stockyards Administration,
(4) Farmers Cooperative Service,
(5) Economic Research Service,
(6) Statistical Reporting Service,
(7) Cooperative State Research Service,
(8) National Agricultural Library,
(9) Office of Planning and Evaluation,
(10) Office of Equal Opportunity,
(11) Office of Budget and Finance,
(12) Office of Administrative Law Judges,
(13) Office of Information,
(14) Office of Information Systems,
(15) Office of Management Services,
(16) Office of Personnel,
(17) Office of Plant and Operations,
(18) Office of the General Counsel,
(19) Office of the Inspector General,
(20) The Judical Officer.

The Assistant Secretary for Administration shall also provide management support services to the Secretary of Agriculture. As used herein, the term management support services shall include:

(i) Budget, accounting, and related financial management services, with authority to take actions required by law or regulation to discharge the budget, accounting and related financial management functions for working capital fund, and general appropriated and trust funds.

(ii) Personnel, organization, and related services, with authority to take actions required by law or regulation to perform personnel management functions including employment, classification, organization, employee security, and related matters.

(iii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform administrative services functions of procurement and contracting, personal property management, real property management, paperwork management, records management, and related matters.

(iv) Information services, with authority to take actions required by law or regulation to develop, issue, and distribute information materials.

(e) *Related to personnel.* (1) Formulate and issue Department policy, standards, rules, and regulations relating to personnel.

(2) Provide personnel management procedural guidance and operational instructions.

(3) Design and establish automated data personnel systems.

(4) Inspect and evaluate personnel management operations and issue instructions or take direct action to insure conformity with appropriate laws, Executive orders, Civil Service Commission rules and regulations, and other appropriate rules and regulations.

(5) Exercise final authority in all personnel matters, including individual cases, that involve the jurisdiction of more than one General Officer.

(6) Receive, review, and recommend action on all requests for the Secretary's approval in personnel matters.

(7) Make final decisions on complaints, adverse actions, and grievance appeals, except in those cases where the Assistant Secretary for Administration has participated, when it is determined that such complaint, adverse action, or grievance appeals are not being decided in a timely manner.

(8) Represent the Department in personnel matters in all contacts outside the Department.

(9) Exercise specific authorities in the following operational matters:

(i) Authorize cash awards above $2,500.

(ii) Waive repayment of training expenses where employee fails to fulfill service agreement.

(iii) Establish or change standards and plans for awards to private citizens.

(iv) Execute, change, extend, or renew:

(*a*) Labor-management agreements.

(*b*) Association of Management Officials or Supervisor's Agreements.

(v) Represent any part of the Department in all contacts and proceedings with the National Offices of Labor Organizations.

(vi) Change a position (with no material change in duties) from GS to a pay system other than a wage system, or vice versa.

(vii) Grant restoration rights, and release employees with administrative reemployment rights.

(viii) Change working hours for groups of 50 or more employees in the Washington, D.C., metropolitan area.

(ix) Authorize any mass dismissals of employees in the Washington, D.C., metropolitan area.

(x) Approve "normal line of promotion" cases in the excepted service where not in accordance with time-in-grade criteria.

(xi) Make final decisions on formal grievance, adverse action and performance rating appeals in all cases where the Deciding Official:

(*a*) Was involved directly in the grievance, adverse action, or performance rating appeal, or

(*b*) Made the informal decision, or

(*c*) Determines that the Examiner's findings or Committee's recommendations is unacceptable.

(xii) Make the final decision on all classification appeals from agency appellate decisions.

(xiii) Authorize organization changes which occur in:

(*a*) Department Service:

(*1*) Service or office

(*2*) Division (or comparable component)

(*3*) Branch (or comparable component)

(*b*) Field Service:

(*1*) First Organization Level

(*2*) Next lower Organization Level—required only for those types of field installations where the establishment, change in location, or abolition of same, requires approval in accordance with 1 AR 673.

(xiv) Authorize all employment actions (except nondisciplinary separations and LWOP) and classification actions for the following positions:

(*a*) GS–16—18 and equivalent, and

(*b*) Region-, area-, State-, and country-wide administration.

(xv) Authorize employment actions (promotions, transfers, reassignments,

accessions, or extensions) for newly established GS–14—15 and equivalent positions.

(xvi) Authorize all employment actions (except LWOP) for the following positions:

(*a*) Schedule C, and

(*b*) Administrative law judge.

(xvii) Authorize employment actions (accessions or extensions) for the following:

(*a*) Experts and consultants.

(*b*) Employees whose records are flagged.

(*c*) Contact services.

(xviii) Authorize employment actions (accessions or extensions and transfers) for the following:

(*a*) Persons with criminal or immoral records.

(*b*) Persons separated for misconduct, delinquency, or resignation, to avoid such action.

(*c*) Veterans with dishonorable or other than dishonorable discharge.

(xix) Authorize all classification actions at GS–15 and equivalent.

(xx) Authorize adverse actions for positions in GS–14—15 and equivalent.

(xxi) Approve assignments to White House details.

(xxii) Authorize adverse actions based in whole or in part on an allegation of violation of Subchapter III, Chapter 73, 5 U.S.C. for employees in the excepted service.

(xxiii) Authorize long-term training in programs which require Department-wide competition.

(xxiv) Issue all Coordinated Federal Wage System (CFWS) Department-wide Wage Schedules, and Lithographic Wage Schedules in the Washington, D.C. metropolitan area.

(10) As used herein, the term personnel includes:

(i) Organizational analysis and planning.

(ii) Position classification.

(iii) Employment.

(iv) Pay administration.

(v) Automation of personnel data and systems design.

(vi) Hours of duty.

(vii) Performance evaluation and standards.

(viii) Promotions.

(ix) Employee development.

(x) Incentive programs.

(xi) Leave.

(xii) Program evaluation.

(xiii) Social security.

(xiv) Life insurance.

(xv) Health benefits.

(xvi) Unemployment compensation.

(xvii) Employee safety.

(xviii) Employee health programs.

(xix) Labor management relations.

(xx) Intramanagement consultation.

(xxi) Discipline.

(xxii) Equal employment opportunity.

(xxiii) Complaints and grievances.

(xxiv) Appeals.

(f) *Related to plant and operations.* (1) Promulgate departmental policies, standards, techniques, and procedures, and represent the Department in the following areas:

(i) Contracting for and the procurement of administrative and operating supplies, services, and construction, except for automatic data processing or transmission.

(ii) Socioeconomic programs related to contracting, including Small Business Assistance, Labor Surplus Area Assistance, Disadvantaged Business Assistance, and Labor Standards.

(iii) Utilization of the resources of State and local governments and of the private sector in domestic program operations.

(iv) Selection, standardization, and simplification, of progress delivery processes utilizing grants, contracts, and/or agreements.

(v) Acquisition, leasing, utilization, value analysis, construction, maintenance, and disposition of real and personal property including control of space assignments and use.

(vi) Acquisition, storage, distribution, and disposition of forms and supplies.

(vii) Telecommunications, except for data transmission for automatic data processing systems.

(viii) Mail management.

(ix) Motor Vehicle Fleet and other vehicular transportation.

(x) Transportation of things.

(xi) Security of physical facilities, self-protection and warden systems.

(xii) Prevention, control, and abatement of air and water pollution at Federal facilities (Executive Order 11507).

(xiii) Implementation of the Uniform Relocation Assistance and Real Property Policies Act of 1970 (Public Law 91–646).

(2) Operate or provide for the operation of centralized departmental services to provide printing, copy reproduction, offset composition, supply, telephone, telegraph, mail, automated mailing lists, excess property pool, space allocation, central Secretary's records, departmental administrative regulation and secretarial issuance, and related management support.

(3) Exercise following special authorities.

(i) Designate Department Debarring Officers to perform the functions of 41 CFR Subpart 1–1.6 and 41 CFR 4–1.6.601–1(a).

(ii) Designate and recommend the Department official for appointment by the President to the Committee for Purchase of Products and Services of the Blind and other Severely Handicapped pursuant to 41 U.S.C. 46–48c.

(iii) Promulgate Department schedule of fees and charges for reproductions, furnishing of copies and making searches for official records pursuant to the Freedom of Information Act, 5 U.S.C. 552.

(iv) Conduct liaison with the Office of the Federal Register including the making of required certification pursuant to 1 CFR Part 4.

(v) Maintain custody and permit appropriate use of the official seal of the Department.

(vi) Promulgate policy for use of the official flags of the Secretary and the Department.

(vii) Coordinate collection of historical materials for Presidential Libraries.

(viii) Oversee the safeguarding of unclassified materials designated "For Official Use Only."

(ix) Establish standards for and coordinate the issuance of employee identification credentials within the Department.

(4) Exercise authority to:

(i) Make determinations and findings authorizing the use of negotiation in accordance with 41 U.S.C. 252(c) (11), (12), and (13) with respect to purchases and contracts:

(*a*) For experimental, developmental, or research work, or for the manufacture, or furnishing of property for experimentation, development, research, or test.

(*b*) For property or services when the character, ingredients, or components thereof are such that the contract should not be publicly disclosed.

(*c*) For technical equipment when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization of equipment and interchangeability of parts and where such standardization and interchangeability is necessary in the public interest.

(ii) Make determinations and findings authorizing the omission of the examining of records clause from contracts with foreign contractors and foreign subcontractors under the authority granted in 41 U.S.C. 304(c) (41 CFR 1–3.303; 1–6.1004).

(g) *Related to committee management.* (1) Serve as the Department's Committee Management Officer and establish and maintain departmentwide policies and procedures for the management of Committees.

(h) *Related to equal opportunity.* (1) Coordinate all aspects of the Department's civil rights program.

(2) Administer the Department's contract compliance program, including the formulation and issuance of Department contract compliance policy, standards, rules and regulations pursuant to Executive Order 11246, Executive Order 11375, Executive Order 11598, and Department of Labor rules and regulations.

(3) Is designated as the Department's Contract Compliance Officer with authority to perform the functions and responsibilities of that position.

(4) Order proceedings and hearings in the Department of Agriculture pursuant to §§ 15.9(e) and 15.86 of this subtitle consolidated for hearing with proceedings of Federal Departments and agencies.

(5) Make determinations required by § 15.8(d) of this subtitle that compliance cannot be secured by voluntary means.

(6) Issue orders to give notice of hearing or opportunity to request a hearing pursuant to Part 15 of this subtitle; arrange for the designation of an Administrative Law Judge to preside over any such hearing; and determine whether the Administrative Law Judge so designated will make an initial decision or certify the record to the Secretary of Agriculture with his recommended findings and proposed decision.

(7) Authorize the taking of action pursuant to § 15.8(a) of this subtitle relating to compliance by "other means authorized by law."

(8) Take action pursuant to § 15.8(d) of this subtitle relating to compliance by "other means authorized by law."

(9) Administer the Department's equal employment opportunity program.

(10) Is designated as the Department's Director of Equal Employment Opportunity with authority to perform the functions and responsibilities of that position under 5 CFR Part 713, including the authority to make changes in programs and procedures designed to eliminate discriminatory practices and improve the Department's program for equal employment opportunity, and the authority to make decisions on complaints of discrimination and order such corrective measures as he may consider necessary, including the recommendation for such disciplinary action as is warranted when an employee has been found to have engaged in a discriminatory practice.

§ 2.26 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a)–(d) [Reserved].

(e) *Related to personnel.* Make final determinations in the following areas:

(1) Separation of employees for security reasons.

(2) Restoration to duty of employees following suspension from duty for security reasons.

(3) Reinstatement or restoration to duty or the employment of any person separated for security reasons; and

(4) Issuance of temporary certificates to occupy sensitive positions.

§ 2.27 Delegations of authority to the Director of Agricultural Economics.

The following delegation of authority are made by the Secretary of Agriculture to the Director of Agricultural Economics:

(a) *Related to farmer cooperatives.* (1) Administer programs authorized by the Cooperative Marketing Act of 1926 (7 U.S.C. 451–457).

(2) Conduct research relating to the economic and marketing aspect of cooperatives as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627).

(b) *Related to economic research.* (1) Conduct farm economics research consisting of a nationwide program of research dealing with the economic problems of agricultural production and resource use, which shall include the following:

(i) Farm production economics research including analyses of farm production costs and efficiency, use of capital, labor, and other resources in agriculture, profitable adjustments in farming, and financial problems of farmers.

(ii) Natural resources economics research including studies of the use and management of land and water resources, the quality of these resources, resource institutions, and watershed and river basin development problems.

(iii) Economic development research including a broad program of economic studies on development of rural areas, employment opportunities for farm and other rural people, and availability and factors affecting the availability of public and private facilities and services necessary to improve the quality of rural life, including local governments and their organization.

This authority excludes performance of forest economics research. Title I and Title II of the Act of August 14, 1946, as amended (7 U.S.C. 427, 1621–1627).

(2) Conduct marketing economics research including economic analyses and research relating to the marketing of agricultural commodities, the organizational structure, practices, and performance of commodity markets from the farm to the consumer, costs and margins involved in the marketing of agricultural products, farmer's bargaining power, the economics of product quality and grade, market potentials, distribution and merchandising of agricultural products and the economics of transportation. Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

(3) Perform domestic and foreign economic analysis which shall include the following:

(i) Domestic economic analysis including economic and statistical research on agricultural prices, farm income, commodity outlook and situation, supply and consumption of farm products, and agricultural history.

(ii) Foreign economic analysis including studies of supply and demand and trade in farm products in foreign countries and their effect on prospects for U.S. exports; analysis of farm export programs, progress in economic development and its relationship to sales of farm products, assembly and analysis of agricultural trade statistics; and analysis of international financial monetary programs and policies as they affect the competitive position of U.S. farm products, but excluding specific commodity investigations relating to foreign market developments, competition and reporting, as delegated to the Assistant Secretary for International Affairs and Commodity Programs. Section 601 of the Act of August 28, 1954 (7 U.S.C. 1761).

(4) Supervise, direct, and operate the Outlook and Situation Board which is responsible for technical review and approval of all economic outlook and situation reports and statements prepared within the Department.

(5) Coordinate and administer the Department's programs in international development, technical assistance, and training. Represent the Department of Agriculture in participating with international and U.S. organizations concerned with international agricultural development matters.

(6) Investigate and make findings as to the effect upon the production of food and upon the agricultural economy of any proposed action pending before the Administrator of the Environmental Protection Agency for presentation in the public interest, before said Administrator, other agencies or before the courts.

(7) Make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 450i) and the Act of September 6, 1958 (42 U.S.C. 1891–1893).

(8) Perform economic research under section 104(b) (1), (3) of the Agricultural Trade Development and Assistance Act of 1954 with funds administered by the Foreign Agricultural Service and the Agricultural Research Service.

(9) Review economic data and analyses used in speeches by Department personnel and in materials prepared for release through the press, radio, and television. This authority does not in any way affect the procedures established for review and clearance of speeches and publications. Materials that should be submitted for review by the Director of Agricultural Economics include the following:

(i) Statistics on: farm income and farm costs; acreage and yield of crops; production, utilization, supply of crops, livestock, and livestock products; consumption of farm products; prices for farm products at all marketing levels; prices paid by farmers; economic projections; farm population, employment, and levels of living; foreign trade in agricultural products; foreign agriculture; agricultural marketing costs and charges; farm real estate; farm assets and debts; farm taxes and insurance; farm cooperatives; and statistics on the nonfarm economy.

(ii) Statements and data on the outlook and situation.

(iii) Economic analyses and interpretations based on published data.

(iv) Analyses and data on the effects of current or proposed programs on farm income, prices, supplies, utilization, or other economic factors.

(10) Coordinate all economic analysis and review all decisions involving substantial economic policy implications.

(c) *Related to statistical reporting.* (1) Prepare crop and livestock estimates and administer reporting programs including estimates of production, supply, price, and other aspects of the U.S. agricultural economy, collection of statistics, conduct of enumerative and objective measurement surveys, and related activities. Prepare reports of the Crop Reporting Board of the Department of Agriculture covering official State and national estimates (7 U.S.C. 411(a), 475, 476, 951).

(2) Withhold information relating to crop reports and take such security precautions as are necessary to prevent disclosure of crop report information prior to the scheduled issuance time approved in advance by the Secretary of Agriculture (18 U.S.C. 1902, 2072).

(3) Conduct research relating to household, industrial, and institutional consumers, and producers, handlers, and processors, with respect to sensory perceptions, attitudes, opinions, and related factual data affecting marketing and consumption of agricultural products.

(4) Review, clear, coordinate, and improve statistics in the Department including review of all statistical forms survey plans, and reporting and record-keeping requirements originating in the Department and requiring approval by the Office of Management and Budget under the Federal Reports Act; liaison with OMB and other Federal agencies for coordination of statistics, general improvement of statistical methods and techniques in the Department (44 U.S.C. 3501–3511).

(5) Make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), and the Act of September 6, 1958 (42 U.S.C. 1891–1893).

(6) Collect data and prepare estimates of fertilizer production.

(d) *Related to the Commodity Exchange Commission.* (1) Designate the Chairman of the Commodity Exchange Commission (7 U.S.C. 2).

§ 2.28 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture.

(a)–(b) [Reserved]

(c) *Related to statistical reporting.* (1) Final approval and issuance of the monthly crop report (7 U.S.C. 411a).

(2) Final action on rules and regulations for the Crop Reporting Board.

§ 2.29 Delegations of authority to the Director of Science and Education.

The following delegations of authority are made by the Secretary of Agriculture to the Director of Science and Education who is responsible for the coordination of research activities throughout the Department.

(a) *Related to agricultural research.* (1) Conduct research concerning domestic animals and poultry, their protection and use, causes of contagious, infectious, and communicable diseases and means for the prevention and cure of the same (7 U.S.C. 391).

(2) Conduct research related to the dairy industry and dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(3) Conduct research at Mandan, N. Dak., and Lewisburg, Tenn., concerning dairy livestock breeding, growing and feeding, and other problems pertaining to the establishment of dairy and livestock industries (7 U.S.C. 421–422).

(4) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423–424).

(5) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than statistical and economic research but including consumer and food economic research), distribution, processing, utilization of plant and animal commodities, problems of human nutrition, development of markets for agricultural commodities, discovery, introduction, and breeding of new crops, plants, and animals both foreign and native; conservation development, and development of efficient use of farm buildings, homes, and farm machinery, including the application of electricity and other forms of power (7 U.S.C. 427, 1621–1627, 2201, 2204).

(6) Administer a program for the improvement of poultry, poultry products, and hatcheries (7 U.S.C. 429).

(7) Advance the livestock and agricultural interests of the United States including the breeding of horses suited to the needs of the United States (7 U.S.C. 437).

(8) Enter into agreements with and receive funds from any State or political subdivision, organization, or person for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(9) Make grants to State agricultural experiment stations, colleges, universities, other research institutions and organizations and Federal and private organizations and individuals for research to further the programs of the Department (7 U.S.C. 450i).

(10) Maintain four regional research laboratories and conduct research at such laboratories to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and byproducts (7 U.S.C. 1292).

(11) Conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States (7 U.S.C. 1441 note).

(12) Administer and coordinate a foreign contracts and grants program of market development research in the physical and biological sciences under section 104(b)(1) of the Agricultural Trade, Development, and Assistance Act of 1954, but excluding agricultural economics research; and administrate and coordinate a foreign contracts and grants program of agricultural and forestry research under section 104(b)(3) of such Act (7 U.S.C. 1704(b) (1), (3)).

(13) Conduct research in tropical and subtropical agriculture for the improvement and development of tropical and subtropical food products for dissemination and cultivation in friendly countries as provided by the Food for Peace Act of 1966 (7 U.S.C. 1736(a)(4)).

(14) Conduct research to develop and determine methods of humane slaughter of livestock (7 U.S.C. 1904).

(15) Conduct research related to soil and water conservation, engineering operations, and methods of cultivation to provide for the control and prevention of soil erosion (7 U.S.C. 1010, 16 U.S.C. 590a).

(16) Maintain a national arboretum for purposes of research and education concerning tree and plant life (20 U.S.C. 191–194).

(17) Conduct research on foot-and-mouth disease and other animal diseases (21 U.S.C. 133a).

(18) Conduct research on control and eradication of cattle grubs (screwworms) (21 U.S.C. 144e).

(19) Conduct research and technical studies of farm dwellings and other buildings for the purpose of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(20) Make grants for the support of basic scientific research at nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of scientific research (42 U.S.C. 1891).

(21) Administer the Virgin Islands agricultural research program (48 U.S.C. 1409m–o).

(22) Conduct research related to the use of domestic agricultural commodities for the manufacture of any material determined to be strategic and critical or substitute therefore, under section 7(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f).

(b) *Related to cooperative State research.* (1) Administer the Hatch Act of 1887, as amended (7 U.S.C. 361a–361i).

(2) Administer the Act of October 10, 1962, as amended (16 U.S.C. 582a–582a–7).

(3) Make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 450i).

(4) Administer the Act of July 22, 1963 (7 U.S.C. 390–390k).

(5) Maintain a Current Research Information System for all research work units of USDA and research projects of cooperating institutions receiving USDA funds.

(6) Maintain a Research Referral Office for the effective review and coordination of all USDA-supported research work units.

(c) *Related to extension service.* (1) Administer the Smith-Lever Act, as amended (7 U.S.C. 341–349).

(2) Conduct educational and demonstration work under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

(3) Conduct educational and demonstration work in the cooperative farm forestry program conducted under section 5 of the Act of June 7, 1924, as amended (16 U.S.C. 568).

(4) Provide educational and technical assistance to persons not receiving financial assistance under title 5 of the Housing Act of 1949 (42 U.S.C. 1476).

(5) Administer sections 109–111 of the District of Columbia Public Education Act, as amended, relating to cooperative extension programs in the District of Columbia (District of Columbia Code section 31–1609–1611).

(6) Authorize the use of the 4–H Club name and emblem (18 U.S.C. 707).

(7) Coordinate all educational activities of the Department.

(8) Act as the liaison between the Department and officials of the land-grant colleges and universities on all matters relating to cooperative extension work and educational activities relating thereto.

(9) Provide educational leadership for the Department's farm safety educational program.

(10) Serve as a focal point for the Department in contacts and working relationships with national town-country church leaders and denominational and

interdenominational church organizations.

(11) Provide leadership and direct assistance to the Cooperative Extension Service in planning, conducting, and evaluating extension programs with Indians under a memorandum of agreement with the Bureau of Indian Affairs dated May 1956.

(12) Administer information and educational services, essential to carrying out preemergency and emergency USDA defense operations through the Cooperative Extension Service.

(13) Exercise responsibilities of the Secretary under regulations dealing with equal employment opportunity in the Cooperative Extension Service. Part 18 of this subtitle.

(14) Provide educational support of resource development programs in rural areas and cooperate with other Federal and State agencies, private organizations, and groups in providing information concerning assistance available for resource development programs.

(15) Represent the Department in dealings with international organizations and foreign countries on matters related to extension education methods, programs, and organizations.

(d) *Related to agricultural library.* (1) Acquire and preserve all information concerning agriculture.

(2) Formulate immediate and long-range library policies, procedures, practices, and technical standards necessary for acquisition, cataloging, loan, bibliographic, and reference service to meet the needs of scientific, technical, research, and administrative staffs of the Department, both in Washington and the field.

(3) Evaluate special library programs developed for agencies of the Department; exercising such controls as are needed to coordinate library services in the Department and to avoid duplication of effort.

(4) Provide consultative service in library science and documentation, including systems for information storage and retrieval, to Department officials.

(5) Coordinate scientific and technical information activities of the Department.

(6) Coordinate the collection policy and program of the National Agricultural Library with the Library of Congress and the National Library of Medicine.

(7) Represent the Department on library and science information matters before congressional committees, professional societies, international organizations; and cooperate with other Government agencies, and educational institutions on all matters relating to library services.

(8) Make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 450i).

(9) Make copies of bibliographies prepared by the Department library, microfilm and other photographic reproductions of books and other library materials in the Department, and sell such bibliographies and reproductions at cost.

(10) Organize and coordinate a national agricultural science information system (network) for procuring, preserving, and diffusing agricultural information.

(11) Accept gift and order disbursement from the Treasury under the Act of December 28, 1970 (7 U.S.C. 2264, 2265).

§ 2.30 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a) *Related to agricultural research.* (1) Designation of members of the advisory committee, under title III of the Research and Marketing Act of 1946 (7 U.S.C. 1628–1629).

(b) *Related to cooperative State research.* (1) Appointing an advisory committee under section 6 of the Act of October 10, 1962 (16 U.S.C. 582a–5).

(2) Withholding funds from States under section 5 and notification to the President thereof in accordance with section 7 of the Hatch Act of 1887, as amended (7 U.S.C. 361 e, g).

(3) Reapportioning funds under section 4 and apportioning funds under section 5 of the Act of October 10, 1962 (16 U.S.C. 582a–3, 582a–4).

(c) *Related to extension service.* (1) Approving selection of State directors of extension.

(2) Final concurring on equal employment opportunity programs submitted under Part 18 of this subtitle.

(3) Approving the memoranda of understanding between the land-grant universities and the Department of Agriculture.

(4) Withholding funds from States and sending notification thereof to the President in accordance with sections 5 and 6 of the Smith-Lever Act, as amended (7 U.S.C. 345–346).

Subpart D—Delegation of Authority to Other General Officers and Agency Heads

§ 2.31 Delegation of authority to the General Counsel.

The General Counsel, as the chief law officer of the Department, is legal adviser to the Secretary and other officials of the Department and responsible for providing legal services for all the activities of the Department.

The delegations of authority by the Secretary of Agriculture to the General Counsel include the following:

(a) Consider, ascertain, adjust, determine, compromise, and settle claims pursuant to the Federal Tort Claims Act, as amended, (28 U.S.C. 2671–2680), and the regulations of the Attorney General contained in 28 CFR Part 14.

(b) Determine, settle, and pay claims submitted by employees of the Department under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 240–243).

(c) Certify documents as true copies of those on file in the Department pursuant to 28 U.S.C. 1733.

(d) Sign releases of claims of the United States against private persons for damage to or destruction of property of the Department.

(e) Make determinations under 41 CFR 1–2.406–3 and 1–2.406–4, relating to correction of mistakes in bids disclosed before and after award of procurement contracts; and make determinations in the various types of bidders' mistake cases set forth in decision of the Comptroller General, B–125189, dated October 3, 1955; except for mistakes which the contracting officer is authorized to correct in accordance with 41 CFR 1–2.406–2.

(f) Designate the Chairman and Alternate Chairman, Board of Forest Appeals established pursuant to 36 CFR 211.23.

(g) Make determinations as to whether employees of the Department may retain commercial rights in inventions; prepare patent applications and prosecute the same before the Patent Office.

(h) Represent the Department in formal rule-making and adjudicatory proceedings held in connection with the administration of the Department's activities.

(i) Represent the Department in connection with legal issues that arise in its relations with the Congress, the General Accounting Office, or other agencies of the Government.

(j) Represent the Department in proceedings before the Interstate Commerce Commission involving freight rates on farm commodities, and in appeals from decisions of the Commission to the courts.

(k) In civil actions arising out of the activities of the Department, present the Department's case to the Attorney General and U.S. attorneys and, upon request of the Department of Justice assist in the preparation and trial of such cases.

(l) Review cases having criminal aspects and refer them to the Department of Justice.

(m) Act as liaison between the Department and the Department of Justice.

(n) Perform the following legal services:

(1) Render legal opinions on questions arising in the conduct of the Department's activities.

(2) Prepare or review regulations.

(3) Draft proposed legislation.

(4) Prepare or review contracts, mortgages, deeds, leases, and other documents.

(5) Examine titles to land to be acquired or accepted as security for loans.

(o) Perform such other legal service as may be required in the administration of the Department's activities.

§ 2.33 Delegation of authority to the Inspector General.

The following delegations of authority are made by the Secretary of Agriculture to the Inspector General:

(a) Advise the Secretary and general officers in the planning, development, and execution of Department policies and programs.

(b) Direct or control all audit and investigation activities by and for the Department. This includes: (1) Direc-

tion of the formulation of audit and investigative policies, programs, plans, and procedures within the Department and (2) setting standards and approving the use of organizations outside the Department for audit and investigative services in connection with USDA programs.

(c) Provide audit service pertaining to the Department, all of its constituent organizations, and all parties performing under contracts, grants, or other agreements with the Department. This includes the performance of scheduled inquiries and appraisals and such additional inquiries determined by the Inspector General to be necessary, and the reporting to appropriate officials of the Department of conditions disclosed. Where appropriate the Inspector General will make recommendations for action. These audits will provide timely, comprehensive independent appraisals of whether—

(1) Policies, plans, systems, and procedures are adequate, conform to laws and regulations, and are being adhered to.

(2) Adequate fiscal, personnel, information, procurement, and property management systems are in operation.

(3) Programs and operations are effective, relevant, and necessary and administered efficiently.

(d) Conduct investigations concerning operations of the Department, its employees, its constituent organizations, and others under contract, grant, or agreement, with the Department; and to issue reports of facts from which allegations of violations and irregularities can be evaluated.

(e) Determine that OIG reports and those of an audit or investigative nature made by the General Accounting Office and other outside organizations have been reviewed and properly acted upon.

(f) Determine the proper areas of jurisdiction of audit and investigative functions as between OIG and other USDA agencies.

(g) Provide for physical protection to the Secretary.

(h) Provide liaison and coordination on audit and investigative matters between agencies within the Department and between the Department and other Government agencies including the General Accounting Office, Office of Management and Budget, Congressional Committees, Treasury Department, Department of Justice (except security program matters) and other Federal, State and local executive and legislative organizations.

§ 2.34 Reservations of authority.

The following authority is reserved to the Secretary of Agriculture:

(a) Giving final approval to determinations by the Inspector General of the proper areas of jurisdiction of audit and investigative functions as between the OIG and other USDA agencies.

§ 2.35 Delegations of authority to the Judicial Officer.

The following delegations of authority are made by the Secretary of Agriculture to the Judicial Officer:

(a) Pursuant to the provisions of the Act of April 4, 1970 (7 U.S.C. 450c–450g), and Reorganization Plan No. 2 of 1953, the Judicial Officer is hereby authorized to perform any regulatory function as defined in the said Act, which the Secretary of Agriculture is or hereafter may be authorized or required by law to perform, in acting as final deciding officer in adjudication proceedings subject to 5 U.S.C. 556 and 557, in rate proceedings under the Packers and Stockyards Act, and in reparation proceedings under statutes administered by the Department. As used herein the term "Judicial Officer" shall mean any person or persons so designated by the Secretary of Agriculture. The provisions of this delegation shall not be construed to limit the authority of the Judicial Officer to perform any functions, in addition to those defined in the said Act of April 4, 1940, which from time to time may be assigned by the Secretary to him.

(b) Hearing Clerk. The Judicial Officer shall direct the functions of the Hearing Clerk. The Hearing Clerk is charged with the following duties with respect to all quasi-judicial, quasi-legislative, and other administrative proceedings under the Agricultural Marketing Agreement Act of 1937, as amended; the Sugar Act of 1948, as amended; section 56–60 of Public Act No. 320, 74th Congress; the Packers and Stockyards Act, as amended and supplemented; the Perishable Agricultural Commodities Act, 1930, as amended; the Federal Seed Act, as amended; the Commodity Exchange Act as amended and supplemented; the Plant Quarantine Act of 1912, as amended; statutes providing for the voluntary inspection or grading of agricultural products; and all statutes, regulations, order, etc., of a regulatory nature except when provided otherwise:

(1) Receiving, filing, and acknowledging the receipt of complaints, petitions, answers, briefs, arguments, and all other documents that may be submitted to the Secretary or the Department of Agriculture in such proceedings.

(2) Receiving and filing complaints, notices of inquiry, orders to show cause, notices of hearing, designations of Administrative Law Judges or presiding officers, answers, briefs, agruments, orders, and all other documents that may be promulgated or issued by the Secretary or other duly authorized officials of the Department of Agriculture in such proceedings.

(3) Supervising the service upon the parties concerned of any documents that are required to be served, and where required, preserving proof of service.

(4) Keeping a docket record of all such documents and proceedings.

(5) Filing a stenographic record of each administrative hearing.

(6) Preparing for certification and certifying under the Secretary's facsimile signature, material on file in the Hearing Clerk's office.

(7) Performing any other clerical duties with respect to the documents relative to such proceedings as may be required to be performed.

(8) Cooperating with the Office of Plant and Operations in the letting of contracts for stenographic and reporting services; auditing of vouchers for such services; and forwarding vouchers to appropriate agencies for payment.

(9) Receiving and compiling data, views or comments filed in response to notices of proposed standards or rules or regulations.

(10) Performing when requested by the agency head, the following services with respect to any hearings in such proceedings:

(i) Arranging for a suitable hearing place.

(ii) Arranging for stenographic reporting of hearings and handling details in connection therewith.

Immediately upon their receipt by the Department, all documents of the character above described will be transmitted to the Hearing Clerk for docketing and filing.

(c) "Agriculture Decisions." The "Agriculture Decisions" shall be prepared under the direction of the judicial officer.

§ 2.41 Designation to the Office of Administrative Law Judges.

The following designations are made by the Secretary of Agriculture to the Office of Administrative Law Judges:

(a) Administrative Law Judges (formerly Hearing Examiners) are designated pursuant to section 556(b)(3) of title 5, United States Code, to hold hearings and perform related duties in proceedings subject to sections 556 and 557 of title 5, United States Code (formerly sections 7 and 8 of the Administrative Procedure Act), arising under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 2 et seq.); The Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.); the Perishable Agricultural Commodities Act, as amended (7 U.S.C. 499a et seq.), the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.); the (Laboratory) Animal Welfare Act, as amended (7 U.S.C. 2131 et seq.); the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 et seq.); and any other Acts providing for hearings to which the provisions of sections 556 and 557 to title 5, United States Code, are applicable. Pursuant to the applicable rules of practice, the Administrative Law Judges shall make initial decisions in adjudication and rate proceedings subject to sections 556 and 557 of title 5, United States Code. Such decisions shall become final without further proceedings unless there is an appeal to the Secretary by a party to the proceeding in accordance with the applicable rules of practice or the Secretary reviews such decision on his own initiative in accordance with such rules: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Secretary upon appeal or review on his own initiative. As used herein, "Secretary" means the Secretary of Agriculture, the Judicial Officer, or other officer or employee of the Department delegated, pursuant to the Act of April 4, 1940 (7 U.S.C. 450c–450g), and Re-

organization Plan No. 2 of 1953, "regulatory functions" as that term is defined in the 1940 Act, in acting as a final deciding officer in adjudication and rate proceedings subject to sections 556 and 557 of title 5, United States Code.

Subpart E—Delegations of Authority by the Under Secretary

§ 2.45 Director, Office of Planning and Evaluation.

(a) *Delegations.* Pursuant to § 2.15(b), subject to reservations in § 2.16(b), the following delegations of authority are made by the Under Secretary to the Director, Office of Planning and Evaluation:

(1) Exercise specific functional responsibility in program planning and evaluation to:

(i) Develop, maintain, and coordinate a comprehensive program planning and evaluation system integrated with departmental budgeting, management information, and control systems;

(ii) Coordinate, direct, and conduct policy and program analyses and special analytic studies; evaluation effectiveness of programs in achieving departmental objectives; and help prepare and review program and financial plans;

(iii) Represent the Department in its relationships with other agencies in the executive and legislative branches on policy and other considerations relating to specific functional responsibilities delegated herein.

(b) *Reservations.* The following authorities are reserved to the Under Secretary:

(1) Exercising final responsibility for coordinating all program planning, evaluation, and budgeting in the Department.

§ 2.46 Director, Office of Intergovernmental Affairs.

(a) *Delegations.* Pursuant to § 2.15(c), the following delegations of authority are made by the Under Secretary to the Director, Office of Intergovernmental Affairs:

(1) Coordinate programs involving State and local government relations by maintaining liaison with:

National Association of State Departments of Agriculture.
Office of Emergency Preparedness.
Defense Civil Preparedness Agency.
Office of Intergovernmental Relations (Office of the Vice President).
Advisory Commission on Intergovernmental Relations.
Council of State Governments.
National Governors Conference.
National Association of Counties.
National League of Cities.
International City Managers Association.
U.S. Conference of Mayors.
Other agencies and departments in carrying out the responsibilities of this Office.

(2) Maintain an emergency center in USDA whereby the Department can react immediately when notified of a civil defense or natural disaster emergency by means of an Emergency Duty Officer.

(3) Maintain an overview of emergency relocation facilities and assure that resources are in a constant state of readiness.

(4) Direct activities of USDA representatives to the 10 Federal Regional Councils.

(5) Serve as the USDA contact with the Advisory Commission on Intergovernmental Relations for implementation of OMB Circular A–85 to provide advance notification to State and local governments of proposed changes in Department programs that affect such governments.

(6) Act as the Department representative for Federal executive board matters.

(7) Direct the entire defense program of USDA. This includes: (i) Maintaining liaison with executive departments and the Congress with respect to policy matters; (ii) supervising and directing USDA State, county, and metropolitan emergency boards; (iii) directing the USDA part of the national defense executive reserve program; and (iv) providing policy guidance to USDA agencies in carrying out specific defense assignments.

(8) Coordinate and facilitate USDA operations of natural disaster programs including liaison with executive departments and the Congress in disaster matters.

§ 2.47 Deputy Under Secretary for Congressional Relations.

(a) *Delegations.* Pursuant to § 2.15(d), the following delegation of authority is made by the Under Secretary to the Deputy Under Secretary for Congressional Relations:

(1) Exercise responsibility for coordination of all congressional relations matters in the Department.

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Consumer Services

§ 2.50 Administrator, Agricultural Marketing Service.

(a) *Delegations.* Pursuant to § 2.17(a), subject to reservations in § 2.18(a), the following delegations of authority are made by the Assistant Secretary for Marketing and Consumer Services to the Administrator, Agricultural Marketing Service:

(1) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), including payments to State departments of agriculture in connection with cooperative marketing service projects under section 204(b) (7 U.S.C. 1623(b)), and transportation activities under section 203(j) (7 U.S.C. 1622(j)), but excepting matters otherwise assigned.

(2) Administer transportation activities under section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291).

(3) Exercise the functions of the Secretary of Agriculture contained in the following legislation:

(i) U.S. Cotton Standards Act (7 U.S.C. 51–65).

(ii) Cotton futures provisions of the Internal Revenue Code of 1954 (26 U.S.C. 4854, 4862–4865, 4876, and 7263).

(iii) Cotton Statistics and Estimates Act, as amended (7 U.S.C. 471–476), except as otherwise assigned.

(iv) U.S. Grain Standards Act, as amended (7 U.S.C. 71–87h).

(v) Naval Stores Act (7 U.S.C. 91–99).

(vi) Tobacco Inspection Act (7 U.S.C. 511–511q).

(vii) Wool Standards Act (7 U.S.C. 415–415d).

(viii) Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601, 602, 608a–608e, 610, 612, 614, 624, 671–674).

(ix) Cotton Research and Promotion (7 U.S.C. 2101–2119).

(x) Export Apple and Pear Act (7 U.S.C. 581–590).

(xi) Export Grape and Plum Act (7 U.S.C. 591–599).

(xii) Federal Seed Act, as amended (7 U.S.C. 1551–1611).

(xiii) Perishable Agricultural Commodities Act (7 U.S.C. 499a–499s).

(xiv) Produce Agency Act (7 U.S.C. 491–497).

(xv) Tobacco Seed and Plant Exportation Act (7 U.S.C. 516–517).

(xvi) U.S. Warehouse Act, as amended (7 U.S.C. 241–273).

(xvii) Tobacco Statistics Act (7 U.S.C. 501–508).

(xviii) Section 32 of the Act of August 23, 1935 (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c), and related legislation, except functions which are otherwise assigned relating to the domestic distribution and donation of agricultural commodities and products thereof following the procurement thereof.

(xix) Procurement of agricultural commodities and other foods under section 6 of the National School Lunch Act of 1946, as amended (42 U.S.C. 1755).

(xx) In carrying out the procurement functions in subdivisions (xviii) and (xix) of this subparagraph, the Agricultural Marketing Service shall, to the extent practicable, use the commodity procurement, handling, payment, and related services of the Agricultural Stabilization and Conservation Service.

(xxi) Process or Renovated Butter Act (26 U.S.C. 4817–4818).

(xxii) Section 401(a) of the Organic Act of 1944 (7 U.S.C. 415e).

(xxiii) Agricultural Fair Practices Act (7 U.S.C. 2301–2306).

(xxiv) Wheat Research and Promotion Act (7 U.S.C. 1292 note).

(xxv) Plant Variety Protection Act (7 U.S.C. 2321–2331, 2351–2357, 2371–2372, 2401–2404, 2421–2427, 2441–2443, 2461–2463, 2481–2486, 2501–2504, 2531–2532, 2541–2545, 2561–2569, 2581–2583).

(xxvi) Egg Products Inspection Act (21 U.S.C. 1031–1056).

(xxvii) Potato Research and Promotion Act (7 U.S.C. 2611–2627).

(xxviii) Act of May 23, 1908, regarding inspection of dairy products for export (21 U.S.C. 693).

(4) Administer the warehouse examination function for the Agricultural Stabilization and Conservation Service, except functions of inventory management.

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Marketing and Consumer Services:

(1) Taking final action on regulations under section 8c(15)(A) of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(15)(A)), section 12(a) of the Cotton Research and Promotion Act (7 U.S.C. 2111(a)), and section 311(a) of the Potato Research and Promotion Act (7 U.S.C. 2620(a)).

(2) Issuing, amending, terminating, or suspending any marketing agreement or order or any provision thereof under the Agricultural Marketing Agreement Act of 1937, the Cotton Research and Promotion Act, or the Potato Research and Promotion Act.

§ 2.51 Administrator, Animal and Plant Health Inspection Service.

(a) *Delegations.* Pursuant to § 2.17(b), subject to reservations in § 2.18(b), the following delegations of authority are made by the Assistant Secretary for Marketing and Consumer Services to the Administrator of the Animal and Plant Health Inspection Service: Exercise functions of the Secretary of Agriculture under the following Acts:

(1) The Mexican Pink Bollworm Act (7 U.S.C. 145).

(2) Section 102, Organic Act of 1944, as amended, and the Act of April 3, 1937, as amended (7 U.S.C. 147a, 148–148e), relating to control and eradication of plant pests and diseases.

(3) The Mexican Border Act, as amended (7 U.S.C. 149).

(4) The Golden Nematode Act (7 U.S.C. 150–150g).

(5) The Federal Plant Pest Act (7 U.S.C. 150aa–150jj).

(6) The Plant Quarantine Act, as amended (7 U.S.C. 151–165, 167).

(7) The Terminal Inspection Act, as amended (7 U.S.C. 166).

(8) The Honeybee Act, as amended (7 U.S.C. 281–282).

(9) The Halogeton Glomeratus Act (7 U.S.C. 1651–1656).

(10) Tariff Act of June 17, 1930, as amended, section 306 (19 U.S.C. 1306).

(11) Act of August 30, 1890, as amended (21 U.S.C. 102–105).

(12) Act of May 29, 1884, as amended, Act of February 2, 1903, as amended, and Act of March 3, 1905, as amended, and supplemental legislation (21 U.S.C. 111–114a, 114a–1, 115–130).

(13) Act of February 28, 1947, as amended (21 U.S.C. 114b–114c, 114d–1, and Public Law 92–152).

(14) Act of June 16, 1948 (21 U.S.C. 114e–114f).

(15) Act of September 6, 1961 (21 U.S.C. 114g–114h).

(16) Act of July 2, 1962 (21 U.S.C. 134–134h).

(17) Act of May 6, 1970 (21 U.S.C. 135–135b).

(18) Poultry Products Inspection Act, as amended (21 U.S.C. 451–470).

(19) Federal Meat Inspection Act, as amended, and related legislation (21 U.S.C. 601–692, 694, 695).

(20) Humane Slaughter Act (7 U.S.C. 1901–1906).

(21) (Laboratory) Animal Welfare Act, as amended (7 U.S.C. 2131–2155).

(22) Horse Protection Act (15 U.S.C. 1821–1831).

(23) 28 Hour Law, as amended (45 U.S.C. 71–74).

(24) Export Animal Accommodation Act, as amended (46 U.S.C. 466a–466b).

(25) Purebred animal duty-free-entry provision of Tariff Act of June 17, 1930, as amended (19 U.S.C. 1202, Part 1, Item 100.01).

(26) Virus-Serum-Toxin Act (21 U.S.C. 151–158).

(27) Anti-Hog-Cholera Serum and Hog-Cholera Virus Act (7 U.S.C. 851–855).

(28) The Agricultural Marketing Act of 1946, sections 203, 205, as amended (7 U.S.C. 1622, 1624), with respect to voluntary inspection and certification of edible meat and other products; certified products for dogs, cats, and other carnivora; and animal byproducts (9 CFR 156, 350, 355).

(29) Talmadge-Aiken Act (7 U.S.C. 450) with respect to cooperation with States in control and eradication of plant and animal diseases and pests and administration of the Federal Meat Inspection Act and Poultry Products Inspection Act.

§ 2.52 Administrator, Commodity Exchange Authority.

(a) *Delegations.* Pursuant to § 2.17(c), subject to reservations in § 2.18(c), the following delegations of authority are made by the Assistant Secretary for Marketing and Consumer Services to the Administrator of the Commodity Exchange Authority:

(1) Administer the Commodity Exchange Act, as amended and supplemented (7 U.S.C. 1 et seq.).

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Marketing and Consumer Services:

(1) Designating contract markets, promulgating of regulations and issuing of complaints under the Commodity Exchange Act, as amended.

§ 2.53 Administrator, Food and Nutrition Service.

(a) *Delegations.* Pursuant to § 2.17(d), subject to reservations in § 2.18(d), the following delegations of authority are made by the Assistant Secretary for Marketing and Consumer Services to the Administrator, Food and Nutrition Service:

(1) Administer of the following legislation:

(i) The Food Stamp Act of 1964, as amended (7 U.S.C. 2011–2025).

(ii) National School Lunch Act of 1946, as amended (42 U.S.C. 1751–1763), except procurement of agricultural commodities and other foods under section thereof.

(iii) Child Nutrition Act of 1966, as amended (42 U.S.C. 1771–1785).

(2) Administer those functions relating to the distribution and donation of agricultural commodities and products thereof under the following legislation:

(i) Clause (3) of section 416, Agricultural Act of 1949, as amended (7 U.S.C. 1431), except the estimate and announcement of the types and varieties of food commodities, and the quantities thereof, to become available for distribution thereunder.

(ii) Section 709 of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1446a–1).

(iii) Section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c), and related legislation.

(iv) Section 9 of Act of Sept. 6, 1958 (7 U.S.C. 1431b).

(v) Section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), except with respect to donation to Federal penal and correctional institutions.

(vi) Section 402 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1922).

(vii) Section 707 of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f).

(viii) Sections 203 and 238 of the Disaster Relief Act of 1970 (42 U.S.C. 4413, 4457).

(3) Administer those functions relating to the distribution of food coupons under section 238 of the Disaster Relief Act of 1970 (42 U.S.C. 4457).

(4) In connection with the functions assigned in subparagraphs (1), (2), and (3) of this paragraph, relating to the distribution and donation of agricultural commodities and products thereof, and food coupons to eligible recipients, authority to determine the requirements for such agricultural commodities, and products thereof, and food coupons to be so distributed.

(5) Authority to receive donations of food commodities under clause (3) of section 416 of the Agricultural Act of 1949, as amended, and section 709 of the Food and Agriculture Act of 1965, as amended.

§ 2.54 Administrator, Packers and Stockyards Administration.

(a) *Delegations.* Pursuant to § 2.17(e), subject to reservations in § 2.18(e), the following delegations of authority are made by the Assistant Secretary for Marketing and Consumer Services to the Administrator, Packers and Stockyards Administration:

(1) Administer the Packers and Stockyards Act, as amended and supplemented (7 U.S.C. 181–229).

(2) Enforce provisions of the Consumer Credit Protection Act (15 U.S.C. 1601–1665, 1681–1681t), with respect to any activities subject to the Packers and Stockyards Act, 1921, as amended and supplemented.

Subpart G—Delegation of Authority by the Assistant Secretary for Rural Development and Conservation

§ 2.58 Administrator, Farmer Cooperative Service.

(a) *Delegations.* Pursuant to § 2.20(c), the following delegations of authority are made by the Assistant Secretary for Rural Development and Conservation to the Administrator, Farmer Cooperative Service:

(1) Administer programs authorized by the Cooperative Marketing Act of 1926 (7 U.S.C. 451–457).

(2) Conduct research relating to the economic and marketing aspect of cooperatives as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627).

§ 2.60 Chief, Forest Service.

(a) *Delegations.* Pursuant to § 2.19(c), subject to reservation in § 2.20, the following delegations of authority are made by the Assistant Secretary for Rural Development and Conservation to the Chief of the Forest Service:

(1) Provide national leadership in forestry. (As used here and elsewhere in this section the term "forestry" encompasses the tangible physical resources such as forests, forest-related rangeland, grassland, brushland, woodland, alpine areas, minerals, water areas, wildlife habitat, and less tangible forest-related values such as outdoor recreation, air and water quality, economic strength, and social well-being.)

(2) Protect, manage, and administer the national forests, national forest purchase units, national grasslands, and other lands and interests in lands administered by the Forest Service, which collectively are hereby designated as the National Forest System, including the acquisition and disposition of lands and interests in lands as may be required in these programs.

(3) Conduct research programs to provide fundamental knowledge and technology, for improved policy decisions and professional management of forest and range ecosystems; increased efficiency in timber production; forest soils and watersheds; range, wildlife, and fish habitat management, forest recreation; environmental forestry; forest fire; forest insects; forest diseases, forest products utilization; forest engineering; forest resource surveys; forest products marketing; and forest economics.

(4) Administer program of cooperation in the protection, planning, development, conservation, multiple purpose management and utilization of forest and related resources.

(5) Administer forest insect, disease, and other pest control and eradication programs.

(6) Administer programs under section 23 of the Federal Highway Act (23 U.S.C. 101(a), 202(b), 204(a)–(c), 205 (a)–(c), 317).

(7) Exercise the custodianship of lands and interests in lands under lease or contract of sale to States and local agencies pursuant to title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012).

(8) Administer, under such general program criteria and procedures as may be established by the Soil Conservation Service, for the forestry aspects of subdivisions (i), (ii), and (iii) of ths subparagraph on the National Forest System and rangelands within national forest boundaries and adjacent rangelands which are administered under formal agreement, and other forest lands.

(i) Cooperative river basin surveys and investigations program (16 U.S.C. 1006).

(ii) Eleven authorized watershed improvement programs and emergency flood prevention measures program under the Flood Control Act (33 U.S.C. 701b–1).

(iii) Small watershed protection program under the Pilot Watershed Protection and Watershed Protection and Flood Prevention Acts (67 Stat. 214 and 16 U.S.C. 1001–1011).

(9) Provide assistance to the Agricultural Stabilization and Conservation Service in connection with the rural environmental assistance program, the naval stores conservation program, and the cropland conversion program, authorized by section 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590q).

(10) Coordinate mapping work of the Department, including: (i) Clearing mapping projects to prevent duplication; (ii) keeping a record of mapping done by Department agencies; (iii) preparing and submitting required Departmental reports; (iv) serving as liaison on mapping with the Office of Management and Budget, Department of the Interior, and other Departments and establishments; (v) promoting interchange of technical information, including techniques which may reduce costs or improve quality; and (vi) maintenance of the mapping records formerly maintained by the Office of Plant and Operations.

(11) Enter into research agreements (grants, contracts, agreements, and cooperative aid) under the provisions of 7 U.S.C. 450i; 42 U.S.C. 1891–1893; and 16 U.S.C. 581; 7 U.S.C. 427i(a); and 7 U.S.C. 1624, for the support of applied and/or basic scientific research in forestry activities.

(12) Provide assistance to the Farmers Home Administration in connection with grants and loans under authority of the Consolidated Farmers Home Administration Act of 1961, 7 U.S.C. 1923; and consultation with the Department of Housing and Urban Development under the authority of 40 U.S.C. 461(e).

(13) Exercise responsibility, under such general program criteria and procedures as may be established by the Soil Conservation Service for the Forestry aspects of the resource conservation and development program authorized by title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(14) Administer the radio frequency licensing work of the Department, including: (i) Representing the Department on the Interdepartment Radio Advisory Committee and its Frequency Assignment subcommittee, in the office of the Director of Telecommunications Management; (ii) establishing policies, standards, and procedures, for allotting and assigning frequencies within the Department and for obtaining effective utilization of them; (iii) providing licensing action necessary to assign radio frequencies for use by the agencies of the Department and maintenance of the records necessary in connection therewith; and (iv) providing inspection of the Department's radio operations to insure compliance with national and international regulations and policies for radio frequency use.

(15) Administer of the Youth Conservation Corps Act (42 U.S.C. Precede 2711 Note) for the Department of Agriculture.

(16) Establish and operate the Job Corps Civilian Conservation Centers on National Forest lands as authorized by title I, sections 106 and 107 of the Economic Opportunity Act of 1964 (42 U.S.C. 2716–2717), in accordance with the terms of an agreement dated May 11, 1967, between the Secretary of Agriculture and the Secretary of Labor; and administration of other cooperative manpower training and work experience programs where the Forest Service serves as host or prime sponsor with other Departments of Federal, State, or local governments.

(17) Administer the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a–558d, 558a note).

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary of Agriculture for Rural Development and conservation:

(1) The authority to issue regulations.

(2) The authority as a member of the National Forest Reservation Commission (16 U.S.C. 513).

(3) The making of recommendations to the President with respect to the transfer of lands pursuant to the provisions of subsection (e) of section 32 of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(a)).

(4) Making recommendations to the President for the establishing of national forests or parts thereof under the provisions of section 9 of the Act of June 7, 1924 (16 U.S.C. 471).

(5) Giving final approval and submitting to the Congress the results of preliminary examinations and survey reports under the Flood Control Act of 1936, as amended and supplemented (33 U.S.C. 701a et seq.).

(6) Approving requests for apportionment of reserves pursuant to section 3679, Revised Statutes, as amended (31 U.S.C. 665), for forest pest control.

(7) Making recommendations to the President for the establishing of or adding to National Wild and Scenic Rivers System (16 U.S.C. 1271–1278); National Scenic Trails System (16 U.S.C. 1241–1249); and the National Wilderness Preservation System (16 U.S.C. 1131–1136).

(8) Signing of Declarations of Taking and requests for condemnation.

§ 2.61 Administrator, Rural Electrification Administration.

(a) *Delegations.* Pursuant to § 2.19(d), the following delegations of authority are made by the Assistant Secretary for Rural Development and Conservation to the Administrator, Rural Electrification Administration:

(1) Administer the "Rural Electrification Act," as amended (7 U.S.C. 901–950(b)).

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Rural Development and Conservation:

(1) Making requests and certifications to the Secretary of the Treasury in con-

nection with loans to the Administrator of the Rural Electrification Administration for the rural electrification and rural telephone programs (7 U.S.C. 903(a)).

(2) Approving acquisitions of telephone lines, facilities, or systems financed by the Rural Telephone Bank under (7 U.S.C. 948(a)(2)).

§ 2.62 Administrator, Soil Conservation Service.

(a) *Delegations.* Pursuant to § 2.19(e), subject to reservations in § 2.20(e), the following delegations of authority are made by the Assistant Secretary for Rural Development and Conservation to the Administrator, Soil Conservation Service:

(1) Provide national leadership in the conservation development and productive use of the Nation's soil, water, and related resources. Such leadership encompasses soil, water, plant, and wildlife conservation; small watershed protection and flood prevention; and resource conservation and development. Integrated in these programs are erosion control, sediment reduction, pollution abatement, land use planning, multiple use, improvement of water quality, and several surveying and monitoring activities related to environmental improvement. All are designed to assure: (i) Quality in the natural resource base for sustained use; (ii) quality in the environment to provide attractive, convenient, and satisfying places to live, work, and play; and (iii) quality in the standard of living based on community improvement and adequate income.

(2) Evaluate and coordinate land use policy.

(3) Administer the basic program of soil and water conservation under Public Law 46, 74th Cong., as amended, and related laws (16 U.S.C. 590a–f, 590i–1, 590q, 590q–1; 42 U.S.C. 3271–3274; 7 U.S.C. 2201), including:

(i) Technical assistance to landusers in carrying out locally adapted soil and water conservation programs primarily through the conservation districts in the 50 States, Puerto Rico and the Virgin Islands, but also to communities, watershed groups, Federal and State agencies and other cooperators including such assistance as:

(*a*) Comprehensive planning assistance in nonmetropolitan districts.

(*b*) Assistance in the field of income-producing recreation on rural non-Federal lands.

(*c*) Forestry assistance, as a part of total technical assistance, to private landowners and landusers when such services are in integral part of land management and such services are not available from a State agency; and forestry services in connection with windbreaks and shelter belts to prevent wind and water erosion of lands.

(*d*) Assistance in developing programs relating to natural beauty.

(*e*) Assistance to other Department agencies in connection with the administration of their programs, as follows:

(*f*) Agricultural Stabilization and Conservation Service in the development and technical servicing of certain pro-Administration.
grams, such as the rural environmental assistance program, water bank program, Appalachian regional development program and other such similar conservation programs.

(*ii*) Farmers Home Administration in connection with their loan programs.

(ii) Soil surveys, including:

(*a*) Providing leadership for the Federal part of the National Cooperative Soil Survey which includes conducting and publishing of soil surveys.

(*b*) Conducting soil surveys for resource planning and development.

(*c*) Performing the cartographic services essential to carrying out the functions of the Soil Conservation Service, including furnishing photographs, mosaics, and maps.

(iii) Conducting and coordinating snow surveys and making water supply forecasts pursuant to Reorganization Plan No. 4 of 1940 (5 U.S.C. App.).

(iv) Operating plant materials centers for the assembly and testing of plant species in conservation programs, including the use, administration and disposition of lands under the administraton of the Soil Conservation Service for such purposes under title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011).

(v) Providing leadership in the inventorying and monitoring of soil, water, land, and related resources of the Nation.

(4) Administer the watershed protection and flood prevention programs, including:

(i) The 11 Authorized Watershed projects under Public Law 534, 78th Cong., 33 U.S.C. 701b–1, except for responsibilities assigned to the Forest Service.

(ii) The Emergency Flood Control Work under section 216 of Public Law 516, 81st Cong., 33 U.S.C. 701b–1.

(iii) The cooperative river basin surveys and investigations program under section 6 of Public Law 566, 83d Cong., 16 U.S.C. 1006, except for responsibilities assigned to the Forest Service. Representation on the Water Resources Council and river basin commissions created by Public Law 89–80, 42 U.S.C. 1962, and on river basin interagency committees.

(iv) The pilot watershed projects under Public Law 46, 74th Cong., 16 U.S.C. 590a–f, and Public Law 156, 83d Cong., except for responsibilities assigned to the Forest Service.

(v) The watershed protection and flood prevention program under Public Law 566, 83d Cong., as amended 16 U.S.C. 1001–1009, except for responsibilities assigned to the Farmers Home Administration and the Forest Service.

(vi) The joint investigations and surveys with the Department of the Army under Public Law 639, 87th Cong., 16 U.S.C. 1009.

(5) Administer the Great Plains conservation program under Public Law 1021, 84th Cong., as amended 16 U.S.C. 590p(b).

(6) Administer the resource conservation and development program under Public Laws 46, 74th Cong., and 703, 87th Cong., as amended 16 U.S.C. 590a and 7 U.S.C. 1010–1011, except for responsibilities assigned to the Farmers Home

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Rural Development and Conservation:

(1) Executing cooperative agreements and memorandums of understanding containing representations in the name of the Secretary or the Department of Agriculture as a whole, including the cooperation of the Department with conservation districts and other districts organized for soil and water conservation within the States, territories, and possessions.

(2) Giving final approval and transmitting to the Congress watershed work plans that require Congressional approval; and approving and transmitting to the Congress comprehensive river basin reports.

(3) Giving approval for operations of designated Resource Conservation and Development areas; and approving additions to authorized projects.

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.

(a) *Delegations.* Pursuant to § 2.21(a), subject to the reservations in § 2.22(a), the following delegations of authority are made by the Assistant Secretary for International Affairs and Commodity Programs to the Administrator of the Agricultural Stabilization and Conservation Service.

(1) Administer the acreage allotment and farm marketing quota program under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.).

(2) Coordinate and prevent duplication of aerial photographic work of the Department, including: (i) Clearing of photography projects; (ii) assigning symbols for new aerial photography, maintaining symbol records, and furnishing symbol books; (iii) recording departmental aerial photography flown and coordinating the issuance of aerial photography status maps of latest coverage; (iv) promoting interchange of technical information and techniques to develop lower costs and better quality; (v) representing the Department on the Interagency Committee on Sales Prices of Aerial Photographic and Satellite Imagery Reproductions and serving as liaison with other governmental agencies on aerial photography and related activities including classification of departmental aerial photography but excluding mapping; and (vi) providing a Chairman for the Photography Sales Committee of the Department.

(3) Administer the rural environmental assistance program and diversion programs (except Great Plains program and naval stores conseravtion program) under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g et seq.).

(4) Administer the land stabilization, conservation, and erosion program authorized by section 203 of the Appalachian Regional Development Act of 1965, as amended (40 U.S.C. App. 203), with assistance from the Soil Conservation Service.

(5) Administer the beekeeper indemnity payment program under section 804 of the Agricultural Act of 1970 (7 U.S.C. 135b note).

(6) Administer the conservation reserve program under the Soil Bank Act of 1956, as amended (7 U.S.C. 1801 note).

(7) Administer the cropland adjustment program under title VI of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1938).

(8) Administer the cropland conversion program under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(e)).

(9) Administer the dairy indemnity program under Public Law 90–484, as amended (7 U.S.C. 450j–1).

(10) Administer responsibilities and functions under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), the

(11) Conduct refinancing operations pursuant to section 304 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2094).

(12) Administer the emergency conservation program under Public Law 85–58, as amended (71 Stat. 177).

(13) Provide management support activities for the Export Marketing Service with respect to both program and administrative matters, including fiscal, accounting, budget, personnel, and administrative service functions, the preparation and issuance of information releases on agricultural exports, and the processing and disposition for the Export Marketing Service of all claims arising under Department functions for which the Export Marketing Service has responsibility; and in participation with other agencies of the U.S. Government, develop and formulate amendments to credit agreements under title I, Public Law 480, and the Export Credit Sales Program involving the rescheduling of amounts due from foreign countries under such agreements.

(14) Administer the feed grain setaside program under section 105 of the Agricultural Act of 1949, as amended (7 U.S.C. 1441 note).

(15) Administer the haybank program pursuant to section 805, of the Agricultural Act of 1970 (7 U.S.C. 1339d).

(16) Serve as focal point in the Department for consultation on the leasing of federally owned farmlands to insure consistency with the Government's farm programs to reduce production of price-supported crops in surplus supply and determine and proclaim agricultural commodities in surplus supply, pursuant to Presidential memorandum of May 21, 1956.

(17) Administer assigned activities under the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98–98h).

(18) Administer the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.).

(19) Administer the International Sugar Agreement (7 U.S.C. 1161).

(20) Supervise and direct Agricultural Stabilization and Conservation Service State and county offices, and designate functions to be performed by Agricultural Stabilization and Conservation Service State and county committees.

(21) Administer the upland cotton program set-aside program under section 103 of the Agricultural Act of 1949, as amended (7 U.S.C. 1444).

(22) Administer the waterbank program under Public Law 91–599 (16 U.S.C. 1301–1311).

(23) Administer the wheat certificate and set-aside programs under subtitles B and D, title III, Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1339 and 1379a et seq.). (Other than as specified in § 2.21(b).)

(24) Administer the distress and disaster relief under section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and the Disaster Relief Act of 1970, Public Law 91–606, as amended (42 U.S.C. 4401).

(25) Administer the emergency livestock feed assistance program under section 407 of the Agricultural Act of 1949, as amended, and Public Law 86–299, as amended (7 U.S.C. 1427 and 1427 note).

(26) Determine the quantities of agricultural commodities subject to price support available for export programs. Estimate and announce the types, quantities, and varieties of food commodities, to become available for distribution under clause (3) of section 416, Agricultural Act of 1949, as amended (7 U.S.C. 1431).

(27) Administer programs to stabilize, support, and protect farm income and prices and to assist in the maintenance of balanced and adequate supplies of agricultural commodities, including programs to sell or otherwise dispose of and aid in the disposition of such commodities, except those specified in §§ 2.17(d), 2.21(b), and 2.21(d).

(28) Administer procurement, processing, handling, distribution, disposition, transportation, payment, and related services on surplus removal and supply operations, under section 5 (b), (c), and (d) of the CCC Charter Act (15 U.S.C. 714c (b), (c), and (d)), section 210 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), the Act of August 19, 1958 (7 U.S.C. 1431 note), and section 709 of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1446a), except as specified in §§ 2.17(d) and 2.21(b).

(29) Administer commodity procurement and supply, transportation (other than from point of export except for movement to trust territories or possessions), handling, payment and related services in connection with programs under title II of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721–1725) hereinafter referred to as "Public Law 480"; and payment and related services for the Export Marketing Service with respect to export subsidy and barter operations, operations under title I of Public Law 480 (7 U.S.C. 1701–1710), and the Export Credit Sales Program.

(30) Administer functions relating to agreements under section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787).

(31) Administer other functions on behalf of CCC as assigned in accordance with CCC bylaws.

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for International Affairs and Commodity Programs:

(1) Designating counties and areas for emergency programs under Public Law 85–58, as amended.

(2) Designating such areas as emergency areas under section 407 of the Agricultural Act of 1949, as amended with respect to feed assistance for foundation herds and under Public Law 86–299 (7 U.S.C. 1427 note) with respect to feed assistance for livestock.

§ 2.66 General Sales Manager, Export Marketing Service.

(a) *Delegations.* Pursuant to § 2.21(b) subject to reservations in § 2.22(b), the following delegations of authority are made by the Assistant Secretary for International Affairs and Commodity Programs to the General Sales Manager, Export Marketing Service:

(1) Formulate and administer programs under section 5(f) of the CCC Charter Act (15 U.S.C. 714c(f) and section 4, Public Law 89–808 (7 U.S.C. 1707a) to finance commercial export credit sales of agricultural commodities by U.S. exporters.

(2) Formulate and administer barter programs, under which agricultural commodities are exported, under section 5(f) of the CCC Charter Act (15 U.S.C. 714c(f)).

(3) Negotiate and implement between CCC and private trade entities to finance the sales and exportation of agricultural commodities for dollars on long term credit under title I of the Agricultural Trade Development and Assistance Act, as amended (7 U.S.C. 1707), hereinafter referred to as "Public Law 480".

(4) Perform functions of the Department in connection with the development and implementation of basic country agreements under title I of Public Law 480 to finance the sales and exportation of agricultural commodities on long term credit or for foreign currencies.

(5) Participate in program development, evaluation and review, including related liaison with the Agency for International Development, private relief agencies and intergovernment organizations, and activities involving operational responsibilities with respect to making agricultural commodities available for distribution in foreign countries under title II, Public Law 480 (7 U.S.C. 1721–1725).

(6) Coordinate within the Department activities arising under Public Law 480 (except as assigned to the Foreign Agricultural Service and to the Economic Research Service pursuant to §§ 2.68, and 2.85 respectively), and to represent the Department in its relationships in such matters with the Department of State,

the Interagency Staff Committee on Public Law 480, and other departments, agencies, and committees of the Government.

(7) Arrange for transportation in connection with moving commodities from point of export under Public Law 480 and under section 5 of the CCC Charter Act (15 U.S.C. 714c) except for movement to trust territories or possessions.

(8) Formulate policy for export pricing and price review, in connection with export sales of CCC-owned commodities, except for tobacco, peanuts, tung oil, and gum naval stores and for export sales under Public Law 480.

(9) Formulate and administer programs for sales for export of CCC-owned agricultural commodities, except for tobacco, peanuts, tung oil, and gum naval stores.

(10) Allocate among the various export programs, agricultural commodities determined by Agricultural Stabilization and Conservation Service to be available for export.

(11) Formulate and administer export payment programs (other than those under section 32, Public Law 320, 74th Congress (7 U.S.C. 612)) and other programs as assigned to encourage or cause the export of U.S. agricultural commodities.

(12) Administer domestic operations to implement the Wheat Trade Convention of the International Wheat Agreement.

(13) Formulate and direct the program relating to acquisition of wheat export marketing certificates by exporters under Subtitle D, title III, of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1379a et seq.).

(14) Develop foreign markets for agricultural commodities under section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)), except as otherwise specifically assigned to the Foreign Agricultural Service.

(15) Perform those functions under section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) with respect to improvement of transportation service, facilities, and rates for the export of agricultural commodities and farm supplies which involve action before the Federal Maritime Commission, the Maritime Administration or other similar transportation regulatory body, or which involve working directly with individual ocean carriers of groups of such carriers.

§ 2.67 Manager, Federal Crop Insurance Corporation.

(a) *Delegations.* Pursuant to § 2.21(c), subject to reservations in § 2.22(c), the following delegation of authority is made by the Assistant Secretary for International Affairs and Commodity Programs to the Manager, Federal Crop Insurance Corporation:

(1) Pursuant to the Federal Crop Insurance Act, as amended, the Manager, Federal Crop Insurance Corporation, is its chief executive officer with such power and authority as may be conferred upon him by the Board.

(b) *Reservations.* The following authority is reserved to the Assistant Secretary for International Affairs and Commodity Programs:

(1) Exercise general supervision of the Federal Crop Insurance Corporation.

§ 2.68 Administrator, Foreign Agricultural Service.

(a) *Delegations.* Pursuant to § 2.21(d), subject to reservations in § 2.22(d) the following delegations of authority are made by the Assistant Secretary for International Affairs and Commodity Programs to the Administrator, Foreign Agricultural Service.

(1) Coordinate the carrying out by Department agencies of their functions involving foreign agricultural policies and programs of the Department and their operations and activities in foreign areas (other than those functions arising under the Agricultural Trade Development Act of 1954, as amended (7 U.S.C. 1701–1710, 1721–1725, 1731–1736), which are not related to Foreign Agriculture and those functions relating to international development, technical assistance and training assigned to the Director of Agricultural Economics). Act as liaison agency on these matters and functions relating to Foreign Agriculture between the Department of Agriculture and the Department of State, the Special Representative for Trade Negotiations, the Trade Expansion Act Advisory Committee, and other departments, agencies and committees of the U.S. Government, foreign governments, Organization for Economic Cooperation and Development, the European Common Market, the Food and Agriculture Organization of the United Nations and other international organizations, and the contracting parties to the General Agreement of Tariffs and Trade.

(2) Administer Departmental programs concerned with development of foreign markets for agricultural products of the United States except functions relating to Export Marketing Operations, under section 32, Public Law 320, 74th Congress (7 U.S.C. 612c) delegated to the Assistant Secretary for Marketing and Consumer Services, and utilization research delegated to the Director of Science and Education. Legal authority for these programs is contained in section 104(b)(1) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(1)) and section 601 of the Agricultural Act of 1954, as amended (7 U.S.C. 1761).

(3) Conduct studies of worldwide production, trade, marketing, prices, consumption, and other factors affecting exports and imports of U.S. agricultural commodities and to obtain information on methods used by other countries to move farm commodities in world trade on a competitive basis for use in the development of programs of this Department, provision of information to domestic producers, agricultural trade, the public and other interests, and the promotion of normal commercial markets abroad. This delegation excludes basic and long range analyses of world conditions and developments affecting supply, demand, and trade in farm products and general economic analyses of the international financial and monetary aspects of agricultural affairs as assigned to the Director of Agricultural Economics.

(4) Conduct functions of the Department relating to the General Agreement of Tariffs and Trade (GATT), the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.) and other legislation affecting international agricultural trade including those programs designed to reduce foreign tariffs and other trade barriers.

(5) Maintain a worldwide Agricultural Attache intelligence and reporting system, including provision of foreign agricultural representation abroad to protect and promote U.S. agricultural interests, and to acquire information on demand, competition, marketing and distribution of U.S. agricultural products abroad pursuant to title VI of the Agricultural Act of 1954, as amended, Public Law 83–690 (7 U.S.C. 1761–1766).

(6) Conduct Department activities to carry out the provisions of the International Coffee Agreement Act of 1968 (19 U.S.C. 1356f–j).

(7) Administer functions of the Department relating to import controls, including, among others, functions under section 22 of the Agricultural Adjustment Act (of 1933), as amended (7 U.S.C. 624), section 2 of Public Law 88–482 (19 U.S.C. 1202 note), and section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), but not including those functions reserved to the Secretary under § 2.22(d), those relating to the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), as specified in § 2.21(a) and those relating to section 8e of the Agricultural Adjustment Act (of 1933), as amended (7 U.S.C. 608e–1), as assigned to the Assistant Secretary for Marketing and Consumer Services.

(8) Represent the Department on the Interdepartmental Committee for Export Control and to conduct Departmental activities to carry out the provisions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401–2413), except as reserved to the Secretary under § 2.22(d).

(9) Conduct international negotiations and contacts in connection with the International Wheat Agreement and authority for the administration of the Food Aid Convention of the IWA within the Department.

(10) Plan and provide overall direction to the programs and activities undertaken to carry out the foreign market promotion portions of the Wheat Research and Promotion Act (Public Law 91–430); the Cotton Research and Promotion Act (Public Law 89–502); and the Potato Research and Promotion Act (Public Law 91–670). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

§ 2.75 Director, Office of Budget and Finance.

(a) *Delegations.* Pursuant to § 2.25(b), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Budget and Finance:

(1) Exercise general responsibility and authority for all matters related to the administration of the Department's financial affairs including:

(i) Budgetary administration, including all phases of acquisition, distribution, and control of funds.

(ii) Financial administration, including accounting and related activities.

(iii) Budgetary and financial reporting.

(iv) Legislative reporting and related activities.

(v) The Department's central payroll, personnel, and related services, central voucher payment service, and central accounting system.

(2) Formulate and promulgate departmental financial policies, procedures, and regulations.

(3) Provide staff assistance to the Secretary, General Officers, and other Department and agency officials.

(4) Review budgetary, financial, legislative, and fiscal management aspects of agency operations and proposals.

(5) Represent the Department in contacts with the Office of Management and Budget, the General Accounting Office, the Treasury Congressional Committees on Appropriations, and any other organizations or agencies on matters related to his responsibility.

(6) The Director, Office of Budget and Finance, is designated as the Department's Director of Finance and the Department's Budget Officer to carry out the Department's responsibilities under the Budget and Accounting Act of 1921 and other applicable statutes.

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Administration:

(1) All matters which have a significant impact on the financial operations of the Department shall be forwarded to the Assistant Secretary for Administration with the recommendation(s) of the Director, Office of Budget and Finance.

§ 2.76 Director, Office of Information Systems.

(a) *Delegations.* Pursuant to § 2.25(c), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Information Systems:

(1) Administer the Department's management improvement program including the provision of assistance to agencies through management studies; review the management and operating policies and processes, search for more economical approaches to the conduct of business and provide such other assistance as will aid in improving the management effectiveness, organization and operation of the Department's programs.

(2) Administer the Department's records, forms, reports, and directives management programs (authority to maintain, review, update and amend Departmental Delegations of Authority is included in this delegation).

(3) Administer the Department's Management Review Program. This authority includes the development and promulgation of Departmental directives regulating the management review function.

(4) Develop, design, install and revise systems, processes, work methods and techniques, and undertake other system engineering efforts to improve the management and operational effectiveness of the USDA.

(5) Manage and operate the total USDA data processing program through all stages of the data processing management cycle: Advance planning, feasibility, design, equipment selection and acquisition readiness effort, systems installation, system impact appraisal, time sharing and service center arrangements, systems monitoring and evaluation. These authorities will be transferred from the various agencies involved to the Office of Information Systems (authority to specify functions, resources and timing is included in this delegation).

(6) Exercise full Department-wide contracting and procurement authority for automatic data processing and data transmission equipment, software, services, maintenance, and related supplies. This authority includes the promulgation of departmental directives regulating the management of contracting and procurement functions related to the above.

(7) Plan, develop, install and manage USDA information systems, and assist in the maintenance of such systems to satisfy agency needs.

(8) Develop an integrated computer network for use by Department agencies and offices; manage telecommunications related to automatic data processing and coordinate with GSA in these areas.

§ 2.77 Director, Office of Management Services.

(a) *Delegations.* Pursuant to § 2.25(d), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Management Services:

(1) Under agreements with the General Officers or Agency Heads concerned, provide management support services to the Under Secretary, the Assistant Secretaries, the Director of Agricultural Economics, the Director of Science and Education, and to the following agencies:

(i) Rural Development Service.

(ii) Commodity Exchange Authority.

(iii) Packers and Stockyards Administration.

(iv) Farmers Cooperative Service.

(v) Economic Research Service.

(vi) Statistical Reporting Service.

(vii) Cooperative State Research Service.

(viii) National Agricultural Library.

(ix) Office of Planning and Evaluation.

(x) Office of Equal Opportunity.

(xi) Office of Budget and Finance.

(xii) Office of Information.

(xiv) Office of Information Systems.

(xv) Office of Management Services.

(xvi) Office of Personnel.

(xvii) Office of Plant and Operations.

(xviii) Office of the General Counsel.

(xix) Office of the Inspector General.

(xx) The Judicial Officer.

(2) The Director, Office of Management Services shall also provide management support services to the Secretary of Agriculture. As used herein, the term management support services shall include:

(i) Budget, accounting, and related financial management services, with authority to take actions required by law or regulation to discharge the budget, accounting, and related financial management functions for working capital fund and general appropriated and trust funds.

(ii) Personnel, organization, and related service, with authority to take actions required by law or regulation to perform personnel management functions including employment, classification, organization, employee security, and related matters.

(iii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform administrative services functions of procurement and contracting, personal property management, paperwork management, records management, and related matters.

(iv) Information services with authority to take actions required by law or regulation to develop, issue, and distribute information materials.

§ 2.78 Director, Office of Personnel.

(a) *Delegations.* Pursuant to § 2.25 (e), (h), subject to reservations in § 2.26 (e), the following delegations of authority are made by the Assistant Secretary for Administration to the Director of Personnel.

(1) Authority to formulate and issue Department policy, standards, rules and regulations relating to personnel.

(2) Provide personnel management procedural guidance and operational instructions.

(3) Design and establish automated data personnel systems.

(4) Inspect and evaluate personnel management operations and issue instructions or take direct action to insure conformity with appropriate laws, Executive orders, Civil Service Commission rules and regulations, and other appropriate rules and regulations.

(5) Exercise final authority in all personnel matters, including individual cases, that involve the jurisdiction of more than one General Officer.

(6) Receive, review, and recommend action on all requests for the Secretary's or Assistant Secretary for Administration's approval in personnel matters.

(7) Make final decisions on complaints, adverse actions and grievance appeals, except in those cases where the Director of Personnel has participated, when it is determined that such complaint, adverse action or grievance appeals are not being decided in a timely manner.

(8) Represent the Department in personnel matters in all contacts outside the Department.

(9) Specific authorities in the following operational matters:

(i) Authorize cash awards above $2,500.

(ii) Waive payment of training expenses where employee fails to fulfill service agreement.

(iii) Establish or change standards and plans for awards to private citizens.

(iv) Execute, change, extend, or renew:

(a) Labor-Management Agreements.

(b) Association of Management Officials or Supervisor's Agreements.

(v) Represent any part of the Department in all contacts and proceedings with the National Offices of Labor Organizations.

(vi) Change a position (with no material change in duties) from GS to a pay system other than a wage system, or vice versa.

(vii) Grant restoration rights, and release employees with administrative reemployment rights.

(viii) Change working hours for groups of 50 or more employees in the Washington, D.C. metropolitan area.

(ix) Authorize any mass dismissals of employees in the Washington, D.C. metropolitan area.

(x) Approve "normal line of promotion" cases in the excepted service where not in accordance with time-in-grade criteria.

(xi) Make final decision on formal grievance, adverse action and performance rating appeals in all cases where the Deciding Official:

(a) Was involved directly in the grievance, adverse action, or performance rating appeal, or

(b) Made the informal decision, or

(c) Determines that the Examiner's findings or Committee's recommendation is unacceptable.

(xii) Make the final decision on all classification appeals from Agency appellate decisions.

(xiii) Authorize organization changes which occur in:

(a) Department Service:

(1) Division (or comparable component);

(2) Branch (or comparable component);

(b) Field Service:

(1) First organization level;

(2) Next lower organization level—required only for those types of field installations where the establishment, change in location, or abolition of same, requires approval in accordance with 1 AR 673.

(xiv) Authorize all employment actions (except nondisciplinary separations and LWOP) and classification actions for the following positions:

(a) GS–16–18 and equivalent, and

(b) Region, area, State, and country-wide administration.

(xv) Authorize employment actions (promotions, transfers, reassignments, accessions, or extensions) for newly established GS–14–15 and equivalent positions.

(xvi) Authorize all employment actions (except LWOP) for the following positions:

(a) Schedule C, and

(b) Administrative Law Judge,

(xvii) Authorize employment actions (accessions or extensions) for the following:

(a) Experts and Consultants.

(b) Employees whose records are flagged.

(c) Contract services.

(xix) Authorize all classification actions at GS–15 and equivalent.

(xx) Authorize adverse actions for positions on GS–14–15 and equivalent.

(xxi) Approve assignments to White House details.

(xxii) Authorize adverse actions based in whole or in part on an allegation of violation of Subchapter III, Chapter 73, 5 U.S.C. for employees in the excepted service.

(xxiii) Authorize long-term training in programs which require Department-wide competition.

(xxiv) Issue all Coordinated Federal Wage System (CFWS) Department-wide Wage Schedules, and Lithographic Wage Schedules in the Washington, D.C. Metropolitan Area.

(10) As used herein, the term personnel includes:

(i) Organizational analysis and planning.

(ii) Position classification.

(iii) Employment.

(iv) Pay administration.

(v) Automation of personnel data and systems design.

(vi) Hours of duty.

(vii) Performance evaluation and standards.

(viii) Promotions.

(ix) Employee development.

(x) Incentive programs.

(xi) Leave.

(xii) Retirement.

(xiii) Program evaluation.

(xiv) Social security.

(xv) Life insurance.

(xvii) Unemployment compensation.

(xviii) Employee safety.

(xix) Employee health programs.

(xx) Labor management relations.

(xxi) Intramanagement consultation.

(xxii) Security.

(xxiii) Discipline.

(xxiv) Complaints and grievances.

(xxv) Appeals.

(11) Perform staff work and prepare proposed decisions on complaints of discrimination including the ordering of such corrective measures considered necessary, and the recommendation for such disciplinary action as is warranted when an employee has been found to have engaged in a discriminatory practice; and transmit such proposed decisions to the Director of Equal Employment Opportunity through the Director, Office of Equal Opportunity, for such recommendations as the latter may consider warranted.

(12) Prepare, in consultation with the Director, Office of Equal Opportunity, regulations, plans, and procedures necessary to carry out the Department's equal employment opportunity program for issuance by the Assistant Secretary for Administration.

(b) *Reservations.*—The following authorities are reserved to the Assistant Secretary for Administration:

(1) Authorize organization changes which occur in a department service or office.

§ 2.79 Director, Office of Plant and Operations.

(a) *Delegations.*—Pursuant to § 2.25 (f), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Plant and Operations:

(1) Promulgate departmental policies, standards, techniques, and procedures, and to represent the Department, in the following:

(i) Contracting for and the procurement of administrative and operating supplies, services, and construction, except for automatic data processing or transmission.

(ii) Socioeconomic programs related to contracting, including small business assistance, labor surplus area assistance, disadvantaged business assistance, and labor standards.

(iii) Utilization of the resources of State and local governments and of the private sector in domestic program operations.

(iv) Selection, standardization, and simplification of program delivery processes utilizing grants, contracts, and/or agreements.

(v) Acquisition, leasing, utilization, value analysis, construction, maintenance, and disposition of real and personal property including control of space assignments and use.

(vi) Acquisition, storage, distribution, and disposition of forms and supplies.

(vii) Telecommunications, except for data transmission for automatic data processing systems.

(viii) Mail management.

(ix) Motor vehicle fleet and other vehicular transportation.

(x) Transportation of things.

(xi) Security of physical facilities, self-protection, and warden systems.

(xii) Prevention, control, and abatement of air and water pollution at Federal facilities (E.O. 11507).

(xiii) Implementation of the Uniform Relocation Assistance and Real Property Policies Act of 1970 (Public Law 91–646).

(2) Operate, or provide for the operation of, centralized departmental services to provide printing, copy reproduction, offset composition, supply, telephone, telegraph, mail, automated mailing lists, excess property pool, space allocation, central Secretary's records, departmental administrative regulation and secretarial issuances, and related management support.

(3) Exercise the following special authorities:

(i) The Director, Plant and Operations, is designated as the Department debarring officer, and authorized to perform the functions of 41 CFR Subpart 1–1.6 and 41 CFR 4–1.6.601–1(a).

(ii) Department designee appointed by the President to the Committee for Purchase of Products and Services of the Blind and other Severely Handicapped pursuant to 41 U.S.C. 46–48c.

(iii) Promulgation of Department schedule of fees and charges for reproductions, furnishing of copies, and making searches for official records pursuant to the Freedom of Information Act, 5 U.S.C. 552.

(iv) Conduct liaison with the Office of the Federal Register including the making of required certifications pursuant to 1 CFR Part 4.

(v) Maintain custody and permit appropriate use of the official seal of the Department.

(vi) Promulgate policy for use of the official flags of the Secretary and the Department.

(vii) Make determinations and findings authorizing use of negotiation in accordance with 41 U.S.C. 252(c)(11) for purchases and contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test which will not require the expenditure of more than $25,000 (41 CFR 1–3.211; 1–3.303).

(viii) Coordinate collection of historical material for Presidential Libraries.

(ix) Oversee the safeguarding of unclassified materials designated "For Official Use Only."

(x) Establish standards for and coordinate the issuance of employee identification within the Department.

(b) *Reservations.*—The following authorities are reserved to the Assistant Secretary for Administration:

(1) Make determinations and findings authorizing the use of negotiation in accordance with 41 U.S.C. 252(c) (11), (12), and (13) with report to purchases and contracts:

(i) For experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test which will require the expenditure of more than $25,000.

(ii) For property or service when the character, ingredients, or components thereof are such that the contract should not be publicly disclosed.

(iii) For technical equipment when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization of equipment and interchangeability is necessary in the public interest.

(2) Make determinations and findings authorizing the omission of the examination of records clause from contracts with foreign contractors and foreign subcontractors under the authority granted in 41 U.S.C. 304(c) (41 CFR 1–3.303; 1–6.1004).

§ 2.80 Director, Office of Equal Opportunity.

(a) *Delegations.*—Pursuant to § 2.25 (h), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Equal Opportunity:

(1) Administer the Department's contract compliance program, including the formulation in consultation with the office of plant and operations, of Department contract compliance policy, standards, rules and regulations pursuant to Executive Order 11246, Executive Order 11375, Executive Order 11598, and Department of Labor rules and regulations for issuance by the Assistant Secretary for Administration.

(2) Is designated as the Department's deputy contract compliance officer to assist the contract compliance officer in the performance of his duties.

(3) Order proceedings and hearings in the Department of Agriculture pursuant to §§ 15.9(e) and 15.86 of this subtitle consolidated for hearing with proceedings of other Federal departments and agencies.

(4) Make determinations required by § 15.8(d) of this subtitle that compliance cannot be secured by voluntary means.

(5) Issue orders to give a notice of hearing or opportunity to request a hearing pursuant to Part 15 of this subtitle; arrange for the designation of an administrative law judge to preside over any such hearing; and determine whether the administrative law judge so designated will make an initial decision or certify the record to the Secretary of Agriculture with his recommended findings and proposed decision.

(6) Authorize the taking of action pursuant to § 15.8(a) of this subtitle relating to compliance by "other means authorized by law."

(7) Take action pursuant to § 15.8(d) of this subtitle relating to compliance by "other means authorized by law."

(8) Review proposed decisions on complaints of discrimination prepared by the Director, Office of Personnel, and make such recommendations as he may consider warranted to the Director of Equal Employment Opportunity.

Subpart K—Delegations of Authority by the Director of Agricultural Economics

§ 2.85 Administrator, Farmer Cooperative Service.

(a) *Delegations.*—Pursuant to § 2.27(a), the following delegations of authority are made by the Assistant Secretary for Rural Development and Conservation to the Administrator, Farmer Cooperative Service:

(1) Administer programs authorized by the Cooperative Marketing Act of 1926 (7 U.S.C. 451–457).

(2) Conduct research relating to the economic and marketing aspects of cooperatives as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627).

§ 2.86 Administrator, Economic Research Service.

(a) *Delegations.*—Pursuant to § 2.27 (b), (d), the following delegations of authority are made by the Director of Agricultural Economics to the Administrator, Economic Research Service:

(1) Conduct farm economics research consisting of a nationwide program of research dealing with the economic problems of agricultural production and resource use, which shall include the following:

(i) Farm production economics research including analyses of farm production costs and efficiency, use of capital, labor, and other resources in agriculture, profitable adjustments in farming, and financial problems of farmers.

(ii) Natural resources economics research including studies of the use and management of land and water resources, the quality of these resources, resource institutions, and watershed and river basin development problems.

(iii) Economic development research including a broad program of economic studies on development of rural areas, employment opportunities for farm and other rural people, and availability and factors affecting the availability of public and private facilities and services necessary to improve the quality of rural life, including local governments and their organization. This authority excludes performance of forest economics research. Title I and title II of the Act of August 14, 1946, as amended (7 U.S.C. 427, 1621–1627).

(2) Conduct marketing economics research including economic analyses and research relating to the marketing of agricultural commodities, the organizational structure, practices, and performance of commodity markets from the farm to the consumer, costs and margins involved in the marketing of agricultural products, farmer's bargaining power, the economics of product quality and grade, market potentials, distribution and merchandising of agricultural products, and the economics of transportation. Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

(3) Perform domestic and foreign economic analysis which shall include the following:

(i) Domestic economic analysis including economic and statistical research on agricultural prices, farm income, commodity outlook and situation, supply and consumption of farm products, and agricultural history.

(ii) Foreign economic analysis including studies of supply and demand and trade in farm products in foreign countries and their effect on prospects for U.S. exports; analysis of farm export programs, progress in economic development and its relationship to sales of farm products, assembly and analysis of agricultural trade statistics; and analysis of international financial monetary programs and policies as they affect the competitive position of U.S. farm products, but excluding specific commodity investigations relating to foreign market developments, competition and report-

ing, as delegated to the Assistant Secretary for International Affairs and Commodity Programs. Section 601 of the Act of August 28, 1954 (7 U.S.C. 1761).

(4) Supervise, direct and operate the Outlook and Situation Board which is responsible for technical review and approval of all economic outlook and situation reports and statements prepared within the Department.

(5) Coordinate and administer the Department's programs in international development, technical assistance, and training. Represent the Department of Agriculture in participating with international and U.S. organizations concerned with international agricultural development matters.

(6) Investigate and make findings as to the effect upon the production of food and upon the agricultural economy of any proposed action pending before the Administrator of the Environmental Protection Agency for presentation in the public interest, before said Administrator, other agencies or before the courts.

(7) Make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), and the Act of September 6, 1958 (42 U.S.C. 1891–1893).

(8) Perform economic research under section 104(b) (1) and (3) of the Agricultural Trade Development and Assistance Act of 1954 with funds administered by the Foreign Agricultural Service and the Agricultural Research Service.

(9) Review economic data and analyses used in speeches by Department personnel and in materials prepared for release through the press, radio, and television. This authority does not in any way affect the procedures established for review and clearance of speeches and publications. Materials that should be submitted for review by the Administrator, ERS include the following:

(i) Statistics on: Farm income and farm costs; acreage and yield of crops; production, utilization, supply of crops, livestock and livestock products; consumption of farm products; prices for farm products at all marketing levels; prices paid by farmers; economic projections; farm population, employment, and levels of living; foreign trade in agricultural products; foreign agriculture; agricultural marketing costs and charges; farm real estate; farm assets and debts; farm taxes and insurance; farm cooperatives; and statistics on the nonfarm economy.

(ii) Statements and data on the outlook and situation.

(iii) Economic analyses and interpretations based on published data.

(iv) Analyses and data on the effects of current or proposed programs on farm income, prices, supplies, utilization or other economic factors.

(10) Designated Chairman of the Commodity Exchange Commission (7 U.S.C. 2).

(b) *Reservations.* The following authorities are reserved to the Director of Agricultural Economics:

(1) Review all proposed decisions involving substantial economic policy implications.

§ 2.87 Administrator, Statistical Reporting Service.

(a) *Delegations.* Pursuant to § 2.27(c), subject to reservations in § 2.28(c), the following delegations of authority are made by the Director of Agricultural Economics to the Administrator, Statistical Reporting Service:

(1) Prepare crop and livestock estimates and administer reporting programs including estimates of production, supply, price and other aspects of the U.S. agricultural economy, collection of statistics, conduct of enumerative and objective measurement surveys, and related activities. Prepare reports of the Crop Reporting Board of the Department of Agriculture covering official State and national estimates (7 U.S.C. 411(a), 475, 476, 951).

(2) Withhold information relating to crop reports and taking such security precautions as are necessary to prevent disclosure of crop report information prior to the scheduled issuance time approved in advance by the Secretary of Agriculture (18 U.S.C. 1902, 2072).

(3) Conduct research relating to household, industrial and institutional consumers, and producers, handlers and processors, with respect to sensory perceptions, attitudes, opinions, and related factual data affecting marketing and consumption of agricultural products.

(4) Review, clear, coordinate, and improve statistics in the Department including review of all statistical forms survey plans, and reporting and record keeping requirements originating in the Department and requiring approval by the Office of Management and Budget under the Federal Reports Act; liaison with OMB and other Federal agencies for coordination of statistics, general improvement of statistical methods and techniques in the Department (44 U.S.C. 3501–3511).

(5) Make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 4501) and the Act of September 6, 1958 (42 U.S.C. 1891–1893).

(6) Collect data and prepare estimates of fertilizer production.

Subpart L—Delegations of Authority by the Director of Science and Education

§ 2.90 Administrator, Agricultural Research Service.

(a) *Delegations.* Pursuant to § 2.29(a), subject to reservations in § 2.30(a), the following delegations of authority are made by the Director of Science and Education to the Administrator, Agricultural Research Service:

(1) Conduct research concerning domestic animals and poultry, their protection and use, causes of contagious, infectious and communicable diseases and means for the prevention and cure of the same (7 U.S.C. 391).

(2) Conduct research related to the dairy industry and dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(3) Conduct research at Mandan, N. Dak., and Lewisburg, Tenn., concerning dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of dairy and livestock industries (7 U.S.C. 421–422).

(4) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423–424).

(5) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production marketing (other than statistical and economic research but including consumer and food economic research), distribution, processing, utilization of plant and animal commodities, problems of human nutrition, development of markets for agricultural commodities, discovery, introduction, and breeding of new crops, plants, and animal both foreign and native; conservation development, and development of efficient use of farm buildings, homes, and farm machinery, including the application of electricity and other forms of power (7 U.S.C. 427, 1621–1627, 2201, 2204).

(6) Administer a program for the improvement of poultry, poultry products, and hatcheries (7 U.S.C. 429).

(7) Advancement of the livestock and agricultural interests of the United States including the breeding of horses suited to the needs of the United States (7 U.S.C. 437).

(8) Enter into agreements with and receive funds from any State or political subdivision, organization, or person for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(9) Make grants to State agricultural experiment stations, colleges, universities, other research institutions and organizations and Federal and private organizations and individuals for research to further the programs of the Department (7 U.S.C. 4501).

(10) Maintain four regional research laboratories and research at such laboratories to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and byproducts (7 U.S.C. 1292).

(11) Conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States (7 U..SC. 1441 Note).

(12) Administer and coordinate a foreign contracts and grants program of market development research in the physical and biological sciences under section 104(b)(1) of the Agricultural Trade, Development and Assistance Act of 1954, but excluding agricultural economics research; and administer and coordinate a foreign contracts and grants program of agricultural and forestry research under section 104(b)(3) of such Act (7 U.S.C. 1704(b) (1), (3)).

(13) Conduct research in tropical and subtropical agriculture for the improvement and development of tropical and subtropical food products for dissemination and cultivation in friendly countries as provided by the Food for Peace Act of 1966 (7 U.S.C. 1736(a)(4)).

(14) Conduct research to develop and determine methods of humane slaughter of livestock (7 U.S.C. 1904).

(15) Conduct research related to soil and water conservation, engineering operations and methods of cultivation to provide for the control and prevention of soil erosion (7 U.S.C. 1010, 16 U.S.C. 590a).

(16) Maintain a national arboretum for purposes of research and education concerning tree and plant life (20 U.S.C. 191–194).

(17) Conduct research on foot-and-mouth disease and other animal diseases (21 U.S.C. 113a).

(18) Conduct research on control and eradication of cattle grubs (screwworms) (21 U.S.C. 144e).

(19) Conduct research and technical studies of farm dwellings and other buildings for the purpose of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(20) Make grants for the support of basic scientific research at nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of scientific research (42 U.S.C. 1891).

(21) Administer the Virgin Islands agricultural research programs (48 U.S.C. 1409m–o).

(22) Conduct research related to the use of domestic agricultural commodities for the manufacture of any material determined to be strategic and critical or substitute therefore, under section 7(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f).

§ 2.91 Administrator, Cooperative State Research Service.

(a) *Delegations.*—Pursuant to § 2.29 (b), subject to reservations in § 2.30(b), the following delegations of authority are made by the Director of Science and Education to the Administrator, Cooperative State Research Service:

(1) Administer the Hatch Act of 1887, as amended (7 U.S.C. 361a–361i).

(2) Administer the Act of October 10, 1962, as amended (16 U.S.C. 582a–582a–7).

(3) Make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 450i).

(4) Administer the Act of July 22, 1963 (7 U.S.C. 390–390k).

(5) Maintain a current research information system for all research work units of USDA and research projects of cooperating institutions receiving USDA funds.

(6) Maintain a research referral office for the effective review and coordination of all USDA-supported research work units.

§ 2.92 Administrator, Extension Service.

(a) *Delegations.*—Pursuant to § 2.29(c), subject to reservations in § 2.30(c), the following delegations of authority are made by the Director of Science and Education to the Administrator, Extension Service:

(1) Administer the Smith-Lever Act, as amended (7 U.S.C. 341–349).

(2) Conduct educational and demonstration work under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

(3) Conduct educational and demonstration work in the cooperative farm forestry program conducted under section 5 of the Act of June 7, 1924, as amended (16 U.S.C. 568).

(4) Provide educational and technical assistance to persons not receiving financial assistance under title 5 of the Housing Act of 1949 (42 U.S.C. 1476).

(5) Administer sections 109–111 of the District of Columbia Public Education Act, as amended, relating to cooperative extension programs in the District of Columbia (District of Columbia Code 31–1609–1611).

(6) Authorize the use of the 4-H Club name and emblem (18 U.S.C. 707).

(7) Act as the liaison between the Department and officials of the land-grant colleges and universities on all matters relating to cooperative extension work and educational activities relating thereto.

(8) Provide educational leadership for the Department's farm safety educational program.

(9) Serve as a focal point for the Department in contacts and working relationships with national town-country church leaders and denominational and interdenominational church organizations.

(10) Provide leadership and direct assistance to the Cooperative Extension Service in planning, conducting, and evaluating extension programs with Indians under a memorandum of agreement with the Bureau of Indian Affairs dated May 1956.

(11) Administer information and educational services, essential to carrying out preemergency and emergency USDA defense operations through the Cooperative Extension Service.

(12) Exercise responsibilities of the Secretary under regulations dealing with Equal Employment Opportunity in the Cooperative Extension Service (Part 18 of this subtitle).

(13) Provide educational support of resource development programs in rural areas and cooperate with other Federal and State agencies, private organizations and groups in providing information concerning assistance available for resource development programs.

(14) Represent the Department in dealings with international organizations and foreign countries on matters related to Extension education methods, programs, and organizations.

(b) *Reservations.* The following authorities are reserved to the Director of

(1) Coordination of all educational activities of the Department.

§ 2.93 Director, National Agricultural Library.

(a) *Delegations.* Pursuant to § 2.29(d), the following delegations of authority are made by the Director of Science and Education to the Director, National Agricultural Library:

(1) Acquire and preserve all information concerning agriculture.

(2) Formulate immediate and long-range library policies, procedures, practices, and technical standards necessary for acquisition, cataloging, loan, bibliographic, and reference service to meet the needs of scientific, technical, research, and administrative staffs of the Department, both in Washington and the field.

(3) Evaluate special library programs developed for agencies of the Department; exercising such controls as are needed to coordinate library services in the Department and to avoid duplication of effort.

(4) Provide consultative service in library science and documentation, including systems for information storage and retrieval, to Department officials.

(5) Coordinate scientific and technical information activities of the Department.

(6) Coordinate the collection policy and program of the National Agricultural Library with the Library of Congress and the National Library of Medicine.

(7) Represent the Department on library and science information matters before Congressional Committees, professional societies, and international organizations; and cooperate with other Government agencies, and educational institutions on all matters relating to library services.

(8) Make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 450i).

(9) Make copies of bibliographies prepared by the Department library, microfilm and other photographic reproductions of books and other library materials in the Department, and sell such bibliographies and reproductions at cost.

(10) Organize and coordinate a national agricultural science information system (network) for procuring, preserving, and diffusing agricultural information.

(11) Accept gifts and order disbursement from the Treasury under the Act of December 28, 1970 (7 U.S.C. 2264, 2265).

Effective date. This document shall become effective on December 20, 1972.

The signature of the Secretary of Agriculture appearing hereunder is for approval of the delegations of authority under Subparts A through D. The other

signatures appearing hereunder are for approval of their respective delegations under Subparts E through L.

Dated: December 20, 1972.

EARL L. BUTZ,
Secretary of Agriculture.

J. PHIL CAMPBELL,
Under Secretary of Agriculture.

RICHARD E. LYNG,
Assistant Secretary for Marketing and Consumer Services.

FRANK B. ELLIOTT,
Assistant Secretary for Administration.

T. K. COWDEN,
Assistant Secretary for Rural Development and Conservation.

DON PAARLBERG,
Director of Agriculture Economics.

CARROLL G. BRUNTHAVER,
Assistant Secretary for International Affairs and Commodity Programs.

NED D. BAYLEY,
Director of Science and Education.

[FR Doc.72-22147 Filed 12-26-72;8:45 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1973 Crop of Upland Cotton; Base Acreage Allotments

STATE RESERVES AND COUNTY BASE ACREAGE ALLOTMENTS

Correction

In F.R. Doc. 72-21378 appearing at page 26720 of the issue for Friday, December 15, 1972, the following changes should be made in the table in § 722.467 (b)(2):

1. In the table for Georgia, the entry for Webster County in column (3), reading "1,061.5" should read "1,016.5".
2. In the table for Missouri, the entry for Pemiscot County in column (3) reading "57,675.8" should read "56,675.8".
3. In the table for North Carolina, the county immediately following "Franklin" reading "Caston" should read "Gaston".
4. In the table for Texas, the entry for Comal County in column (1) reading "131.6" should read "113.6".

PART 722—COTTON

Subpart—1973 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

COUNTY RESERVES

Section 722.563 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserves for the 1973 crop of extra long staple cotton. Such determinations were made initially by the respective county committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 F.R. 19798, 36 F.R. 6907, 37 F.R. 624, 3845, 22008).

Notice that the Secretary was preparing to establish State and county allotments and reserves was published in the FEDERAL REGISTER on September 6, 1972 (37 F.R. 18039), in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

Since the establishment of county reserves requires immediate action by the county committees, it is essential that § 722.563 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.563 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.563 County reserves for the 1973 crop of extra long staple cotton.

The county reserves for the 1973 crop of extra long staple cotton are established in accordance with § 722.509 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, 13530, 32 F.R. 5416, 33 F.R. 8427, 16066, 16435, 34 F.R. 5, 808, 37 F.R. 9202, 11965, 24428).

The following table sets forth the county reserves:

County	County reserve (acres)
ARIZONA	
Cochise	5.4
Gila	0
Graham	8.5
Maricopa	11.8
Pima	0
Pinal	2.4
Yuma	1.1
CALIFORNIA	
Imperial	0.9
Riverside	3.9
FLORIDA	
Alachua	0.1
Hamilton	0
Jefferson	0
Madison	0
Suwannee	0
Union	0.1
GEORGIA	
Berrien	0
Cook	0
NEW MEXICO	
Chaves	0.6
Dona Ana	16.6
Eddy	2.6
Hidalgo	0.5
Luna	0.9
Otero	0.2
Sierra	0.2
TEXAS	
Brewster	0
Culberson	1.0
El Paso	5.3
Hudspeth	2.7
Jeff Davis	0.1
Loving	0
Pecos	0.7
Presidio	0
Reeves	0.9
Ward	0.2

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 19, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-22200 Filed 12-26-72;8:49 am]

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

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

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On December 8, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 26115) regarding proposed expenses and related rate of assessment for the period November 1, 1972, through October 31, 1973 and carryover of unexpended funds from the period November 1, 1971, through October 31, 1972, 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. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 907.210 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee, during the period November 1, 1972, through October 31, 1973, will amount to $400,800.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 907.41,

is fixed at $0.012 per carton of Naval oranges.

(c) *Reserve.* Unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1972, in the amount of $30,000 are carried over as a reserve in accordance with § 907.42 of said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable Navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1972, and said rate of assessment will automatically apply to all assessable Navel oranges 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.72-22199 Filed 12-26-72;8:49 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of Prune Administrative Committee and Rate of Assessment for 1972–73 Crop Year

Notice was published in the December 12, 1972, issue of the FEDERAL REGISTER (37 F.R. 26428) regarding proposed revision of the expenses of the Prune Administrative Committee for the 1972–73 crop year and the rate of assessment for that crop year. Such expenses and assessment rate were previously established pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 37 F.R. 3349; 861), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

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

Expenses in the amount of $180,500 for the 1972–73 crop year were approved and a rate of assessment of $1.90 per ton of assessable prunes established in a document published in the FEDERAL REGISTER September 9, 1972 (37 F.R. 18286). That assessment rate was based on the Committee's estimate that the assessable tonnage would be 95,000 natural condition tons. The Committee has now: (1) Estimated that the total assessable tonnage will be 75,000 natural condition tons; (2) concluded that the revenue generated at the current rate will not be enough to meet expenses incurred by the Committee during the 1972–73 crop year; and (3) determined that an assessment rate of $2.40 per ton will provide the necessary revenue.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is found that the revised expenses of the Prune Administrative Committee and rate of assessment for the crop year beginning August 1, 1972, shall be as follows:

§ 993.323 Expenses of the Prune Administrative Committee and rate of assessment for the 1972–73 crop year.

(a) *Expenses.* Expenses in the amount of $180,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1972, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at $2.40 per ton of salable prunes handled by him as the first handler thereof.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1972, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

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

Dated: December 21, 1972.

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

[FR Doc.72-22230 Filed 12-26-72;8:51 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Base Price

The purpose of this amendment to § 300.405 is to correct an unintended effect of a prior amendment to § 300.402, so as to allow those producers of goods and services that were accorded seasonality during the 90-day freeze to continue to determine base prices by reference to the base period utilized during the August 16–November 13, 1971, freeze period.

Prior to June 10, 1972, the general rule governing base prices, set out in § 300.402 of the Price Commission regulations, was that base price was "the highest price permitted for the period beginning August 16, 1971, and ending November 13, 1971 * * *," in other words the freeze ceiling price, which was, in general, the highest price at or above which the product or service was sold in at least 10 percent of the transactions during the period from July 16, 1971, through August 14, 1971. Section 300.405, governing sales and leases of personal property and services, defines base price as "the highest price, at or above which, at least 10 percent of those units were priced by the seller * * * during the freeze base period," which is July 16, 1971, to August 14, 1971. Since the freeze base period is the same as the period used in determining freeze ceiling prices, §§ 300.402 and 300.405 in general arrived at the same result. In order to remove any confusion caused by the difference in language between §§ 300.402 and 300.405, and to resolve any possible conflicts, § 300.402 was amended effective June 10, 1972 (37 F.R. 11472), to remove the reference to the highest price permitted from August 16 to November 13, 1971.

This amendment had the unintended result of changing the base price of some goods and services that were considered seasonal products during the freeze, and so had their base price set with reference to a period other than the freeze base period. This unintended change is rectified by this amendment to § 300.405 which allows base price to be determined with reference to either the freeze base priod, or any "other period permitted in determining ceiling prices during the period from August 16, 1971 to November 13, 1971."

Since this amendment provides immediate guidance and information for the effective implementation of the price stabilization program, further notice and public procedure thereon is impracticable and good cause exists for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, January 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971)

In consideration of the foregoing, § 300.405(a) of Title 6 of the Code of Federal Regulations is amended by adding the words "or other period permitted in determining ceiling prices during the period from August 16, 1971 to November 13, 1971" before the period at the end

of the first sentence thereof, effective December 22, 1972.

Issued in Washington, D.C., on December 21, 1972.

By direction of the Commission.

JAMES B. MINOR,
General Counsel, Price Commission.

[FR Doc.72-22242 Filed 12-22-72;10:05 am]

Rulings—Internal Revenue Service, Department of the Treasury

[Price Commission Ruling 1972-287]

HEDGING GAINS AND LOSSES

Price Commission Ruling

Ruling. Price Commission Ruling 1972-240, 37 F.R. 18549 is clarified by adding the following two sentences to the end of the second paragraph of the "Ruling" section:

"Only the net result of a hedging transaction may be included in the calculation of the profit margin. The cost of buying a futures contract may not be added to the cost of goods sold nor may the proceeds of sale of a futures contract be included as operating income for purposes of calculating the firm's profit margin."

This ruling has been approved by the General Counsel of the Price Commission.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: December 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-22223 Filed 12-26-72;8:51 am]

[Price Commission Ruling 1972-288]

AGGREGATE PRICE INCREASES OF NONINSTITUTIONAL PROVIDERS OF HEALTH SERVICES

Price Commission Ruling

Facts. Doctor X, a noninstitutional provider of health services has not increased any of his prices for services since July 1, 1971. On July 15, 1972, Doctor X incurred (and will continue to incur) allowable cost increases of 5 percent in all services which he performs. Doctor X would like to increase his prices by 5 percent on July 31, 1972. The increase will not increase Doctor X's profit margin. Doctor X estimates that he will see substantially the same number of patients and perform the same amount of the same services in the last 6 months of 1972 as he did in the first 6 months. Economic Stabilization Regulations, 6 CFR 300.19(c) (1972) states that the aggregate price increases of a noninstitutional provider of health services may not exceed 2.5 percent a year.

Issue. Is Doctor X's proposed price increase prohibited by the regulations?

Ruling. Yes. The 2.5 percent figure in § 300.19(c) is applied to the annual revenues of the provider that would result from his charging his base price schedule for all services. The effect of all price adjustments (including reductions of prices) must not increase the provider's revenues more than 2.5 percent over what they would have been had the provider charged his base prices for all services throughout the year. Price Commission Ruling 1972-48, 37 F.R. 3451 (1972). The year specified in § 300.19(c) is each 365 day period following December 29, 1971, the effective date of that section. Aggregate price increases are determined, however, as if all the prices were adjusted on the first day of the year. Thus, at no time during the year may the combined price adjustments produce on a projected 12-month basis revenues greater than 2.5 percent in excess of the base price revenues. Therefore, Doctor X may not increase his prices 5 percent on July 31, 1972. However, if he does not increase any prices during the first 365-day period, he can increase his prices on December 29, 1972, by 5 percent to reflect the cumulative aggregate price increases permitted for 1972 and 1973. Price Commission Ruling 1972-144, 37 F.R. 8403 (1972).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: December 21, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: December 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-22224 Filed 12-26-72;8:51 am]

[Price Commission Ruling 1972-289]

DEFINITIONS, NEW YORK RENT CONTROL

Price Commission Ruling

Facts. X is an owner of apartment units in Brooklyn, N.Y. The rent of these units was formerly controlled pursuant to the laws and regulations of the city and State of New York. In New York City, as vacancies occurred after July 1, 1971, rental units became decontrolled or immune from the above rent control laws.

X had several vacancies occurring after February 23, 1972, and wants to avail himself of the special base rent provisions found in Economic Stabilization Regulation § 301.106(e), 37 F.R. 3828 (1972), as amended by Economic Stabilization Regulations, 6 CFR 301.205 (1972). However, X has a problem in comparison of his units to others since he is unable to determine the meaning of "substantially identical" and "nearest marketing area".

Issue. In the determination of base rent for X's rental units, how does X determine whether his units are "substantially identical" to or in the "nearest marketing area" of other decontrolled units which were decontrolled during the period beginning on July 1, 1971, and ending on August 14, 1971?

Ruling. In determining base rents pursuant to §§ 301.106(e) and 301.205 the following criteria may be used. These criteria are not exclusive, and other significant relevant factors may be considered.

The "nearest marketing area" is the ZIP Code area in which the residence is situated as designated by the United States Postal Service. If no applicable rents in that area involving substantially identical decontrolled units in comparable buildings are available, then the nearest marketing area is any adjoining ZIP Code area in which such rents are available.

"Substantially identical" decontrolled units in the same building or complex include a unit which had been decontrolled during the period July 1 to Angust 14, 1971, in the same building or complex as the unit in question and which has the same number of rooms and comparable services. The number of rooms shall be counted by one half room increments. Full rooms are kitchens, dining rooms, living rooms, and bedrooms. Half rooms are kitchenettes and dinettes. Both units have comparable services if both have either none, one, or two or more of the following services: lessor-provided air conditioning, lessor-provided electricity, terrace or balcony, more than one full or half bathroom.

"Substantially identical * * * unit located in the nearest marketing area" means a unit determined to be "substantially identical" in accordance with the criteria in the preceding paragraphs and which is situated in a comparable building. A comparable building includes one which has the following common characteristics:

(i) Age, i.e. construction completed during the following periods: before 1900, 1900–1929, 1930–1946, 1947–1959 and 1960 or after.

(ii) Elevator or walkup.

(iii) Number of stories—seven or less or eight or more.

(iv) Number of full time bulding personnel per 50 units (full time employee is equal to 40 hours per week unless a union contract specifies otherwise).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: December 21, 1972.

LEE H. HINKLE, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: December 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-22225 Filed 12-26-72;8:51 am]

[Price Commission Ruling 1972-290]

AVERAGE RENT OF COMPARABLE APARTMENTS—AVERAGE DEFINED

Price Commission Ruling

Facts. A landlord, L, owns a complex containing controlled units as defined in Economic Stabilization Regulations, 6

CFR 301.105(a)(1972). One of L's units became decontrolled as a result of a vacancy occurring after August 14, 1971. Between the dates July 1, 1971, and August 14, 1971 one substantially identical unit in L's complex was rented as a decontrolled unit. Other complexes in the same market area had been renting substantially identical units as decontrolled units prior to August 14, 1971.

Issue. May L use the one rental in his complex during the period July 1, 1971, to August 14, 1971, as an average rent?

Ruling. No. L must also use the rents of substantially identical units in the nearest market area.

Economic Stabilization Regulations, 6 CFR 300.205 (1972), requires that the base rent for a unit of housing "* * * which became decontrolled as a result of a vacancy occurring after August 14, 1971 * * * is the average rent provided in transactions occurring between July 1, 1971, and August 14, 1971, inclusive, of substantially identical decontrolled units in the same building or complex." If there are no such transactions then transactions during the same period involving substantially identical units in the nearest marketing area may be used to determine the requisite average. Section 301.205.

The definition of the word "average" includes "* * * (a) mean proportion, (and) medial sum * * *." See "Blacks Law Dictionary" 171 (4th ed. 1968). This definition would require at least two quantities in order that an "average" be determined. Since there was only one transaction in L's complex which was within the period July 1, 1971 and August 14, 1971, there can be no average determined using only transactions in L's complex. Thus, an average of all transactions involving substantially identical units in the nearest marketing area, including the unit in L's complex, must be used.

This ruling has been approved by the General Counsel of the Price Commission.

LEE H. HENKEL, JR.,
Chief Counsel,
Internal Revenue Service.

Approved: December 21, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-22226 Filed 12-26-72;8:51 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Subpart A—Service Contract Labor Standards Provisions and Procedures

MISCELLANEOUS AMENDMENTS; EXTENSION OF TIME FOR COMMENTS

On November 30, 1972, at page 25468, miscellaneous amendments to 29 CFR Part 4 were published in the FEDERAL REGISTER in order to conform the provisions of Part 4 to the provisions of the Service Contract Act of 1965 as amended by Public Law 92-473, 86 Stat. 789. These amendments became effective on publication in the FEDERAL REGISTER. In view of the Department of Labor's policy to obtain comments from interested persons, it was stated that interested persons shall be afforded opportunity until December 31, 1972, to present any written data, views, or arguments, concerning the amendments and such comments will be treated as if such amendments were being proposed for adoption.

Because of the interest expressed by the contracting agencies and other interested persons, the time to present any written data, views, or arguments, is extended from December 31, 1972, to January 31, 1973.

Signed at Washington, D.C., this 21st day of December 1972.

R. J. GRUNEWALD,
Assistant Secretary
for Employment Standards.

[FR Doc.72-22204 Filed 12-26-72;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

[Docket No. 72-598]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Area Quarantined

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

In § 76.2, paragraph (e)(5) relating to the State of South Carolina is deleted.

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

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

The amendment excludes portions of Dillon and Marion Counties in South Carolina from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area. No area in South Carolina remains under quarantine.

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

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

Done at Washington, D.C., this 21st day of December 1972.

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

[FR Doc.72-22228 Filed 12-26-72;8:51 am]

[Docket No. 72-594]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Area Quarantined

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

In § 76.2, a new paragraph (e)(11) relating to the State of Pennsylvania is added to read:

(e) * * *

(11) *Pennsylvania.* The adjacent portions of Montgomery and Bucks Counties

bounded by a line beginning at the junction of U.S. Highway 202 and State Highway 73 in Montgomery County; thence, following U.S. Highway 202 in a northeasterly direction to State Highway 152 in Bucks County; thence, following State Highway 152 in a northeasterly direction to U.S. Highway 202; thence, following U.S. Highway 202 in an easterly direction to State Highway 152; thence, following State Highway 152 in a northeasterly, then northerly direction to Legislative Road 658; thence, following Legislative Road 658 in an easterly direction to State Highway 152; thence, following State Highway 152 in a northerly direction to State Highway 113; thence, following State Highway 113 in a westerly direction to State Highway 152; thence, following State Highway 152 in a northeasterly direction to Legislative Road 09117; thence, following Legislative Road 09117 in an easterly direction to Legislative Road 09176; thence, following Legislative Road 09176 in a northerly direction to Legislative Road 09101; thence, following Legislative Road 09101 in a northwesterly direction to Legislative Road A6426; thence, following Legislative Road A6426 in a northwesterly direction to State Highway 563; thence, following State Highway 563 in a northwesterly direction to State Highway 63 in Montgomery County; thence, crossing State Highway 63 in a westerly direction to Legislative Road 46023; thence, following Legislative Road 46023 in a southwesterly direction to Legislative Road 46196; thence, following Legislative Road 46196 in a generally northwesterly direction to State Highway 29; thence, following State Highway 29 in a southwesterly direction to State Highway 73, State Highway 29; thence, following State Highway 29, State Highway 73 in a southwesterly direction to the point at which State Highway 29 diverges from State Highway 73; thence, following State Highway 73 in a southeasterly direction to its junction with U.S. Highway 202 in Montgomery County.

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

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

The amendment quarantines portions of Montgomery and Bucks Counties in Pennsylvania because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

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

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

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

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

[FR Doc.72-22146 Filed 12-26-72;8:45 am]

[Docket No. 72-597]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Area Quarantined

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

1. In § 76.2, paragraph (e)(3) relating to the State of Texas is deleted.

2. In § 76.2, in paragraph (f) the name of the State of Kentucky is added thereto.

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

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

The amendments exclude a portion of Dallas County in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area. No area in Texas remains under quarantine.

The amendments add Kentucky to the list of hog cholera Eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from Eradication and Free States are applicable to Kentucky.

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

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

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

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

[FR Doc.72-22145 Filed 12-26-72;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, in paragraph (a)(1) relating to the State of California, subdivision (iii) relating to Riverside and San Bernardino Counties is amended to read:

(iii) That portion of San Bernardino and Riverside Counties bounded by a line beginning at the junction of the San Bernardino-Los Angeles County line and the dividing line between T. 2 N. and T. 1 N. of the San Bernardino Baseline; thence, following the dividing line between T. 2 N. and T. 1 N. in an easterly direction to the San Bernardino Meridian in San Bernardino County; thence, following the San Bernardino Meridian in a southerly direction to the San Bernardino-Riverside County line; thence, following the San Bernardino-Riverside County line in an easterly direction to the dividing line between R. 3 E. and R. 4 E. of the San Bernardino Meridian in San Bernardino County; thence, following the dividing line between R. 3 E. and R. 4 E. in a southerly direction to the dividing line between T. 3 S. and T. 4 S. of the San Bernardino Baseline; thence, following the dividing line between T. 3 S. and T. 4 S. of the San Bernardino Baseline in a westerly direction to the dividing line between R. 1 W. and R. 2 W. of the San Bernardino Meridian; thence, following the dividing line between R. 1

W. and R. 2 W. of the San Bernardino Meridian in a southerly direction to the dividing line between T. 5 S. and T. 6 S. of the San Bernardino Baseline; thence, following the dividing line between T. 5 S. and T. 6 S. of the San Bernardino Baseline in a westerly direction to the western edge of U.S. Highway 395; thence, following the western edge of U.S. Highway 395 in a northwesterly direction to Van Buren Boulevard; thence, following the southern edge of Van Buren Boulevard in a northwesterly direction to State Highway 91; thence, following the southern border of State Highway 91 in a southwesterly direction to the Riverside-Orange County line; thence, following the Riverside-Orange County line in a northerly direction to the San Bernardino-Orange County line; thence, following the San Bernardino-Orange County line in a northwesterly direction to the San Bernardino-Los Angeles County line; thence, following the San Bernardino-Los Angeles County line in a northerly direction to its junction with the dividing line between T. 2 N. and T. 1 N. of the San Bernardino Baseline.

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

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

The amendment quarantines an additional portion of Riverside County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, apply to the quarantined area.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

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

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

[FR Doc.72-22144 Filed 12-26-72;8:45 am]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations and authorized their issuance to become effective January 2, 1973. These amendments relate to: (1) Farm Credit Administration prior approval on loans by production credit associations to producers or harvesters of aquatic products; (2) the responsibility of the board of directors of each bank in the Farm Credit System to adopt a policy authorizing the bank to delegate loan making authority to bank personnel and associations; (3) the duty of the supervising bank in a Farm Credit District to review and evaluate the credit quality of loans and loan assets and the quality of credit administration in each Federal land bank association and production credit association; (4) the security requirements for certain seasonal loans of banks for cooperatives; (5) the extension until December 31, 1973, of lending limits currently in effect for production credit associations; (6) the lending limits of banks for cooperatives; (7) the extension until December 31, 1973, of prior approval requirements currently in effect for Federal land bank association and production credit association loans; (8) the general discount agreement between a Federal intermediate credit bank and an other financing institution; (9) the investment portfolios of Farm Credit banks; (10) the shipments of valuables by the Farm Credit banks and production credit associations; (11) the nomination and election of district board directors; (12) the establishment by district boards of internal control policies; (13) the deletion of provision for Federal intermediate credit bank employees to be designated as Farm Credit examiners; and (14) the examinations of other financing institutions indebted to or actively borrowing from or discounting paper with a Federal intermediate credit bank.

Prior to its final action on the amendments, the Federal Farm Credit Board received and considered comments thereon requested from the Farm Credit banks and the 12 Farm Credit District Boards of Directors. In view of this consultation, and since the amendments relate to loans, it is found that the notice of proposed rule making provided for in 5 U.S.C. 553 is unnecessary, and any delay in the issuance of these amendments is not in the public interest.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by adding §§ 614.4031 and 614.4051, and by revising § 613.3030(c) in Part 613, and §§ 614.4260, 614.4353, 614.4354, 614.4490 (a), and 614.4660 in Part 614, by revising § 615.5170, and by adding Subpart P and §§ 615.5500, 615.5510, 615.5520, and 615.5530 thereunder in Part 615, by reboking §§ 617.7040 and 617.7060 (b) and (c) in Part 617, and by revising § 618.8160 and adding § 618.8430 in Part 618. The revised and added sections read as follows:

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

§ 613.3030 Producers or harvesters of aquatic products.

* * * * *

(c) Except where otherwise authorized, all proposed loans by production credit associations to producers or harvesters of aquatic products meeting the above qualifications shall be referred to the Farm Credit Administration for prior approval.

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4031 Policies for delegation of authority.

It shall be the responsibility of each bank board to adopt a policy authorizing the bank to delegate loan making authority to bank personnel and associations. Such policy shall require the bank to define authorities to be delegated, provide for documented evaluation of the capability and responsibility of individuals or associations where authority is delegated, provide for reporting of actions taken under delegated authority, provide procedures for periodic review and enforcement of accountability for actions taken under delegated authority, and for withdrawal of authority where appropriate. Where associations are authorized to redelegate loan making authority to employees, bank procedures shall provide for associations to utilize similar control measures.

§ 614.4051 Federal land bank and Federal intermediate credit bank credit review.

(a) It shall be the duty of the supervising bank to adequately review and evaluate annually the credit quality of loans and related loan assets and the quality of credit administration in each land bank association and each production credit association. Each bank board shall adopt a policy prescribing credit review criteria and providing for the issuance of a report to the association board. The adequacy and reliability of bank reviews and the completeness of reporting will be major considerations by Farm Credit Administration examiners in determining the scope of their audit and examination of associations and banks. Bank policies shall be subject to approval by the Farm Credit Administration and need to include at least the following criteria:

(1) Evaluation and reporting shall at all times be under the supervision of a bank credit officer, properly trained and with proven capability in analyzing loans, credit administration, and personnel performance.

(2) A credit review program shall be prepared annually which will designate

the scope of review to be made in each association. The extent of review may range from a minimum sampling in strong associations to a full review in weaker associations. All associations shall be subject to a comprehensive review at intervals of no more than 3 years.

(i) *Scope of review—production credit associations.* The scope of review shall include a review of loans, acquired property, sales contracts, liquidating assets, and the total area of credit administration which will be predicated primarily upon the capability and responsibility of the association as reflected in the bank's rating of associations for the purpose of delegation of authority and general supervision, and a report from the association board at year end as to the number and amount of losses estimated in their loan portfolio.

(ii) *Scope of review—Federal land bank associations.* The scope of review shall include new loans made, partial release and subordination functions, forbearance cases, overall loan servicing, the total area of credit administration including appraisal accuracy which will be predicated primarily upon the capability and responsibility of the association as reflected in the bank's rating of associations for the purpose of delegation of authority and general supervision, and a report from the association board at year end as to the number and amount of losses estimated in their loan portfolio.

(3) An annual written report shall be prepared on each land bank association and production credit association detailing:

(i) The quality of credit,

(ii) The quality of credit administration, and

(iii) An evaluation of management and compliance with law, regulations and association and bank policies.

(4) Loans shall be classified in accordance with the following systemwide loan classification standards:

(i) *Acceptable loans.* Loans of highest quality, ranging down to and including those having significant credit weaknesses.

(ii) *Problem loans.* Loans having serious credit weaknesses requiring more than normal supervision but believed to be collectible in full.

(iii) *Vulnerable loans.* High risk loans still considered collectible but involving probability of loss in the event repayment from available sources does not materialize.

(iv) *Loss loans.* Loans on which all or any portion is deemed uncollectible.

(5) Statistical reporting shall comply with minimum uniformity requirements prescribed by Farm Credit Administration.

(6) Credit review procedures will be issued to bank personnel to facilitate the making of credit reviews and the issuance of reports.

(b) Each Federal intermediate credit bank policy shall provide for a credit review of other financing institutions borrowing or discounting paper. The bank's credit review program shall prescribe a scope of review for such institutions commensurate with the capability and responsibility of the institution and the ratio of peak debt to capital and collateral pledged. Frequency of review, and loan classification and reporting standards, will be generally the same as for production credit associations, recognizing that supervisory responsibility is not a factor.

§ 614.4260 Security requirements—banks for cooperatives.

* * * * *

(c) * * *

(3) The Commodity Credit Corporation's (CCC) general offer to purchase may be accepted as a valid hedge if the conditions listed below for individual commodities exist, loan advance, expiration, and maturity dates conform with CCC established availability, and maturity dates and loan agreement restrictions insure compliance with CCC quality and crop year standards.

(i) *Rice, soybeans, dry beans, honey.*—Borrower must possess a current letter recognizing it as CCC approved cooperative marketing association and pledged commodity must not have been previously financed by CCC.

(ii) *Cotton.*—Borrower must have entered into a current Form G agreement with CCC and pledged cotton must not have been previously financed by CCC.

(iii) *Peanuts.*—Borrower must be eligible to offer commodity to CCC and be a current member and signer of an area peanut marketing agreement.

(4) Trust receipts, negotiable bills of lading, shipping documents, drafts and acceptances may be accepted in such amounts and for such periods as reasonable prudence permits as necessary to allow the orderly marketing, handling, or processing of the commodities.

(5) Documents required in conjunction with these loans may be held by a custodian selected by the bank. In such cases the bank shall provide the custodian written instructions outlining procedures and practices to be followed in the acceptance, handling, and release of all related documents. In addition, the bank shall provide for pe dition, the bank shall provide for periodic review of custodial activities by bank officials and shall establish that activities of the custodian are subject to review and audit by the Farm Credit Administration.

§ 614.4353 Production credit associations.

Production credit associations, until December 31, 1973, shall have a lending limit (including participations) of 50 percent of the capital and surplus of the lending association. A lending limit of 100 percent of the capital and surplus of the lending association shall apply whenever an approved loss sharing agreement is in force.

§ 614.4354 Banks for cooperatives.

(a) District banks: Loans outstanding at any one time to any one borrower, exclusive of participations sold to others, shall be limited to the following percentages of the net worth of a district bank as of the end of the preceding fiscal year or at an interim date determined by the Farm Credit Administration as a result of material changes in a bank's net worth.

(1) Basic lending limit.

(i) Term loans: 25 percent.

(ii) Seasonal loans exclusive of seasonal loans qualifying under § 614.4260(c): 35 percent.

(iii) Seasonal loans qualifying under § 614.4260(c): 50 percent.

(iv) The sum of term and seasonal loans exclusive of seasonal loan qualifying under § 614.4260(c): 35 percent.

(v) The sum of term and seasonal loans including seasonal loans qualifying under § 614.4260(c): 50 percent.

(2) Loans to an eligible borrower secured by notes of individuals or business entities which are current and carry a full recourse endorsement or unconditional guarantee by the borrower, if the bank determines the financial condition, repayment capacity, and other factors of the original maker reasonably justify the credit granted by the endorser, qualify for the basic lending limits provided in subparagraph (1) of this paragraph which may be applied for each original note-maker provided the following listed documents fully support such a determination and are in the files of the bank:

(i) A credit report supporting the bank's finding that the financial condition, repayment capacity, and other factors of the maker of the securities being pledged justify the credit extended by the bank and/or endorser.

(ii) A certification by a bank officer designated for that purpose by the loan or executive committee that the financial responsibility of the original notemaker has been evaluated by the loan committee and the bank is relying primarily on each such maker for the payment of the obligation.

(iii) Other credit information normally required of a borrower for the purposes of making and administering a loan.

(3) Loans made within the established lending limits that become excessive because of a subsequent decrease in the bank's net worth shall be reduced to the lending limit in an orderly manner over a reasonable period.

(b) Total system: Loans outstanding at any one time to any one borrower from one or more district banks and the Central Bank for Cooperatives, exclusive of participations sold to institution(s) other than banks for cooperatives, shall not exceed the percentages specified in paragraph (a)(1) of this section applied to the consolidated net worth of the 13 banks for cooperatives as determined by Farm Credit Administration. Loans made within previously established limits that become excessive because of changes in lending limits prescribed herein may be held and liquidated in accordance with terms individually specified by the Farm Credit Administration.

(c) Central Bank for Cooperatives:

(1) Direct loans outstanding at any one time to any one borrower as defined

by these regulations, exclusive of participations sold to others, shall not exceed the lending limit percentages prescribed in paragraph (a)(1) of this section for district banks.

(2) Participations in loans at any one time to any one borrower as defined by these regulations, exclusive of participations resold to institutions other than banks for cooperatives shall not exceed amounts greater than the lending limit described in paragraph (b) of this section less amounts held by the district banks.

(d) Determination for purchases of partcipations from other banks for cooperatives. A district bank for cooperatives shall determine lending limits for the purpose of purchasing participations in loans of another bank for cooperatives as follows:

(1) Determine its balance sheet net worth total as of the close of the preceding fiscal year or at any interim date determined by the Farm Credit Administration as a result of material changes in the bank's net worth.

(2) Subtract the amount of any investments in the purchasing bank owned by the originating bank for cooperatives on the same date.

(3) Apply the lending limit percentages outlined in paragraph (a)(1) of this section.

(4) The resulting total equals the amount of a loan to any one borrower which a district bank for cooperatives may purchase from another bank for cooperatives.

(e) The term "one borrower" is defined as a parent and all subsidiary corporations including other closely related organizations similarly controlled by management or directorate, and through investment if in a consolidated balance sheet more than 50 percent of the net worth of the subsidiary or affiliate would be eliminated, and/or if a borrower owns a majority of the voting stock of an affiliated corporation: *Provided, however,* That any such subsidiary organization may be excluded from this definition if it is determined, subject to prior approval by the Farm Credit Administration, that conditions exist warranting a conclusion that there is in fact a separate borrower.

(f) In unusual situations the Farm Credit Administration may prescribe special written lending limits.

§ 614.4490 Federal land bank and production credit association loans requiring prior approval.

(a) Until December 31, 1973, the following loans shall be subject to the prior approval of the bank and the Farm Credit Administration.

* * * * *

§ 614.4660 General discount agreement.

As a condition precedent to making loans to or discounting paper for any other financing institution, the bank will require the corporation desiring such credit to execute a general discount loan and pledge agreement. This agreement, as a condition for continued loans or discount of paper, shall provide for the corporation to furnish the bank periodically with an acceptable audit report made by an independent certified public accountant, or in the case of commercial banks, a copy of the annual bank examination report. The bank shall review and analyze such audit reports for adequacy and completeness. The scope of annual review as required by the bank's policy for credit review (§ 614.4051) shall be expanded to include any additional tests, audit, or fiscal analysis necessary as a result of deficiencies noted in audit reports.

PART 615—FUNDING AND FISCAL AFFAIR

§ 615.5170 Bank investment portfolios.

It shall be the responsibility of each bank, under the policies of its board, to establish a minimum investment requirement comprised of cash and eligible investments. The investment objective, and any subsequent change thereof, of each bank shall be forwarded to the Farm Credit Administration for review.

Subpart P—Open Registered Mail and Express Policy No. FCA 125

Sec.
615.5500 Shipment of valuables.
615.5510 Advice of shipment.
615.5520 Insurance of bond shipments.
615.5530 Registered and certified mail shipments.

AUTHORITY: The provisions of this Subpart P issued under sections 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart P—Open Registered Mail and Express Policy No. FCA 125

§ 615.5500 Shipment of valuables.

Shipment of valuables by the Federal land banks, Federal intermediate credit banks, banks for cooperatives, and production credit associations, when made to or by the assured or to or by others for the account of the assured, shall be covered by an insurance policy issued in the name of five companies, through John L. Swan & Co., Inc., broker, copies of which have been furnished the land banks, credit banks, and banks for cooperatives. Premium rates per $1,000 on general shipments of securities and other valuables shall be $0.04 by registered mail or express ($0.08 by registered airmail), and on shipments of canceled coupons and canceled securities shall be $0.01 by registered mail or express ($0.02 by registered airmail).

§ 615.5510 Advice of shipment.

Each shipment insured for $500,000 or more shall be reported at once to John L. Swan & Co., Inc., 116 John Street, New York, NY 10038. Two copies of the report shall be submitted giving the contents of the shipment, date, shipper, consignee, and how shipped. Shipments insured for less than $500,000 shall be reported quarterly as of March 31, June 30, etc.

§ 615.5520 Insurance of bond shipments.

(a) Bond shipments shall be insured as follows:

Description of shipment	*Amount of insurance*
Fully executed, uncanceled coupon bonds.	For market value plus a flat 3 percent of the par amount, or for the par amount, whichever is greater, plus in either case the value of the matured coupons attached, if any.
Registered bonds in uncanceled form, provided they have been endorsed in such manner or are accompanied by such detached powers of attorney or assignments as to require no further action before their negotiation by any holder could be accomplished.	For market value plus a flat 3 percent of the par amount, or for the par amount, whichever is greater.

In placing a value where the market is neither an even 1 percent or one-half of 1 percent above par, the next one-half of 1 percent or 1 percent may be used.

(b) Canceled bonds and coupons, and registered bonds that have not been endorsed in such manner or are not accompanied by such detached powers of attorney or assignments as to require no further action before their negotiation by any holder could be accomplished, need not be insured.

§ 615.5530 Registered and certified mail shipments.

Negotiable securities shall be declared at their market value on the date of mailing. Nonnegotiable or canceled securities, warehouse receipts, and valuable papers such as checks, drafts, deeds, abstracts, and similar documents may be declared at no value and sent by registered mail. If the sender decides that no indemnity from the post office will be required should such papers be lost or destroyed, the shipper may send them by certified mail, which is cheaper than registered mail. Further details regarding certified mail should be obtained from local postmasters.

PART 618—GENERAL PROVISIONS

§ 618.8160 District boards of directors.

(a) Polls for the nomination and election of district board directors shall be conducted by the election officer of the Farm Credit Administration appointed by the Governor. The results of all such polls shall be certified by the chief examiner.

(b) Information pertaining to the results of any poll shall not be disclosed before the poll has closed, the voting results have been certified, and official announcement has been made by the Governor, except that notification of the number of votes received by each nomi-

nee or candidate in a poll may be made to the nominees or candidates by the election officer. Information regarding voting by individual associations shall not be disclosed at any time.

(c) The banks shall provide a complete list of all persons and organizations entitled under the law to vote in a nomination poll on request of the election officer. The lists provided shall show the number of stockholders entitled to vote in each Federal land bank association or each production credit association as of a date specified in the request for such lists.

(d) The election officer shall send the appropriate voting groups a preliminary notice and instructions for the election of a district director at least 1 month before the nomination ballot is mailed out by him. It is the objective of the Farm Credit Act of 1971 that in each election of a district director the nominating group should endeavor to assure representation to all sections of the district territory and as nearly as possible to all types of agriculture in the area and that at least two nominees who are willing to stand for election to that office are nominated. The preliminary notice shall include instructions to the voting groups that in nominating candidates they be guided by this objective.

(e) If the election poll results in a tie, a runoff election between those tying shall be held.

(f) For both the nomination poll and the election poll, the directors of a Federal land bank association or production credit association at a lawful board meeting will vote by the adoption of resolutions as prescribed on the ballots. A majority of the number of directors provided for in the association's bylaws must be present at each meeting, and the vote of the majority of the directors present will control. The election resolution may not be adopted until after the election ballot is received by the association.

§ 618.8430 Internal controls.

(a) General: The district board shall establish an internal control policy designed to provide effective control over and accountability for all funds, property, and other assets and including internal auditing of financial and compliance activities of the banks and associations in the district.

(b) The adequacy and reliability of bank performance and the completeness of reporting on the internal controls, including internal auditing and other forms of inspection, appraisal, and evaluation will be a major consideration by Farm Credit Administration examiners in determining the scope of their external audit and examination of the associations and banks. In evaluating the effectiveness of the program, it is expected that the examiners will consider:

(1) Location of internal audit functions in the organizational structure including independence of internal audit functions from operation and credit functions; relationship, accountability, and reporting to the bank presidents or to a principal officer of the banks and may provide for periodic review and reporting to the board of directors as it may determine.

(2) Extent of internal controls and coordination of activities among banks, including, but not limited to: Dual control methods and measures to safeguard assets; checks for accuracy and reliability of accounting data and records and financial transactions; efficiency of operations with particular attention to minimizing unnecessary or wasteful practices in the use of resources; and adherence to prescribed policies and procedures.

(3) Provision for an ongoing review of and modifications to the policy to assure that it is adhered to in an effective manner and attains the goals and objectives of the banks and associations.

(4) Provision for development of either district or bank manuals of internal control standards and operating procedures, including internal audit.

(c) The district policy and any subsequent modifications shall be submitted to the Farm Credit Administration prior to implementation for suggestions. Also the district or bank audit procedures and internal control instructions shall be furnished to the Farm Credit Administration for information and to facilitate suggestions.

(Sec. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.72-22222 Filed 12-26-72;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10955, Amdt. 37-35, 43-17, 91-107, 121-101, 127-31, 135-33]

AIRBORNE ATC TRANSPONDER EQUIPMENT

The purpose of these amendments to Parts 37, 43, 91, 121, 127, and 135 of the Federal Aviation Regulations is to provide new standards for Airborne ATC Transponder Equipment and to require that transponders in aircraft meet TSO standards.

These amendments are based on a notice of proposed rule making (Notice 71-10) issued on March 22, 1971, and published in the FEDERAL REGISTER on March 30, 1971 (36 F.R. 5853). Numerous comments were received in response to Notice 71-10 and the relevant comments are discussed below. Based upon these comments and upon further consideration by the FAA, a number of changes have been made to the proposed rule.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented. Except as modified by the following discussion, the reasons for these amendments are those set forth in the Notice.

A number of comments objected to the use of the TSO system for the approval of Class 2A and 2B ATC transponders. The commentators assert that the TSO system is primarily intended to provide approvals for equipment for air carrier operations, that it is too time consuming and costly for equipment intended to be used on general aviation aircraft, and that alternative approval methods should be allowed. It should be noted that under § 21.305 of the Federal Aviation Regulations an appliance may be approved under the TSO system, or as part of the aircraft design under the aircraft type certification procedures, or in any other manner approved by the Administrator. The same methods of approval are permitted under the proposal and this amendment. The FAA does not believe that the methods suggested by the commentators would provide the production quality control and FAA surveillance that is necessary to assure that the transponders meet the proposed standards which are required for FAA approval.

In response to a number of comments that the proposed TSO data requirements in paragraph (d)(1)(iv) of § 37.180 can be interpreted as requiring a full compliance test program on each production unit, the subparagraph has been revised to make it clear that the equipment data sheet must specify the actual performance of equipment of a type rather than of each individual unit. In addition paragraph (d)(2) has been revised to include, by reference, the manufacturer's operating instructions and equipment limitations in the information that must be furnished with each article.

A number of comments objected to the implementation dates specified in the notice. All but one of those commentators maintained that the proposed effective dates would not provide a reasonable service life for the equipment already in service or in production, and they recommended a postponement in the implementation dates for periods varying from a few years to an indefinite period of time. The other commentator recommended that the implementation date for newly installed equipment in air carrier aircraft be the same as the implementation date for the rules that will result from notice of proposed rule making No. 69-9. Based on this comment and upon further consideration the implementation dates have been changed to January 1, 1974, for new equipment installations and July 1, 1975, for all equipment installations in order to make them consistent with the dates proposed in Notice 69-9, as supplemented by Notice 72-12.

In response to the request in Notice 71-10 for comments as to the need for the proposed low altitude transponder category, numerous comments were received recommending its retention. Several of the commentators also suggested that the utilization altitude be tied to an operational air traffic control altitude presently in use, such as the 18,000-foot altitude used to define positive control areas. In support of the retention of a low alti-

tude transponder category, the commentators estimated variously that high altitude transponders are from 5 percent to 82 percent more costly than low altitude transponders, and that it would be unreasonable to require a high altitude transponder on aircraft which would only operate above the altitude under extreme weather or emergency conditions. Based on these comments, the amendment retains the provisions for a low altitude transponder category. The FAA does not agree with the suggestion that the altitude limit for use of low altitude transponders be tied to defined positive control areas because of equipment considerations.

One commentator recommended the elimination of the high altitude transponder category on the ground that there is no technical justification for requiring a higher power output for transponders in aircraft operating at altitudes above 15,000 feet. The FAA does not agree. A power output, greater than that required in the low altitude transponder, provides assurance that aircraft that operate at high altitude, and at great horizontal distance from the receiving station will show up on the air traffic controller's scope.

A comment was received suggesting that air traffic controllers should be instructed as to the difference in capabilities of low and high altitude transponders, and that pilots should be required to inform air traffic controllers as to the type of transponder installed on his aircraft. However, since the proposed operating rules require the use of a transponder appropriate to the type of operations intended, the FAA does not believe that there is a need to require pilots to inform air traffic controllers as suggested.

The FAA does not agree with a suggestion made by several commentators that the environmental test requirements be revised to include Option C of Part 1 in section III of RTCA Document DO–144. The RTCA option suggests that the manufacturer, as a minimum, should state the range of temperature and altitude over which his equipment is capable of operating. Proposed § 37.180(a)(2) (renumbered as paragraph (a)(3) in this amendment) specifies these conditions and, in addition, humidity, shock, vibration, and power input voltage. Due to the wide range of environments in which general aviation aircraft operate, the minimum environmental conditions specified in Option C of Part 1 of section III of RTCA Document DO–144 are insufficient to insure the required level of reliability.

One commentator requested that operators certificated under Part 135 be permitted to use any class of complying ATC transponders since certain operating limitations placed on Part 135 operators are not applicable to air carriers. The FAA does not agree. The limitations mentioned by the commentator are not related to the capability of the type of transponder used, and the reasons which justify the proposed requirement for air carriers are equally applicable to Part 135 operators.

In response to a suggestion that provisions be made for the continued operation of transponders approved under TSO–C74 and TSO–C74a, the proposed operating rules have been revised to permit the approval of operations with such transponders after July 1, 1975, if the applicable performance standards of TSO–C74c and the environmental standards of the TSO under which the equipment was manufactured are shown to be met.

One comment stated that the design tolerances specified in subparagraph II A.5.a. of Part 2 in RTCA Document DO–144 are much stricter than would be required in actual usage. The commentator recommended that transponders should not reply to more than 10 percent of the interrogations when the interval between pulses P_1 and P_3 differs from that defined in Appendix A for the mode selected in the transponder by more than ±15 percent of the nominal specification. The FAA does not agree that the tolerances are much stricter than that required in actual usage. Furthermore, the requirement specified in the proposed TSO is consistent with that required by ICAO for international operations.

One comment recommended that subparagraph II A.5.b. of Part 2 in RTCA Document DO–144 not be included in the TSO on the ground that its requirements are duplicated in subparagraph II A.9.b. of that document. To the contrary, however, subparagraph II A.5.b. applies only to the reply capability of the transponder in response to single pulses, while subparagraph II A.9.b. applies to both reply and suppression action to pulses wider than 1.5 microseconds.

The FAA also disagrees with a recommendation that the dead time specified in paragraph II A.6. of Part 2 of RTCA Document DO–144 be increased from 125 microseconds to 500 microseconds, thereby reducing transponder live time. The rapid increase in the use of Mode C ground equipment by civil and military facilities requires a high degree of system reliability to assure that adequate replies are obtained on each interrogation during critical periods. In areas where multiple interrogators operate, high transponder live time is essential for altitude data.

One comment suggested that the test of suppression specified in paragraph II A.7. of Part 2 in RTCA Document DO–144 be performed with the received amplitude P_2 greater than the received amplitude of P_1 by 2 db, or more, and that the suppression re-initiation period be increased from 2 to 50 microseconds. The FAA does not agree. Due to the effects of lobing caused by reflection from the surface of the earth, the signal levels of P_1 and P_2, which are radiated from different ground antennas at slightly different heights above ground, frequently arrive at the aircraft at equal levels. For suppression of side lobe signals, it is essential that transponders provide suppression action at equal signal levels. In addition, to avoid unacceptable interference with the operations of military facilities, the retention of the 2 microsecond suppression reinitiation period is essential.

In response to a comment that subparagraph II A.8.c. of Part 2 in RTCA Document DO–144 could be misinterpreted, a new § 37.180(a)(2)(i), entitled "Exceptions" has been added to the proposed TSO which replaces that subparagraph with a requirement that clearly specifies the range of received signal amplitude over which the reply characteristics apply.

In reply to another comment recommending the elimination of the requirements of paragraph II A.9. of Part 2 in RTCA Document DO–144, an exception has been added as new § 37.180(a)(2)(ii) to relieve the manufacturer from complying with subparagraph II A.9.a. Field testing has shown that transponder squitter due to noise is not a significant problem. The requirement for narrow pulse rejection is not needed if the random triggering and suppression rate requirements of paragraph II A.11. of Part 2 in RTCA Document DO–144 are met. On the other hand, service experience and testing indicate that the wide pulse type interference associated with the requirements of subparagraph II A.9.b. does present a problem so that compliance is required.

A comment recommended elimination of the echo suppression and recovery requirement contained in paragraph II A.10. of Part 2 in RTCA Document DO–144 on the basis that the problem is caused by inadequate ground equipment. The FAA does not agree. Echoes (multipath signals) caused by signal reflections from terrain and buildings, cause practical problems in transponder operation. Extensive experience in the operation of the Air Traffic Control Radar Beacon System (ATCRBS) has developed a standard desensitization and recovery curve to minimize the multipath effects on the operation of transponders. Moreover, the FAA locates its own traffic control radar receiving stations so as to minimize the number of echoes. However, since it is practically impossible to eliminate all echoes through the geographical location of the ground station, the proposed requirement providing for capability of the airborne equipment to reject that type of signal has been retained.

One commentator objected to the requirement contained in paragraph II A.13. of Part 2 in RTCA Document DO–144 on the ground that, in the FAA's planned airborne environment, an interrogation rate of 1,000 per second will seldom be exceeded. It was contended that if the purpose of the requirement is to protect the airborne transmitter from damage due to excessive replies, more straightforward means are available than are contained in paragraph II A.13. The FAA does not agree. The Air Traffic Control Radar Beacon System operates on a common frequency with the military IFF system, and in many areas of the country, the operation of civil and military facilities results in peak interrogation rates exceeding 1,000 per second. Reply rates must be limited in order to provide adequate service to the closer (stronger) interrogators since excessively high rates would result in unacceptable interference to all users.

One commentator, referring to subparagraph II A.16.b.(1) of Part 2 in RTCA Document DO–144, asked whether there was any requirement that the transponder's mode switch have any function other than Off, Standby, On, and Altitude Off (i.e., stop transmitting altitude information pulses while still transmitting the Mode C framing pulses and normal Mode A replies). Subparagraph II A.16.b.(1) requires the transponder to respond to Mode C interrogations independently of other modes or codes manually selected. It does not require other modes or codes to be available or selectable.

The FAA does not agree with a comment objecting to the receiver bandwidth limitation contained in paragraph II A.18. of Part 2 in RTCA Document DO–144. The commentator contended that those requirements are for the purpose of limiting squitter and suppressions, which is adequately covered by paragraph II A.11. of RTCA Document DO–144. While that assertion may be true for interference originating within the aircraft, paragraph II A.11. does not provide protection from external sources of interference. The only practical means of protecting transponders from interference originating external to the aircraft is by a reasonable limitation on the receiver bandwidth.

One commentator stated that if the TSO is being amended to permit the operation of the Genave PWI system, proposed paragraph 2.7.c.(2) of the "Federal Aviation Standard, Airborne ATC Transponder Equipment" should be changed because the present wording rules out that system. The FAA does not agree. The proposed change was not limited to the Genave PWI system and was worded broadly enough to include all types of external attachments. The maximum allowable dead time of 4.5 percent should not be reached by the Genave PWI since it does not generate suppression pulses during the alarm mode. ATCRBS side lobe interrogations are considered valid interrogation signals and are not included as part of the 4.5 percent.

A comment also questioned whether paragraph 2.7.c.(2) of the "Federal Aviation Standard, Airborne ATC Transponder Equipment" applies to internal suppression or if that paragraph requires the use of an external suppression jack on a Class 2A transponder. The dead time created by means other than normal interrogations, as stated in paragraph 2.7.c.(2), refers only to external devices such as TACAN, DME, or PWI. The paragraph does not require a manufacturer to provide an external suppression jack. In reply to another question, the proposal does not create any additional environmental categories.

One commentator opposed the 2,500 microsecond and 4.5-percent duty cycle dead time requirements of proposed paragraph 2.7.c.(2) of the Federal Aviation Standard because the increase in dead time would permit a loss of transponder replies and would impair the accuracy of symbology used in new automated air traffic control systems. The commentator recommended limiting dead time from external sources to no more than 85 microseconds per suppression period at a random repetition rate such that dead time occupies no more than 2.6 percent of the time. The FAA does not agree. A maximum of 2,500 microseconds dead time per suppression limited to a 4.5-percent duty cycle will not inhibit more than one reply per beamwidth at a terminal radar (ARTS) installation. The terminal ATCRBS facilities operate at a nominal 18 hits per beamwidth, and an occasional missing reply out of the 18 replies is not believed serious enough to hinder the accuracy of symbology used in new automated ATC systems.

Another comment contended that the requirement of paragraph 2.7.(c) of the Federal Aviation Standard and paragraph II A. of Part 2 in RTCA Document DO–144 could be construed to require duty cycle limitations on inputs capable of generating transponder dead time and that an unnecessary burden could result. While the commentator has correctly stated the requirement, the FAA does not agree that the requirement creates an unnecessary burden. The dead time requirement need only be met taking into consideration the foreseeable inputs to the transponder.

One comment, while supporting the use of the TSO system for the approval of transponders, objected to the incorporation of RTCA Document DO–144 into the TSO. The commentator asserted that DO–144 was intended to fulfill a need for approval of the installed system and that its incorporation would result in a TSO that applies an "approval-per-installation philosophy" placing a burden on the manufacturer which would result in a more costly transponder. Apparently the commentator construed the proposed TSO requirement as referring to both section II and section III of Part 2 in RTCA Document DO–144. The minimum performance standards specified in the TSO requirement are contained only in section II. Section III merely describes one acceptable method (but not the only method) of determining compliance with those minimum performance standards. Other methods (not necessarily involving installation of the transponder in an aircraft) may be used.

In connection with section III of Part 2 in RTCA Document DO–144, one comment stated that the test condition specified in subparagraph III B.l.d.(4) is unnecessarily severe. The FAA agrees. However, as noted above, section III merely describes one acceptable method of determining compliance with the minimum performance standards. If a manufacturer does not choose to use the test condition in subparagraph III B.l.d.(4), he may use any other acceptable test condition, such as repeating the test condition of subparagraph III B.l.d.(2) but with P_2 at the nominal interval following P_1, and combining the interrogation signal set to an interrogation rate of 100 interrogations per second with a non-synchronous single pulse generator operating at 1,000 prf and at an r_f level 10db below that of P_1 and P_3.

Another comment question the note following section III B.l.j.(2) of Part 2 in RTCA Document DO–144. An acceptable alternative to that note would be to exclude the intervals between pulses corresponding to a normal Mode 3/A, Mode C, and a side-lobe interrogation.

In addition, with reference to RTCA Document DO–144, it should be noted that subparagraphs IIA.16.b. (2), (3), (4), (5), and (6) of Part 2 of that document contain standards for ATC transponder equipment systems that incorporate complete altitude reporting capability, including: (1) An analog-to-digital converter, (2) a pressure-altitude data source, (3) a capability of reporting pressure altitude, and (4) a correspondence of the reported altitude with the altitude indicated by the aircraft flight altimeter. It was not the intent of the FAA in this rule making action to require ATC transponders to have complete altitude reporting capability. Therefore, the proposal has been revised by adding new § 37.180(a)(2)(iii) and (iv) which delete the requirement for compliance with those standards unless the manufacturer elects to provide complete altitude reporting capability. However, the requirement that all transponders reply to Mode C interrogations with framing pulses F_1 and F_2 is retained in order to facilitate the incorporation of complete altitude reporting capability by the transponder users if that capability is required or if the user should desire that feature. The areas of operation in which complete altitude reporting capability will be required, is the subject of the rule making action proposed in Notice 72–12 (37 F.R. 7527).

Following further review of proposed §§ 91.24, 121.345, 127.123, and 135.143, the proposals have been revised to more clearly indicate that ATC transponders may be approved under the TSO system or in conjunction with type certification procedures, or in any manner approved by the Administrator, but in any event they must meet the performance and environment requirements of the applicable TSO standards.

Finally, transponder field tests conducted subsequent to the issuance of Notice 71–10 indicate that a large number of the transponder deficiencies occurring in service could be prevented if the transponder were inspected and adequately maintained. Accordingly, a new § 91.177 is being adopted which requires that after January 1, 1974, ATC transponder equipment installed and used as provided in this amendment must be tested and inspected and found to comply with the maintenance requirements which are being adopted as new Appendix F to Part 43. New § 91.177 applies only to ATC transponders that, under the provisions of § 91.24, § 121.345(c), § 127.123(b), or § 135.143(c), are required to meet the standards specified therein. While this requirement was not proposed in Notice 71–10, the FAA has determined that safety requires that the ATC transponders be inspected annually to assure that they continue to meet the TSO standards. Further delays in implementing this course of action would

not be in the public interest. Therefore, this final rule includes inspection and testing requirements for transponders. However, since a compliance date has been established subsequent to the effective date of the amendment, interested persons may submit comments on the new § 91.177 of Part 91 and the new Appendix F to Part 43. The FAA will consider all comments received on or before March 27, 1973, and may further amend the regulations in the light of these comments.

In consideration of the foregoing, Parts 37, 43, 91, 121, 127, and 135 of the Federal Aviation Regulations are amended as follows, effective January 26, 1973.

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

A. Part 37 is amended by amending § 37.180 as follows:

1. Paragraphs (a), (b), (c), and (d) are amended and a new paragraph (e) is added, to read as follows:

§ 37.180 Airborne ATC transponder equipment—TSO–C74c.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards which airborne ATC transponder equipment must meet in order to be identified with the applicable TSO marking. New models of such equipment that are to be so identified and that are manufactured on or after January 26, 1973, must meet the following performance and environmental standards:

(1) *Performance standards.* (i) Equipment marked as Class 1A must be equipment intended for installation in aircraft that operate at altitudes above 15,000 feet and must meet the minimum performance standards of "Federal Aviation Administration Standard, Airborne ATC Transponder Equipment," set forth at the end of this section, as applicable.

(ii) Equipment marked as Class 1B must be equipment intended for installation in aircraft that operate at altitudes not exceeding 15,000 feet and must meet the minimum performance standards of "Federal Aviation Administration Standard, Airborne ATC Transponder Equipment," set forth at the end of this section, as applicable.

(iii) Equipment marked as Class 2A must be equipment intended for installation in aircraft that operate at altitudes above 15,000 feet and must meet the minimum performance standards set forth in Section II of Part 2 in Radio Technical Commission for Aeronautics Document No. DO–144 entitled "Minimum Operational Characteristics—Airborne ATC Transponder Systems," dated March 12, 1970, and Change No. 1 to DO–144, Paper 232–70/EC–643, dated November 5, 1970, as applicable, except as provided in subparagraph (2) of this paragraph.

(iv) Equipment marked as Class 2B must be equipment intended for installation in aircraft that operate at altitudes not exceeding 15,000 feet and must meet the minimum performance standards set forth in Section II of Part 2 in Radio Technical Commission for Aeronautics Document No. DO–144 entitled, "Minimum Operational Characteristics—Airborne ATC Transponder Systems," dated March 12, 1970, and Change No. 1 to DO–144, Paper 232–70/EC–643, dated November 5, 1970, as applicable, except as provided in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) In lieu of the requirements in subparagraph II A.8.c. of Part 2 in RTCA Document DO–144, the reply characteristics apply over a received signal amplitude range between minimum triggering level and a level of −21 dbm.

(ii) The requirement specified in subparagraph II A.9.a. of Part 2 in RTCA Document DO–144 need not be complied with.

(iii) The requirements of subparagraph II A.16.b. (2) and (3) of Part 2 of RTCA Document DO–144, in so far as, they pertain to pressure altitude information pulses, must be complied with only if complete altitude reporting capability is provided.

(iv) The requirements of subparagraph II A.16.b. (4), (5), and (6) of Part 2 of RTCA Document DO–144 must be complied with only if complete altitude reporting capability is provided.

(3) *Environmental standards.* RTCA Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments," dated June 27, 1968, must be used in determining the environmental conditions over which the equipment has been designed to operate. Classes 2A and 2B equipment need only be tested for the environmental conditions of temperature and altitude, humidity, shock, vibration, and power input voltage set forth in paragraphs 4.0, 5.0, 6.0, 7.0, and 9.0 of DO–138.

(b) *Availability of documents.* RTCA Document Nos. DO–138, dated June 27, 1968, and DO–144, dated March 12, 1970, as amended by Change No. 1 (Paper 232–70/EC–643), dated November 5, 1970, are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 of the Federal Aviation Regulations and are available as indicated in § 37.23. Additionally, RTCA Documents Nos. DO–138 and DO–144, as amended, may be examined at any FAA regional office of the Chief of Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division) and may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, DC 20006, at a cost of $8 per copy for Document No. DO–138 and $6 per copy for Document No. DO–144.

(c) *Marking.* In addition to the markings specified in § 37.7, the equipment must meet the following requirements:

(1) The environmental categories over which it has been designed to operate as set forth in Appendix B of RTCA Document No. DO–138 must be permanently and legibly marked on the equipment. Where an environmental test procedure is not applicable and the test is not conducted, an "X" should be placed in the space assigned for that category.

(2) The class which the equipment meets must be permanently and legibly marked on the equipment. Equipment which meets the requirements of more than one class need only be marked with the class which contains the more severe requirements. When listed in order of severity of requirements, highest first, the classes are: 1A, 1B, 2A, and 2B.

(3) Each separate component of equipment (antenna, receiver-transmitter, etc.) must be permanently and legibly marked with at least the name of the manufacturer, the TSO number, and the environmental categories over which it is designed to operate.

(d) *Data requirements.* (1) In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in which the manufacturer is located, one copy of the following technical data:

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic diagrams, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to the installation.

(iii) Manufacturer's test report(s).

(iv) Equipment data sheets specifying, within the prescribed range of environmental conditions, the actual performance of equipment of that type with respect to each performance factor prescribed in the applicable standard. Performance data for abnormal environmental conditions may also be included.

(2) One copy of the technical data specified in subdivisions (i), (ii), and (iv) of subparagraph (1) of this paragraph must be furnished with each article.

(e) *Previously approved equipment.* Airborne ATC Transponder Equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

2. Paragraph 2.7c. of the "Federal Aviation Standard, Airborne ATC Transponder Equipment," is amended to read as follows:

2.7 *Transponder discrimination and desensitization.*

* * * * *

c. *Dead time.* (1) After reception of a proper interrogation, the transponder must reply to no other interrogation for the duration of the reply pulse train. This dead time must end no later than 125 microseconds after the transmission of the last reply pulse of the group.

(2) The dead time of the transponder created by means other than normal interrogations shall not exceed a period of more than 2,500 miscroseconds duration at a maximum duty cycle of 4.5 percent.

3. Paragraphs 2.8 and 2.11 of the "Federal Aviation Standard, Airborne

ATC Transponder Equipment" are amended by deleting the parenthetical references to "(Class I)" and to "(Class II)."

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

B. Part 43 is amended by adding a new Appendix F to read as follows:

APPENDIX F—ATC TRANSPONDER TESTS AND INSPECTIONS

Each person performing the ATC transponder tests required by § 91.177 shall comply with the following:

(a) Reply radio frequency:

(1) Interrogate the transponder and verify that the reply frequency is 1090±3 MHz.

(b) Reply transmission characteristics, framing pulses:

(1) Verify that the time interval between the 0.5 amplitude points on the leading edges of the two framing pulses is 20.3±0.10 microseconds.

(c) Reply codes:

(1) *Identification.* Verify that all Mode 3/A reply pulses listed in Table 1 are present.

TABLE 1

Position		Position	
Pulse (microseconds)		Pulse (microseconds)	
F_1	0.00	D_1	13.05
C_1	1.45	B_2	14.50
A_1	2.90	D_2	15.95
C_2	4.35	B_4	17.40
A_2	5.80	D_4	18.85
C_4	7.25	F_2	20.30
A_4	8.70	SPI	24.75
B_1	11.60		

(2) *Pressure altitude transmissions.*—(i) Verify that the transponder response to mode C interrogations consists only of framing pulses F_1 and F_2. If complete altitude reporting capability is provided, the altitude digitizer may not be connected to the transponder at the time of the test.

(ii) Verify that the transponder response to mode C interrogations consists of only framing pulses F_1 and F_2 with the altitude switch in the "off" position.

(iii) If complete altitude reporting capability is provided, verify that the transponder response to mode C interrogations consists of information pulses denoting pressure altitude at the time of the test.

(d) Reply pulse width:

Verify that the duration of the F_1 and F_2 pulses between the 0.5 amplitude points on the leading and trailing edge is 0.45 ± 0.10 microseconds with—

(1) The transponder replying on mode 3/A, code 0000, and

(2) The transponder replying on mode 3/A, code 7777.

(e) Suppression:

(1) Verify that the transponder response to mode 3/A interrogations does not exceed five replies per second when the amplitude of the P_3 pulse is equal to the P_2 pulse.

(2) Verify that the transponder response to mode 3/A interrogations is at least 450 replies per second when the amplitude of the P_3 pulse is 9 db less than the P_2 pulse.

(f) Receiver sensitivity:

(1) Verify that the receiver sensitivity of the system as installed including tranmission line loss is −73 ±4 dbm.

(2) Verify that the difference in mode 3/A and mode C receiver sensitivity does not exceed 1 db.

(g) Transmitter power output:

(1) Verify that class 1A and 2A transponders have a peak pulse power at the antenna end of the transmission line of at least +21 dbw and not more than +27 dbw.

(2) Verify that class 1B and 2B transponders have a peak pulse power at the antenna end of the transmission line of at least +18.5 dbw and not more than +27 dbw.

(h) Records:

Comply with the provisions of § 43.9 of this chapter as to content, form and disposition of the records.

PART 91—GENERAL OPERATING AND FLIGHT RULES

C. Part 91 is amended as follows:

1. By adding a new § 91.24, following § 91.23, to read as follows:

§ 91.24 ATC transponder equipment.

(a) ATC transponder equipment installed after January 1, 1974, in U.S. registered civil aircraft not previously equipped with an ATC transponder and all ATC transponder equipment used in U.S. registered civil aircraft after July 1, 1975, must meet the performance and environmental requirements of any class of TSO–C74b or any class of TSO–C74c, as appropriate, except that the Administrator may approve the use of TSO–C74 or TSO–C74a equipment beyond July 1, 1975, if the applicant submits data showing that such equipment meets the minimum performance standards of the appropriate class of TSO–C74c and the environmental conditions of the TSO under which it was manufactured.

(b) This section does not apply to operations conducted under Parts 121, 123, 127, or 135 of this chapter.

2. By adding a new § 91.177, following § 91.175, to read as follows:

§ 91.177 ATC transponder tests and inspections.

(a) After January 1, 1974, no person may use an ATC transponder that is specified in § 91.24, § 121.345(c), § 127.123(b), or § 135.143(c) of this chapter, unless, within the preceding 12 calendar months, that ATC transponder has been tested and inspected and found to comply with Appendix F of Part 43 of this chapter.

(b) The tests and inspections specified in paragraph (a) of this section may be conducted by—

(1) A certificated repair station properly equipped to perform those functions and holding—

(i) A radio rating, class III;

(ii) A limited radio rating appropriate to the make and model transponder to be tested;

(iii) A limited rating appropriate to the test to be performed; or

(iv) A limited rating for a manufacturer issued for the transponder in accordance with § 145.101(b)(4) of this chapter; or

(2) A certificate holder authorized to perform maintenance in accordance with § 121.379 or § 127.140 of this chapter; or

(3) The manufacturer of the aircraft on which the transponder to be tested is installed, if the transponder was installed by that manufacturer.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

D. Part 121 is amended by adding a new paragraph (c) to § 121.345 to read as follows:

§ 121.345 Radio equipment.

* * * * *

(c) ATC transponder equipment installed after January 1, 1974, in aircraft not previously equipped with an ATC transponder and all ATC transponder equipment used after July 1, 1975, must meet the performance and environmental requirements of any class of TSO–C74b, or class 1A or class 1B of TSO–C74c, as appropriate, except that the Administrator may approve the use of TSO–C74 or TSO–C74a equipment beyond July 1, 1975, if the applicant submits data showing that such equipment meets the minimum performance standards of class 1A or class 1B of TSO–C74c and the environmental conditions of the TSO under which it was manufactured.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

E. Part 127 is amended by designating the substance of present § 127.123 as paragraph (a) and adding a new paragraph (b) to § 127.123 to read as follows:

§ 127.123 Radio equipment.

* * * * *

(b) ATC transponder equipment installed after January 1, 1974, in helicopters not previously equipped with an ATC transponder and all ATC transponder equipment used after July 1, 1975, must meet the performance and environmental requirements of any class of TSO–C74b, or class 1A or class 1B of TSO–C74c, as appropriate, except that the Administrator may approve the use of TSO–C74 or TSO–C74a equipment beyond July 1, 1975, if the applicant submits data showing that such equipment meets the minimum performance standards of class 1A or class 1B of TSO–C74c and the environmental conditions of the TSO under which it was manufactured.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

F. Part 135 is amended by amending § 135.143 by adding a new paragraph (c) to read as follows:

§ 135.143 General requirements.

* * * * *

(c) ATC transponder equipment installed after January 1, 1974, in aircraft not previously equipped with an ATC transponder and all ATC transponder equipment used after July 1, 1975, must meet the performance and environmental requirements of any class of TSO–

C74b, or class 1A or class 1B of TSO–C74c, as appropriate, except that the Administrator may approve the use of TSO–C74 or TSO–C74a equipment beyond July 1, 1975, if the applicant submits data showing that such equipment meets the minimum performance standards of class 1A or class 1B of TSO–C74c, and the environmental conditions of the TSO under which it was manufactured.

(Secs. 313(a), 601, 603, 604, 605, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, 1424, 1425, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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

J. H. SHAFFER,
Administrator.

NOTE: The incorporation by reference in this document was approved by the Director of the FEDERAL REGISTER on April 16, 1969.

[FR Doc.72-22184 Filed 12-26-72;8:48 am]

[Docket No. 72-NE-23; Amdt. 39-1577]

PART 39—AIRWORTHINESS DIRECTIVES

Consolidated Aeronautic Aircraft

Amendment 39-1429 [37 F.R. 6731], AD 72-7-11, requires repetitive inspection of the flap pushrod-end bearing, P/N HM-5C, on Colonial model C-1, C-2 and Lake model LA-4 series aircraft for corrosion, cracks, and freedom of movement and replacement of any defective parts as necessary. The AD further provides that this repetitive inspection may be discontinued upon the installation of a P/N HM-5G rod-end bearing, or its equivalent.

Subsequent to the issuance of AD 72-7-11, it was determined that P/N HM-5G rod-end bearings have been installed on all Lake LA-4 series aircraft with S/N 503 and subsequent. Therefore, this AD is being amended to avoid any possible confusion concerning its applicability by specifying that the AD only applies to Colonial model C-1, C-2 and Lake model LA-4 series aircraft below S/N 503.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 F.R. 13397], § 39.13 of Part 39 of the Federal Aviation regulations, Amendment 39-1429 [37 F.R. 6731], AD 72-7-11, is amended by deleting the applicability statement in its entirety and inserting the following in lieu thereof:

Applies to Colonial model C-1, C-2, and Lake Model LA-4, LA-4A, LA-4P, and LA-4-200 airplanes below S/N 503 certificated in all categories, incorporating flap actuator pushrod assembly, Lake Aircraft Corp. P/N 2-7811-7.

This amendment becomes effective January 5, 1973.

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

Issued in Burlington, Mass., on December 15, 1972.

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

[FR Doc.72-22187 Filed 12-26-72;8:48 am]

[Airspace Docket No. 72-EA-117]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of the Federal Aviation regulations so as to alter the Schnectady, N.Y., control zone (37 F.R. 2129).

Because of a recent refinement of the Hunter RBN geographical coordinates which partially describes the control zone, the description of the zone must be amended to reflect the new coordinates.

In view of the foregoing and because the amendment is minor in nature and does not affect any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective upon publication in the FEDERAL REGISTER (12-27-72), as follows:

1. Amend § 71-171, Federal Aviation regulations by amending the description of the Schenectady, N.Y., control zone by deleting, "(42°51'15" N., 73°55'45" W.)" and substituting, "(42°51'13" N., 73°56'-07" W.)" therefor.

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

Issued in Jamaica, N.Y., on December 12, 1972.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

[FR Doc.72-22185 Filed 12-26-72;8:48 am]

[Airspace Docket No. 72-WE-43]

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

Alteration of Transition area

On October 27, 1972 a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 22990) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would designate a new transition area at Davis, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. Comments were received from sport parachute interests using the Yolo County Airport.

As a result of a meeting with interested parties of the University Airport and sport parachute representatives, it was determined that an adjustment to the final approach course would resolve the differences. A subsequent flight check disclosed an adjustment in the final approach course to the 277° M radial of the Sacramento VORTAC would be acceptable and provide a more compatible flight path with the parachute activities. No adjustment in the proposed controlled airspace is needed.

In view of the above the proposed amendment is hereby adopted without change.

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

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

Issued in Los Angeles, Calif., on December 13, 1972.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

In § 71.181 (38 F.R. 435) the following transition area is added:

DAVIS, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of University Airport (latitude 38°31'55" N., longitude 121°47'10" W.).

[FR Doc.72-22186 Filed 12-26-72;8:48 am]

[Airspace Docket No. 72-RM-12]

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

Alteration of VOR Federal Airway Segment

On September 27, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 20183) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation regulations that would realign a segment of VOR Federal airway No. 21 between Helena, Mont., and Great Falls, Mont.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

Section 71.123 (38 F.R. 307) is amended as follows: In VOR Federal airway No. 21 "Helena, Mont.; INT Helena 352° and Great Falls, Mont., 222° radials; Great Falls;" is deleted and "Helena, Mont.; Great Falls, Mont.;" is substituted 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 15, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-22041 Filed 12-26-72;8:45 am]

[Airspace Docket No. 72-RM-20]

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

Alteration of Transition Area

On October 20, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 22627) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Bozeman, Mont., transition area.

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

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

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

Issued in Aurora, Colo., on December 13, 1972.

C. D. REA,
Acting Director, Rocky Mountain Region.

In § 71.181 (38 F.R. 4353) the description of the Bozeman, Mont., transition area is amended to read:

BOZEMAN, MONT.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.) and within 5.5 miles northeast and 9.5 miles southwest of the Bozeman ILS northwest localizer course extending from the 11-mile radius area to 28 miles northwest of Gallatin Field.

[FR Doc.72-22043 Filed 12-26-72;8:45 am]

[Airspace Docket No. 72-SO-89]

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

Revocation of Federal Airway Segment

On October 17, 1972 a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 21958) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke V-437 east alternate between Charleston, S.C. and Florence, S.C.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable. However, Air Transport Association of America requested that the Overton Intersection be retained for direct flights from Myrtle Beach, S.C., to Overton, then westbound to Vance Vortac, S.C. The FAA at this time is planning to retain the Overton Intersection.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

Section 71.123 (38 F.R. 307) in V-437 "Florence, S.C., including an E alternate via INT Charleston 029° and Florence 178° radials" is deleted and "Florence, S.C." is substituted 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 15, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-22040 Filed 12-26-72;8:45 am]

[Airspace Docket No. 72-SO-106]

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

Designation of Control Zone

On November 2, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 23348), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Mobile, Ala. (Aerospace Airport) control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

In § 71.171 (38 F.R. 351), the following control zone is added:

MOBILE, ALA. (AEROSPACE AIRPORT)

Within a 5-mile radius of Mobile Aerospace Airport (latitude 30°37'08.5" N., longitude 88°03'57.2" W.); within 3.5 miles each side of Brookley VORTAC 150° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC. This control zone is effective from 0800 to 1900 hours, local time, daily.

(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 East Point, Ga., on December 12, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 72-22042 Filed 12-26-72; 8:45 am]

[Airspace Docket No. 72-SW-62]

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

Alteration of Federal Airway Segments

On October 4, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 20871) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would modify the south alternate of VOR Federal Airway No. 14 between Oklahoma City, Okla., and Tulsa, Okla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

In § 71.123 (38 F.R. 307) Victor Airway No. 14 is amended as follows:

In V-14 "and also a S alternate via INT Oklahoma City 087°" is deleted and "and also a S alternate via INT Oklahoma City 079°" is substituted 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.72-22045 Filed 12-26-72;8:45 am]

[Airspace Docket No. 72-SW-70]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Victoria, Tex., terminal area.

On October 31, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 23194) stating the Federal Aviation Administration proposed to alter the Victoria, Tex., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

1. In § 71.171 (38 F.R. 351), the Victoria, Tex., control zone is amended to read:

VICTORIA, TEX.

Within a 5-mile radius of the Victoria County-Foster Airport (latitude 28°51'10" N., longitude 96°55'20" W.) and within 3 miles each side of the Victoria, Tex., VOR 313° radial extending from the 5-mile radius zone to 10.5 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (38 F.R. 435), the Victoria, Tex., transition area is amended to read:

VICTORIA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Victoria County-Foster Airport (latitude 28°51'10" N., longitude 96°55'20" W.) and within 3.5 miles each side of the ILS localizer 131° course extending from the 5-mile radius area to 14.5 miles southeast of the outer marker.

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

Issued in Fort Worth, Tex., on December 8, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-22044 Filed 12-26-72;8:45 am]

[Airspace Docket No. 72-WA-51]

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

Redesignation of Federal Airway Segment

On October 4, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 20871) which proposed an amendment to Part 71 of the Federal Aviation Regulations that would raise the ceiling of VOR Federal Airway V-39 between Myrtle Beach, S.C., and Fayetteville, N.C., from 5,000 feet MSL to 7,000 feet MSL.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable except the Air Force stated that their requirements could best be met if the ceiling was raised to only 6,000 feet MSL. For this reason the ceiling of this segment of V-39 is raised from 5,000 feet MSL to 6,000 feet MSL rather than from 5,000 feet MSL to 7,000 feet MSL as proposed in the NPRM.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 1, 1973, as hereinafter set forth.

In § 71.123 (38 F.R. 307) V-39 is amended by deleting "Fayetteville, N.C., excluding the airspace at and above 5,000 feet MSL." and substituting "Fayetteville, N.C., excluding the airspace at and above 6,000 feet MSL." 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.72-22046 Filed 12-26-72;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2323]

PART 13—PROHIBITED TRADE PRACTICES

Beatrice Foods Co., and I/Mac., Inc.

Subpart—Advertising falsely or misleadingly: § 13.42 *Connection of others with goods;* § 13.110 *Indorsements, approval and testimonials;* § 13.175 *Qualities of product or service.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1665 *Indorsements;* § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52) [Cease and desist order, Beatrice Foods Co., et al., Chicago, Ill., Docket No. C-2323, Nov. 28, 1972]

In the Matter of Beatrice Foods Co., a Corporation, and I/Mac, Inc., a Corporation

Consent order requiring a Chicago, Ill., manufacturer, seller, and distributor of confectioneries and its Chicago based advertising agency, among other things to cease representing that consumption of its products is essential to instill, improve, and maintain athletic ability and performance; and that any such product is endorsed for use by athletes and their organizations, because of its contributions to their ability and performance.

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

It is ordered, That respondent Beatrice Foods Co., a corporation, respondent I/Mac, Inc., a corporation, and their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of any bakery or confectionery product cease and desist from:

1. Disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication that:

A. The consumption of any such product is essential or necessary for instilling, improving or maintaining athletic ability or performance or that any such product has been selected or designated by an individual athlete or organization representing athletes because the consumption of such product is essential or necessary for instilling, improving, or maintaining athletic ability or performance.

B. Any such product has been chosen for use by an athletic association, league, or any other athletic organization, due to the contribution it makes to athletic performance or physical fitness, where said choice is based primarily on monetary consideration flowing to the athletic association, league, or any other athletic organization.

2. Disseminating, or causing the dissemination of any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations prohibited in either part of Paragraph 1 hereof.

For the purposes of this order, a bakery product shall be defined as any product which is classified under "Bakery Products," Group No. 205, by the "Standard Industrial Classification Manual 1967," prepared by the Bureau of the Budget, Executive Office of the President. A confectionery product shall be defined as any product which is classified under Group No. 207 by the aforesaid publication.

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

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

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

Issued: November 28, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-22115 Filed 12-26-72;8:45 am]

[Docket No. C-2319]

PART 13—PROHIBITED TRADE PRACTICES

H.B.A. Fur Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act. Subpart—Furnishing false guaranties: § 13.1053

Furnishing false guaranties: 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; § 13.1255 *Manufacture or preparation:* 13.1255.30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590–30 Fur Products Labeling Act; § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–30 Fur Products Labeling Act; § 13.1685 *Nature:* 13.1685–35 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, H.B.A. Fur Corp., et al., New York, N.Y., Docket No. C–2319, Nov. 20, 1972]

In the Matter of H.B.A. Fur Corp., a Corporation, and Leopold Armer, Irving Himelfarb and Harold Frishman Individually and as Officers of Said Corporation

Consent order requiring a New York City furrier, among other things to cease misbranding and falsely and deceptively invoicing its fur products.

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

It is ordered, That H.B.A. Fur Corp., a corporation, its successors and assigns, and its officers, and Leopold Armer, Irving Himelfarb, and Harold Frishman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device in connection with the introduction, or manufacture for introduction, into commerce or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural, when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That H.B.A. Fur Corp., a corporation, its successors and assigns, and its officers, and Leopold Armer, Irving Himelfarb, and Harold Frishman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

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

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

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

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

Issued: November 20, 1972.

By the Commission.

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

[FR Doc.72–22117 Filed 12–26–72;8:45 am]

[Docket No. C–2315]

PART 13—PROHIBITED TRADE PRACTICES

Local Finance Corp.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Local Finance Corp., Providence, R.I., Docket No. C–2315, Nov. 13, 1972]

In the Matter of Local Finance Corp., a Corporation

Consent order requiring a Providence, R.I., loan company, among other things to cease violating the Truth in Lending Act by failing to disclose to customers finance charges; the fact that insurance coverage is not required by the creditor; the annual percentage rate; and any other disclosures required by Regulation Z of the said Act.

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

It is ordered, That respondent Local Finance Corp., a corporation, doing business as Provident Management Corp., Local Consumer Discount Co., Local Acceptance Co., or any other name, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, affiliate, so-called Massachusetts business trust, division, or other device, in connection with any extension or arrangement for the extension of consumer credit as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any charge for credit life or disability insurance, unless the fact that such insurance is not required is clearly and conspicuously disclosed to the customer in writing as provided in §226.4(a)(5)(i).

2. Failing to disclose to customers clearly, conspicuously, in writing and in a meaningful sequence that insurance coverage is not required by the creditor, as required by § 226.6 of Regulation Z.

3. Failing to furnish customers with a duplicate of the instrument containing the disclosures or a separate statement of disclosure on which all of the required disclosures are made clearly, conspicuously, and legibly at the time those disclosures are made as required by §226.8(a) of Regulation Z.

4. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of 1 percent, computed in accordance with the provisions of § 226.5(b)(1) of Regulation Z as required by § 226.8(b)(2) of Regulation Z.

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

It is further ordered, That a copy of this order to cease and desist be delivered to all present and future personnel of respondent and its subsidiaries engaged in the consummation of any ex-

tension of consumer credit and that respondent secure from each such person a signed statement acknowledging receipt of the order.

It is further ordered, That respondent prominently display no less than two signs on the premises of each office location which will clearly and conspicuously state that a customer must receive a completed copy of the consumer credit cost disclosures, as required by the Truth In Lending Act, before the transaction is consummated.

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

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

Issued: November 13, 1972.

By the Commission.

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

[FR Doc.72-22114 Filed 12-26-72;8:45 am]

Chapter I—Federal Trade Commission

[Docket No. 8863-c]

PART 13—PROHIBITED TRADE PRACTICES

Brown Auto Stabilizer Co., and Charles R. Brown

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-70 Preventive or protective; § 13.195 *Safety:* 13.195-60 Product; § 13.210 *Scientific tests;* § 13.280 *Unique nature or advantages.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties;* § 13.70 *Scientific or other relevant facts;* § 13.1762 *Tests, purported;* § 13.1770 *Unique nature or advantages.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts.* Subpart—Using misleading name—Vendor: § 13.2450 *Products.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Brown Auto Stabilizer Co., et al., Orlando, Fla., Docket No. 8863, Nov. 3, 1972]

In the Matter of Brown Auto Stabilizer Co., a Corporation, and Charles R. Brown, Individually and as an Officer of Said Corporation

Order requiring an Orlando, Fla., retailer and distributor of "Dynamic Absorbers," among other things to cease misrepresenting the qualities and properties of its products; using the word "Stabilizer" as part of its corporate or trade name; and misrepresenting the extent, kind, character, or results of any scientific tests performed on any of its products.

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

It is ordered, That the initial decision, as supplemented by the Commission's opinion in this matter, and the order to cease and desist contained in said initial decision, be, and they hereby are, adopted as the decision and order of the Commission.

It is further ordered, That the respondents, Brown Auto Stabilizer Co., a corporation, its successors and assigns and its officers, and Charles R. Brown, individually, and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of "Dynamic Absorbers" or any other products, in commerce, as "Commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents' "Dynamic Absorber" or any similar device when installed or used in any manner in the operation of a motor vehicle:

(a) Is an effective safety device, or

(b) Is an antiskid device, will help prevent skidding, spin-outs, unwanted motion, or accidents, or

(c) Will help save lives, or

(d) Will help keep the rear wheels tracking the front wheels, will give the driver added control, or will help keep a skidding motor vehicle going straight, or

(e) Will help control motor vehicles during panic stops or sudden turns, or

(f) Will have any value in helping to control motor vehicles on wet or sandy road surfaces, beyond its value as added weight.

2. Using the word "Stabilizer" or any other word, term, or phrase of similar import or meaning, as part of the corporate or trade name or in any other manner to describe or refer to respondents' device or any similar device.

3. Representing, directly or by implication, that the performance representations for respondents' "Dynamic Absorber" have been substantiated by competent scientific tests or by authenticated, controlled, and duly recorded tests; or falsely representing, in any manner, the extent, kind, character, or results of any scientific tests performed on any of respondents' products.

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

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future distributors, salesmen, or personnel of respondents engaged in the offering for sale, or sale, of respondents' "Dynamic Absorber" or any other products, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify and advise each present and future distributor or sales representative to abide by the terms of this order and that the failure to comply with the order will result in cancellation of its distributorship or other selling agreement with respondents.

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

Issued: November 3, 1972.

By the Commission, with Commissioner MacIntyre concurring in the result.

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

[FR Doc.72-22116 Filed 12-26-72;8:45 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 34178 (Sub-No. 1)]

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Accounting for Federal Income Taxes and Investment Tax Credit

Correction

In F.R. Doc. 72-16817 appearing at page 20695 of the issue for Tuesday, October 3, 1972, in the amendments to Part 1207, the words in the first and second lines of the second paragraph reading "Item No. 2. *Instructions.* Directly be—*counts under the title.*", should be deleted and replaced with the following: "Item No. 1. *List of instructions and accounts under the Title.*".

Title 24—HOUSING AND URBAN DEVELOPMENT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies: (1) The effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; or (2) the effective date on which the community became ineligible for the sale or flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a). The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alaska	Fairbanks North Star Borough.					June 25, 1969. Regular Jan. 15, 1973. Suspended
California	Monterey	King City				Sept. 2, 1970. Emergency June 26, 1971. Regular Jan. 15, 1973. Suspended
Mississippi	Forrest	Hattiesburg				Mar. 31, 1970. Regular Jan. 15, 1973. Suspended
Missouri	Boone	Columbia				July 11, 1970. Emergency Aug. 28, 1971. Regular Jan. 15, 1973. Suspended

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

Issued: December 19, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-22071 Filed 12-26-72;8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 43j—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE DELAWARE TRIBE OF INDIANS AND THE ABSENTEE DELAWARE TRIBE OF WESTERN OKLAHOMA

The authority to issue regulations on Indian affairs is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations is amended by the addition of a new Part 43j. The regulations contained in the new Part 43j govern the preparation of a roll to serve as the basis for distributing judgment funds awarded the Delaware Tribe of Indians and the Absentee Delaware Tribe of western Oklahoma as authorized by the Act of October 3, 1972 (86 Stat. 762).

Since the Act imposes stringent deadlines for filing enrollment applications, and actions on applications and appeals, advance notice and public procedure thereon would curtail the filing and other periods and are deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since the Act imposes deadlines for filing enrollment applications, and actions on applications, the 30-day deferred effective date would shorten the amount of time applicants could apply and may result in some eligible Indians not receiving benefits. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the FEDERAL REGISTER (12–27–72).

Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations is amended by adding a new Part 43j reading as follows:

Sec.
43j.1 Definitions.
43j.2 Purpose.
43j.3 Qualifications for enrollment.
43j.4 Application forms.
43j.5 Filing of applications.
43j.6 Burden of proof.
43j.7 Action by the Director.
43j.8 Appeals.
43j.9 Preparation of roll.
43j.10 Certification and approval of roll.
43j.11 Apportioning of judgment funds.
43j.12 Tribal use of judgment funds.
43j.13 Special instructions.

AUTHORITY: The provisions of this Part 43j issued under 5 U.S.C. 301, R.S. 463 and 465; 25 U.S.C. 2 and 9, and sec. 7, 86 Stat. 762.

§ 43j.1 **Definitions.**

(a) "1972 Act" means the Act of Congress approved October 3, 1972 (86 Stat. 762), which authorizes and directs the Secretary to prepare a roll of persons who meet the requirements specified in

the Act and to distribute certain judgment funds to such persons.

(b) "1968 Act" means the Act of Congress approved September 21, 1968 (82 Stat. 861), which authorized the disposition of funds awarded the Delaware Nation of Indians in Indian Claims Commission Docket 337.

(c) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(d) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative acting under delegated authority.

(e) "Director" means the area director, Anadarko area office, Bureau of Indian Affairs or the area director, Muskogee area office, Bureau of Indian Affairs, or their authorized representatives acting under delegated authority.

(f) "Lineal ancestor" means a person in direct line of ascent, such as parent, grandparent, great-grandparent, etc. It does not include collateral relationships, examples of which are aunt, uncle, brother, sister, nephew, niece, cousin, etc.

(g) "Living" means born on or before and living on October 3, 1972.

(h) "Sponsor" means a person who filed an application for enrollment on behalf of another person; e.g., parent, recognized guardian, next friend, next of kin, spouse, executor, administrator of estate, or other person.

§ 43j.2 Purpose.

The regulations in this Part 43j are to govern the compilation of a roll of persons who meet the enrollment requirements specified in section 2 of the 1972 Act to serve as the basis for and the distribution of certain judgment funds awarded the Delaware Tribe of Indians and the Absentee Delaware Tribe of western Oklahoma.

§ 43j.3 Qualifications for enrollment.

(a) Pursuant to section 2 of the 1972 Act all persons who are citizens of the United States born on or prior to and living on the date of the Act who meet the following requirements for eligibility shall be entitled to be enrolled to share in the distribution of judgment funds awarded to the Delaware Tribe of Indians and the Absentee Delaware Tribe of western Oklahoma in Indian Claims Commission Dockets 298 and 72:

(1) Their names or the name of a lineal ancestor appear on the Delaware Indian per capita payroll approved by the Secretary on April 20, 1906; or

(2) Their names or the name of a lineal ancestor appear on or is eligible to appear on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of western Oklahoma approved by the Secretary.

(b) Persons who applied for enrollment on the roll of the Delaware Nation of Indians prepared pursuant to the 1968 Act shall not be required to apply for enrollment under the Act of October 3, 1972. Only those persons on the roll prepared pursuant to the 1968 Act who meet the qualifications set out in this section are eligible for enrollment under the 1972 Act. Applicants under the 1968 Act, however, will be required to furnish current information as to their whereabouts. Persons who did not apply for enrollment under the 1968 Act will have to file applications for enrollment under the 1972 Act in order to be considered for enrollment under that Act.

§ 43j.4 Application forms.

(a) Application forms will be furnished by the Director or other designated persons upon written or verbal request. Each person furnishing application forms shall keep a record of the names of the individuals to whom applications are given, as well as the number of forms and the dates furnished.

(b) Among other information, applications shall contain:

(1) The deadline for filing the application with the Director.

(2) If the application is filed by a sponsor, the name, address, and relationship of sponsor to the applicant.

(c) An application filed by a person who has never been enrolled must contain a certification that the applicant is a relative by blood of the person or persons through whom eligibility for enrollment is claimed.

(d) Instructions for completing and filing application forms shall be furnished with each form.

§ 43j.5 Filing of applications and deadline for filing.

(a) Any person other than those who applied for enrollment under the 1968 Act who desires to be enrolled pursuant to the 1972 Act must file, or have filed in his behalf, a completed application form with the Area Director, Anadarko Area Office, Bureau of Indian Affairs, Post Office Box 368, Anadarko, OK 73005, or the Area Director, Muskogee Area Office, Bureau of Indian Affairs, Federal Building, Muskogee, Okla. 74401. Applications must be postmarked no later than midnight on February 28, 1973.

(b) Written applications for minors, mentally incompetent persons or other persons in need of assistance, members of the armed services or other services of the U.S. Government and/or any eligible members of their immediate families stationed in Alaska or Hawaii or elsewhere outside of continental United States, or a person who died after October 3, 1972, may be filed by a sponsor no later than February 28, 1973.[1]

§ 43j.6 Burden of proof.

The burden of proof rests upon the applicant to establish his eligibility for enrollment. Documentary evidence such as birth certificates, death certificates, marriage certificates, baptismal and other church records, copies of probate findings or affidavits may be used to support the claim for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements (18 U.S.C. 1001).

§ 43j.7 Action by the Director.

(a) The Director shall consider each application. Upon making a determination, the Director shall notify in writing the applicant or sponsor of his decision. If such decision is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse, the notification of the applicant or sponsor shall be made by certified mail, to be received by addressee only, return receipt requested, and shall contain a full explanation of the reasons therefor, and of the right to appeal to the Secretary. If an individual files an application on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the applications. However, said notice must list the names of each person involved.

(b) To avoid hardship or gross injustice, the Director may waive technical deficiencies in applications or other submissions.

§ 43j.8 Appeals.

The Director shall give a rejection notice within 60 days after receipt of an application if the applicant is found ineligible for enrollment. An appeal from a rejected application must be filed with the Director not later than 30 days from receipt of the notice of rejection. The Secretary shall make a final determination on each appeal not later than 60 days from the date it is filed. Each application and each appeal filed with the Director shall be reviewed by a committee composed of representatives of the two Oklahoma Delaware groups prior to submission of the application or appeal to the Secretary, and the committee shall advise the Director in writing of its judgment regarding the eligibility of the applicant.

§ 43j.9 Preparation of a roll.

The completed roll shall contain for each person, in addition to other information, a roll number, name, address, sex, date of birth, and in the remarks column the name and relationship of the ancestor through whom eligibility is claimed.

§ 43j.10 Certification and approval of roll.

A certification shall be attached to the roll by the Director certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Commissioner shall approve the roll.

§ 43j.11 Apportioning of judgment funds.

The Secretary shall apportion to the Absentee Delaware Tribe of western Oklahoma, as presently constituted, that percentage of the total amount of the judgment funds, plus interest, as the ratio of persons enrolled as Absentee Delawares bears to the total number of persons enrolled. The funds so apportioned shall be placed in the U.S. Treasury to the credit of the tribe. The funds not apportioned to the Absentee Dela-

ware Tribe of western Oklahoma shall be placed in the Treasury to the credit of the Delaware Tribe of Indians.

§ 43j.12 Tribal use of judgment funds.

(a) Ninety percent of the judgment funds apportioned to the Absentee Delaware Tribe of western Oklahoma shall be distributed in equal shares to eligible enrollees and 10 percent shall remain in the Treasury to the credit of the tribe, and may be advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary.

(b) Ninety percent of the funds apportioned to the Delaware Tribe of Indians shall be distributed in equal shares to eligible enrollees and 10 percent shall remain in the Treasury to the credit of the tribe and may be advanced, expended, invested, or reinvested for any purpose authorized by the governing body: *Provided*, That the Secretary shall not approve the use of the money until the tribe organizes a legal entity which in the judgment of the Secretary adequately protects the interests of its members.

§ 43j.13 Special instructions.

To facilitate the work of the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 43j.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

DECEMBER 21, 1972.

[FR Doc.72-22201 Filed 12-26-72;8:49 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (Title I, Public Law 92–512), approved October 20, 1972, the Department of the Treasury hereby amends the interim regulations in Part 51 of Subtitle B of Title 31, Code of Federal Regulations promulgated on October 25, 1972 (37 F.R. 23100), in order to disburse entitlements to the States and units of local government for the entitlement period beginning July 1, 1972, and ending December 31, 1972.

The purpose of these amendments is to provide immediate guidance to the States and units of local government in order that the requirements of the Act be complied with. Therefore, it is hereby found impracticable to issue such amendments with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d). These amendments to the interim regulations shall become effective when published in the FEDERAL REGISTER (12–27–72). It is anticipated that permanent regulations will be published in proposed form in the near future at which time comments will be solicited for consideration by the Department.

Dated: December 20, 1972.

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

Section 51.1 is amended by deleting the period at end of the sentence and inserting a comma, and adding the following clause as set forth below.

As amended, § 51.1 reads:

§ 51.1 Scope and application of regulations.

The rules and regulations in this part are prescribed for carrying into effect the State and Local Fiscal Assistance Act of 1972 (Title I, Public Law 92–512), approved October 20, 1972, as applicable to the first entitlement period from January 1, 1972, through June 30, 1972, and as applicable to the second entitlement period from July 1, 1972 through December 31, 1972.

Section 51.2(e) is amended by inserting after the words "June 30, 1972" the following clause as set forth below.

As amended, § 51.2(e) reads:

§ 51.2 Definitions.

* * * * *

(e) "Entitlement period" means the calendar period beginning January 1, 1972, and ending June 30, 1972, or the calendar period beginning July 1, 1972, and ending December 31, 1972, unless another calendar period is designated.

* * * * *

Section 51.10(b) is amended by deleting the first sentence and inserting in its place the following new sentence.

§ 51.10 Reports to the Secretary; publication and publicity.

* * * * *

(b) * * * Each recipient government which receives funds pursuant to the Act for an entitlement period, shall submit to the Secretary a report for each entitlement period, on a form to be provided, of the amounts and purposes for which such funds have been appropriated, obligated or spent. * * *

* * * * *

Section 51.20 is amended by inserting a new paragraph (c):

§ 51.20 Data.

* * * * *

(c) *Computation and payment of entitlements for the entitlement period July 1, 1972 through December 31, 1972.* The computation of entitlement payments for the entitlement period July 1, 1972 through December 31, 1972, shall be made pursuant to the provisions of paragraphs (a) and (b) of this section, except that the factor "adjusted taxes" (referred to in paragraph (b)(3) of this section) shall be based upon the Special Revenue Sharing Survey conducted by the Bureau of the Census in 1972.

§ 51.22 [Amended]

Section 51.22 is amended by inserting in the first sentence of paragraph (a) before the phrase "entitlement period" the word "first".

By deleting the period at the end of the first sentence of paragraph (a), inserting a comma and adding a new clause as follows: "and the determination of the allocation and entitlement for the entitlement period July 1, 1972 through December 31, 1972, shall be made as of June 30, 1972."

By deleting the date "after December 31, 1973," in the second sentence of paragraph (a).

§ 51.23 [Amended]

Section 51.23(a) is amended by deleting the word "occuring" and inserting the words "which occurred" in the first sentence.

By deleting the word "first" before the word "entitlement".

By inserting the phrase "or the entitlement period July 1, 1972 through December 31, 1972", after the words "June 30, 1972".

The introductory paragraph of paragraph (a) of § 51.23 as amended reads as follows:

(a) *In general.* Boundary changes, governmental reorganizations, or changes in State statutes or constitutions which occurred prior to or during the entitlement period January 1, 1972, through June 30, 1972, or the entitlement period July 1, 1972, through December 31, 1972, which were not taken into account during the initial allocation shall, if not within the scope of paragraph (d) of this section, affect such allocation or payments in a manner consistent with the following provisions:

Section 51.23(a)(1) is amended by adding a new sentence as follows: "If such boundary change, governmental reorganization, or change in State statutes or constitution occurred prior to July 1, 1972, it shall result in an alteration to the entitlement of that unit if brought to the attention of the Bureau of the Census before July 30, 1973."

Section 51.23(a)(2) is amended by inserting a new sentence after the first sentence of paragraph (a)(2) to read as follows: "If such boundary change, governmental reorganization, or change in State statutes or constitution occurred during the entitlement period July 1, 1972 through December 31, 1972, it shall not result in a change to the entitlement of that unit until the entitlement period beginning January 1, 1973."

Section 51.23(b) is amended by adding the following sentence after the end of the first sentence of paragraph: "A unit of local government which comes into existence during the entitlement period July 1, 1972 through December 31, 1972, shall first be eligible for an entitlement allocation for the entitlement period beginning January 1, 1973."

Section 51.23(c) is amended by deleting the word "first" before the word "entitlement" in the two instances where the word "first" appears.

Section 51.23(d)(1) is amended by deleting the word "this" prior to the word "entitlement" and inserting in its place the word "an".

Section 51.23(d)(2) is amended by deleting the word "this" prior to the word "entitlement" and inserting in its place the word "an".

§ 51.24 [Amended]

Section 51.24 is amended by deleting the words "the first" before the word "entitlement" and inserting in their place the word "an" in the first sentence of paragraph (a), before the colon.

By deleting the period after 1973 and inserting a comma, and adding the following clause at the end of the sentence beginning with the word "*Provided*": "in the case of the first entitlement period and prior to February 1, 1973 in the case of the entitlement period July 1, 1972 through December 31, 1972."

By deleting the words "the first" before the word "entitlement" and inserting in their place the word "an" in the third sentence of paragraph (a).

By deleting the words "the first" before the word "entitlement" and inserting in their place the word "an" in the fourth sentence of paragraph (a).

Section 51.24(b) is amended by deleting the words "the first" before the word "entitlement" and inserting in their place the word "an" in the first sentence of paragraph (b).

Section 51.24(c) is amended by deleting the words "the first" and inserting in their place the word "an" in the first sentence of paragraph (c).

§ 51.25 [Amended]

Section 51.25(a) is amended by deleting the words "the initial" before the word "entitlement" and inserting the word "an" in the first sentence of paragraph (a).

By deleting the words "the first" before the word "entitlement" and inserting the word "an" in the first sentence of paragraph (a).

Section 51.25(b) is amended by deleting the words "the initial" before the word "entitlement" and inserting the word "an" in the first sentence of paragraph (b).

By deleting the words "the initial" wherever it appears before the word "entitlement" and inserting the word "an" in the second sentence of paragraph (b).

§ 51.30 [Amended]

Section 51.30(c) is amended by deleting the word "first" before the word "entitlement."

By inserting after the words "June 30, 1972" the phrase "or for the entitlement period July 1, 1972 through December 31, 1972."

By inserting after the word "such" the word "entitlement."

§ 51.40 [Amended]

Section 51.40(b) is amended by inserting a comma and the word "obligate" after the word "use" in the first sentence of that paragraph.

[FR Doc.72-22163 Filed 12-21-72;10:16 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 206—PERFORMANCE MEASUREMENT FOR SELECTED ACQUISITIONS

The Assistant Secretary of Defense (Comptroller) approved the following revision to Part 206:

Sec.
206.1 Purpose and applicability.
206.2 Scope.
206.3 Objective.
206.4 Policy.
206.5 Responsibilities.
206.6 Cost Schedule Control Systems Criteria.

AUTHORITY: The provisions of this Part 206 are issued under R.S. 161, 2202, 2301-2314, 70A Stat. 120, 127-133; 5 U.S.C. 301, 10 U.S.C. 2202, 2301-2314.

§ 206.1 Purpose and applicability.

This part sets forth objectives and criteria, within the purview of DOD Directive 7000.1, "Resource Management Systems of the Department of Defense," August 22, 1966,[1] and Part 213 of this subchapter, for the application to selected Defense contracts of uniform DOD requirements for contractors' cost/schedule control systems. The provisions of this part require the use of Cost/Schedule Control Systems Criteria (C/SCSC) in selected acquisitions and apply to all Military Departments and Defense Agencies (hereinafter referred to as DOD Components) which are responsible for acquisitions during systems development and production.

§ 206.2 Scope.

(a) The acquisitions governed by this instruction are in selected contracts within programs designated as major Defense systems in accordance with Part 213 of this subchapter. Firm fixed-price and fixed-price-with-escalation contracts are excluded.

(b) Subcontracts within applicable programs, excluding those that are firm fixed-price, may be selected for application of these criteria by mutual agreement between prime contractors and the contracting DOD Component, according to the criticality of the subcontract to the program. Coverage of certain critical subcontracts may be directed by the DOD, subject to the changes article of the contracts.

§ 206.3 Objective.

(a) To provide an adequate basis for responsible decisionmaking by both contractor management and DOD Components, contractors' internal management control systems must provide data which: (1) Indicate work progress, (2) properly relate cost, schedule and technical accomplishment, (3) are valid, timely and auditable, and (4) supply DOD managers with information at a practicable level of summarization.

(b) DOD contractors should be continuously alert to advances in management control systems which will improve their internal operations. It is an objective of this instruction to bring to the attention of, and encourage, DOD contractors to accept and install management control systems and procedures which are most effective in meeting their requirements and controlling contract performance.

§ 206.4 Policy.

(a) It shall be the general policy to: (1) Require application of the C/SCSC as stated in § 206.6 to programs that are within the scope of § 206.2, (2) require no changes in contractors' existing cost/schedule control systems except those necessary to meet the C/SCSC, and (3) require the contractor in reporting to the Government to provide performance data directly from the same system used for internal management.

(b) The policies and criteria contained herein will not be construed as requiring the use of specific systems or changes in accounting systems which will adversely affect: (1) The equitable distribution of costs to all contracts, or (2) compliance with the standards, rules, and regulations promulgated by the Cost Accounting Standards Board.

(c) The applicability of C/SCSC and provisions concerning the acceptability and use of contractors' cost/schedule control systems shall be included in the development concept papers (DCP) leading to the decisions for full-scale development and production, set forth in Requests for Proposal (RFP), and made a contractual requirement in appropriate procurements.

(1) *Reviews of Systems.* To insure compliance with the Cost/Schedule Control Systems Criteria (§ 206.6), contractors' systems will be reviewed during various phases of the contracting process. Where the C/SCSC are included as a requirement in the RFP, an Evaluation Review will be performed as an integral part of the source selection process. After contract award, an in-plant Demonstration Review will be made to verify that the contractor is operating systems which meet the criteria. Upon successful completion of the Demonstration Review, contractors will not be subjected to reexamination (other than normal surveillance), unless there are positive indications that the contractor's systems no longer meet the criteria. Detailed procedures relating to contractual applications, interpretative guidance, interservice relationships, and conduct of systems reviews are contained in AFSCP/AFLCP 173-5, AMCP 37-5, NAVMAT P5240, "Cost/Schedule Control Systems Criteria Joint Implementation Guide," March 31, 1972.[2]

(2) *Memorandum of understanding.* To avoid multiple demands on contrac-

[1] Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300, filed as part of the original document.

[2] Copies available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., Stock Number 0870-0318, filed as part of the original document.

tors for demonstrations of their management systems, a Memorandum of Understanding may be established between the DOD and the contractor to apply to more than one contract.

(i) The use of a Memorandum of Understanding contemplates the execution of a written instrument which references the C/SCSC and negotiated provisions which: (*a*) Reflect an understanding between the contractor and the DOD of the requirements of the DOD criteria, and (*b*) identify the specific system(s) which the contractor intends to use on applicable contracts with DOD Components.

(ii) The Memorandum of Understanding will include or make reference to a written description of the system(s) validated in a Demonstration Review. The system description should be of sufficient detail to permit adequate surveillance by responsible parties. The use of a Memorandum of Understanding is preferred where a number of separate contracts between one or more DOD Component(s) and the contractor may be entered into during the term of the Memorandum of Understanding. It contemplates the delegation of authority to the DOD Component negotiating the Memorandum of Understanding with the contractor to make the agreement on behalf of all prospective DOD contracting components.

(iii) Action to develop a Memorandum of Understanding may be initiated by either the contractor or the DOD Component, but will usually be in connection with a contractual requirement. Reference to a Memorandum of Understanding satisfies the C/SCSC requirement in RFP's and normally obivates the need for further Evaluation or Demonstration Reviews. Procedures for executing Memorandums of Understanding are included in the AFSCP/AFLCP 173-5, AMCP 37-5, NAVMAT P5240, "Cost/Schedule Control Systems Criteria Joint Implementation Guide," March 31, 1972.[2]

(3) *Surveillance.*—Recurring evaluations of the effectiveness of the contractor's policies and procedures will be performed to insure that the contractor's system continues to meet the C/SCSC and provides valid data consistent with the intent of this Instruction. Surveillance reviews will be based on selective tests of reported data and periodic evaluations of internal practices during the life of the contract.

§ 206.5 Responsibilities.

Pursuant to authority contained in DOD Directive 7000.1, "Resource Management Systems of the Department of Defense," August 22, 1966: [1]

(a) The Assistant Secretary of Defense (Comptroller) will establish policy guidance pertaining to the Cost/Schedule Control Systems Criteria and will monitor their implementation to insure consistent application throughout the Department of Defense.

(b) The Secretaries of the Military Departments will issue appropriate instructions which promulgate the policies contained herein and which assign responsibilities for accomplishing the actions required to validate contractors' compliance with the C/SCSC.

(c) The Joint Logistics Commanders will develop and issue joint implementing instructions which outline the procedures to be used in applying, testing and monitoring the C/SCSC on applicable contracts and will insure that adequate reviews of contractors' systems are performed. The joint implementing procedures and their revisions will be coordinated among all affected DOD Components and submitted to ASD(C) for review prior to publication.

(d) The Defense Contract Audit Agency and the appropriate Contract Administration Service office will participate in reviews of contractors' systems under their cognizance and will perform required surveillance, collaborating with each other and with the procuring DOD Component in reviewing areas of joint interest.

§ 206.6 Cost/Schedule Control Systems Criteria.

(a) *General.*—Any system used by the contractor in planning and controlling the performance of the contract shall meet the criteria set forth in paragraph (c) of this section. Nothing in these criteria is intended to affect the basis on which costs are reimbursed and progress payments are made, and nothing herein will be construed as requiring the use of any single system, or specific method of management control or evaluation of performance. The contractor's internal systems need not be changed, provided they satisfy these criteria.

(2) An element in the evaluation of proposals will be the proposer's system for planning and controlling contract performance. The proposer will fully describe the system to be used. The prospective contractor's cost/schedule control system proposal will be evaluated to determine that it meets these criteria. The prospective contractor will agree to operate such a system throughout the period of contract performance if awarded the contract. The DOD will agree to rely on the contractor's system and therefore will not impose a separate planning and control system.

(b) *Definitions.*—(1) *Actual direct costs.*—Those costs identified specifically with a contract, based upon the contractor's cost identification and accumulation system as accepted by the cognizant DCAA representatives.

(2) *Applied direct costs.*—The amounts recognized in the time period associated with the consumption of labor, material, and other direct resources, without regard to the date of commitment or the date of payment. Under this term, certain material costs are considered as applied when the articles are received even though temporarily stored in inventory areas so long as these costs meet the accounting criteria and the cost of Government furnished material is excluded.

(3) *Apportioned effort.*—Effort that by itself is not readily divisible into short-span work packages but which is related in direct proportion to work packages.

(4) *Authorized work.*—That effort which (i) has been definitized and is on contract, and (ii) that for which definitized contract prices have not been agreed to but for which written authorization has been received.

(5) *Baseline*—(i) *Contract budget baseline.*—This will equal the negotiated contract cost plus the estimated cost for Government authorized changes. For authorized but unpriced work, interim budgets will be used in the contract budget baseline until firm budgets can be prepared.

(ii) *Performance measurement baseline.*—The time-phased budget plan against which contract performance is measured consisting of budgets assigned in scheduled cost accounts. It will reconcile directly to the contract budget baseline.

(6) *Budgeted costs*—(i) *Budgeted cost for work scheduled.*—The sum of the budgets for work packages scheduled to be accomplished (including inprocess work packages), plus the amount of level of effort and apportioned effort scheduled to be accomplished within a given time period.

(ii) *Budgeted cost for work performed.*—The sum of the budgets for completed work packages and completed portions of open work packages, plus budgets for level of effort (LOE and apportioned effort activity completed.

(iii) *Work package budgets.*—These may be expressed in dollars, hours, standards, or other definitive units which are formally assigned by the contractor to accomplish a specific task or group of tasks.

(7) *Cost control account.*—A point at which actual costs can be accumulated and compared to budgeted cost for work performed. A natural control point for cost/schedule planning and control formed by the intersection of the organizational structure and the contract work breakdown structure (WBS). The term "cost account" used herein is synonymous with this definition.

(8) *Direct costs.*—See § 15.202 of this chapter.

(9) *Estimated cost at completion.*—Actual direct costs, plus indirect costs allocable to the contract, plus the estimate of costs for authorized work remaining.

(10) *Indirect costs.*—See §§ 3-701.3 and 15.203 of this chapter.

(11) *Level of effort (LOE).*—That activity which cannot be associated with a definable end product or result and is controllable by time-phased budgets established for that purpose.

(12) *Management reserve.*—An amount of the overall contract budget withheld for management control purposes rather

[1] Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA., 19120, Attention: Code 300, filed as part of the original document.

[2] Copies available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., Stock Number 0870-0318, filed as part of the original document.

than for the accomplishment of a specific task or set of tasks.

(13) *Negotiated contract cost.*—The estimated cost negotiated in a cost-plus-fee contract or the negotiated contract target cost in either a fixed price incentive contract or a cost-plus-incentive fee contract.

(14) *Operating or performing organizations.*—A defined unit within the contractor's organization structure which actually performs the work.

(15) *Original budget.*—The budget established at, or near, the time the contract was signed, and consistent with the negotiated contract cost.

(16) *Undistributed budget.*—Budget identified to a task but not yet assigned to a responsible organization.

(17) *Responsible organization.*—A defined unit within the contractor's organization structure which is assigned responsibility for accomplishing specific tasks.

(18) *Significant variances.*—Those differences between planned and actual performance which require further review, analysis, or action. Appropriate thresholds should be established for variance analyses.

(19) *Work breakdown structure.*—A product-oriented family tree division of hardware, software, services, and other work tasks which organizes, defines, and graphically displays the product to be produced as well as the work to be accomplished to achieve the specified product.

(i) *Project summary work breakdown structure.*—A summary WBS tailored to a specific defense material item by selecting applicable elements from one or more summary WBS's or by adding equivalent elements unique to the project (MIL-STD-881, "Work Breakdown Structures for Defense Materiel Items," Nov. 1, 1968).[3]

(ii) *Contract work breakdown structure (CWBS).*—The complete WBS for a contract, developed and used by a contractor in accordance with MIL-STD-881[3] and the contract work statement. The CWBS comprises the selected project summary WBS elements included in the contract and those extensions by the contractor which cover the lower levels of the WBS.

(20) *Work packages.*—Detailed short-span jobs, or purchased material items, identified by the contractor for accomplishing work required to complete the contract. A work package has the following characteristics:

(i) It represents units of work at levels where work is performed.

(ii) It is clearly distinguished from all other work packages.

(iii) It is assignable to a single organizational element.

(iv) It has scheduled start and completion dates which are repsesentative of physical accomplishment.

(v) It has a budget or assigned value expressed in terms of dollars, manhours, or other measurable units.

(vi) Its size and duration are limited to relatively short spans of time to minimize the work in process effort.

(vii) It is integrated with detailed engineering, manufacturing, or other schedules.

(c) *Criteria.*—The contractors' management control systems will include policies, procedures, and methods which are designed to ensure that they will accomplish the following:

(1) *Organization.*—(i) Define all authorized work and related resources to meet the requirements of the contract, using the framework of the CWBS.

(ii) Identify the internal organizational elements and the major subcontractors responsible for accomplishing the authorized work.

(iii) Provide for the integration of the contractor's planning, scheduling, budgeting, work authorization, and cost accumulation systems with each other, the CWBS, and the organizational structure.

(iv) Identify the managerial positions responsible for controlling overhead (indirect costs).

(v) Provide for integration of the CWBS with the contractor's functional organizational structure in a manner that permits cost and schedule performance measurement for CWBS and organizational elements.

(2) *Planning and budgeting.* — (i) Schedule the authorized work in a manner which describes the sequence of work and identifies the significant task interdependencies required to meet the development, production, and delivery requirements of the contract.

(ii) Identify physical products, milestones, technical performance goals, or other indicators that will be used to measure output.

(iii) Establish and maintain a time-phased budget baseline at the cost account level against which contract performance can be measured. Initial budgets established for this purpose will be based on the negotiated target cost. Any other amount used for performance measurement purposes must be formally recognized by both the contractor and the Government.

(iv) Establish budgets for all authorized work with separate identification of cost elements (labor, material, etc.).

(v) To the extent the authorized work can be identified in discrete, short-span work packages, establish budgets for this work in terms of dollars, hours, or other measurable units. Where the entire cost account cannot be subdivided into detailed work packages, identify the far term effort in larger planning packages for budget and scheduling purposes.

(vi) Provide that the sum of all work package budgets plus planning packages within a cost account equals the cost account budget.

(vii) Identify relationships of budgets or standards in underlying work authorization systems to budgets for work packages.

(viii) Identify and control LOE activity by time-phased budgets established for this purpose. Only that effort which cannot be identified as discrete, short-span work packages or as apportioned effort will be classed as LOE.

(ix) Establish overhead budgets for the total costs of each significant organizational component whose expenses will become indirect costs. Reflect in the contract budgets at the appropriate level the amounts in overhead pools that will be allocated to the contract as indirect costs.

(x) Identify management reserves and undistributed budget.

(xi) Provide that the contract target cost plus the estimated cost of authorized but unpriced work is reconciled with the sum of all internal contract budgets and management reserves.

(3) *Accounting.* — (i) Record direct costs on an applied or other acceptable basis consistent with the budgets in a formal system that is controlled by the general books of account. Where an applied direct cost basis is used, include within the cost accounts the amounts charged to work in process in the time period when:

(*a*) Labor, material, and other direct resources are actually consumed; or

(*b*) Material resources are withdrawn from inventory for use; or

(*c*) Material resources are received that are uniquely identified to the contract and scheduled for use within 60 days; or

(*d*) Major components or assemblies are received on a line flow basis that are specifically and uniquely identified to a single serially numbered end item.

(ii) For some applications, actual costs for material recorded on other than an applied direct cost basis may be accepted. When used, the contractor's material accounting system must facilitate performance measurement and determination of unit or lot costs when applicable. They must provide for price variance determination; usage variance determination; accurate cost accumulation, and assignment of costs to cost accounts in a manner consistent with the budgets using recognized, acceptable costing techniques; and material accountability.

(iii) Summarize direct costs from cost accounts into the WBS without allocation of a single cost account to two or more WBS elements.

(iv) Summarize direct costs from the cost accounts into the contractor's functional organizational elements without allocation of a single cost account to two or more organizational elements.

(v) Record all indirect costs which will be allocated to the contract.

(vi) Identify the bases for allocating the cost of apportioned effort.

(vii) Identify unit costs, equivalent unit costs, or lot costs as applicable.

(4) *Analysis.*—(i) Identify at the cost account level on a monthly basis using data from, or reconcilable with the accounting system:

[3] Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention: Code 300.

(a) Budgeted cost for work scheduled and budgeted cost for work performed.

(b) Budgeted cost for work performed and applied (actual where appropriate) direct costs for the same work.

(c) Variances resulting from the above comparisons classified in terms of labor, material, or other appropriate elements together with the reasons for significant variances.

(ii) Identify on a monthly basis, in the detail needed by management for effective control, budgeted indirect costs, actual indirect costs, and variances along with the reasons.

(iii) Summarize the data elements and associated variances listed in subdivisions (i) and (ii) of this subparagraph through the contractor organization and WBS to the reporting level specified in the contract.

(iv) Identify significant differences on a monthly basis between planned and actual schedule accomplishment and the reasons.

(v) Identify managerial actions taken as a result of criteria items in subdivisions (i) through (iv) of this subparagraph.

(vi) Based on performance to date and on estimates of future conditions, develop revised estimates of cost at completion for WBS elements identified in the contract and compare these with the contract budget baseline and the latest statement of funds requirements reported to the Government.

(5) *Revisions and access to data.*—(i) Incorporate contractual changes in a timely manner recording the effects of such changes in budgets and schedules. In the directed effort prior to negotiation of a change, base such revisions on the amount estimated and budgeted to the functional organizations.

(ii) Reconcile original budgets for those elements of the work breakdown structure identified as priced line items in the contract, and for those elements at the lowest level of the DOD project summary WBS, with current performance measurement budgets in terms of (a) changes to the authorized work and (b) internal replanning in the detail needed by management for effective control.

(iii) Prohibit retroactive changes to records pertaining to work performed that will change previously reported amounts for direct costs, indirect costs, or budgets, except for correction of errors and routine accounting adjustments.

(iv) Prevent revisions to the contract budget baseline (paragraph (b)(5)(i) of this section) except for Government directed changes to contractual effort or changes resulting from formal reprogramming.

(v) Document, internally, changes to the performance measurement baseline and, on a timely basis, notify the procuring activity through prescribed procedures.

(vi) Provide the contracting officer and his duly authorized representatives access to all of the foregoing information and supporting documents.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division O A S D (Comptroller).

[FR Doc.72-22227 Filed 12-26-72;8:52 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Benomyl

Two petitions (PPs 2F1289 and 2F1290) were filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl) - 2 - (benzimidazolecarbamate) in or on the raw agricultural commodities mangoes at 3 parts per million and avocados at 1 part per million.

Subsequently, the petitioner amended the petitions by proposing that the tolerances for benomyl be expressed as "combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl)."

Based on consideration given the data submitted in the petitions and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.294 is amended by revising the paragraphs "3 parts per million * * *" and "1 part per million in or on almond hulls * * *" as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * *

Three parts per million in or on celery and mangoes.

* * * * *

One part per million in or on almond hulls, avocados, cucumbers, melons, summer squash, and winter squash.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th and M Street SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (12-27-72).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: December 19, 1972.

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

[FR Doc.72-22212 Filed 12-26-72;8:50 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5276]

[Oregon 6999 (Wash.)]

WASHINGTON

Withdrawal for National Forest Research Natural Areas

Correction

In F.R. Doc. 72-17904 appearing on page 22619 of the issue for Friday, October 20, 1972, in the third line of section 23 of the description of Rainbow Creek Research Natural Area, Willamette Meridian, the coordinates reading "W½, SE¼NE¼,", should read, "W½SE¼ NE¼,".

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Bitter Lake National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-27-72).

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

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 600 acres, are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing is permitted from April 1 through October 15, 1973, inclusive.

(2) The use of boats or floating devices is prohibited.

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 October 15, 1973.

LAWRENCE G. KLINE,
Refuge Manager, Bitter Lake National Wildlife Refuge, Roswell, N. Mex.

DECEMBER 13, 1972.

[FR Doc.72-22203 Filed 12-26-72;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[41 CFR Part 14–9]

PATENTS, DATA, AND COPYRIGHTS

Notice of Proposed Rule Making

Notice is hereby given that it is proposed to adopt as Part 14–9 of the Department's procurement regulations the following policies, procedures and appropriate contract clauses concerning the disposition of rights in inventions which enable the Department to implement the President's statement of Government patent policy (36 F.R. 16887, August 26, 1971).

The patent regulations set forth herein do not cover rights in inventions made in programs authorized under specific statutes governing the disposition of patent rights, such as for example the Saline Water Conversion Act of 1971, Public Law 92–60, the Coal Research Act, Public Law 86–599, 30 U.S.C. 666, and the Office of Water Resources Research Act, Public Law 88–379, 42 U.S.C. 1961.

The data regulations set forth herein cover data generated in research and development under statutes which provide for disposition of rights in inventions as well as data arising out of research and development falling under the President's statement.

It is the policy of the Department of the Interior, wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Solicitor, Department of the Interior, Washington, D.C. 20240 within sixty (60) days of the date of publication of this notice in the FEDERAL REGISTER.

CHARLES G. EMLEY,
Deputy Assistant
Secretary of the Interior.

DECEMBER 19, 1972.

The table of parts is revised to add the following entry: "14–9 Patents, Data, and Copyrights."

Part 14–9 reads as follows:

PART 14–9—PATENTS, DATA, AND COPYRIGHTS

Sec.
14–9.000 Scope of part.

Subpart 14–9.1—Patents

14–9.100 Scope of subpart.
14–9.101—14–9.106 [Reserved]
14–9.107 Patent rights under contracts for research and development.
14–9.107–1 Introduction.
14–9.107–2 Consultation with Solicitor.
14–9.107–3 Policy.
14–9.107–4.1 Special topics.
14–9.107–5 Clauses for domestic contracts.
14–9.107–6 Agencies subject to statutory and treaty requirements.

Subpart 14–9.2—Data

14–9.200 Scope of subpart.
14–9.201 Data requirements.
14–9.202 Data clause.

Subpart 14–9.1—Patents

§ 14–9.100 Scope of subpart.

This subpart sets forth policies, procedures, and contract clauses with respect to inventions made in the course of or under a contract agreement, grant, or other arrangement or subcontract entered into with or for the benefit of the Government where a purpose is the conduct of experimental, developmental, or research work.

§ 14–9.101—14–9.106 [Reserved]

§ 14–9.107 Patent rights under contracts for research and development.

§ 14–9.107–1 Introduction.

On August 23, 1971, the President promulgated a statement of Government patent policy (36 F.R. 16887, August 26, 1971) applicable, subject to statutory requirements, to all executive departments and agencies which comprises a revision of a prior statement of policy (28 F.R. 10943, October 12, 1963). Essentially, the goals of this statement of Government patent policy are to provide criteria for determining the disposition of rights in inventions resulting from federally sponsored research and to promote the expeditious development of such inventions to the point of practical application so that the public can benefit from early civilian use of the inventions. Within prescribed limits, the policy now gives agency heads greater latitude to grant such additional rights to Government-sponsored inventions, as are deemed necessary to encourage commercial use of the inventions.

§ 14–9.107–2 Contracting officer to consult with Solicitor.

(a) All authority of the Secretary of the Interior with respect to patent policies and procedures has been delegated to the Solicitor of the Department (Departmental Manual, Part 210, Chapter 2, paragraph 210.2.2A(4)). Therefore, any action under any contract provision required of the contracting officer (or other official having administrative authority over the contract) which affects the disposition of rights in inventions and in the related area of data, shall be taken only after consultation with and approval of the Solicitor of the Department. No modification or alteration of any contract provision in these areas shall be made by the contracting officer without the express written authorization of the Solicitor. Requests for deviation shall be submitted to the Solicitor and the reasons for the actions requested set forth.

(b) The Office of the Solicitor shall be consulted for policies, instructions, and contract clauses, concerning inventions, patents, and data for use in contracts which are to be performed outside the United States, its possessions and Puerto Rico.

§ 14–9.107–3 Policy.

(a) The Government shall normally acquire or reserve the right to acquire the principal or exclusive rights throughout the world in and to any inventions made in the course of or under a contract where:

(1) A principal purpose of the contract is to create, develop, or improve products, processes, or methods, which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations; or

(2) A principal purpose of the contract is for exploration into fields which directly concern the public health, safety, or public welfare; or

(3) The contract is in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position; or

(4) The services of the contractor are:

(i) For the operation of a Government-owned research or production facility; or

(ii) For coordinating and directing the work of others. In exceptional circumstances the contractor may acquire greater rights than a nonexclusive license at the time of contracting where the head of the department or agency certifies that such action will best serve the public interest. Greater rights may also be acquired by the contractor after the invention has been identified where the head of the department or agency determines that the acquisition of such greater rights is consistent with the intent of this paragraph (a) and is either a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application or that the Government's contribution to the invention is small compared to that of the contractor. Where an identified invention made in the course of or under the contract is not a primary object of the contract, greater rights may also be acquired by the contractor under the criteria of paragraph (c) of this section.

(b) In other situations where the purposes of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods, for use by the Government, and the work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position, the contractor shall normally acquire the principal or exclusive rights throughout the world in and to any resulting inventions.

(c) Where the commercial interests of the contractor are not sufficiently established to be covered by the criteria specified in paragraph (b) of this section the determination of rights shall be made by the agency after the invention has been identified, in a manner deemed most likely to serve the public interest as expressed in this policy, taking particularly into account the intentions of the contractor to bring the invention to a point of commercial application and the guidelines of paragraph (a) of this section: *Provided,* That the agency may prescribe by regulation special situations where the public interest in the availability of the inventions would best be served by permitting the contractor to acquire at the time of contracting greater rights than a nonexclusive license.

(d) In the situations specified in paragraphs (a) and (b) of this section when two or more potential contractors are judged to have presented proposals of equivalent merit, willingness to grant the Government principal or exclusive rights in resulting inventions will be an additional factor in the evaluation of the proposals.

(e) Whenever the principal or exclusive rights in an invention remain in the contractor, the Government shall normally acquire:

(1) At least a nonexclusive, nontransferable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and domestic municipal governments, unless the agency head determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments; and

(2) The right to sublicense any foreign government pursuant to any existing or future treaty or agreement if the agency head determines it would be in the national interest to acquire this right; and

(3) The principal or exclusive rights to the invention in any country in which the contractor does not elect to secure a patent.

(f) Whenever the principal or exclusive rights in an invention are acquired by the Government, there may be reserved to the contractor a revocable or irrevocable, nonexclusive, royalty-free license for the practice of the invention throughout the world; an agency may reserve the right to revoke such license so that it might grant an exclusive license when it determines that some degree of exclusivity may be necessary to encourage further development and commercialization of the invention. Where the Government has a right to acquire the principal or exclusive rights to an invention and does not elect to secure a patent in a foreign country, the Government may permit the contractor to acquire such rights in any foreign country in which he elects to secure a patent, subject to the Government's rights set forth in paragraph (e) of this section.

§ 14–9.107–4 Procedures.

(a) *Selection of patent rights clause.* (1) Whenever a contract has as a purpose the conduct of experimental, developmental, or research work, the agency shall apply the policy in § 14–9.107–3 to the contracting situation and shall include in the contract the patent rights clause in § 14–9.107–5 (a), (b), or (c), as appropriate.

(2) The clause in § 14–9.107–5(a) provides the Government with the right to acquire title in and to any invention made in the course of, or under the contract, subject to the reservation to the contractor of a nonexclusive, revocable, royalty-free license; however, the agency may permit the contractor to obtain greater rights than a nonexclusive license after an invention has been identified if certain criteria are met. The agency shall include this clause in a contract whenever it determines that the work to be performed under the contract falls within § 14–9.107–3(a). In exceptional circumstances this clause may be modified to provide the contractor with greater rights than a nonexclusive license when the agency head determines that such action will best serve the public interest.

(3) Whenever the agency determines that the work to be performed under the contract comes within § 14–9.107–3(b), it shall include in the contract the clause in § 14–9.107–5(b). This clause provides the contractor with the right to acquire title to any resulting invention and for the Government to acquire a paid-up license and the additional right to grant sublicenses.

(4) The clause in § 14–9.107–5(c) provides that the determination of rights in any invention made in the course of or under the contract shall be made by the agency after the invention has been identified. The agency shall include this clause in the contract whenever it determines that the work to be performed under the contract comes within § 14–9.107–3(c): *Provided, however,* That the agency may prescribe by regulation special situations where the public interest in the availability of inventions resulting from such work would best be served by permitting the contractor to acquire at the time of contracting greater rights than a nonexclusive license.

(b) *Record of decisions.* The agency shall record the basis of its decision whenever it determines that a contract falls within § 14–9.107–3 (a), (b), or (c). The agency shall also record the basis of its decision when it determines that exceptional circumstances are present in a contracting situation or that the contractor shall acquire greater rights than a nonexclusive license pursuant to § 14–9.107–3 (a) or (c).

(c) *License for States and municipal governments.* Paragraph (c)(1) in the clause set forth in § 14–9.107–5(a) provides that the Government shall acquire a paid-up license for States and domestic municipal governments for any invention made in the course of or under the contract. However, the agency head may determine at the time of contracting that it would not be in the public interest to acquire the license, or he may reserve the right to make such determination after the invention has been identified. When the agency head makes or reserves the right to make the determination, paragraph (c)(1) shall be replaced with the appropriate subparagraph in § 14–9.107–5(d).

(d) *Right to sublicense foreign governments.* Paragraph (c) of the clause set forth in § 14–9.107–5(a) does not provide the Government with the right to grant a sublicense for any invention, made in the course of or under the contract, to any foreign government pursuant to any existing or future treaty or agreement. The agency head may determine at the time of contracting that it would be in the national interest for the Government to acquire such right, or he may reserve the right to make such determination after the invention has been identified. When the agency head makes or reserves the right to make this determination, the appropriate subparagraph in § 14–9.107–5(e) shall be included as part of paragraph (c) in the clause set forth in § 14–9.107–5(a).

(e) *License to contractor.* In paragraph (d) in the clause set forth in § 14–9.107–5 (a), the contractor is granted a revocable, nonexclusive, royalty-free license on each invention, made in the course of or under the contract, for practice of the invention in this country. The agency may, however, grant the contractor an irrevocable, nonexclusive, royalty-free domestic license. When the agency decides to grant such license, paragraph (d) of § 14–9.107–5(a) shall be replaced with paragraph (d) of § 14–9.107–5(f).

§ 14–9.107–4.1 Special topics.

(a) *Specified work object.* (1) The term "specified work object" relates to the tangible device or specific process upon which the research and development work is being conducted and is in existence or is known prior to the contract. For example, in a contract for improving the permeability ratio of a reverse osmosis membrane of a stated composition, the membrane that is being experimented with would be the "specified work object". The difference between this term and the objective of the contract is that the latter is the goal sought in the research effort (in this case an improved permeability ratio), whereas the former relates to the material being worked upon. Under the contract provisions, any background patent necessary to the practice of a Specified Work Object will be made available either

through commercially available embodiments or through licensing as set forth in § 14–9.107–5(n).

(2) In some types of research, such as basic research where the primary object is the development of new knowledge as distinct from the improvement of an existing device or process, there may well be no specified work object. In such case the following may be added, with the approval of the Solicitor, to paragraph (e) of § 14–9.107–5(a), of the patent clause:

(3) In view of the nature of the research work under this contract, the definition of Specified Work Object given in subparagraph (1) of this paragraph is inapplicable in the patent clause. It is agreed, therefore, that all obligations relating to, or flowing from, a Specified Work Object have no force and effect in this patent clause.

(b) *Reporting of related inventions.* (1) In many cases a contractor conducts research on his own account parallel to that conducted under a government contract during the same period, and sometimes with the same personnel. In order to enable the Government to determine whether or not an invention made by the contractor in the field of research contemplated by the contract is a subject invention, the patent article provides for reporting, during prescribed periods, all inventions made by the contractor which are related to the work under the contract. Additional information is to be furnished to the Government on request. Failure to report or to supply the information requested places on the contractor the duty of going forward with the evidence under any subsequent proceeding.

(2) If the contractor alleges that the reporting of related inventions would result in excessive administrative costs because of his large size and far-flung organization or other valid reasons, the contracting officer may limit the reporting requirement to a more limited segment of the organization conducting the research. However, the contractor will still be required to furnish information concerning any invention at the specific request of the contracting officer. This subject matter is covered by the patent clause § 14–9.107–5(m).

(c) Background patents—(1) *License to the public.* Where the contractor has a dominating background patent, he can, by a restrictive licensing policy inhibit the use of a subject invention by the public, with the result that the Government's expenditure of funds for research intended to benefit the public at large would go for naught. To minimize this possibility, the background provisions in the patent rights clause sets forth in § 14–9.107–5 (a)–(n) that dominating background patents will be made available for use in the specific field of technology of the contract in conjunction with the results of the research effort. To this end the contractor agrees to grant a license to any responsible applicant on reasonable terms, except where an embodiment of the dominating background patent is commercially available (or will be made so by a specified date) in a form which can be employed in the practice of either a subject invention or the specific subject matter of the research. In the latter case licensing is not required. The contractor may, of course, grant an unlimited license under his background patents.

(i) It should be noted that where a contractor employs an embodiment of his patent in work on a specific work object for convenience only, there being other functionally equivalent substitutes available, he would not be required to license the patent for use with the specified work object. Should a subject invention be made which is dominated by such patent, then licensing would be required if an embodiment is not commercially available.

(ii) The background requirements are satisfied if a contractor makes his dominating background patent available through the commercial sale of a product in which the background patent, together with the foreground developments are joined. However, march-in rights are reserved to assure availability of the results of the research and development work.

(iii) Where a contractor's parent or affiliated company controls a patent, not a commercial item, which would be background if held by the contractor, the patent clause provides at § 14–9.107–5(n)(8) that failure by such parent or affiliate company to grant a license may result in the revocation of any license on a Subject Invention.

(iv) Since in many cases the purpose of the Government-sponsored research is to further develop a contractor's background invention, the Government should receive some recognition for its contribution if it wishes to employ such invention for any U.S. Government use. Accordingly, the patent clause provides that the Government will obtain a license on such background patent at a reasonable royalty which shall recognize the Government's contributions toward the commercial development or enhancement of the patent. Subparagraph 14–9.107–5(a)–(n)(4) of the patent clause is exemplary of these aspects. However, in proper cases the Government's contribution may be of such magnitude relative to a background patent that Government background rights of greater scope may be deemed proper. Alternatively, the needs of the Government may require the right to use the end product royalty-free. Such license rights should be negotiated at the time of contracting.

(2) *Limitations on use of background patent to a process.* Where the research and development work involves the employment of a contractor's background patent in a process under parameters and conditions different from those which are employed in his commercial process, the requirement to license such background patent to the public for use in conjunction with the specified work object is limited to the conditions and parameters reasonably equivalent to those employed in the work under the contract. This would avoid the possibility of a license being acquired under the background patent which would enable the practice of contractor's commercial process, although the work under the contract called for different operating parameters.

(d) *Antitrust.* Nothing herein is to be construed as relieving any person from the operation of the antitrust laws as regard a specific agreement entered into pursuant to these regulations and contract provisions.

§ 14–9.107–5 Clauses for domestic contract.

(a) Patent rights clause—Option in the Government. This clause shall be included in all contracts that fall within § 14–9.107–4(a)(2).

PATENT RIGHTS—OPTION IN THE GOVERNMENT

(a) *Definitions.* (1) "Background Patent" means a foreign or domestic patent (regardless of its date of issue relative to the date of this contract):

(i) Which the contractor, but not the Government, has the right to license to others, and

(ii) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(2) "Contract" means any contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(3) "Contractor" means any individual, partnership, public or private corporation, association, institutions or other entity which is a party to the contract and includes entities controlled by the contractor. The term "controlled" means the direct or indirect ownership or more than 50 percent of the outstanding stock entitled to vote for the election of directors, or a directing influence over such stock: *Provided, however,* That foreign entities not wholly owned by the contractor shall not be considered as "controlled" for purposes of the patent clause. For the purposes of the patent clause grantees are deemed contractors.

(4) "Government agency" includes an executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the executive branch of the Government of the United States of America. Unless indicated otherwise, the term "agency" in the patent clause means the Department of the Interior.

(5) "Made" when used in relation to any invention or discovery, means the conception or first actual reduction to practice of such invention in the course of or under the contract.

(6) To "practice an invention or patent" means the right of a licensee on his own behalf to make, have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(7) "Secretary" means the Secretary of the Interior, or his authorized representative.

(8) "Specified Work Object" means the specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, or research work performed under this contract.

(9) "Subcontract" means any agreement made or purchase order executed by a Contractor or Subcontractor where the supplies or services covered by such agreement or

purchase order are being obtained for use in the performance of this contract.

(10) "Subcontractor" means any person holding a subcontract under this contract or any lower-tier subcontract under this contract.

(11) "Subject invention" means any invention or discovery conceived or first actually reduced to practice in the course of or under the contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(12) "States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(13) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(b) *Disposition of rights*—(1) *Assignment to the Government.* The contractor agrees to grant to the Government the entire right, title and interest throughout the world in and to each Subject Invention of the Contractor, except as provided in (b)(2), (b)(3), and (f), below.

(2) *Request for greater rights.* (i) The Contractor may request greater rights in a Subject Invention than the license specified in (d), below, and the right to file a U.S. patent application. The request shall be submitted in writing at the time of first disclosure of the invention pursuant to (e) below, or not later than 3 months thereafter or such longer period as may be authorized by the Contracting Officer for good cause shown in writing.

(ii) If the invention is a primary object of this contract or if the invention is not a primary object but falls within the criteria of 41 CFR 14–9.107–3(a), the request in (i), above, shall set forth information and facts tending to show that:

(A) The acquisition of such greater rights is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application; or

(B) The Government's contribution to the invention was small compared to that of the Contractor.

(iii) If the invention is not a primary object of the contract and does not fall within the criteria of 41 CFR 14–9.107–3(a), the request in (i), above, shall contain a statement of the Contractor's intention and plan to bring the invention to the point of practical application. The Contractor shall establish, upon request, the likelihood that the invention will be more expeditiously developed to the point of practical application under his plan than by Government licensing or dedication to the public.

(3) *Foreign rights.* If the Government determines not to file a patent application on a Subject Invention of the Contractor in any particular foreign country, the agency may authorize the Contractor, on his request, to file a patent application on such invention in such foreign country and to acquire the entire right, title, and interest therein, subject to the license to the Government specified in (c), below.

(c) *Minimum rights granted to the Government.* (1) The Contractor agrees to and does hereby grant to the Government a nonexclusive, nontransferable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and domestic municipal governments.

(2) With respect to each Subject Invention to which the Contractor has principal or exclusive rights, the Contractor further agrees to grant, upon request of the Government, an exclusive or nonexclusive license on terms that are reasonable under the circumstances to responsible applicants.

(i) Unless the Contractor, his licensee, or his assignee demonstrates to the Government, at its request, that effective steps have been taken within 3 years after a patent issue on such invention to bring the invention to the point of practical application or that the invention has been made available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why the principal or exclusive rights should be retained for a further period of time; or

(ii) To the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill public health, safety, or welfare needs, or for other public purposes stipulated in the contract.

(d) *Minimum rights to the Contractor.* (1) The Government hereby grants to the Contractor a revocable, nonexclusive, royalty-free license on each Subject Invention for the practice of the invention throughout the United States, its territories and possessions, Puerto Rico, and the District of Columbia. The license shall extend to the Contractor's existing and future associated and affiliated companies, if any, within the corporate structure of which the Contractor is a part and shall be nonassignable without approval by the agency, except to the successor of that part of the Contractor's business to which the invention pertains.

(2) With respect to each Subject Invention licensed pursuant to (1), the Contractor shall furnish written reports to the agency, upon request, as to:

(i) The steps taken by the Contractor to bring the invention to the point of practical application; or

(ii) The manner and extent to which he is practicing the invention.

(3) The license may be revoked by the agency if the Contractor:

(i) Defaults in making any report required by (2); or

(ii) Willfully makes a false statement of a material fact or willfully omits a material fact in any report required by (2).

(4) The licenses may also be revoked by the agency if there is no other nonexclusive license in force and the Contractor:

(i) Fails to bring the invention to the point of practical application within 1 year after the invention has been published by the Government as available for nonexclusive licensing or within 6 months after a patent has been issued on the invention, whichever is earlier, or subject to the approval of the agency, within a longer period; or

(ii) Brings the invention to the point of practical application within the period specified in (i) but fails to continue to practice the invention.

(5) After termination of the period specified in 4(1), the agency may restrict the license granted to the Contractor to the fields of use and the geographic areas in which the Contractor is practicing the invention.

(6) Before revoking or restricting the license pursuant to (3), (4), or (5), the agency shall furnish the Contractor written notice of its intention to restrict or revoke the license and the Contractor shall be allowed 30 days after such notice to furnish the report required by (2) or to show cause why the license should not be restricted or revoked. The decision of the officer authorized to act for the agency in this matter shall be final, provided the Contractor shall have the right to obtain review of the decision by the agency head in accordance with agency procedure.

(e) *Invention disclosures and reports.* The Contractor shall furnish the Contracting Officer:

(1) A complete technical disclosure of each Subject Invention, in triplicate on form DI–1217, promptly after conception or first actual reduction to practice, whichever occurs first under the contract (such disclosure shall identify the contractor and invention and be sufficiently complete in technical detail to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known the physical, chemical, biological, or electrical characteristics of the invention);

(2) Interim reports, in triplicate on form DI–1216, at least every 12 months from the date of the contract, each report listing all Subject Inventions made under the contract and not listed on a prior interim report, or certifying that there are no reportable inventions;

(3) A final report in triplicate on form DI–1216, prior to final settlement of this contract, listing all Subject Inventions including all those previously listed in interim reports, or certifying that there were no reportable inventions;

(4) Upon request, such duly executed instruments and other papers (prepared by the Government): (i) As are deemed necessary by the Government to enable it to evidence and preserve its rights in any Subject Invention; and (ii) to enable the Government to apply for and prosecute any patent application, in any country, covering such invention where the Government has the right under this clause to file such application; and

(5) Copies of forms DI–1216 and 1217 shall be furnished to the Contractor upon request. Equivalent forms approved by the Contracting Officer may be substituted for DI–1216 and DI–1217.

(f) *Forfeiture of rights in unreported Subject Inventions.* (1) The Contractor shall forfeit to the Government all rights in any Subject Invention which he fails to report to the agency at or prior to the time he (i) files or causes to be filed a United States or foreign application thereon; or (ii) submits the next interim report required by (e)(3), whichever is later, provided that the Contractor shall not forfeit rights in a Subject Invention if (A) contending that the invention is not a Subject Invention, he nevertheless reports the invention and all facts pertinent to his contention to the Contracting Officer prior to taking the actions specified in (1) or (2), above; or (B) he establishes that the failure to report was due entirely to causes beyond his fault or negligence.

(2) Pending written assignment of such forfeited Subject Invention and the patent applications and patents pertaining thereto, the Contractor shall be deemed to hold the invention, and the patent applications and patents pertaining thereto, in trust for the Government. The forfeiture provision under this paragraph shall be in addition to and shall not supersede other rights and remedies which the Government may have with respect to Subject Inventions.

(g) *Examination of records relating to inventions.* The Contracting Officer or his authorized representative shall, until the expiration of 3 years after final payment under this contract, have the right to examine any books, records, documents, and other supporting data of the Contractor which the Contractor Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to compliance by the Contractor with the requirements of this clause.

(h) *Right to disclose subject inventions.* The Government may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the Contractor or a subcontractor pursuant to this clause.

(i) *Filing of domestic patent applications.* (1) With respect to each Subject Invention on which the Contractor has the right to file a domestic patent application pursuant to subparagraph (b) above, the Contractor shall file or cause to be filed such application within 6 months after submission of the disclosure, or such longer period as may be authorized by the Contracting Officer for good cause shown in writing. Further with respect to such inventions, the Contractor shall promptly notify the Contracting Officer of any decision not to file an application. If the Contractor fails to file or cause to be filed an application within the prescribed period, the Contracting Officer may initiate action to protect the Government's interest.

(2) Within 2 months after such filing or within 2 months of the first written disclosure of such invention if a patent application previously has been filed, the Contractor shall deliver to the agency a duly executed license fully confirmatory of all rights to which the Government is entitled under this clause and, upon request, a copy of the application as filed.

(3) The following statement shall be included within the first paragraph of the specification of any patent application filed and any patent issued on a Subject Invention: "The Government has reserved rights in this invention, which was made in the course of or under Contract No. _____ (or Grant No. _____) awarded by (identify the agency)."

(4) For each Subject Invention on which a patent application is filed by or on behalf of the Contractor, the Contractor shall provide to the Contracting Officer, within 2 months after a patent issues on the application, the number of the patent. In addition, he shall furnish the agency upon request:

(i) An irrevocable power of attorney to inspect and make copies of each United States patent application filed by or on behalf of the Contractor covering any such invention; and

(ii) Written reports at reasonable intervals prior to and after final settlement, as to:

(A) The commercial use that is being made or is intended to be made of such invention; and

(B) The steps taken by the Contractor to bring the invention to the point of practical application, or to make the invention available for licensing.

(5) If an application has been filed, the Contractor shall notify the agency, not less than 30 days before the expiration of the response period for any action required by the Patent Office, of any decision not to continue prosecution of such application.

(6) For each reported Subject Invention on which the Contractor does not file a patent application or discontinues prosecution of an application, the Contractor shall convey to the Government, upon request, the Contractor's entire right, title, and interest in such invention by delivering to the Contracting Officer such duly executed instruments (prepared by the Government) and such other papers as are deemed necessary to vest in the Government the entire right, title, and interest and to enable the Government to apply for and prosecute patent applications covering such invention throughout the world. The conveyance to the Government shall be subject to the reservation of the license to the Contractor specified in (d), above.

(7) For each reported Subject Invention on which the Contractor does not file a patent application the Contractor shall inform the agency promptly in writing of the date and identity of any sale, public use, or publication of such invention made by or known to the Contractor, or any contemplated action of this nature.

(j) *Filing of foreign patent application.* (1) When the Contractor acquires, pursuant to this clause, the right to file a patent application on a Subject Invention in any foreign country, he shall file such application in accordance with applicable statutes and regulations and as may be appropriate, within:

(i) Nine months from the date of a corresponding U.S. application filed by or on behalf of the Contractor pursuant to this patent clause; or

(ii) Six months from the date permission is granted to the Contractor to file foreign applications pursuant to § 14–9.107–5(a)–(b)(3) or § 14–9.107–5(c)–(b)(3); or

(iii) Six months from the date the invention is submitted in an invention disclosure pursuant to § 14–9.107–5(b)–(b), wherein the Contractor elects not to file a domestic patent application.

(iv) Such longer period as may be approved by the Contracting Officer.

(2) The Contractor shall notify the agency promptly of each foreign application filed and, upon written request of the agency, shall furnish an English translation of such foreign application without additional compensation.

(3) The Contractor shall convey to the Government, upon request, the entire right, title, and interest in and to each such Subject Invention in each foreign country in which an application has not be filed by the Contractor within the time specified in (1) by delivering to the Contractng Officer duly executed instruments prepared by the Government. The conveyance to the Government shall be subject to the reservation of a nonexclusive and royalty-free license to the Contractor and his existing and future associated companies, if any, within the corporate structure of which the Contractor is a part and shall be nonassignable, without approval of the agency, except to the successor of that part of the Contractor's business to which the invention pertains.

(k) *Withholding of payment.* (1) Final payment under this contract shall not be made before the Contractor delivers to the Contracting Officer the final report required by (e)(3), above, all written invention disclosures required by (e)(1), and all information as to subcontracts required by (1)(4).

(2) If at any time before final payment under this contract the Contractor fails to deliver an interim report required by (e)(3) or an invention disclosure required by (e)(1), the agency shall withhold from payment $50,000, or 5 percent, of the amount of this contract whichever is less (or whatever lesser sum is available if payments have exceeded 95 percent of the amount of this contract) until the Contractor corrects all such failures. If the Contractor is a nonprofit organization, the amount that may be withheld shall not exceed 1 percent of the amount of the contract or $50,000, whichever is less.

(3) After payments total 80 percent of the amount of this contract, and if no amount is required to be withheld under (2), above, the Contracting Officer may, if he deems such action warranted because of the Contractor's performance under the Patents Rights clause of this contract or other known Government contracts, withhold from payment such sum as he considers appropriate, not exceeding $50,000, or 5 percent, of the amount of this contract whichever is less, to be held as a reserve until the Contractor delivers all the reports, disclosures, and information specified in (1), above. Subject to the withholding limitation of (2), above, the sum withheld under this subparagraph (3) may be increased or decreased from time to time at the discretion of the Contracting Officer.

(4) No amount shall be withheld under this paragraph while the amount specified by this paragraph is being withheld under other provisions of the contract. The total amount withheld under (2) and (3), above, shall not exceed $50,000, or 5 percent, of the amount of this contract whichever is less. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract.

(l) *Subcontracts.* (1) The Contractor shall, unless otherwise authorized or directed by the Contracting Officer, include a Patent Rights clause, modified to identify the parties and containing all the provisions of this clause except provision (k), above, in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental, or research work. In the event of refusal by a subcontractor to accept this clause, or if in the opinion of the Contractor this clause is inconsistent with the policy set forth in 41 CFR 14–9.107–3, the Contractor:

(i) Shall promptly submit a written report to the agency setting forth the subcontractor's reasons for such refusal and other pertinent information which may expedite disposition of the matter, and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

(2) The Contractor shall not, in any subcontract or by using such a subcontract as consideration therefor, acquire any rights to Subject Inventions for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Government in the performance of this contract).

(3) A subcontractor may furnish to the Contractor for transmission to the Contracting Officer invention reports, instruments, and other information required to be furnished to the Contracting Officer under the provisions of such a Patent Rights clause in a subcontract hereunder, or in his discretion (or by direction of the Contracting Officer) he may submit the same directly to the Contracting Officer.

(4) The Contractor shall promptly notify the Contracting Officer in writing of any subcontract containing a Patent Rights clause, and furnish to the Contracting Officer a copy of such contract, and shall notify the Contracting Officer when such subcontracts containing Patent Rights clauses, a negative report shall be included in the final report submitted pursuant to (e)(3).

(5) The Contractor shall exert his best effort to identify all Subject Inventions of the subcontractor and shall notify the Contracting Officer promptly upon the identification of such invention.

(6) It is understood that the Government is a third party beneficiary of any subcontract clause granting rights in Subject Inventions, Background Patents, and pursuant to paragraph (m) of this clause, and the Contractor hereby assigns to the Government all rights that the Contractor would have to enforce the subcontractor's obligations with respect to Subject Inventions, Background Patents, and pursuant to paragraph (m) of this clause. The Contractor shall join with the Government at the Government's request and expense in any legal action to secure the Government's rights.

(m) *Related inventions.* (1) The Contractor shall submit to the Contracting Officer within six (6) months after the submission of the final report required by subparagraph (e)(3) of this clause, written information concerning the conception or actual reduc-

tion to practice, or both, as may be applicable, of every invention made by the Contractor (in Contractor's facilities where work called for under this contract is performed) pertaining to the work called for in this contract which was conceived or first actually reduced to practice within the period of three (3) months prior, during, or three (3) months subsequent to the term of this contract, which invention would be a Subject Invention if made under this contract, but which the Contractor believes was made outside the performance of work required under this contract. The Contracting Officer may require additional information to be furnished in confidence by the Contractor. At the request of the Contracting Officer made during or subsequent to the term of the contract, including any extensions for additional research and development work, the Contractor shall furnish information concerning any other invention which appears to the Contracting Officer to reasonably have the possibility of being a Subject Invention.

(2) All information supplied by the Contractor hereunder shall be of such nature and character as to enable the Contracting Officer reasonably to ascertain whether or not the invention concerned is a Subject Invention. Failure to furnish such information called for herein shall, in any subsequent proceeding, place on the Contractor the burden of going forward with the evidence to establish that such invention is not a Subject Invention. If such evidence is not then presented the invention shall be deemed to be a Subject Invention. After receipt of information furnished pursuant hereto, the Contracting Officer shall not unduly delay rendering his opinion on the matter. In the case of a contract, the Contracting Officer's decision shall be subject to the Disputes Clause of such contract, and in the case of a grant, the decision shall be subject to appeal to the Secretary or his duly authorized representative. The Contractor may furnish the information required under this paragraph (m) as Contractor confidential information, which shall be identified as such. Notwithstanding anything in the foregoing to the contrary, the Contractor shall not be required to disclose any information to the Contracting Officer which would violate any preexisting agreement with any other party doing business with the Contractor.

(n) *Licenses Under Background Patents.* (1) Contractor agrees that he will make his Background Patent(s) available for use in conjunction with a Subject Invention or Specified Work Object for use in the specific field of technology in which the purpose of this Contract or the work called for or required thereunder falls. This may be done (i) by making available an embodiment of the Subject Invention or Specified Work Object, which incorporates the invention covered by such Background Patent, as a Commercial Item, or (ii), by the sale of an embodiment of such Background Patent as a Commercial Item in a form which can be employed in the practice of a Subject Invention or Specified Work Object or can be so employed with relatively minor modifications, or (iii), by the licensing of the domestic Background Patent(s) at reasonable royalty to responsible applicants on their request.

(2) If the Secretary determines after a hearing that the quality, quantity, or price of embodiments of the Subject Invention or Specified Work Object sold or otherwise made available commercially as set forth in (n)(1)(i) is unreasonable in the circumstances, he may require the Contractor to license such domestic Background Patent to a responsible applicant at reasonable terms, including a reasonable royalty, for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and for use in connection with (1) a Specified Work Order, or (2) a Subject Invention.

(3)(a) When a license to practice a domestic Background Patent in conjunction with a Subject Invention or Specified Work Object is requested in writing by a responsible applicant, for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and such Background Patent is not available as set forth in (n)(1)(i) or (ii), the Contractor shall have six (6) months from the date of his receipt of such request to decide whether to make such Background Patent so available. The Contractor shall promptly notify the Contracting Officer of any request in writing for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the Contractor or his exclusive licensee wish to attempt to make available as set forth in (n)(1)(i) or (ii).

(3)(b) If the Contractor decides to make such domestic Background Patent so available either by himself or by an exclusive licensee, he shall so notify the Secretary within the said six (6) months, whereupon the Secretary shall then designate the reasonable time within which the Contractor must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the Contractor or his exclusive licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Secretary, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty, in conjunction with (i) a Specified Work Object, or (ii) a Subject Invention, and may be limited to the specific field of technology in which the purpose of this Contract or the work called for thereunder falls.

(3)(c) The Contractor agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for a Background Patent license as set forth in (n)(1)(iii) and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, or where the Contractor has made available a Commercial Item as set out in paragraph (n)(1)(i) or (ii).

(4) For use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in conjunction with a Subject Invention or a Specified Work Object, the Contractor agrees to grant to the Government a license under any Background Patent at reasonable royalties, which shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development, or enhancement of the invention(s) covered by the Background Patent. The foregoing shall not preclude a royalty-free license to the Government.

(5) Any license granted under a process Background Patent for use with a Specified Work Object may be additionally limited by the Contractor to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under this contract.

(6) It is understood and agreed that the Contractor's obligation to grant licenses under Background Patents shall be limited to the extent of the Contractor's right to grant the same without breaching any unexpired contract it had entered into prior to this contract or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensation, the Contractor's obligation to license his Background Patents shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the Contractor under said obligation to another.

(7) On the request of the Contracting Officer the Contractor shall identify and describe any license agreement which would limit his right to grant licenses under any Background Patent.

(8) In the event the Contractor's parent or affiliated company (if any) has

(a) The right to license a patent which would be a Background Patent if held by the Contractor, and

(b) An embodiment thereof is not available, or made available, as a Commercial Item as specified in (n)(i) or (ii), and

(c) A responsible applicant who has made a bona fide, reasonable licensing offer is refused a license; the Secretary may thereafter revoke the license granted to the Contractor in the Subject Invention granted under subparagraph (d)(1). Such revocation shall be made only after reasonable notice and an opportunity to be heard. For the purpose of this subparagraph, (1) a parent company is one which owns or controls, through direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity, (2) affiliated companies are companies or other entities owned or controlled by the same parent company.

(9) "Commercial Item" as employed in paragraph § 14-9.107—5(a)-(n) (Background Patent licensing) means:

(i) Any machine, manufacture, or composition of matter which, at the time of a request for a license pursuant to said paragraph of this section, has been sold, offered for sale, or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances, and

(ii) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(b) *Patent Rights clause—Option in the Contractor.* (1) Where the agency has determined that the proposed contract comes within § 14-9.107-4(a)(3), the Patent Rights clause set forth in paragraph (a) of this section, shall be included in the contract, except that the name of the clause shall be changed to "Patent Rights—Option in the Contractor" and the paragraph (b) of that clause shall be replaced by the following paragraph (b):

(b) Disposition of rights. The Contractor shall have the right to acquire the entire right, title, and interest throughout the world in and to each Subject Invention of the Contractor submitted in an invention disclosure pursuant to (e), below, subject to the rights granted to the Government in (c). The Contractor shall include with each invention disclosure in election as to whether a domestic patent application will be filed by or on behalf of the Contractor.

(2) Replace paragraph (n) of the Patent Rights clause § 14-9.107-5(a) by the following paragraph (n):

(n) Government license under Background Patents. For use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls and in conjunction with a Subject Invention or a Specified Work Object, the Contractor agrees to grant to the Government a license in any Background Patent at reasonable royalties which shall give due credit and allowance for the Government's contribution toward the making, commercial development, or enhancement of the invention(s) covered by the Background Patent. The foregoing shall not preclude a royalty-free license.

(c) *Patent Rights clause—Deferred Determination.* Where the agency has determined that the proposed contract comes within § 14–9.107–4(a)(4), the Patent Rights clause set forth in § 14–9.107–5(a), above, shall be included in the contract, except that the name of the clause shall be changed to "Patent Rights—Deferred Determination" and paragraph (b) of that clause shall be replaced with the following paragraph (b):

(b) *Disposition of rights*—(1) *Determination.* The Government shall have the sole and exclusive power to determine the disposition of the rights in any subject invention of the Contractor and to determine whether or not and where a patent application shall be filed on the invention, except as provided in (c), (d), and (f), below.

(2) *Request for greater rights.* (i) The Contractor may request rights in a Subject Invention greater than the license specified in (d) and the right to file a United States patent application. The request shall be submitted to the Contracting Officer in writing at the time of first disclosure of the invention pursuant to (e), below, or not later than 3 months thereafter or such longer period as may be authorized by the Contracting Officer for good cause shown in writing.

(ii) The request in (i) shall contain a statement of the Contractor's intention and plan to bring the invention to the point of practical application. The Contractor shall establish, upon request, the likelihood that the invention will be more expeditiously developed to the point of practical application under his plan than by Government licensing or dedication to the public. However, if the invention falls within the criteria of 41 CFR 14–9.107–3(a), the request shall set forth information and facts tending to show that (A) the acquisition of such greater rights is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application or (B) the Government's contribution to the invention was small compared to that of the Contractor.

(3) *Foreign rights.* If the Government determines not to file a patent application on a subject invention of the Contractor in any particular foreign country, the agency may authorize the Contractor to file a patent application on such invention in such foreign country and to acquire the entire right, title, and interest therein, subject to the license to the Government specified in (c).

(2) Replace paragraph (n) of the Patent Rights clause set forth in § 14–9.107–5(a) by the following paragraph (n):

(n) *Government License under Background Patents.* For use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls and in conjunction with a Subject Invention or a Specified Work Object, the Contractor agrees to grant to the Government a license in any Background Patent at reasonable royalties which shall give due credit and allowance for the Government's contribution toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent. The foregoing shall not preclude a royalty-free license.

(d) *License for States and municipal government.* (1) When the Secretary determines at the time of contracting that it would not be in the public interest to acquire a paid-up license under a Subject Invention for States and domestic municipal governments, subparagraph (1) of paragraph (c) in the clause set forth in § 14–9.107–5(a) shall be replaced with the following subparagraph:

(1) The Contractor agrees to and does hereby grant to the Government a nonexclusive, nontransferable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any government agency).

(2) When the Secretary wishes to reserve the right to make the determination after the invention has been identified, subparagraph (1) of paragraph (c) in the clause set forth in § 14–9.107–5(a) shall be replaced with the following subparagraph:

(1) The Contractor agrees to and does hereby grant to the Government a nonexclusive, nontransferable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency), States, and domestic municipal governments, unless the Secretary determines after the invention has been identified that it would not be in the public interest to acquire the license for States and domestic municipal governments.

(e) *Right to sublicense foreign governments.* (1) When the Secretary determines at the time of contracting that it would be in the national interest to acquire the right to sublicense any foreign government pursuant to any existing or future treaty or agreement, the following subparagraph shall be included as subparagraph (2) in paragraph (c) in the clause set forth in § 14–9.107–5(a) and the remaining subparagraphs in paragraph (c) shall be renumbered accordingly:

(2) The license specified in (1) shall include the right of the Government to sublicense any foreign government pursuant to any existing or future treaty or agreement.

(2) When the Secretary wishes to reserve the right to make the determination to sublicense foreign governments pursuant to any existing or future treaty or agreement until after the invention has been identified, the following subparagraph shall be included as subparagraph (2) in paragraph (c) in the clause set forth in § 14–9.107–5(a) and the remaining subparagraphs in paragraph (c) shall be renumbered accordingly:

(2) The license specified in (1) shall include the right of the Government to sublicense any foreign government pursuant to any existing or future treaty or agreement if the agency head determines after the invention has been identified that it would be in the national interest to acquire this right.

(3) In the event the Secretary determines that it is in the national interest for the Government to have the right to sublicense foreign governments as set forth in (1) or (2) above, the Contractor agrees to grant or have granted to a designated applicant, upon the written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for practice of such patent by or on the behalf of such foreign government, if an embodiment of the patent is not commercially available in that country. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with a Subject Invention or a Specified Work Object and for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls.

(f) *Irrevocable license to contractor.* When the agency decides to grant the contractor an irrevocable, nonexclusive, royalty-free license on a subject invention, paragraph (d) in the clauset set forth in § 14–9.107–5(a) shall be replaced with the following paragraph (d):

(d) The Government hereby grants to the Contractor an irrevocable, nonexclusive, royalty-free, license on each Subject Invention for the practice of the invention throughout the United States, its territories and possessions, Puerto Rico, and the District of Columbia. The license shall extend to the Contractor's existing and future associated and affiliated companies, if any, within the corporate structure of which the Contractor is a part and shall be nonassignable without approval by the agency, except to the successor of that part of the Contractor's business to which the invention pertains.

Subpart 14–9.2—Data

§ 14–9.200 Scope of subpart.

This subpart prescribes the contract clauses and instructions which define and implement the research and development data policies of the Department of the Interior.

§ 14–9.201 Data requirements.

(a) All contracts which are in whole or in part for experimental, developmental or research work shall contain the data clause set forth in § 14–9.202 which specifies that all data developed under the contract shall be delivered to the Government without any limitation as to its use. Certain proprietary data, however, need not be delivered, as set forth in paragraph (b)(2) of § 14–9.202, of the Data clause, although licensing thereof may be required under particular circumstances, as set forth in paragraph (c)(3) of § 14–9.202 of the Data clause. The schedule of the contract may contain such specific provisions for the furnishing of data as may have been requested by the cognizant technical office or the Contracting Officer. Where additional definition of the data is required, the schedule provisions may specify the specific data which the Government wants to have furnished.

(b) The Contractor cannot be granted the right to obtain a copyright on any work produced under a contract awarded under any specific act, which requires all information, uses, products, patents or other developments resulting from research carried out under the authority of the act to be available to the public.

(c) When computer software is to be generated under a contract, property rights of the Government therein must be suitably provided for. The Rights in Data provisions of the Data clause (14–9.202(c)) accomplish this purpose.

§ 14–9.202 Data clause.

(a) *Definitions.* For the purpose of the Data clause, the following terms have the meanings set forth below:

(1) "Data" means writings, recordings, pictorial reproductions, drawings, or other graphic representations and works of any similar nature whether or not copyrighted. The term includes computer information stored on computer listings, tapes, disks, cards and the like. However, it does not include information incident to contract administration such as financial reports and cost analyses.

(2) "Proprietary Data" means data developed at private expense providing information concerning the details of a Contractor's secrets of manufacture, such as may be contained in, but not limited to, his manufacturing methods or processes, treatment and chemical composition of materials, plant layout, and tooling, to the extent that such information is not readily disclosed by inspection or analysis of the product itself and to the extent that the Contractor has protected such information from unrestricted use by unauthorized parties.

(3) "Subject Data" means data specified to be delivered or which in fact is delivered under this contract, other than Proprietary Data.

(4) As used in this clause "Standard Commercial Items" means supplies or services which are available commercially to the public by sale or otherwise.

(5) "Contract" and "contractor" are equivalent to "grant" and "grantee" respectively.

(6) "Specified Work Object" and "Subject Invention" are as defined in § 14–9.107–5(a)–(a).

(b) *Data and reporting.* (1)(i) Commensurate with scope of the work and in the manner, at the times and in the number of copies specified in the schedule, the Contractor shall furnish the data required in the reports set forth herein to the extent the data are of the type which can reasonably be expected to be developed under the contract. If any of such data are in the public domain or copyrighted, it will be sufficient for the Contractor to identify the data and furnish a citation as to where they may be found. No material which is copyrighted by others shall be included in the reports furnished hereunder without written authorization of the Contracting Officer, unless such material is identified to the Contracting Officer and the Contractor secures from the copyright holder a worldwide irrevocable, royalty-free and nonexclusive license under the copyright for the Government to reproduce, translate, publish, use, dispose of and to authorize others to do the same.

(ii) Reports required:

(A) Progress reports as required in sufficient detail to disclose all work accomplished and results achieved during the period concerned, including recommendations for any modification, extension or limitation of the work to be performed.

(B) A complete final technical report summarizing the state of the art and covering all work accomplished and results achieved under this contract and including conclusions and recommendations derived therefrom. The final report shall include a complete disclosure of all materials, processes, and equipment employed, and shall be in such full, clear, concise and exact detail, including data such as mathematical, graphic and written descriptive materials and other means of disclosure appropriate in the circumstances, to enable any person skilled in the art to achieve the results of the work performed under the contract to the extent possible. The Contractor shall furnish to the extent applicable, drawings, specifications, and necessary operating and maintenance instructions concerning any equipment, item or process developed under the contract to enable any person skilled in the art to make and use such equipment and perform such process by application of the most advanced state of the art achieved in the performance of this contract. Where appropriate, the report shall include recommendations for further improvements which would advance the future state of the art based on knowledge acquired in the performance of this contract. If this contract is with an individual or an educational institution and the right to publish has not been reserved by the Government, the Contracting Officer may at his option accept as the final technical report a publication describing the results accomplished in the research under the contract together with a report setting forth such additional information as may be necessary to complete the information specified hereinabove; provided however, that a copy of the manuscript for such publication must have been submitted to the Contracting Officer for informational purposes at least 90 days prior to the date of publication or such shorter period as may be agreed to by the Contracting Officer.

(C) An intermediate complete report of all work for the period concerned, of the character required under (A) of this subparagraph, shall be furnished when required by the Contracting Officer (*1*) upon completion of the work in each specified phase, (*2*) upon completion of all work performed up to the time of each contract amendment, if any, extending the period of performance, (*3*) upon termination, for whatever reason, prior to expiration of the time of performance, and (*4*) from time to time as may be directed by the Contracting Officer: *Provided however*, That an adjustment in the contract price or fee may be made for the furnishing of such report under this (*4*).

(2) The following data need not be furnished in the reports required in paragraph (b)(1) of this section:

(i) Data for a standard commercial item which is incorporated as a component part in or to be used with the product or process being developed if in lieu thereof the Contractor identifies the source and furnishes characteristics (including performance specifications, when necessary) sufficient to enable procurement of the part or an adequate substitute;

(ii) Proprietary data which is used, or to be used, with the product or process being developed or used in the work performed under the contract, if in lieu thereof the Contractor shall identify such proprietary data to the Contracting Officer in a manner sufficient to enable use of such product or performance of such process, or the full comprehension of the work performed.

(3) The Contractor shall submit to the Contracting Officer, at his request, a report of all studies made in planning the work, and in developing background research for the work, including citation references to all such background research compiled in connection with the performance of this contract; provided however, that an adjustment in the contract price or fee shall be made for the furnishing of such report.

(4) The complete final technical report submitted or publication manuscript furnished in lieu thereof, as required in subparagraph (1)(ii) of this paragraph shall be accompanied by a transmittal letter advising if the report discloses any Subject Invention required to be reported under the Patent Rights clause. The Department of the Interior and/or Contractor case number, or other suitable means shall be used to identify the invention. If the report does not disclose any Subject Invention, the transmittal letter shall so state.

(c) *Rights in data.* (1) The physical items by which the data produced under the contract are presented as for example, the research reports, notebooks, recordings, photographs, computer information storage means and the like, shall become the property of the Government. The Contractor shall preserve and retain custody of the same at his own expense. The Government shall have the right to have access to them at all reasonable times and they may be used by the Government for any purpose whatsoever without any claim for compensation by the Contractor. The Contractor shall furnish such data items or copies thereof to the Contracting Officer at his request. The original data items shall not be destroyed by the Contractor without approval by the Contracting Officer or without giving the Government the opportunity to take over the retention of such originals.

(2) The Government may publish, reproduce, and use all subject data in any manner and for any purpose, without limitation and may authorize others to do the same. The Contractor agrees that he will not assert any copyright at common law or equity and will not establish any claim to a statutory copyright on such subject data.

(i) A contractor who is either an educational institution or an individual in the field of education may publish a report on the results of his work performed

under this contract, provided that a manuscript of such report shall be submitted to the Contracting Officer for informational purposes at least ninety (90) days prior to publication or such shorter time as may be agreed to by the Contracting Officer. Other contractors, as for example, profitmaking or not-for-profit contractors, may publish such report after submitting the manuscript to the Contracting Officer and obtaining his written permission. All such publications shall give due credit to the agency unless otherwise requested by the Contracting Officer. A transmittal letter as set forth in paragraph (b)(4) of this section shall accompany the manuscript advising whether any Subject Invention is disclosed therein. The Contractor agrees to and hereby grants to the Government a nonexclusive, irrevocable and royalty-free license to publish, reproduce, and use such report in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others. The Contractor agrees not to make subject data available to others without the written approval of the Contracting Officer prior to disclosure of such data by the Government or the publication thereof as set forth above, except to representatives of the agency.

(3) Where:

(i) The patent rights clause grants to the Government title to Subject Inventions under § 14–9.107–4(a)(2), and the Contractor is not thereafter granted title pursuant to § 14–9.107–5(a)–(b)(2), and

(ii) Proprietary data as set forth in paragraph (b)(2)(iii) of this section is necessary for the efficient practice of a Subject Invention or specified work object, the Contractor agrees to grant a license for such practice of the data in conjunction with a Subject Invention or a specified work object for use in the area of technology of the work under this contract or can be so employed with relatively minor modifications. Any disputes as to the responsibility of an applicant or the necessity of the proprietary data shall be determined by the Secretary whose determination of fact in this regard shall be final and binding. It is agreed that any responsible applicant is a third party beneficiary under this clause.

(4) Nothing contained in this data clause shall be construed to imply a license under any patent, or be construed as altering the scope of any right of the Government in and to any invention whether or not patented.

(5) All proprietary data furnished the Contracting Officer shall be specifically identified by an appropriate written legend as being Contractor confidential. Such data shall not be, or shall cease to be confidential, and the Government's confidentiality obligations with respect thereto shall terminate if the data are or become generally available to the public by means not dependent on wrongful disclosure by the Government, or have been made or become available to the Government (i) from other sources or (ii) from the Contractor without limitation as to use, or were already known to the Government when furnished to it.

(6) Notwithstanding any provisions of this contract concerning inspection and acceptance, the Government shall have the right at any time to modify, remove, obliterate, or ignore any marking not authorized by the terms of this contract on any piece of subject data furnished under this contract.

[FR Doc.72-22155 Filed 12-26-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SO-131]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Bennettsville, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Bennettsville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bennettsville Airport (lat. 34°37'45" N., long. 79°43'57" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at Bennettsville Airport. A prescribed instrument approach procedure to this airport, utilizing the Florence VORTAC, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on December 14, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-22191 Filed 12-26-72;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 72-NE-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to designate a Hartford-Brainard, Conn., Control Zone and alter the Hartford, Conn., Transition Area (37 F.R. 2207).

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

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

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

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

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

1. Amend § 71.171 of the Federal Aviation Regulations so as to designate a Hartford-Brainard, Conn., Control Zone described as follows:

Within a 5-mile radius of Hartford-Brainard Airport (lat. 41°44'10" N., long. 72°39'02" W.) within 3.5 miles each side of the Brainard (AQD) NDB (41°42'51" N., 72°36'48" W.) 130° bearing from the NDB extending from

the 5-mile radius zone to 7 miles Southeast of the NDB; and within 4.5 miles each side of the Hartford, Conn. VORTAC 327° radial extending from the 5-mile radius zone to the VORTAC; and excluding that portion within the East Hartford, Conn. Control Zone. This control zone is effective from 0700 to 2300 hours local time daily and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

2. Amend § 71.181 of the Federal Aviation Regulations so as to delete the description of the Hartford, Conn., 700-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, latitude 41°56'19" N., longitude 72°41'00" W. of Bradley International Airport, Windsor Locks, Conn.; within 4.5 miles northwest and 15.5 miles southeast of the Bradley International Airport ILS localizer southwest course, extending from the 11.5-mile radius area to 18.5 miles southwest of the OM; within a 9-mile radius of the center, 41°45'10" N., 72°37'25" W., of Rentschler Field, East Hartford, Conn.; within 3.5 miles each side of a 130° bearing from the Brainard NDB extending from the NDB to 11.5 miles southeast of the NDB; within 2 miles each side of the centerline of Runway 4 extended 10 miles from the end of the Runway; within 2 miles each side of the centerline of Runway 22 extended 10 miles from the end of the runway; within 2 miles each side of the Hartford VOR 154° radial extending from the 9-mile radius area to 8 miles southeast of the VORTAC; within 2 miles each side of the Hartford VORTAC 130° and 310° radials extending from the 9-mile radius area to 6 miles southeast of the VORTAC; and within 5 miles northwest and 5 miles southeast of the Hartford VOR 223° radial extending from the VOR to a point 15 miles southwest.

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

Issued in Burlington, Mass., on December 15, 1972.

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

[FR Doc.72-22190 Filed 12-26-72;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-43]

TRANSITION AREA

Withdrawal of Proposed Alteration

On pages 20257 and 20258 of the FEDERAL REGISTER dated September 28, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to alter the transition area at Mosinee, Wis.

Since issuance of the notice, one of the proposed approach procedures has been canceled and the other two have been altered so that no new controlled airspace is required. Consequently, the proposed alteration is withdrawn.

Issued in Des Plaines, Ill., on December 6, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-22189 Filed 12-26-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-122]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of the Federal Aviation Regulations so as to alter the Richmond, Va., transition area (37 F.R. 2143, 18904).

A new instrument procedure has been established for Runway 15 of Richard Evelyn Byrd International Airport, Richmond, Va., and will require additional airspace to protect aircraft executing the new procedures. Thus the transition area will have to be altered.

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

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

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

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

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add the following to the description of the Richmond, Va. 700-foot floor transition area:

within 4.5 miles each side of the Richard Evelyn Byrd International Airport ILS localizer northwest course, extending from the localizer to 13.5 miles northwest of the localizer.

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

Issued in Jamaica, N.Y., on December 12, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-22188 Filed 12-26-72;8:48 am]

[14 CFR Part 91]

[Docket No. 12123; Notice 72-33]

PORTABLE ELECTRONIC CALCULATORS

Proposal to Allow Operation on Aircraft

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to expressly permit the operation of portable electronic calculators on aircraft operated by an air carrier or commercial operator or on any other aircraft while it is operated under IFR.

Interested persons are invited to participate in making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before March 27, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket, for examination by interested persons.

By virtue of Amendment 91-35 to the Federal Aviation Regulations (31 F.R. 15317; December 7, 1966) the operation of portable electronic devices, with certain specified exceptions, was prohibited on aircraft operated by air carriers or commercial operators and on any other aircraft while operated under IFR. The exceptions specified include portable voice recorders, hearing aids, heart pacemakers and electric shavers which are incapable of causing interference with the navigation and communication system of any aircraft on which they are used.

By letter of July 11, 1972, the Air Transport Association of America (ATA) on behalf of its member airlines petitioned for an amendment to § 91.19 that would expressly except portable electronic calculators from the rule in that section. In addition to supplying extensive data to justify excepting such devices on the same non-interference basis upon which the original exceptions were made, the ATA explained that requests by both passengers and airline crewmembers to use portable electronic calculators during flight had necessitated individual evaluations by air carriers of the various calculators pursuant to the further exception in § 91.19(b)(5) which permits

operation of a portable electronic device after the operator of the aircraft has determined that such device will not cause interference.

In view of the widespread general usage of portable electronic calculators and the data submitted by the ATA on the six electronic calculators tested by it indicating that their effect on communications and navigation devices is negligible, the FAA considers it appropriate to propose an amendment that expressly excepts electronic calculators from the rule in § 91.19.

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations by changing paragraphs (b) and (c) of § 91.19 to read as follows:

§ 91.19 Portable electronic devices.

* * * * *

(b) Paragraph (a) of this section does not apply to:

(1) Portable voice recorders;
(2) Hearing aids;
(3) Heart pacemakers;
(4) Electric shavers;
(5) Portable electronic calculators; or
(6) Any other portable electronic device that the operator of the aircraft has determined will not cause interference with the navigation or communication system of the aircraft on which it is to be used.

(c) In the case of an aircraft operated by an air carrier or commercial operator, the determination required by paragraph (b) (6) of this section shall be made by the air carrier or commercial operator of the aircraft on which the particular device is to be used. In the case of other aircraft, the determination may be made by the pilot in command or other operator of the aircraft.

These amendments are proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421) and section 6 (c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.72-22192 Filed 12-26-72;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[464.4]

LAMBRUSCO WINE

Proposed Change in Tariff Classification

Under an established and uniform practice, importations of certain Lambrusco wine from Italy have been classified under the provision for still wines produced from grapes, containing not over 14 percent alcohol by volume, in containers each holding not over 1 gallon, in item 167.30, Tariff Schedules of the United States (TSUS), dutiable at the column one rate of 37.5 cents per gallon. In addition, the internal revenue tax for still wines was assessed. Lambrusco wine which is labeled as sparkling wine has consistently been classified as sparkling wine, and this notice does not affect the classification of this merchandise.

Samplings of recent importations of Lambrusco wine other than that labeled as sparkling, however, have disclosed that a large percentage exceeds the carbon dioxide limitation for still wines. The limitation of 0.277 grams carbon dioxide per 100 milliliters was, in many instances, exceeded by a substantial margin.

Accordingly, it is proposed that Lambrusco wine other than that labeled as sparkling should be classified according to carbon dioxide content. Since it is not feasible to test each bottle, under General Headnote 7, TSUS, which concerns the classification of commingled articles, where samples of a shipment exceed the carbon dioxide limitation for still wines, the entire shipment must be classified as a sparkling wine in item 167.10, TSUS, with the appropriate internal revenue tax being added.

As a decision to this effect will result in the assessment of duties at a higher rate than that previously assessed on this wine, notice is hereby given pursuant to § 16.10a(d), Customs regulations (19 CFR 16.10a(d)), that the Bureau is reviewing the practice of classifying Lambrusco wine other than that labeled as sparkling under item 167.30, TSUS.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of the merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, not later than 30 days from the date of publication of this notice.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: December 15, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-22205 Filed 12-26-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9502; Docket No. FDC-D-538;NDAs 9-502, etc.]

CERTAIN COMBINATION DRUGS CONTAINING RAUWOLFIA ALKALOIDS

Notice of 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. Theominal R.S. Tablets containing phenobarbital, alseroxylon, and theobromine; Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Ave., New York, NY 10016 (NDA 9-502).

2. Penite tablets containing nitroglycerin, pentaerythritol tetranitrate, and reserpine; Carnrick Laboratories, Division of G. W. Carnrick Co., 65 Horse Hill Road, Cedar Knoll, NJ 07927 (NDA 10-271).

3. Bromoserpin tablets containing phenobarbital, theobromine, and reserpine; Gold Leaf Pharmacal Co., Inc., 223 South Dean Street, Englewood, NJ 07631 (NDA 10-072).

4. Theoserpin tablets containing phenobarbital, theobromine, and reserpine; Lawton Laboratories, Inc., 223 South Dean Street, Englewood, NJ 07631 (NDA 10-072).

5. Theobarb-R tablets containing phenobarbital, theobromine, and reserpine; Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Chemical Works, 3600 North Second Street, St. Louis, MO 63130 (NDA 10-270).

6. Theo-Serp tablets containing phenobarbital, theobromine, and reserpine; Frederick Trout Co. Inc., 812 Hampton Avenue, Greenville, SC 29602 (NDA 10-473).

7. Besertal tablets containing phenobarbital, reserpine, and thiamine hydrochloride; the Central Pharmacal Co. 120-128 East Third Street, Seymour, IN 47274 (NDA 10-449).

8. Neo-Slowten tablets containing phenobarbital, reserpine, and thiamine hydrochloride; Smith, Miller & Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, NJ 08902 (NDA 10-733).

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 drugs are effective for the uses prescribed, recommended, or suggested in their labeling (e.g., treatment of mild to moderate hypertension; symptomatic treatment of apprehension, irritability, emotional instability, and subjective fatigue; angina pectoris; or for induction of mild to moderate tranquilizing sedation in the symptomatic management of patients with anxiety or tension psychoneuroses as such, or an accompaniment to somatic disorders) or that each component of the combination contributes to the total effects claimed for such combination.

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.72-22165 Filed 12-26-72;8:46 am]

[DESI 12176; Docket No. FDC-D-543; NDA 12-176]

HYDROXYCHLOROQUINE SULFATE IN COMBINATION WITH ASPIRIN

Notice of 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 Planolar tablets containing hydroxychloroquine sulfate and aspirin, formerly marketed by Winthrop Laboratories, 90 Park Avenue, New York, NY 10016 (NDA 12–176).

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, recommended for treatment of rheumatoid arthritis, will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

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 products(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.72-22164 Filed 12-26-72;8:46 am]

[DESI 4687; Docket No. FDC-D-503; NDA No. 4-687 etc.]

MERCK, SHARP & DOHME AND MERRELL-NATIONAL LABORATORIES

Certain Preparations Containing Polyamine Methylene Resin, Aluminum Sodium Silicate and Aluminum Magnesium Silicate; Succinylsulfathiazole, Kaolin and Pectin; Withdrawal of Approval of New Drug Applications

A notice was published in the FEDERAL REGISTER of August 10, 1972 (37 F.R. 16116) extending to each holder of a new drug application listed below, and to any interested person who may be adversely affected, 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 each listed application and all amendments and supplements thereto. The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications.

NDA No.	Drug	NDA holder
4-687	Cremosuxidine Suspension containing succinylsulfathiazole colloidal kaolin, and pectin.	Merck, Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486.
7-381	Resin Suspension containing polyamine methylene resin, aluminum sodium silicate, and aluminum magnesium silicate.	Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215.

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

Neither the holders of the new drug applications nor any other interested persons have filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of an opportunity for hearing.

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 each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs 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 the above-listed new drug applications and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (12-27-72).

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 15, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22092 Filed 12-26-72;8:45 am]

[DESI 10996]

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

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of April 8, 1969 (34 F.R. 6264), regarding the efficacy of the following analgesic preparations marketed by Eli Lilly and Co., Box 618, Indianapolis, Ind. 46206:

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

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

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

4. Darvon with A.S.A.; 65 milligrams of propoxyphene hydrochloride and 325 milligrams of aspirin per capsule (NDA 10-995).

Based upon a reevaluation of available information, the Commissioner of Food and Drugs finds it appropriate to amend the notice of April 8, 1969 by revising the labeling guidelines to read as follows. It is also recommended that there be separate package inserts for plain propoxyphene hydrochloride, propoxyphene hydrochloride with aspirin, and propoxyphene hydrochloride with aspirin, phenacetin, and caffaine.

DESCRIPTION

Propoxyphene hydrochloride is an odorless white crystalline powder with a bitter taste. It is freely soluble in water. Chemically, it is alpha -(+)-4-(Dimethylamino)-3-methyl-1,2-diphenyl-2-butanol Propionate Hydrochloride, which can be represented by the following structural formula:

(insert structural formula)

ACTIONS

Propoxyphene hydrochloride is a mild analgesic structurally related to the narcotic analgesic, methadone; though propoxyphene's general pharmacologic properties are those of the narcotics as a group, it does not compare with them in analgesic potency.

(The following statement to be included in labeling for propoxyphene hydrochloride with aspirin only.)

The combination of propoxyphene with aspirin produces greater analgesia than that produced by either drug administered alone.

(The following statement to be included in labeling for propoxyphene hydrochloride with aspirin, phenacetin, and caffeine only.)

The combination of propoxyphene with a mixture of aspirin, phenacetin and caffeine (APC compound) produces greater analgesia

than that produced by either propoxyphene or APC compound administered alone.

INDICATION

For the relief of mild to moderate pain.

CONTRAINDICATIONS

(The following statement to be included in the labeling for plain propoxyphene hydrochloride only.)

Hypersensitivity to propoxyphene.

(The following statement to be included in the labeling for propoxyphene hydrochloride with aspirin only.)

Hypersensitivity to propoxyphene or aspirin.

(The following statement to be included in the labeling for propoxyphene hydrochloride with aspirin, phenacetin, and caffeine only.)

Hypersensitivity to propoxyphene, aspirin, phenacetin or caffeine.

WARNINGS

Drug dependence: Propoxyphene can produce drug dependence characterized by psychic dependence and, less frequently, physical dependence and tolerance. Propoxyphene will only partially suppress the withdrawal syndrome in individuals physically dependent on morphine or other narcotics. The abuse liability of propoxyphene is qualitatively similar to that of codeine although quantitatively less, and propoxyphene should be prescribed with the same degree of caution appropriate to the use of codeine.

Usage in ambulatory patients: Propoxyphene may impair the mental and/or physical abilities required for the performance of potentially hazardous tasks such as driving a car or operating machinery. The patient should be cautioned accordingly.

Usage in pregnancy: Safe use in pregnancy has not been established relative to possible adverse effects on fetal development. Therefore, propoxyphene should not be used in pregnant women unless, in the judgment of the physician, the potential benefits outweigh the possible hazards.

Usage in children: Propoxyphene is not recommended for use in children because documented clinical experience has been insufficient to establish safety and a suitable dosage regimen in the pediatric age group.

(The following statement to be included in labeling for propoxyphene hydrochloride with aspirin, and propoxyphene hydrochloride with aspirin, phenacetin, and caffeine only.)

Salicylates should be used with extreme caution in the presence of peptic ulcer or coagulation abnormalities.

PRECAUTIONS

Confusion, anxiety, and tremors have been reported in a few patients receiving propoxyphene concomitant with orphenadrine.

The central nervous system depressant effect of propoxyphene may be additive with that of other CNS depressants.

(The following statement to be included in labeling of propoxyphene hydrochloride with aspirin, phenacetin, and caffeine only.)

Phenacetin has been reported to damage the kidneys when taken in large amounts for a long time.

ADVERSE REACTIONS

The most frequent adverse reactions are dizziness, sedation, nausea, and vomiting. These effects seem to be more prominent in ambulatory than in nonambulatory patients, and some of these adverse reactions may be alleviated if the patient lies down.

Other adverse reactions include constipation, abdominal pain, skin rashes, lightheadedness, headache, weakness, euphoria, dysphoria, and minor visual disturbances.

The chronic ingestion of propoxyphene in doses exceeding 800 mg. per day has caused toxic psychoses and convulsions.

DOSAGE AND ADMINISTRATION

A narcotic prescription is not required.

(The following statement to be included in labeling for plain propoxyphene hydrochloride only.)

(Name of drug) is given orally. The usual dose is 65 mg. every 4 hours as needed for pain.

(The following statement to be included in labeling for propoxyphene hydrochloride with aspirin only.)

(Name of drug) is given orally. The usual dose is one capsule which contains propoxyphene hydrochloride 65 mg. and aspirin 325 mg. every 4 hours as needed for pain.

(The following statement to be included in labeling for propoxyphene hydrochloride with aspirin, phenacetin, and caffeine only.)

(Name of drugs) are given orally. The usual dosage is two capsules of (name of drug), each of which contains propoxyphene hydrochloride 32 mg., aspirin 227 mg., phenacetin 162 mg. and caffeine 32.4 mg., or one capsule of (name of drug), which contains propoxyphene hydrochloride 65 mg., aspirin 227 mg., phenacetin 162 mg. and caffeine 32.4 mg., every 4 hours as needed for pain.

DRUG INTERACTIONS

Confusion, anxiety, and tremors have been reported in a few patients receiving propoxyphene concomitant with orphenadrine.

The central nervous system depressant effect of propoxyphene may be additive with that of other CNS depressants.

Salicylate may enhance the effect of anticoagulants and inhibit the uricosuric effect of uricosuric agents.

MANAGEMENT OF OVERDOSAGE

Symptoms: The manifestations of serious overdosage with propoxyphene are similar to those of narcotic overdosage and include respiratory depression (a decrease in respiratory rate and/or tidal volume, Cheyne-Stokes respiration, cyanosis), extreme somnolence progressing to stupor or coma, pupillary constriction, and circulatory collapse. In addition to these characteristics typical of narcotic poisoning, focal and generalized convulsions constitute a prominent feature in most cases of severe propoxyphene poisoning, and cardiac arrhythmias and pulmonary edema have occasionally been reported. Apnea, cardiac arrest and death have occured.

(The following statement to be included in labeling for propoxyphene hydrochloride with aspirin, and propoxyphene hydrochloride with aspirin, phenacetin, and caffeine only.)

When (name of drug) has been ingested, the clinical picture may be complicated by salicylism.

Treatment: Primary attention should be given to the reestablishment of adequate respiratory exchange through provision of a patent airway and institution of assisted or controlled ventilation. The narcotic antagonists, naloxone, nalorphine, and levallorphan, are specific antidotes against the respiratory depression produced by propoxyphene. An appropriate dose of one of these antagonists should be administered, preferably by the intravenous route, simultaneously with efforts at respiratory resuscitation, and the antagonist should be repeated as necessary until the patient's condition remains satisfactory. In addition to the use of a narcotic antagonist, the patient may require careful titration with an anticonsulsant to control seizures. Analeptic drugs (for example caffeine or amphetamine) should not be used because of their tendency to precipitate convulsions.

Oxygen, intravenous fluids, vasopressors, and other supportive measures should be employed as indicated.

Gastric lavage may be helpful. Activated charcoal can absorb a significant amount of ingested propoxyphene. Dialysis is of little value in poisoning by propoxyphene alone.

HOW SUPPLIED

(Information to be supplied by manufacturer.)

The date of publication of this notice in the FEDERAL REGISTER shall be used to compute the time allowed for the submission of revised labeling, superseding the time period previously announced in the FEDERAL REGISTER of April 8, 1969.

All identical, related or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 F.R. 23185, 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.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-52, as amended; (21 U.S.C. 352, 355)), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 12, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-22100 Filed 12-26-72;8:45 am]

[DESI 6449; Docket No. FDC-D-488; NDA No. 7-531]

TRAVENOL LABORATORIES AND BAXTER LABORATORIES

Large Volume Procaine Hydrochloride Parenteral Solutions; Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of July 6, 1972 (37 F.R. 13282) extending to each holder of a new drug application listed below, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act, withdrawing approval of the listed application and all amendments and supplements thereto. The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications.

NDA No.	Drug	NDA holder
7-531	Procaine Hydrochloride Injection 0.1 percent in Normal Saline.	Travenol Laboratories, Inc., 6301 Lincoln Ave., Morton Grove, IL 60053.
	0.1 percent Procaine Hydrochloride in 0.9 percent Sodium Chloride.	Baxter Laboratories, 6301 Lincoln Ave., Morton Grove, IL 60053.

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 holders of the new drug application nor any other interested persons have filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of an opportunity for hearing.

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 each of said drugs, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that each of the drugs 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 the above-listed new drug application and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (11-27-72).

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.72-22093 Filed 12-26-72;8:45 am]

Health Services and Mental Health Administration

CERTAIN NATIONAL ADVISORY BODIES

Notice of Meetings

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 the month of January 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical and Personality Sciences Fellowship Review Committee.	Jan. 5 and 6, 9 a.m., Quorum Room, Sheraton-Silver Spring Motor Inn, 8727 Colesville Road, Silver Spring, Md.	Closed. Contact Dr. P. Arnott, Room 9C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Md. code 301—443-3858.

Purpose. The committee is charged with the review of predoctoral, postdoctoral, and special research fellowship applications from individuals requesting Federal assistance for training in clinical, personality, and developmental psychology. Recommendations are made to the Director, 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
Preclinical Psychopharmacology Research Review Committee.	Jan. 8 and 9, 9 a.m., Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockvill , Md.	Closed. Contact Marion Miller, Room 9-97, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-3454.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research, and makes recommendations in that program to the National Advisory Mental Health Council for final review.

Agenda. The committee will be performing initial review of grant 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
Mental Health Services Research Review Committee.	Jan. 9 to 11, 9 a.m., Sea Lodge, LaJolla Shores, 8110 Camino del Oro, LaJolla, Ca.	Closed. Contact James Cumiskey, Room 11C-105, Parklawn Building, 5600 Fishers Lane, Rockville, Md. code 301—443-3626.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities, and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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
Health Services Research Study Section.	Jan. 10 to 12, 9 a.m., Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Open—9 to 10, closed remainder of meeting; contact Alan Mayers, Room 15-19, Parklawn Building, 5600 Fishers Lane, Rockville, Md. code 301—443-2920.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development, and makes recommendations to the National Advisory Councils for final review.

Agenda. The first hour on January 10 will be a business and general meeting, open to the public. The remainder will consist of initial review of grant 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
Crime and Delinquency Review Committee.	Jan. 10 to 12, 9 a.m., Executive Room, Du-Pont Plaza Hotel, Du-Pont Circle, Washington, D.C.	Closed. Contact Carol Beall, Room 12C-04, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-3728.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, law and mental health, individual violent behavior, and social deviance, and makes recommendations in that program to the Division of Special Mental Health Programs, the Director, National Institute of Mental Health, and the National Advisory Mental Health Council for final review.

Agenda. The committee will be performing initial review of grant 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
Experimental and Special Training Review Committee.	Jan. 10 to 12, 9 a.m., Conference Room "C", Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Closed. Contact Dr. R. Simon, Room 8C-02, Parklawn Building, 5600 Fishers Lane, Rockville, Md. code 301—443-3893.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Experimental and Special Training Branch, relating to training activities and makes recommendations to the National Advisory Councils in that program for final review.

Agenda. The committee will be performing initial review of grant 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
Social Sciences Training Review Committee.	Jan. 10 to 12, 9 a.m., LaValencia Hotel, 1132 Prospect, LaJolla, Ca.	Closed. Contact Dr. Lutterman, Room 14-93, Parklawn Building, 5600 Fishers Lane, Rockville, Md. code 301—443-4136.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to training activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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
Epidemiologic Studies Review Committee.	Jan. 11 and 12, 9 a.m., Cosmos Club, Conference Room B, 2121 Massachusetts Avenue NW., Washington, DC.	Open—9 to 10 a.m. on Jan. 11, closed—remainder of meeting; contact Sarah Turner, Room 10C-09, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-3774.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Center for Epidemiologic Studies, National Institute of Mental Health, relating to research and training activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. The committee will be open for reports and announcements for administration and program developments from 9 to 10 a.m. on January 11. After 10 a.m., the committee will be performing initial review of grant 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. The meeting on January 12 will be held, contingent upon the need to review additional grant applications.

Committee name	Date, time, place	Type of meeting and/or contact person
Health Services Research Training Committee.	Jan. 11 and 12, 9 a.m., Holiday Inn, Woodmont Room East, 8120 Wisconsin Avenue, Bethesda, Md.	Open—Jan. 11, 9 to 11:30, closed remainder of meeting; contact Elliott Lesser, Room 15-29, Parklawn Building, 5600 Fishers Lane, Rockville, Md, code 301—443-2950.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development, relating to research training activities and makes recommendations to the National Advisory Councils in that program for final review.

Agenda. Discussion of activities, primarily concerned with training during the morning of January 11; this portion will be open. During the remainder of the meeting the committee will be performing initial review of grant 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
Juvenile Problems Research Review Committee.	Jan. 11 to 12, 9 a.m., Royal Sonesta Hotel, 300 Bourbon Street, New Orleans, La.	Closed. Contact J. Marches, Room 10-99, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-3566.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Division of Extramural Research Programs, National Institute of Mental Health, relating to the developmental growth of juveniles and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. The committee will be performing the initial review of grant 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
Personality and Cognition Research Review Committee.	Jan. 11 to 13, 9 a.m., Conference Room, Bourbon Orleans, Ramada Inn, New Orleans, La.	Open—9 to 11 a.m., Jan. 11, closed remainder of meeting; contact E. W. Herron, Room 10C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Md. code 301—443-3942.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda. Open from 9 to 11 a.m. on January 11 for general announcements and reports of recent administrative, legislative or program developments. After 11 a.m. the committee will be performing initial review of grant 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
Neuropsychology Research Review Committee.	Jan. 11 to 13, 9 a.m., Sheraton Park Hotel, 2660 Woodley Road NW., Washington, DC.	Closed. Contact Leonard Lash, Parklawn Building, Room 10-95, 5600 Fishers Lane, Rockville, Md., code 301—443-3936.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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
Biological Sciences Training Review Committee.	Jan. 11 to 13, 9 a.m., Conference Room 14-105 Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Closed. Contact Fred Elmadjian, Room 14-93, Parklawn Building, 5600 Fishers Lane, Rockville, Md, code 301—443-4136.

Purpose. Reviews applications from universities and training centers for grants-in-aid to train research personnel in the biological sciences for research careers in the mental health field and to train mental health specialists in the research techniques and methods of the biological sciences. Also reviews assigned fellowship applications in the area of biological sciences relevant to mental health and makes recommendations on these proposals to the Division of Manpower and Training Programs and the National Advisory Mental Health Council.

Agenda. The committee will be performing initial review of grant and 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
Clinical Projects Research Review Committee.	Jan. 11 to 13, 9 a.m., Shoreham Hotel, 2500 Calvert Street NW., Washington, DC.	Closed. Contact Edna Hardy, Room 10C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-4527.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Clinical Research Branch, National Institute of Mental Health, and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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
Experimental Psychology Research Review Committee.	Jan. 13 to 16, 10 a.m., Sheraton-Emory Inn, 1641 Clifton Road, Atlanta, GA.	Closed. Contact John Hammack, Room 10-95, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-3936.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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
Metropolitan Mental Health Problems Review Committee.	Jan. 15 and 16, 9 a.m., Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Md.	Closed. Contact A. R. Polcari, Room 12C-16, Parklawn Building, 5600 Fishers Lane., Rockville, Md. code 301—443-3373.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, Division of Special Mental Health Programs, Center for Studies of Metropolitan Problems. It makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. The committee will be performing initial review of grant 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
Social Work Training Review Committee.	Jan. 15 to 17, 9 a.m., Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Closed—9 a.m. (Jan. 15) thru 1 p.m. (Jan. 17), open remainder of meeting; contact M. Wittman, Room 8C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-4187.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in support of training and manpower development in social work as related to mental health services. Committee makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. (January 15) to 1 p.m. (January 17), the committee will be performing initial review of grant 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). Announcements and reports will be presented to the committee from 1 p.m. to adjournment, January 17, and this portion of the meeting will be open to the public.

Committee name	Date, time, place	Type of meeting and/or contact person
Continuing Education Training Review Committee.	Jan. 15 to 17, 9 a.m., Conference Room A, Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Closed. Contact Warren Lamson, Room 8C-22, Parklawn Building, 5600 Fishers Lane, Rockville, Md, code 301—443-4735.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program area administered by the Continuing Education Branch, Manpower and Training Programs, National Institute of Mental Health, relating to training activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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
Psychiatry Training Review Committee.	Jan. 15 to 18, 10 a.m., Conference Room K, Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Open—10 to 12 (Jan. 15), closed remainder of meeting; contact Dr. Shervington, Room 8C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-2120.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in psychiatry, general practitioner programs, medical school training programs, and graduate training programs. Makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. Two hours on January 15 will be devoted to announcements and reports. For the remainder of the meeting, the committee will be performing initial review of grant 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
Narcotic Addiction and Drug Abuse Review Committee.	Jan. 16 to 19, 1:30 p.m., Cleopatra Room, Vacation Village Hotel, Mission Bay, San Diego, Calif.	Open—1:30 to 2:30 p.m. Jan. 16, closed remainder of meeting; contact Ms. de Zafra, Room 13-33, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-1556.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in program areas administered by the Center for Studies of Narcotic and Drug Abuse, National Institute of Mental Health, relating to research activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. Announcements and reports of recent administrative, legislative and program developments will be presented to the committee between 1:30 and 2:30 p.m., Tuesday, January 16. This portion of the meeting will be open to the public. The remainder of the meeting will be devoted to performing initial review of

grant 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
Health Services Developmental Grants Study Section.	Jan. 17 to 19, 1 p.m., Surfrider Hotel, 2353 Kalakaua Avenue, Honolulu, HI.	Open—Jan. 17, closed remainder of meeting; contact David McFall, Room 15-29, Parklawn Building, 5600 Fishers Lane, Rockville, Md, code 301—443-2030.

Purpose. The study section is charged with the initial review of developmental grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development.

Agenda. The study section will be performing initial review of grant applications for Federal assistance and will not be open to the public on January 18 and 19, 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
Regional Medical Programs Review Committee.	Jan. 17 and 18, 8:30 a.m., Conference Room G-H, Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Open—8:30 to 9:30 a.m. Jan. 17, closed remainder of meeting; contact C. R. Chambliss, Room 11-27, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-1580.

Purpose. The committee is charged with the initial review of applications for grants under title IX and makes recommendations to the National Advisory Council on regional medical programs with respect to the approval and funding of such applications.

Agenda. The committee will hear reports on policy matters regarding the administration of this program, and this portion of the meeting shall be open to the public. The remaining portion of the meeting will be for the review of grant applications, and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare, pursuant to provisions of Executive Order 11671, section 13(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Psychology Training Review Committee.	Jan. 17 to 21, 9 a.m., Hancock Room, Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD.	Open—9 to 10:30 a.m., Jan. 17, closed remainder of meeting; contact S. Schneider, Room 9C-23, Parklawn Building, 5600 Fishers Lane, Rockville, Md, code 301—443-3536.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, relating to training activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda. Announcements and reports on administrative, legislative, and program developments will be open to the public. After 10:30 a.m., the committee will be performing initial review of grant 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
Safety and Occupational Health Study Section.	Jan. 18 and 19, 9 a.m., Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Open—9 to 10:30 a.m., Jan. 18, Closed remainder of meeting; Contact Dr. J. Bester, Room 9a-16, Parklawn Building, 5600 Fishers Lane, Rockville, Md, code 301—443-4493.

Purpose. The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda. The meeting will be open for administrative report, staff reports, and consideration of recommendations of conference on training from 9 to 10:30 a.m., January 18. The remainder of the meeting will be closed for the review of research, training, demonstration, and fellowship grant applications.

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Psychopharmacology Research Review Committee.	Jan. 18 and 19, 9 a.m., Town and Country Hotel, 500 Hotel Circle, San Diego, CA.	Closed. Contact Dr. Lipman, Room 9-105, Parklawn Building, 5600 Fishers Lane, Rockville, Md, code 301—443-4467.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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
Social Sciences Research Review Committee.	Jan. 18 to 20, 9 a.m., Place D'Armes Motor Hotel, 625 St. Ann Street, New Orleans, LA.	Closed. Contact Rae Carlson, Room 10-95, Parklawn Building, 5600 Fishers Lane, Rockville, Md, code 301—443-3936.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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
Mental Health Small Grant Committee.	Jan. 18 to 20, 2 p.m., the Florida-Tennessee Room and the Louisiana-Mississippi Room, Sheraton-Biltmore Hotel, 817 West Peachtree Street NE., Atlanta, GA.	Closed. Contact S. B. Stolz, Room 10C-14, Parklawn Building, 5600 Fishers Lane, Rockville, Md., code 301—443-4337.

Purpose. The committee is charged with the initial review of small grant 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).

Agenda. The committee will be performing initial review of grant 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
Social Problems Research Review Committee.	Jan. 19 and 20, 9 a.m., Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, Md.	Closed. Contact M. Young, Room 9C-14, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md, code 301—443-4843.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Division of Extramural Research Programs, National Institute of Mental Health, relating to the field of social problems and makes recommendations to the Na-

tional Advisory Mental Health Council for final review.

Agenda. The committee will be performing the initial review of grant 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
Clinical Program-Projects Research Review Committee.	Jan. 19 and 20, 9 a.m., Airlie Conference Center, Airlie, Va.	Closed. Contact Edna Hardy, Room 10C-18, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md, code 301—443-4527.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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
Health Care Technology Study Section.	Jan. 22 and 23, 9 a.m., Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD.	Open—9 to 11.30 a.m. Jan. 22, closed remainder of meeting. Contact John R. Hall, Room 15-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md, code 301—443-2920.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development which relates to the use of systems analysis, operations research and computer sciences in the fields of community health services, hospital medicine, and patient care. It makes recommendations to the National Advisory Councils on the scientific merits of such applications.

Agenda. During the open session of the study section meeting, a discussion of its advisory role in the National Center will take place, and it will conduct necessary administrative and informational business. During the closed sessions of the study section a review of grant applications will be conducted and the meeting will be closed in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Immunization Practices Advisory Committee.	Jan. 23 and 24, 8:30 a.m., Building 1, Room 207, Center for Disease Control, 1600 Clifton Road NE., Atlanta, GA.	Open, contact H. B. Dull, Center for Disease Control, Atlanta, Ga., code 404—633-3296.

Purpose. The committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda. The committee will consider the status of selected immunizable diseases and begin its annual review of recommendations on the use of vaccines in public health practice.

Committee name	Date, time, place	Type of meeting and/or contact person
Alcoholism and Alcohol Problems Review Committee.	Jan. 24 to 26, 9 a.m., Sir Francis Drake Hotel, Powell and Sutter Sts., San Francisco, Calif.	Open—9 to 10 a.m., Jan. 24, closed remainder of meeting. Contact J. Teegarden, Room 6C-03, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md, code 301—443-4223.

Purpose. The committee provides initial review of applications for basic research grants, applied research grants, and special grants. Makes recommendations to the Directors of the National Institute on Alcohol Abuse and Alcoholism, and the National Institute of Mental Health and to the National Advisory Council on Alcohol Abuse and Alcoholism.

Agenda. The first hour on January 24 will be devoted to announcements and reports, and will be open to the public. The remainder of the meeting will be for the performance of initial review of grant 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
Disease Control Study Section.	Jan. 25 and 26, 8:30 a.m., Center for Disease Control, Buckhead Office, Room 308, 255 East Paces Ferry Rd. NE., Atlanta, GA.	Closed, contact R. Hilton Majors, Center for Disease Control, Atlanta, Ga. 30333, code 404—653-7751.

Purpose. The committee is charged with the initial review of research grant applications for Federal assistance in the program areas administered by the Center for Disease Control, and making recommendations to national advisory councils for final review.

Agenda. The committee will be performing initial review of grant applications for a 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 provisions of Executive Order 11671, section 13(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Nursing Training Review Committee.	Jan. 25 to 28, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—9 to 10 a.m., Jan. 25, closed remainder of meeting. Contact Mrs. R. Dumas, Room 9C-09, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md, code 301—443-4423.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Psychiatric Nursing Training Branch, Division of Manpower and Training Programs, National Institute of Mental Health, relating to training activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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); open from 9 to 10 a.m., January 25.

Committee name	Date, time, place	Type of meeting and/or contact person
Alcohol Training Review Committee.	Jan. 29 to 31, 9 a.m., Tower Conference Room, Hilton Inn, San Diego, Calif.	Closed. Contact Leonard Mitnick, Room 13-09, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md, code 301—443-1056.

Purpose. The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, National Institute of Mental Health, relating to training activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda. The committee will be performing initial review of grant 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.72-22166 Filed 12-26-72;8:47 am]

LOAN GUARANTEE PROGRAMS IN HEALTH ADVISORY COMMITTEE

Notice of Public Meeting

The Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of January 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Loan Guarantee Programs in Health Advisory Committee.	Jan. 12, 9 a.m., Parlor 511, Statler-Hilton Hotel, 16th and K Sts. NW., Washington, D.C.	Open. Contact Donald Knowles, Room 9-06, 5600 Fishers Lane, Rockville, Md, code 301—443-1138.

Purpose. The committee's major objective is to advise the Administrator, Health Services and Mental Health Administration, on developing marketing procedures, pricing estimation and practices for Department issues, federally backed securities, and various alternatives available in the administration of the loan program vis-a-vis the private financial community.

Agenda. The committee will advise on implementation of the provisions of Title II, Public Law 91-296, "Loan Guarantee and Loans for Modernization and Construction of Hospitals and Other Medical Facilities."

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 20, 1972.

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

[FR Doc.72-22215 Filed 12-26-72;8:52 am]

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Certain Airborne Dust Contaminants and Chemical Substances

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 669(a)(3)] provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment. Section 22 (c) of the Act authorizes the National Institute for Occupational Safety and Health to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of the Act.

The Institute is developing criteria documents and recommended standards for occupational exposure for a number of chemical substances including: ammonia, arsenic, carbon tetrachloride, chloroform, fluorides, hexavalent chromium compounds, methylene chloride, nitric acid, nitric oxide, nitrogen dioxide, and sodium hydroxide. Each criteria document may include, among other items, an evaluation of available information relative to the nine areas listed below:

1. Dose-effect studies relating to acute and chronic exposure, as well as safe work practices concerned with direct contact.

2. Establishment of biologic standards, i.e., the levels of the substance, its metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations and extent of exposure with effects on specific biologic systems of man such as the circulatory, respiratory, excretory, and nervous systems, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methodology, including instrumentation, for air sampling and sample analysis.

6. The need for medical examinations for exposed workers, the frequency of such examinations, the specific diagnostic tests which should be used, and the rationale for their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations, and those which may be instituted when environmental levels are temporarily exceeded, or when peak concentrations in man are reached.

8. The types of records concerning occupational exposure that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by exposure to the substance.

Any person having information or data which is not readily available in "open scientific literature" in any of the nine areas listed, or in other areas which the person considers relevant to the establishment of standards for occupational exposure to any of the substances, is invited to submit such information, with accompanying documentation, to the Assistant Director for Research and Standards Development, National Institute for Occupational Safety and Health, Room 10-28, 5600 Fishers Lane, Rockville, MD 20852, within 90 days after publication of this notice.

All information submitted will be available for public inspection after the development of the criteria document.

Dated: December 18, 1972.

MARCUS M. KEY,
Director, National Institute for Occupational Safety and Health.

[FR Doc.72-22214 Filed 12-26-72;8:52 am]

National Institutes of Health

CANCER CLINICAL INVESTIGATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, January 22-24, 1973, at 8:30 a.m., Building 31, Conference Room 4, National Institutes of Health. This meeting will be open to the public from 8:30 a.m., January 22. During this portion of the meeting programmatic aspects of the cooperative group program will be reviewed and discussed, as well as past and future symposia sponsored by the Committee. The meeting will be closed to the public 12 noon, January 22 to review, discuss, and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

The name of the person from whom rosters of committee members and/or summary of the meeting may be obtained is: William G. Hammond, M.D., Chief, Clinical Investigations Branch, Division of Cancer Grants, National Cancer Institute, Room 10A03 Westwood Building, Bethesda, MD 20014.

Dated: December 18, 1972.

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

[FR Doc.72-22160 Filed 12-26-72;8:46 am]

CLINICAL CANCER TRAINING COMMITTEE (DENTAL)

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Clinical Cancer Training Committee (Dental), January 24, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 8:30 a.m. to 9 a.m., January 24, 1973, at which time an administrative report will be given and discussed, and closed to the public 9 a.m., January 24, 1973, to review, discuss, and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of the Clinical Cancer Training Committee (Dental) members and/or summary of the meeting may be obtained:

Margaret H. Edwards, M.D., Westwood Building, Room 826, Bethesda, MD 20014. Telephone 496–7803.

Dated: December 18, 1972.

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

[FR Doc.72–22161 Filed 12–26–72;8:46 am]

CLINICAL CANCER TRAINING COMMITTEE (GENERAL)

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Clinical Cancer Training Committee (General), January 15–16, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 8:30 a.m. to 9 a.m., January 15, 1973, at which time an administrative report will be given and discussed, and closed to the public 9 a.m., January 15, 1973, to review, discuss, and evaluate and/or rank grant applications in accordance with section 13(a) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of the Clinical Cancer Training Committee (General) members and/or summary of the meeting may be obtained:

Margaret H. Edwards, M.D., Westwood Building, Room 826, Bethesda, MD 20014. Telephone 496–7803

Dated: December 18, 1972.

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

[FR Doc.72–22162 Filed 12–26–72;8:46 am]

Office of Education

ACCREDITING BODIES AND STATE AGENCIES RECOGNIZED AS RELIABLE AUTHORITY FOR APPROVAL OF NURSE EDUCATION

Addition to List

Pursuant to the Nurse Training Act, as amended (42 U.S.C. 298(b)), the U.S. Commissioner of Education hereby publishes an addition to the list of recognized bodies, and of State agencies, which he determines to be reliable authority as to the quality of training offered.

This addition may be added to the list previously promulgated by the Commissioner of Education on June 18, 1970, 35 F.R. (part VI) 10051.

STATE AGENCIES

LOUISIANA STATE BOARD OF NURSE EXAMINERS

Any other association or State agency which desires to be included on the list should request inclusion in writing. Each recognized accrediting body or State agency will be reevaluated pursuant to the appropriate criteria: 34 F.R. 643, 644, January 16, 1969.

Dated: December 7, 1972.

JOHN OTTINA,
Acting Commissioner of Education.

[FR Doc.72–22202 Filed 12–26–72;8:50 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

AGRICULTURAL RESEARCH FACILITIES REVIEW TASK FORCE

Notice of Public Meeting

Pursuant to Executive Order 11671 notice is hereby given of a meeting of the Agricultural Research Facilities Review Task Force at 9 a.m. on January 3, 1973, in Room 218–A of the Administration Building, U.S. Department of Agriculture, Washington, D.C. The purpose of this meeting is to review the adequacy of current facilities for agricultural research and recommend policies with respect to future development of research facilities. The meeting will be open to the public.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Dr. Ned D. Bayley, Director of Science and Education, Room 219–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., telephone 447–7738.

J. PHIL CAMPBELL,
Under Secretary of Agriculture.

DECEMBER 21, 1972.

[FR Doc.72–22231 Filed 12–26–72;8:52 am]

ENVIRONMENTAL STATEMENTS

Preparation Guidelines

Notice is hereby given that the USDA has issued instructions covering the preparation of environmental statements required by section 102(2)(C) of Public Law 91–190. These instructions supersede those issued by USDA as incorporated in the document issued by the Council on Environmental Quality on December 3, 1971 (36 F.R. 23667).

Directive and scope. These guidelines are to be followed by all agencies of the Department in preparing statements required by section 102(2)(C) of the National Environmental Policy Act, Public Law 91–190 (83 Stat. 852).

The Act requires the preparation and submission of a detailed environmental statement with every recommendation or favorable report on legislation and other major Federal actions significantly affecting the quality of the human environment.

Statements are to be prepared in connection with (a) legislation involving substantive bills referred to this Department for comment and for which this Department has responsibility, and substantive legislative proposals originating within this Department, and (b) other major USDA actions. Additional details regarding these topics are included in Appendixes A and B below.

Pursuant to Executive Order 11514 of March 5, 1970 (35 F.R. 4247), the Council on Environmental Quality (CEQ) issued "Guidelines" on April 23, 1971 (36 F.R. 7724), hereinafter referred to as Guidelines. USDA guidelines are designed within the framework of these Government-wide guidelines.

Objectives. The objectives of these guidelines are to provide (1) a uniform system for determining whether proposed or pending legislation and other major Federal (USDA) actions will significantly affect the quality of the human environment, (2) criteria for defining major USDA actions and (3) guidelines for preparing environmental statements.

Policy. It is the policy of the Department of Agriculture to use the general approach of section 102(2)(C) as a significant part of its procedures to "monitor, evaluate, and control" its activities for the protection and enhancement of the quality of the environment on a continuing basis as required by section 2(a) of Executive Order 11514. In addition to the use of this approach in administering USDA programs, the procedure for developing environmental statements will be followed where required by the Guidelines.

Types of environmental statements. Section 102(2)(C) provides for consideration of environmental impacts in connection with legislative and administrative actions. Two stages of development of environmental statements are required by the Guidelines, particularly in connection with administrative actions: (1) Draft environmental statements and (2) final environmental statements.

A draft environmental statement comes into being when it is first sent to CEQ and made available to the public and when legislative reports are sent to OMB for Executive agency review and clearance. There will be no draft statement prior to that time. Preliminary papers leading to the development of a draft environmental statement do not constitute a draft statement and shall not be so labeled.

After modification and expansion of a draft statement, including consideration of comments by reviewing agencies, a final environmental statement comes into being when it is sent to CEQ and made available to the public or, in the case of pending or proposed legislation, when forwarded to Congress following clearance of the related legislative proposal or report by OMB.

After a draft environmental statement is issued, additional information may occasionally become available which could significantly influence the comments on the statement. In such cases, a supplement to the draft environmental statement may be issued and given the same circulation as the draft environmental statement, with an appropriate extension in the time specified for the submission of comments.

Decision, preparation, and record. Agency heads, with the assistance of their representatives on the Environmental Quality Executive Committee, will be responsible for determining whether the quality of the human environment may be significantly affected by the proposed agency action.

Such "significant effect" may include actions which may have both beneficial and detrimental effects even if, on balance, the agency believes that the effect will be beneficial.

Agency heads must also determine whether actions of other than a legislative nature are "major actions."

In all instances where required by the Guidelines and in other directives as appropriate, agency heads will be responsible for (1) preparing environmental statements, (2) consulting with other Federal departments or agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, (3) providing for review by State and local agencies authorized to develop and enforce environmental standards, and (4) making statements available to the public.

In certain instances, where several USDA agencies have program responsibilities relative to an environmental matter and no lead agency has been designated for the programs to which it relates, the Coordinator of Environmental Quality will arrange for completion of (1) to (4) above.

The environmental statement will be prepared (1) when the environment may be significantly affected by a USDA action, even though such action may be localized in its impact, (2) when it is reasonable to assume a cumulatively significant impact on the enironment from successive implementation of several similar actions, (3) when one decision involving a limited expenditure is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action, and (4) when a proposed action has an environmental impact which is likely to be highly controversial as to its environmental effect.

As early as possible, and in all cases prior to agency decision concerning major action (other than a recommendation or a favorable report on legislation to the Congress) that significantly affects the environment, USDA agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

All reasonable alternatives must be thoroughly studied and discussed. The analysis must be sufficiently detailed to permit independent evaluation of the benefits and environmental risks of both the proposed action and each alternative in order that an informed judgment may be made about the wisdom of undertaking the proposed action rather than one of the alternatives. Alternatives considered should include the alternative of taking no action, and reasonable alternatives should not be excluded from consideration for the reason that their implementation might be outside the jurisdiction of the USDA or its constituent agencies.

USDA environmental statements will include all the elements listed as subheadings under section 102(2)(C). They will also include an additional element dealing with favorable environmental effects. Following the general discussion of "environmental impact," separate sections will be used to summarize "favorable environmental effects" and "adverse environmental effect."

In addition to a project's impact on the physical environment, economic factors must also be known for complete assessment and are to be included as a part of environmental statements. Significant economic impacts on the public and on the affected areas and industries may be described including employment, unemployment, and others.

In instances where a benefit-cost analysis has been made, a summary of the findings should be attached to, and made a part of, the statement.

Where a subheading does not apply, it will be followed by the words "not applicable" or "none." Each statement should be prepared in accordance with the precept in section 102(2)(A) of the Act, and as outlined in Appendix B below.

Environmental statements will be documents complete enough to stand on their own. Each draft and final environmental statement will be accompanied by a summary sheet. The general outline to be followed is described in Appendix C below.

Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the agency proposing to take the action shall work through the Coordinator of Environmental Quality Activities in consulting with the Council on Environmental Quality about alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, this Department should consult the Council concerning appropriate modifications of the minimum periods.

Consultation and review. Wherever applicable in connection with the preparation of environmental statements, the Department of Agriculture will extend and intensify its policy of acting in concert with Federal, State and local agencies. This will specifically include (1) consultation with Federal agencies having jurisdiction by law or special expertise, and (2) review by State and local agencies authorized to develop and enforce environmental quality standards.

Consultation and review activities relating to environmental statements will be accomplished within the framework of USDA policy on procedures, including public hearings where appropriate, to insure the fullest practicable provision of timely public information and understanding of USDA plans and programs with environmental impact in order to obtain the views of interested parties.

Any consultations with Federal agencies having jurisdiction by law or special expertise relating to environmental impact of legislative proposals or major actions will be documented in connection with environmental statements sent to CEQ and OMB.

Forwarding USDA environmental statements and comments on statements of other agencies. Through the Coordinator of Environmental Quality Activities, USDA agencies will submit to CEQ all environmental statements required by the guidelines, and, to OMB, all those required by Circular No. A–19, revised. USDA agencies will not submit environmental statements to CEQ or OMB where it is clear that another Federal department or agency has the primary responsibility for the subject matter involved. Where necessary, USDA agencies will work through the Coordinator of Environmental Quality Activities to seek assistance from the Council on Environmental Quality to resolve questions of lead agency designation.

Ten (10) copies of draft environmental statements prepared by USDA agencies and ten (10) copies of the final text of environmental statements shall be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the

President). All substantive comments received on the draft should be attached to the final statement, whether or not each such comment is thought to merit individual discussion by the agency in the text of the statement. Ten (10) copies of all comments made on draft and final environmental statements of other agencies shall be forwarded to CEQ at the time comments are forwarded to the responsible agency.

Availability of statements to the public. Environmental statements will be made available to the public as described in the appendices. Compliance with the public information aspect of Public Law 91–190 will be carried out within the provisions of the Freedom of Information Act (5 U.S.C., sec. 552).

Agencies which hold hearings on proposed administrative actions should make the draft environmental statement available to the public at least fifteen (15) days prior to the time of the relevant hearings, except where the agency prepares the draft statement on the basis of a hearing subject to the Administrative Procedure Act and preceded by adequate public notice and information to identify the issues and obtain comments.

Where an agency follows a practice of declining to favor an alternative until public hearings have been held on a proposed action, a draft environmental statement may be prepared and circulated indicating that two or more alternatives are under consideration.

Coordination, assistance and review. In consultation with the Coordinator on Environmental Quality, each USDA agency will establish a procedure for developing responses to environmental statements from other departments and from agencies within USDA.

The Office of the Coordinator for Environmental Quality Activities will provide leadership in coordinating procedures for dealing with CEQ. This office will provide general guidance for the preparation and distribution of environmental statements required by CEQ and OMB and will be available for consultation with Executive Committee members and others regarding all aspects of these activities.

Procedural guidelines. The Office of the Coordinator for Environmental Quality Activities will provide leadership in developing any further Departmental procedural guidelines needed to implement and carry out the requirements of this memorandum.

Agency procedures. Each USDA agency head is responsible for preparing more specific procedures applying these broad guidelines, together with the provisions of the NEPA and other implementing regulations, to the specific programs administered by that agency.

Such agency procedures should give special attention to the assignment of responsibilities, to criteria for the identification of those agency actions that require environmental statements, and to the point in the decision-making process at which the decision will be made as to the need for an environmental statement. Documentation of negative decisions is recommended. Agency procedures should also provide for monitoring to assure agency compliance with the requirements under NEPA.

Each USDA agency head is responsible for conducting such training of agency staff as may be required to enable the staff to understand and implement environmental policies and procedures of the agency.

EARL L. BUTZ,
Secretary.

DECEMBER 21, 1972.

APPENDIX A

ENVIRONMENTAL STATEMENTS FOR RECOMMENDATIONS OR REPORTS ON LEGISLATION

Scope. This appendix deals with recommendations or reports on legislation involving (1) substantive bills referred to the Department for comment and (2) substantive legislative proposals from this Department.

Decision, preparation, and record. USDA agencies designated for preparing reports on legislation of the type covered herein will be responsible for determining which legislative proposals or reports require section 102 (2) (C) environmental statements, and for the preparation of environmental statements, acting on their own or in consonance with others in USDA as appropriate. All agencies will respond promptly and fully to requests from other USDA agencies for information or other assistance needed for developing statements.

Environmental statements, when required, should to the maximum extent possible accompany the legislative proposal or report. Legislative proposals and reports for which environmental statements have been prepared should, when forwarded by the preparing agency, include appropriate reference to the environmental statement in the main body of the report.

Copies of all environmental statements relative to legislation covered by this appendix will be kept on file by the Secretary's Records and Communication Division as a part of the usual file on legislative reports. The Office of the Coordinator of Environmental Quality Activities, with the assistance of appropriate staff offices, will determine if there are any needs for records other than these.

Consultation and review. Where necessary, after consulting with the Office of the Coordinator of Environmental Quality, the agency preparing the statement may consult with appropriate Federal, State, and local agencies during such preparation prior to the submission of legislative proposals or reports to the Office of Management and Budget. The comments and views of such agencies should be considered in the environmental statement. When time does not permit such prior consultation, it will be accomplished concurrently with the formal review of the legislative proposals or reports carried out by the Office of Management and Budget.

Forwarding environmental statement. The Office of Budget and Finance will be responsible for forwarding copies of environmental statements on the subject covered in this appendix to CEQ through the Office of the Coordinator of Environmental Quality. Where there is an environmental statement on a legislative proposal or report submitted to OMB for clearance, an information copy of the 102 statement will accompany each copy of the proposal or report. Preparing agencies will furnish sufficient copies of the environmental statements as enclosures to the proposal or report.

Availability of statements to the public. Following clearance by OMB of the related legislative proposal or report, the environmental statements will be made available by the responsible official to the Congress and to the public.

APPENDIX B

ENVIRONMENTAL STATEMENTS FOR USDA ADMINISTRATIVE ACTIONS OTHER THAN PROPOSALS FOR LEGISLATION

Scope. This appendix deals with major USDA actions which may significantly affect the quality of the human environment, and which, therefore, require the preparation of environmental statements under section 102 (2) (C) of NEPA.

General. "Major" actions and "significant" environmental effects are difficult to define precisely and uniformly because of the great variation in economic, social, and ecological conditions. Each USDA agency must use good judgment in determining when section 102 (2) (C) statements are required and must issue its own guidelines specifying as closely as possible those actions for which an environmental statement will be required. Broad guidelines to be used in making these determinations are given below:

Major actions. The phrase "major actions" is to be construed with a view to the overall cumulative impact of the administrative action proposed and of further actions contemplated.

"Major actions" may include, but are not limited to:

(a) Projects and continuing activities (not including research, except for major changes in research programs and pilot scale projects):

Supported in whole or in part through educational, technical or other forms of USDA assistance and contracts, grants, cost-sharing, subsidies, loans or other forms of funding support.

Involving USDA leases, permits, licenses, certificates or other entitlements for use.

(b) Policy, regulations, and procedure-making.

Some examples are:

1. New programs initiated or current ones significantly modified under existing legislation.

2. Projects requiring local sponsorship which are initiated or significantly modified.

3. Decisions to initiate actions that are likely to be highly controversial as to their environmental effects, some of which may result in administrative appeals or court actions.

Major actions may relate to the development of a national program and to the implementation of projects within that program.

The size or scope of an administrative action is a factor which may be considered in determining whether this action is a "major" action. In some instances, it may be appropriate to aggregate a number of comparable smaller actions, and consider them together in a single environmental statement.

There may be instances of major actions by USDA agencies which involve several stages, under conditions in which it would be appropriate to prepare separate environmental statements for the different stages.

This would be most likely to occur where there was a considerable time period between stages, and where the action in the subsequent stage would be strongly influenced by the results of the prior stage.

Environmental assessment is an integral part of planning for broad resource areas such as river basins. Environmental statements covering major specific actions within such broad plans may be issued when such action is proposed for implementation. USDA will participate in the preparation of environmental statements required for water re-

sources planning activities coordinated by the Water Resources Council.

Significance of environmental effects. In general, particular attention should be directed to environmental effects that degrade the quality of the environment, curtail the range of beneficial uses of the environment, or serve short term, to the disadvantage of long-term environmental goals. Proposed actions, the environmental impact of which is likely to be highly controversial, should be covered by an environmental statement. The determination as to whether a particular administrative action may significantly affect the quality of the human environment should include, but is not limited to, consideration of the following factors:

1. The degree of ecosystem disturbance, including both on-site and off-site effects, and national, regional and local impacts.
2. Environmental effects which might affect human health either directly or indirectly.
3. Irreversible and irretrievable effects on resources.
4. Cumulative effects of many small actions.
5. Indirect or secondary effects of interrelated activities.
6. Uniqueness or rareness of a resource.

The scope of anticipated public involvement and controversy anticipated should be taken into consideration.

In appropriate situations, it may be practical to prepare one environmental statement analyzing the effects of a class of similar actions, each of which, if considered separately, might have less than a significant effect on the human environment. Subsequent consideration of individual actions could then be limited to a determination that the individual action conformed to the class, and did not have special characteristics requiring a special environmental statement.

Decision, preparation, and record. Where required by this memorandum, USDA agencies responsible for "major actions" significantly affecting the quality of the human environment will prepare environmental statements for all such actions, either within the agency or in cooperation with others, as appropriate. Copies of all environmental statements sent to CEQ will be kept by the Washington offices of the preparing agencies.

TIME PERIOD FOR FILING AND TAKING ACTION

A. To the maximum extent practicable, no administrative action is to be taken sooner than:

1. Ninety days after a draft environmental statement has been furnished to CEQ, circulated for comment, and made available to the public pursuant to these guidelines.
2. Thirty days after the final text of an environmental statement (together with comments), has been made available to the CEQ and the public.

B. If the final text of an environmental statement is submitted to CEQ within 90 days after a draft statement has been circulated for comment, and made public, the 30-day period and 90-day period may run concurrently to the extent that they overlap.

C. Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of subparagraphs A and B, the agency proposing to take the action shall work through the USDA Coordinator of Environmental Quality Activities in consulting with the CEQ about alternative arrangements.

D. Where there are overriding considerations of expense to the Government or impaired program effectiveness, the CEQ may be consulted concerning appropriate modifications of the minimum periods.

Consultation and review. Prior to the development of draft environmental statements, USDA agencies shall consult with interested parties, including appropriate Federal, State, and local agencies. Comments and views of such interested parties should be considered in developing the draft environmental statement. Inclusion of comments and views of any agency in a draft environmental statement shall not in any way limit such agency in its subsequent submission of comments on the draft environmental statement.

The draft environmental statement shall be circulated for review and comment by Federal, State, and local agencies having jurisdiction by law or special expertise with respect to environmental impacts, and shall be made available for comment by the public, with a time limit of not less than thirty (30) days for reply (45 days minimum for the Environmental Protection Agency), after which it may be presumed that there is no comment. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to fifteen (15) days, and should grant requests for longer extensions of time when, in the opinion of the USDA agency involved, such action would be in the public interest.

USDA agencies, working in collaboration with the USDA Office of Intergovernmental Affairs (see Secretary's Memorandums No. 1689 and No. 1693 of April and May 1970), will provide for review of draft environmental statements by State and local agencies authorized to develop and enforce environmental standards. In certain instances, this review may be provided by formal procedures such as hearings or required administrative actions.

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review by State and local governments will be through procedures set forth under Part I of Circular No. A-95.

(b) State and local review of agency procedures, regulations and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by Office of Management and Budget Circular No. A-85.

The comments and views of such agencies may be obtained by a direct request and by distributing the draft environmental statement to the appropriate State, regional, and metropolitan clearinghouses unless the Governor of the State involved has designated some other point for obtaining this review. Comments and views of the public will be solicited by publication of a notice in the FEDERAL REGISTER, or other appropriate media. Such comments shall relate to the proposed major action about which an environmental statement is being prepared.

The nature and extent of the review procedure shall be described in the final environmental statement.

Minimum time periods for review and advance availability of statements will be calculated from the date of receipt of the statement by the Council on Environmental Quality, as noted in the Council's FEDERAL REGISTER and "102 Monitor" announcements.

Forwarding environmental statements. Agency heads responsible for preparing "major action" environmental statements will be responsible for furnishing copies of such statements to CEQ, as required by the Guidelines. Statements will be submitted through the Office of the Coordinator of Environmental Quality Activities.

An accession notice card, Form NTIS-79 (National Technical Information Service, U.S. Department of Commerce) should also be submitted to the Office of the Coordinator of Environmental Quality Activities, along with the copies of the environmental statements. The card should be addressed to the originating agency within USDA, the date of submission should be filled in, the report number and title from the cover page should be listed as the "Report Identifying Information," and "one" should be listed under the number of copies submitted. The accession notice card will be returned to the originating agency by the NTIS with an assigned accession number and the cost for a copy of the environmental statement. This information should be used when inquiries for copies of environmental statements are referred to the National Technical Information Service. If more than one office needs to know the NTIS accession number, attach a separate card for each office.

Availability of statements to the public. Agency heads will be responsible for making environmental statements and the comments received accessible to the public after copies have been sent to CEQ. This will be done pursuant to the provisions of the Freedom of Information Act (5 U.S.C., section 552), without regard to the exclusion of interagency memoranda, when such memoranda transmit comments of Federal agencies listed in section 7 of CEQ guidelines on the environmental impact of proposed actions subject to section 102(2)(C). Agency procedures prepared pursuant to these guidelines shall implement public information requirements presented in Supplement 5 to Secretary's Memorandum 1695 (Rev.), and shall include arrangements for accessibility to environmental statements and comments at the head and appropriate regional offices of the responsible agency, and at appropriate State, regional, and metropolitan clearinghouses, unless the Governor of the State involved designates some other point for receipt of this information.

Copies of final statements, with comments attached, should also be sent to all entities—Federal, State, and local agencies, private organizations and individuals—that made substantive comments on the draft statement, thus informing such entities of the agency's disposition of the arguments.

APPENDIX C

OUTLINE FOR ENVIRONMENTAL STATEMENTS

All USDA environmental statements will include a cover page and a summary sheet constructed as shown below, and will contain the information described in this Supplement. The cover page should not include the descriptive titles shown on the left margin, but only that information within the box, which is given as an example.

COVER PAGE

Report number----	(1) USDA-REA-ES, unit or program code if desired (ADM)-72-11-D.
Title ----------	Beaver Creek to Wray, Colo., transmission line.
Subtitle ----------	Draft or final environmental statement.
Responsible official.	David A. Hamil, Administrator, Rural Electrification Administration.
Performing organization name and dress.	Tri-State Generation and Transmission Association, Post Office Box 29198, Denver, CO 80229.
Date prepared ----	August 14, 1971.
Sponsoring agency.	Prepared by—
Name and address.	U.S. Department of Agriculture, Rural Electrification Administration, Washington, D.C. 20250.

(1) USDA, REA, Environmental Statement (Administrative), fiscal year 1972, sequential number 11, within that year, "D" for draft or "F" for final. Some USDA agencies may wish to use a unit code in addition to the agency abbreviation. Draft and final statements for the same action should be assigned identical report numbers, even though final statement may be prepared in the subsequent fiscal year.

USDA ENVIRONMENTAL STATEMENT

"TITLE" PREPARED IN ACCORDANCE WITH SEC. 102(2)(C) OF PUBLIC LAW 91-190—SUMMARY SHEET

I. Draft ( ) Final ( )
II. Name of USDA Agency.
III. Administrative ( ) Legislative ( )
IV. Brief description of action—indicating what States and counties are particularly affected.
V. Summary of environmental impact and adverse environmental effects.
VI. List of alternatives considered.
VII. (For draft statements) List all Federal, State, and local agencies and other sources from which written comments have been received.
VIII. Dates draft statement and final statement made available to CEQ and the public.

USDA environmental statements shall generally follow the identifying heading and outline below and will include each of the subject headings and subheadings listed, except as modified by footnote provisions. Headings or subheadings may be followed by "not applicable" or "none" where appropriate.

USDA (AGENCY) ENVIRONMENTAL STATEMENT

Title of statement:
Type of action: Administrative ( ) Legis-
Date:
Type of action: Administrative ( ) Legislative ( )
Statement:

1. Description: A description of the proposed action including information, technical data adequate to permit a careful assessment of environmental impact by comment agencies. Where relevant, maps or other graphic material should be provided.

2. Environmental impact: The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question. Include, also, economic impacts on employment, unemployment, and other economic factors.

3. Favorable environmental effects: Any probable beneficial effects that result from the proposed action such as (1) improved air and water quality, (2) improved land use patterns, (3) improved life systems, (4) improved social and economic conditions, and (5) other beneficial environmental effects as set out in section 101(b) of the Act.

4. Adverse environmental effects which cannot be avoided: Any probable adverse environmental effects which cannot be avoided, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 191(b) of the Act.

5. Alternatives: Alternatives to the proposed action (section 102(2)(D)) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their cost and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less adverse effects.

6. Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity: This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

7. Irreversible and irretrievable commitment of resources: This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

8. Consultation with appropriate Federal agencies and review by State and local agencies developing and enforcing environmental standards (optional with draft statements, required for final statement): A discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals in the review process and the disposition of the issues involved.

[FR Doc.72-22229 Filed 12-26-72;8:51 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA patent licensing regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

ATOMIC ENERGY COMMISSION

Patent-3 640 808—
Radiolytic Destruction of Nonbiodegradable Organic Pesticides.
Filed, Oct. 7, 1969, patented, Feb. 8, 1972, not available NTIS.

Patent-3 640 844—
Power Flattened Seed-Blanket Reactor Core. Filed, Nov. 7, 1969, patented, Feb. 8, 1972, not available NTIS.

Patent-3 640 845—
Dynamic Seal. Filed, July 9, 1968, patented, Feb. 8, 1972, not available NTIS.

Patent-3 640 888—
Californium-252 Neutron Source and Method of Making Same. Filed, Dec. 11, 1969, patented, Feb. 8, 1972, not available NTIS.

Patent-3 641 226—
Method for Purification of DI-(2-ethylhexyl) Phosphoric Acid. Filed, Nov. 24, 1969, patented, Feb. 8, 1972, not available NTIS.

Patent-3 641 444—
Baseline Compensating Integrator. Filed, Sept. 1, 1970, patented, Feb. 8, 1972, not available NTIS.

Patent-3 641 454—
Electron Beam-Pumped Gas Laser System. Filed May 25, 1970, patented, Feb. 8, 1972, not available NTIS.

DEPARTMENT OF THE INTERIOR

Patent-3 696 866—
Method for Producing Retorting Channels in Shale Deposits. Filed, Jan. 27, 1971, patented, Oct. 10, 1972, not available NTIS.

Patent-3 698 924—
Saline Resistance Cementitious Binders. Filed, May 5, 1970, patented, Oct. 17, 1972, not available NTIS.

[FR Doc.72-22221 Filed 12-26-72;8:51 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

CITY COLLEGE OF THE CITY UNIVERSITY OF NEW YORK

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

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

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

Docket No. 72-00413-01-77040. Applicant: The City College of the City University of New York, Department of Chemistry, 138th Street, and Convent Avenue, New York, NY 10031. Article: Mass Spectrometer, Model MS 902S. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article is intended to be used for research in the following areas:

A. Structural studies:
(1) Products and intermediates in chemical reactions.
(2) Products and intermediates in enzymic reactions.
(3) Natural products:
(a) Terpenes, sterols, alkaloids, and steroids.
(b) Hormones.
(c) Amino acids and polypeptides.
(d) Lipids of all classes.
B. Analysis:
(1) Study of biosynthetic pathways with stable isotopes.
(2) Study of organic chemical reactions with stable isotopes.
(3) Study of mass spectral fragmentation patterns with stable isotopes.
(4) Composition of membranes.
(5) Identification of drugs and drug metabolites.
C. Reaction mechanisms:
(a) Mass spectral reaction mechanisms and the exploration of the relationship between photochemical and electron-impact induced processes.
(b) Study of the mechanism of metastable ion formation and the use of metastable ions in structure elucidation.

Some selected examples of current research requiring high resolution mass spectrometry are (1) tautomerization and dimerization studies, (2) hidden exchange of formyl hydrogens in strong aqueous acid, and (3) polyhalosulfolipids and phytoflagellates. The article is also intended to be used for educational purposes in conjunction with a basic laboratory course in research techniques in organic chemistry which is required of all graduate students majoring in organic chemistry. This course covers the theory, practice, and application of spectrometric methods to structure elucidation problems.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a guaranteed static resolution of 100,000 at 10 percent valley definition. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated July 14, 1972, that a guaranteed 100,000 static resolution at 10 percent valley is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no comparable domestic instruments which matches the pertinent characteristic of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72-22194 Filed 12-26-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE

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

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

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

Docket No. 73-00005-33-46040. Applicant: DHEW, PHS, ACOSH, ALFORD, 944 Chestnut Ridge Road, Morgantown, WV 26505. Article: Electron microscope, model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigations on biological constituents of the lung related to structural and pathological changes as they affect the psyiological integrity of this organ. Various aspects of tissue morphology when exposed to environmental dusts and various metabolities are to be studied.

The article will also be used in a course covering the general aspects of electron microscopy with emphasis on preparation and interpretation of results in conjunction with biochemical analysis.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the model EMU-4C electron miscroscope manufactured by the Forgflo Corp. The model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 27, 1972 that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the model EMU-4C electron miscroscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72-22193 Filed 12-26-72;8:49 am]

PENNSYLVANIA STATE UNIVERSITY

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

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

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

Docket Number: 72-00613-40-46040. Applicant: Pennsylvania State University, Department of Purchases, 219 Shields Building, University Park, Pa. 16802. Article: Electron microscope, model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in research programs in the study of metals, alloys, and ceramics. The types of phenomena which are to be studied are: (1) Effect of microstructural variation toughness and wear of hard metal, tool materials; (2) effect of production variables on high temperature properties of dispersion-strengthened composite materials; (3) microstructural variations during sintering of powder metal compacts; (4) precipitation and phase transformations in metals and alloys; (5) deformation substructure studies of materials; and (6) annealing phenomena in metals and ceramics. The article is also intended to be used in conjunction with undergraduate and graduate courses in materials science, mechanical properties of materials and fracture mechanics. These courses involved laboratory exercises and demonstrations in microstructures of metal alloys and ceramics, and diffraction methods.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the model EMU-4C electron microscope manufactured by the Forgflo Corp. The model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the National Bureau of Standards in its memorandum dated No-

vember 27, 1972, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72-22195 Filed 12-26-72;8:49 am]

UNIVERSITY OF WASHINGTON

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

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

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

Docket Number: 72-00559-33-54600. Applicant: University of Washington, Department of Genetics SJ-10, Seattle, Wash. 98195. Article: Optical Diffractometer system. Manufacturer: Polaron Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used to obtain optical diffraction patterns from electron micrographs of crystalline substances (ribosomes of chick embryos and bacteria, intranuclear crystals of mutant structural protein in yeast cells, microcrystals of lactate decarboxylase, and microcrystals of photosynthetic complexes from bacteria). These patterns will be analyzed to determine the structural parameters of the crystals. The article will also be used for instruction of the techniques used for the above research project and for instruction in the principles of optics and diffraction. The course involved is Genetics 584, "Genetic and Biochemical Analysis by Electron Microscopy."

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: For the applicant's use in identification of specific biological molecules within a complex matrix, the capability of analyzing electron micrographs for their periodic structures by subjecting them to optical diffraction and reconstruction of the filtered image is pertinent. The foreign article provides this pertinent capability. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 18, 1972, that it knows of no comparable domestic diffractometer system of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72-22196 Filed 12-26-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-72-247N]

BOATING SAFETY ADVISORY COUNCIL

Notice of Open Meeting

This is to give notice pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that the Boating Safety Advisory Council, U.S. Coast Guard, will conduct an open meeting on Tuesday and Wednesday, January 16 and 17, 1973, at Hotel Fontainebleau, Miami Beach, Fla., beginning 9 a.m. in the Voltaire Room.

The Boating Safety Advisory Council is a 21 member council authorized by section 33 of the Federal Boat Safety Act of 1971. The Council must be consulted by the Coast Guard in establishing a need for formulating and prescribing regulations which establish minimum safety standards for boats and associated equipment. In addition, the Coast Guard is required to consult with the Council on any other major boat safety matters related to the Act.

The agenda for the January 16 and 17 meeting consists of the following:

Discussion on the certification and defect notification program.—This existing program is being carried out under the provisions of the Federal Boat Safety Act of 1971 and the implementing regulations. Certification regulations require boat and associated equipment manufacturers to certify that their products meet the applicable Federal standards. The defect notification regulations set guidelines for the manufacturer to notify purchasers if it is found that a boat or associated equipment fails to comply with an applicable standard or regulation or contains a defect which creates a substantial risk of personal injury to the public.

Review of additional safety equipment carriage regulations.—These proposed regulations would require boats under 16 feet in length to carry a second means of propulsion such as a paddle or an oar. In addition, all boats would be required to have a dewatering device such as a scoop, bucket, bailer, or pump.

Review of additional correction of especially hazardous conditions regulations.—These proposed regulations would allow the Coast Guard to prohibit the use of recreational boats, when such use creates an especially hazardous condition, on waters of designated bars and inlets on the coast of Oregon and Washington during periods of adverse conditions. They would also prohibit manifestly unsafe craft of unusual or inadequate design from embarking on especially hazardous voyages.

Fire extinguishing equipment and backfire flame control regulations.—This agenda item principally concerns the removal of the fire extinguisher and the backfire flame control regulations for recreational vessels from Title 46 CFR Subchapter C (Uninspected Vessels) and placing them in Title 33 CFR Subchapter S (Boating Safety).

Discussion on the concept of possible "start-in-gear" and "steering control system" regulations.—There will be a presentation on start-in-gear and steering and control systems concerning the need and justification for possible Coast Guard regulations to reduce the number of accidents caused by starting-in-gear and steering loss casualties.

Inflatable boats.—There will be a presentation concerning the "state of the art" and possible direction for future standards for inflatable boats.

Distress signals.—There will be a presentation concerning the need and justification for possible regulations to require the carrying of distress signals. (This is in addition to the need for standards and technical specifications which was considered at the last meeting.)

Boating accidents and statistics.—There will be a review of accident reporting and a discussion on the status of Coast Guard management information system (MIS) statistics.

Any member of the public who wishes to do so, may file a written statement with the committee, before or after the meeting, or may present an oral statement with the advance approval of the chairman.

Interested persons may request additional information concerning the January 16 and 17 meeting and other matters relating to the Boating Safety Advisory Council (pursuant to the Federal Advisory Committee Act, section 10(b), dated October 6, 1972) from Capt. Forrest E. Stewart, Executive Director, Boating Safety Advisory Council, U.S. Coast Guard Headquarters (GBL/62), 400 Seventh Street SW., Washington, DC 20590 or by calling 202—426-1060.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

[FR Doc.72-22390 Filed 12-26-72;8:52 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On January 10, 1973, the National Motor Vehicle Safety Advisory Council will hold open meetings in the Detroit Hilton Hotel, 1539 Washington Boulevard, Detroit, MI. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The following meetings, subject to the approval of the Secretary of Transportation, will be held in the Detroit Hilton Hotel (in locations to be posted in the lobby of the hotel).

Consumer and Public Information Committee of the Council will meet from 9 a.m. to 12 noon on January 10 with the following agenda:

Review of consumer information program.

Council role in consumer information.

Media role in traffic safety and consumer information.

The crashworthiness committee will meet from 9 a.m. to 12 noon on January 10 with the following agenda:

Accident investigations of air bag equipped vehicles.

Mandatory seatbelt laws.

Future committee priorities.

New business.

The Accident Avoidance and Operating Systems Committee will meet from 9 a.m. to 12 noon on January 10 with the following agenda:

Visibility standards.

Braking standards.

Lighting standards.

New business.

The full Advisory Council will meet in regular session from 2 p.m. to 5 p.m. on January 10 with the following agenda:

Cincinnati air bag decision.

Plans for meeting with domestic auto manufacturers.

Report of crashworthiness committee.

Report of Accident Avoidance and Operating Systems Committee.

Report of consumer and public information committee.

New business.

This notice is given pursuant to section 13 of Executive Order 11671, June 5, 1972, and Executive Order 11686, October 7, 1972.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street SW., Washington, DC, telephone 202—426–2872.

Issued on: December 20, 1972.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.72–22207 Filed 12–26–72;8:52 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–254, 50–265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Amended Facility Operating Licenses

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued amended Facility Operating Licenses Nos. DPR–29 and DPR–30 to the Commonwealth Edison Co. and the Iowa-Illinois Gas and Electric Co. The amended licenses authorize the Commonwealth Edison Co. (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Co.) to operate Units 1 and 2 of the Quad-Cities Nuclear Power Station (both single-cycle, boiling water reactors and located in Rock Island County, Ill.) each at continuous power levels up to 2511 megawatts (thermal), full-power, in accordance with the technical specifications issued therewith. The licenses are effective as of the date of issuance and shall expire February 15, 2007. On August 15, 1972, the Commonwealth Edison Co. was authorized to operate the Quad-Cities Nuclear Power Station Units 1 and 2 each at steady state power levels up to 2260 megawatts (thermal), 90 percent of full power. This action was published in the FEDERAL REGISTER on August 24, 1972 (37 F.R. 17078).

The Director of Regulation has found that the application, as amended, for the full-power facility operating licenses complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I, and has made the remainder of the findings as set forth in the licenses and has concluded that the issuance of these licenses will not be inimical to the common defense and security or to the health and safety of the public.

Notice of AEC consideration of issuance of facility operating licenses for operation of each of the Quad-Cities Units 1 and 2 at 2511 megawatts (thermal), full-power, was published in the FEDERAL REGISTER on March 16, 1971 (36 F.R. 5008). However, licenses for full-power were not previously issued pending review of the additional environmental considerations required by the September 9, 1971, revision of Appendix D to 10 CFR Part 50 and the receipt of additional information from the Commonwealth Edison Co. relating to changes in the technical specifications for full-power operation. By letter dated November 1, 1971, and thereafter, the Commonwealth Edison Co. provided supplemental information to its November 12, 1970, environmental report as required by the revised Appendix D to 10 CFR Part 50. On March 9, 1972, the Commission's draft detailed statement on environmental considerations was published in the FEDERAL REGISTER (37 F.R. 5073), and thereafter on March 24, 1972, a supplementary notice of AEC consideration of issuance of facility operating licenses was published in the FEDERAL REGISTER (37 F.R. 6142). The supplementary notice provided 30 days for intervention on the environmental aspects of the operation of Quad-Cities Units 1 and 2. The Director of Regulation's final environmental statement was issued in September 1972 (noticed in the FEDERAL REGISTER on September 13, 1972—37 F.R. 18579). The additional information regarding the technical specifications required of the Commonwealth Edison Co. has been received and found to be acceptable by the Commission's regulatory staff.

No request for a hearing by the applicants or petition for leave to intervene by any interested person have been filed following publication of the notice of consideration of issuance of facility operating licenses on March 16, 1971, and the publication of the supplementary notice thereby permitting the licensing actions for full-power operation that are herein being noticed.

For further information concerning these actions, see copies of the above-referenced and following items which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and at the Moline Public Library at 504 17th Street, Moline, IL 61265: (1) Amendment No. 5 to Facility Operating License No. DPR–29 and Amendment No. 3 to Facility Operating License No. DPR–30, (2) Change No. 4 to the technical specifications (a reissuance of the technical specifications in their entirety) concurrently issued as part of Amendments 5 and 3, (3) Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.'s application for full-power licenses dated August 30, 1968, as amended, (4) the Director of Regulation's safety evaluation for the Quad-Cities Units 1 and 2 dated August 25, 1971, (5) the report of the Advisory Committee on reactor safeguards dated March 9, 1971, (6) the Commission's draft detailed statement of environmental considerations dated March 6, 1972, and Addendum I thereto issued June 1972, and (7) the Director of Regulation's final environmental statement dated September 1972. A copy of each of items (1), (2), and (7) may be obtained, as supply lasts, upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 14th day of December 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-22109 Filed 12-26-72;8:47 am]

[Docket Nos. 50-416, 50-417]

MISSISSIPPI POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility Licenses; Time for Submission of Views on Antitrust Matter

Mississippi Power and Light Co., 308 East Pearl Street, Jackson, MS 39201, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated November 17, 1972, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Claiborne County, Miss. The proposed site consists of 2,300 acres and is located on the east bank of the Mississippi River, approximately 25 miles south of Vicksburg, Miss., and 37 miles north of Natchez, Miss.

Each unit of the proposed facility, designated by the applicant as the Grand Gulf Nuclear Station, Units 1 and 2, is designed for initial operation at approximately 3,833 megawatts (thermal) with a net electrical output of approximately 1,313 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after December 5, 1972.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the Harriet Person Memorial Library, Municipal Building, Point Gibson, Miss. 39150.

Dated at Bethesda, Md., this 30th day of November 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Directorate of Licensing.

[FR Doc.72-20939 Filed 12-5-72;8:45 am]

[Docket No. 50-323]

PACIFIC GAS & ELECTRIC CO.

Notice of Hearing

In the matter of Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant Unit 2).

The Pacific Gas & Electric Co. (the licensee) is the holder of Construction Permit No. CPPR-69 (the Construction Permit), issued by the Atomic Energy Commission on December 9, 1970. The Construction Permit authorizes the licensee to construct a pressurized water nuclear reactor, designated as the Diablo Canyon Nuclear Power Plant Unit 2, at the licensee's site in San Luis Obispo County, California. The reactor is designed for initial operation at approximately 3,250 megawatts (thermal).

The facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970–September 9, 1971. Notice is hereby given, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Part 2, "Rules of Practice," and Appendix D to 10 CFR Part 50, "Implementation of the National Environmental Policy Act of 1969," that a hearing will be held in the captioned proceeding by an Atomic Safety and Licensing Board (Board) at a time and place to be fixed by subsequent order of the Board to consider and make determinations on the matters set forth below:

1. In the event that this proceeding is not a contested proceeding as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the Board will, without conducting a de novo evaluation of the application, determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

2. In the event that this proceeding is a contested proceeding, the Board will decide any matters in controversy among the parties within the scope of Appendix D to 10 CFR Part 50, with regard to whether, in accordance with the requirements of Appendix D to 10 CFR Part 50, the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

3. Regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (a) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D to 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; and (c) determine, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, whether the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

The Board will be designated by the Atomic Energy Commission. Notice as to its membership will be published in the FEDERAL REGISTER. Within thirty (30) days from the date of publication of this present notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2.

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

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

Any person who does not wish to, or is not qualified to become a party to this proceeding concerning continuation, modification, termination, or conditioning the construction permit may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commis-

sion, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

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

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

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

In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such other time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

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

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

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

For further details pertinent to the matters under consideration, see the licensee's environmental report dated August 9, 1971, as supplemented on November 9, 1971 and July 28, 1972, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, between the hours of 8:30 a.m. and 5 p.m. Monday through Friday, and at the San Luis Obispo County Free Library, 1354 Bishop Street, San Luis Obispo, CA, between the hours of 8 a.m. and 5 p.m. Monday through Friday. As they become available, the following documents also will be available at the above locations:

(1) The Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (2) the Commission's final detailed statement on environmental consideration. Copies of item (2), when available, may be obtained by request to Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

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

Dated at Germantown, Md., this 19th day of December 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary.

[FR Doc.72-22067 Filed 12-26-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Announcing Further Public Hearings

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Station Unit No. 2).

A further session of evidentiary hearings in this proceeding will be convened in Washington, D.C., on January 10, 1973.

Inquiry was made at public hearings held on December 5 and 6, 1972, at the Springvale Inn, Croton-on-Hudson, N.Y., concerning the advisability and convenience of all the parties to the proceeding respecting a possible transfer of the hearings from Croton-on-Hudson to Washington, D.C. All parties agreed to the advisability and convenience of such a transfer, except the applicant, which objected upon the ground that some members of the public might prefer that the hearings, though not attended by more than one or two persons other than those associated with the parties, be continued in Croton-on-Hudson. Both the Hudson River Fishermen's Association (HRFA) and the Regulatory Staff of the Commission (Staff) expressed the view that there would be advantages in the transfer of hearings to Washington. HRFA added that while only two or three members of the public were occasionally attending, the public retained an intense interest in the outcome of the proceedings, even though the evidence was technical in nature. The Staff mentioned the difficulties of schedules for eight or nine Commission witnesses and the extremely heavy regulatory workload.

The Atomic Safety and Licensing Board concluded that in the interests of avoidance of extra expense to the Government, and in order to aid in the expedition of the proceeding, the public hearings should convene in Washington, D.C., and by Order entered upon the transcript of the proceedings, and thereby public notice was given, one session of hearings was convened December 12 through 15, 1972 in Washington, D.C. At the session on December 15, public announcement was also made that further sessions would convene on January 10, 1973 in Washington, D.C., and in the interval between these latter sessions, there is time for additional public announcement, this Order can be mailed to persons who have requested notices regarding hearings. It may be noted that in view of the special request by the Applicant that the Atomic Safety and Licensing Board and the parties to the proceeding view the water intake and discharge structures and related apparatus, a concluding session of public hearings may be held at Croton-on-Hudson on a date later to be designated and as to which, an Order will be issued and distributed to the public.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, and also in accordance with the announcement made at the public hearing which was in session on December 15, 1972, a further session of public hearings shall convene at 9 a.m. on Wednesday, January 10, 1973 in Room 532 in the Federal Trade Commission, Pennsylvania Avenue at 6th Street NW., Washington, D.C. 20580.

Issued: December 21, 1972 in Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-22219 Filed 12-26-72;8:51 am]

[Docket No. 50-366A]

GEORGIA POWER CO.

Change Notice for Prehearing Conference

In the Matter of Georgia Power Co., (Edwin I. Hatch Nuclear Plant 2).

By reason of the unavailability of the hearing room previously scheduled, It is ordered that the hearing previously noticed, 37 F.R. 26458, will take place at 9 a.m., January 9, 1973 in room 720, Vanguard Building, 1111 20th Street NW., Washington, DC.

Issued at Washington, D.C. this 21st day of December 1972.

By order of the Atomic Safety and Licensing Board.

WALTER K. BENNETT,
Chairman.

[FR Doc.72-22218 Filed 12-26-72;8:51 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, licensing of production and utilization facilities, and Part 2, rules of practice, notice is hereby given that, subject to conditions set forth in a Commission Memorandum and Order dated December 19, 1972, a hearing will be held on the boiling water reactor identified as the Monticello Nuclear Generating Plant, Unit 1 (the facility) of the Northern States Power Company (applicant). The hearing will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Licensing Board) designated herein, to begin in the vicinity of the facility in Wright and Sherburne Counties, Minn. Operation of the facility is presently authorized by Provisional Operating License No. DPR-22, issued by the Atomic Energy Commission on September 8, 1970. The hearing will consider (1) whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional operating license should be continued, modified, terminated or appropriately conditioned to protect environmental values, and (2) whether, in accordance with the requirements in the Commission's regulations implementing NEPA in 10 CFR Part 50, Appendix D, a full-term operating license should issue.

The Licensing Board shall consist of Robert Lazo, Esq. (Chairman), Dr. John C. Geyer, and Dr. Warren E. Nyer. Dr. Walter H. Jordan has been designated as a technically qualified alternate, and Edward Luton, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

A notice of opportunity for hearing on the conversion of the provisional operating license for the facility was published in the FEDERAL REGISTER on August 25, 1972 (37 F.R. 17231). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice". Petitions for leave to intervene were thereafter filed by the Minnesota Environmental Control Citizen's Association (including individual members), the Minnesota Pollution Control Agency, the city of St. Paul, Minn., and Steve J. Gadler. The Commission has determined, as set out in its memorandum and order dated December 19, 1972, that all petitions to intervene will be granted and a public hearing held. This hearing will be consolidated with the hearing contemplated by 10 CFR Part 50, section E, that was directed to be held by the Commission's memorandum and order dated May 3, 1972.

A prehearing conference or conferences will be held by the Licensing Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the consolidated hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the consolidated hearing will be published in the FEDERAL REGISTER.

The specific issues to be considered at the consolidated hearing will be determined by the Board in accordance with the cited Commission's memorandum and orders.

The instant facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures for environmental review of certain licenses to construct or operate production or utilization facilities issued in the period January 1, 1970, to September 9, 1971; and to the provisions of section E of said Appendix D.

For further details pertinent to the operating license under consideration, see the application for conversion of the provisional operating license dated June 15, 1972, as amended, the applicant's environmental report dated November 3, 1971, the supplement and errata thereto dated April 14, 1972, and May 2, 1972, respectively, the report of the Advisory Committee on Reactor Safeguards on the application for a full-term operating license for the Monticello Nuclear Generating Plant, dated October 19, 1972, and the regulatory staff's final detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, issued in November of 1972. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, and at the Environmental Resource Center, Minneapolis Public Library, 1222 Southeast Fourth Street, Minneapolis, MN 55414. The Safety Evaluation prepared by the Directorate of Licensing and the proposed full-term operating license will similarly be available for public inspection when they are issued.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

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

Pending further order of the Licensing Board, parties are required to file pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 19th day of December 1972.

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

[FR Doc.72-22216 Filed 12-26-72;8:50 am]

REGULATORY GUIDES

Notice of Development of New Guide Series

A new series of guides entitled "Regulatory Guides" has been developed by the Atomic Energy Commission's regulatory staff to augment the guidance given to applicants and licensees in regulations. The primary purposes of Regulatory Guides are: (1) To describe and make available methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and in some cases to delineate techniques used by the staff in evaluating specific problems or postulated accidents, and (2) to provide guidance to applicants concerning certain of the information needed by the regulatory staff in its review of applications for permits and licenses. Regulatory Guides are not intended as substitutes for regulations, and therefore compliance with these guides is not required. Methods and solutions different from those set out in the guides will be acceptable if they provide a basis for the findings requisite to the issuance of a permit or license by the Commission.

The Regulatory Guide series is an expansion of the series entitled "Safety Guides for Water-Cooled Nuclear Power Plants." This new series encompasses the areas covered by all existing guides issued by the regulatory staff and will eventually include guides dealing with all types of production and utilization facilities, environmental and siting mat-

ters, protection and accountability of special nuclear materials, radiation protection, products containing radioactive materials, fabrication and reprocessing of nuclear fuels, and antitrust matters. The Regulatory Guide series will be organized as follows:

Division 1—Power reactor guides.
Div. 2—Research and test reactor guides.
Div. 3—Fuels and materials facilities guides.
Div. 4—Environmental and siting guides.
Div. 5—Materials and plant protection guides.
Div. 6—Product guides.
Div. 7—Transportation guides.
Div. 8—Occupational health guides.
Div. 9—Antitrust review guides.
Div. 10—General guides.

Published Regulatory Guides will be revised periodically, as appropriate, to accommodate comments and to reflect new information or experience in areas covered by the guides. Some Regulatory Guides will be converted into regulations after experience with their use is accumulated. Others not appropriate for conversion into regulations will continue to be used as guides.

Safety and Information Guides and other guides previously issued by the regulatory staff will be reissued as Regulatory Guides as they are revised. Guides currently under development by the regulatory staff, including Safety and Information Guides, will be issued as Regulatory Guides and will be distributed as they are completed to members of the public requesting them. Regulatory Guides presently under development include the following:

Division 1—Power Reactor Guides

*Operating Status Indication for Nuclear Power Plant Safety Systems.
*Availability of Electric Power Sources.
*Preoperational Testing of Redundant Onsite Electric Power Sources to Verify Proper Load Group Assignments.
*Qualification Tests of Continuous-Duty Motors Installed Inside the Containment of Nuclear Power Plants.
*Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
*Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
*Physical Independence of Safety Related Electric Systems.
*Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
*Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.
*Assumptions Needed for Evaluating a Control Rod Drop Accident for Boiling Water Reactors.
*Quality Assurance Requirements for Cleaning of Fluid Systems and Associated Components of Nuclear Power Plants.
*Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Nuclear Power Plants.
*Housekeeping Requirements of Nuclear Power Plants.
*Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants.
*Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
*Design Basis Floods for Nuclear Power Plants.
*Design Phase Quality Assurance Requirements for Nuclear Power Plants.
*Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants.
*Fire Protection Criteria for Nuclear Power Plants.
*Protective Coatings for Nuclear Reactor Containment Facilities.
*Quality Assurance for Protective Coatings Applied to Nuclear Power Plants.
*Application of the Single Failure Criteria to Nuclear Power Generating Station Protective Systems.
* Protection Against Pipe Whip Inside Containment.
*Additional Material Requirements for Bolting.
*Inservice Surveillance of Ungrouted Prestressing Tendons.
*Inservice Surveillance of Grouted Prestressing Tendons.
*Stainless Steel Overlay Welding.
*Control of Electroslag Welding.
*Design Loading Combinations for Fluid System Components.
*Design Loading Combinations for Primary Metal Containment Systems.
*Reactor Coolant Pressure Boundary Leak Detection System.
*Requirements for Thermal Insulation Used with Stainless Steel.
*Concrete Placement in Category I Structures.
*Control of Sensitized Stainless Steel.
*Design Spectra for Seismic Design of Nuclear Power Stations.
*Seismic Input Motion to Uncoupled Structural Model.
*Control of Preheat Temperature for Low Alloy Steel Welding.
*Rules for Inservice Inspection of Class 3 and Class C Nuclear Power Plant Components.
*Primary Reactor Containment (Concrete) Design and Analysis.

Division 2—Research and Test Reactor Guides

*Development of Safety Envelopes for Experiments in Research Reactors.

Division 3—Fuels and Materials Facilities Guides

*Use of Borosilicate-Glass Raschig Rings as a Neutron Absorber in Solutions of Fissile Material.
*Nuclear Criticality Safety in Operations with Fissionable Materials Outside Reactors.
*Seismic Design Classification—Plutonium Fuel Fabrication Plants.
*Efficiency Testing of Air-Cleaning Systems Containing Devices for Removal of Particles.
*General Design, Maintenance, Stabilization and Long-Term Control Criteria for Uranuim Mill Waste Retention Systems.
*Quality Assurance Program Requirements for Fuel Reprocessing Plants.
*Criteria for Stabilization and Long-Term Care of UF_6 Plant Raffinate Basins.
*Monitoring of Combustible Gases and Vapors in Plutonium Processing and Fuel Fabrication Plants.
*Fire Protection Standards for Plutonium Fabrication Plants.
*Ventilation Systems Criteria for Refabrication Plants.
*Guide to Preparation of Plutonium Processing and Fuel Fabrication Plant Licensing Information.
*Guide to the Preparation of Environmental Reports for Uranium Mills.
*Guide to the Contents of Applications for Uranium Mill Licenses.
*Guide to the Contents of Technical Specifications for Fuel Reprocessing.
*Instrumentation for Earthquakes for Plutonium Fabrication Plants.

Division 4—Environmental and Siting Guides

*Measuring and Reporting of Radioactivity in the Environs of Nuclear Power Plants.
*Guide for Standardized Procedures for Analyses of Radioactivity in Environmental Samples (Pu).
*Guide for Standardized Procedures for Analyses of Radioactivity in Environmental Samples (I^{129}, I^{131}).

Division 5—Materials and Plant Protection Guides

*Serial Numbering of Fuel Assemblies for Light-Water-Cooled Nuclear Power Reactors.
*Classification of Unirradiated Plutonium and Uranium Scrap.
*Nuclear Material Control Systems and Procedures for Conversion Facilities.
*Statistical Terminology and Notation Guide for Nuclear Materials Management.
*Analytical Standards for the Measurement of Uranium Tetrafluoride (UF_4) and Uranium Hexafluoride (UF_6).
*Standard Methods for Chemical, Mass Spectrometric and Spectrochemical Analysis of Nuclear Grade Uranium Dioxide Powders and Pellets.
*Standard Methods for Chemical, Mass Spectrometric and Spectrochemical Analysis of Nuclear Grade Plutonium Dioxide Powders and Pellets.

Division 6—Product Guides

*Production of Sterile and Pyrogen-Free Radiopharmaceuticals.
*Classification of Sealed Radioactive Sources.
*Classification and Testing of Self-Luminous Sources and Devices.
*Safety Standards for Neutron Radiography.
*Use of Microcuries for Radioactivity Units of Radiopharmaceuticals.
*Radiation Measurements on Self-Luminous Products.
*Safety Standards for Installations Using Sealed Gamma Ray Sources, Energies up to 10 Mev.
*Quality Assurance for Sealed Source Devices.

Division 7—Transportation Guides

*Design of Irradiated Fuel Casks.
*Quality Assurance for Packaging.
*Tie Down Equipment.
*Packaging of Radioactive Wastes.
*Leak Testing of Packages for Transportation.
*Shipment of Biological Material Containing Radioactive Material.
*Shipment of Contaminated Objects.

Division 8—Occupational Health Guides

*Performance Specifications for Direct Reading and Indirect Reading Pocket Dosimeters for X- and Gama Radiation.
*Radiation Symbol.
*Administrative Practices in Radiation Monitoring.
*Fissile Material Symbol.
*Film Badge Performance Criteria.
*Bioassay-Section I, Programmatic Guidance.
*Bioassay-Section II, Applications Guidance for Uranium.

Division 9—Antitrust Review Guides

None.

Division 10—General Guides

None.

Each issuance of guides will be accompanied by a public announcement and a Federal Register notice encouraging comments and suggestions for improvement in the guides. These comments and suggestions should be sent to the Secretary of the Commission, U.S.

Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. As they are published, copies of guides may be obtained by request specifying the guides or divisions of guides desired to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 20th day of December 1972.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.72-22217 Filed 12-26-72;8:50 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Notice and Order for Prehearing Conference; Rescheduling of Conference

In the matter of Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. (Kewaunee Nuclear Power Plant).

Take notice, that at the instance of the parties in this proceeding, 37 F.R. 23122, a Second Prehearing Conference scheduled for January 3, 1973, in Washington, D.C., is herewith cancelled. The said Prehearing Conference shall be rescheduled and reconvened on January 10, 1973, at 9:30 a.m., local time, in the Vanguard Building (Department of Labor), 1111 20th Street NW., Suite 720, Washington, D.C. 20210.

It is so ordered.

Issued at Washington, D.C., this 21st day of December 1972.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.72-22220 Filed 12-26-72;8:51am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 5791]

OREGON

Opening of Lands; Correction

DECEMBER 18, 1972.

1. In F.R. Doc. 72-20824 appearing on page 25860 of the issue for Tuesday, December 4, 1972, the following change should be made in the land description:

WILLAMETTE MERIDIAN, OREGON

T. 4 N., R. 38 E., sec. 7, SE¼SW¼N½SE¼

should read:

T. 4 N., R. 38 E., sec. 7, SE¼SW¼, NE¼SE¼.

IRVING W. ANDERSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-22156 Filed 12-26-72;8:46 am]

National Park Service

JOHN MUIR NATIONAL HISTORIC SITE, CALIFORNIA

Establishment

The act of August 31, 1964 (78 Stat. 753; 16 U.S.C. 461, note), authorized the Secretary of the Interior to acquire, for purposes of the John Muir National Historic Site, the land, improvements, thereon, and interests therein, within a described area and provided that the property so acquired shall be designated and set aside as a public national memorial to John Muir.

Notice is given that the property described in the aforesaid act has been acquired. Such property is hereby designated and set aside as a public national memorial to John Muir in recognition of his efforts as a conservationist and a crusader for national parks and reservations.

The area so designated and recognized is depicted on boundary survey drawing No. NHS-JM/3013-A, dated April 27, 1967, which drawing is on file in the administrative office of the John Muir National Historic Site and in the offices of the National Park Service, Department of the Interior, Washington, D.C.

Dated: December 17, 1972.

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

[FR Doc.72-22154 Filed 12-26-72;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council from December 11 through December 15, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388-7803.

SOIL CONSERVATION SERVICE

Final, December 4

Cornudas, North, and Culp Drews Watershed, Texas and New Mexico. The statement refers to a watershed project which will involve land treatment measures and the construction of three floodwater retarding structures. The project is intended to: reduce erosion and runoff; reduce waste of irrigation water; reduce floodwater damages by 84 percent on 14,173 acres, and provide flood protection to Dell City. Approximately 1,315 acres of range, some of which will be inundated, will be committed to the project. (55 pages) Comments made by: EPA, DOC, HEW, DOI, and COE (ELR Order No. 05708) (NTIS Order No. EIS 72 5708-F)

Final, December 6

Hitson, C and L, and Washburn Draws Watershed, Texas, County: Hudspeth. The statement refers to a watershed project which would include land treatment measures, one floodwater retarding structure, two multiple-purpose structures, and 25,150 feet of diversions. The project is intended to: reduce erosion and runoff; improve big game habitat; reduce floodwater damages; reduce sediment deposition; protect Dell City from flooding. Approximately 449 acres of creosote-brush covered quail habitat and 175 acres of cattle and wildlife range will be damaged, some of it by inundation. (46 pages) Comments made by: COE, DOC, EPA, HEW, DOI, State and local agencies (ELR Order No. 05719) (NTIS Order No. EIS 72 5719-F)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973-5391.

For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202—973-7373.

Draft, December 12

Diablo Canyon Units 1 and 2, California. The statement refers to the proposed continuation of construction permits and issuance of operating licenses to the Pacific Gas and Electric Co. for the two-unit station, which is located on the California coast 12 miles southwest of San Luis Obispo. Each unit will employ a pressurized water reactor of 3,568 MWT and 1,150 MWE. Cooling will be by a once-through flow of water from the Pacific Ocean. The station will occupy a 750-acre exclusion area; construction of transmission lines has affected 6,000 acres of right-of-way; service roads and tower bases occupy 1,500 acres. Thermal discharge will affect marine life, and may result in conditions favoring the giant sea urchin over the abalone. (394 pages) (ELR Order No. 05758) (NTIS Order No. EIS 72 5758-D)

Draft, December 15

Oak Ridge Consolidated Industrial Park, Tenn. The statement refers to the proposed issuance of a full-term (5 year) special Nuclear Materials License to U.S. Nuclear, Inc., for the operation of a fuel element fabrication plant. The facility will have on site at any given time a maximum of 100 kg. of U-235. Only unirradiated uranium will be processed. There will be discharge of small quantities of chemicals and uranium to the nearby environs. (64 pages) (ELR Order No. 05782) (NTIS Order No. EIS 72 5782-D)

Humeco Uranium Mill, Utah, County: San Juan. The statement refers to the proposed issuance of a license for the operation of the Humeca Uranium Mill. The mill is a conventional carbonate-leach uranium ore refining plant with a capacity of 500 tons of ore per day. Although the action does not extend to mining, the statement considers the impact from the entire mining and milling operation to be conducted by Rio Algom. Operations over the next 10 years will involve the removal of 8.4 million pounds of uranium concentrates; the removal and diversion of 100 g.p.m. of ground water, the creation of a stabilized tailings pile covering 45 acres, and the discharge of small quantities of chemicals and radioactive materials into the local environs. (60 pages) (ELR Order No. 05783) (NTIS Order No. EIS 72 5783-D)

Draft, December 12

North Anna Power Station, Units 1–4, Virginia, County: Louisa. The statement refers to the proposed issuance to the Virginia Electric & Power Co. of operating licenses for Units 1 and 2 and construction permits for Units 3 and 4. The four units will employ pressurized water reactors to produce total power outputs of 11,294 MWT and 3,709 MWE (net). Cooling water will be drawn from a lake developed by the applicant. A total of 18,643 acres, much of it forest, have been committed to the station; 3,675 acres will be used for transmission line right-of-way. The AEC staff concludes that operation of all four units with the existing cooling system would be detrimental to lake productivity. Modifications can be adopted which would minimize the incremental adverse affects of Units 3 and 4. (312 pages) (ELR Order No. 05762) (NTIS Order No. EIS 72 5762–D)

Final, December 12

Midwest Fuel Recovery Plant, Illinois, County: Grundy. The statement refers to the proposed issuance of an operating permit to the General Electric Co. for the operation of the Midwest Fuel Recovery Plant. The plant, with a capacity of 300 tons of enriched uranium oxide fuel per year, will recover uranium, plutonium, and neptunium from irradiated nuclear fuels. There is potential for detrimental effects from released fluoride; this will require monthly testing. (179 pages) Comments made by: USDA, DOC, COE, EPA, FPC, HEW, HUD, DOI, DOT, one State agency, and one concerned citizen. (ELR Order No. 05769) (NTIS Order No. EIS 72 5769–F)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202—967–4335.

Draft, December 8

Grand Portage Chippewa Reservation, Minnesota, County: Cook. The statement refers to the proposed development of a motel and camping facility by the Grand Portage Band of the Chippewa. The facilities would include a 100-unit motel, a restaurant, camp grounds and a trailer court, primitive campsites, and related works. Approximately 55 acres of wildlife habitat would be committed to the project. The existing sewage system, inadequate for such an operation, will need to be altered. (64 pages) (ELR Order No. 05747) (NTIS Order No. EIS 72 5747–D)

Final, December 12

Marine Resource Facility, North Carolina, County: Carteret. The proposed project involves the construction of a single building, parking lots, and access road, a pier and boat basin, a septic system, and related facilities. Several acres of maritime forest will be committed to the action. (49 pages) Comments made by: EPA, HUD, State and regional agencies and concerned citizens. (ELR Order No. 05770) (NTIS Order No. EIS 72 5770–F)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693–7168.

Draft, December 15

Lake Okeechobee, Fla. The statement refers to the proposed raising of the lake level from its current schedule of 13.5 to 15.5 feet mean sea level an additional 2 feet to a variance of 15.5 to 17.5 feet mean sea level. Storage capacity of the lake will thus be increased by 1 million acre-feet. The additional water will be used to supply all project purposes, including the Everglades National Park. Approximately 14,000 acres will be inundated, including agricultural land and major recreation facilities. (This statement is the first of a series of four for the central and southern Florida project.) (80 pages) (ELR Order No. 05779) (NTIS Order No. EIS 72 5779–D)

Draft, December 1

Kaimu Beach, Hawaii. The statement refers to the proposed replenishment of the beach and the construction of an offshore breakwater to protect the replenished beach. The breakwater will disrupt waves suitable for surfing. Construction activity will adversely affect marine biota. (24 pages) (ELR Order No. 05704) (NTIS Order No. EIS 72 5704–D)

Draft, December 8

Darby Creek-Cobbs Creek Watershed, Pennsylvania, County: Delaware. The statement refers to a proposed flood control project which would involve the construction of levees, floodwalls, channel works, a detention basin, and related facilities. The amount of land to be committed to the project is not specified. (56 pages) (ELR Order No. 05746) (NTIS Order No. EIS 72 5746–D)

Draft, December 12

York and Pamunkey Rivers, Va., County: York. The statement refers to the proposed dredging of the channel of the York River from Chesapeake Bay to the American Oil Co. marine terminal, in order to improve navigation. Approximately 20 million cubic yards of spoil will be dredged; the material may not meet existing criteria for open-water disposal in the Atlantic Ocean, as planned. Marine biota will be adversely affected by dredging and dumping, with possible effects upon commercial fishing. Increased traffic on the river, especially by larger ships, may measurably change the water quality of the river system. Deepening of the estuary bottom may cause changes in salt water intrusion with resulting effects to the ground water supply. (102 pages) (ELR Order No. 05765) (NTIS Order No. EIS 72 5765–D)

Draft, December 14

Water Intake, city of Chesapeake, Va. The proposed action is the construction of a water-intake and pump station on the north bank of the Northwest River. The water would supply the future domestic and industrial needs of the city of Chesapeake. The project will affect the interstate waters of Virginia and North Carolina. Impacts will include the denudation of 1 acre of scenic lowland; the destruction of benthic organisms; and the removal of part of the total freshwater input into an estuarine complex. (36 pages) (ELR Order No. 05772) (NTIS Order No. EIS 72 5772–D)

DEPARTMENT OF HEW

Contact: Mr. Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062 HEWN, Washington, D.C. 20202, 202—962–2241.

Draft, December 5

Community Health Facility, Nevada, County: Elko. The statement refers to the proposed construction of a replacement hospital at Owyhee, on the Duck Valley Shoshone-Paiute Indian Reservation. The new facility will provide major curative and preventative health programs planned to meet the needs of 2,000 people. The present facilities are considered inadequate. Temporary adverse effects will result from construction activities. (86 pages) (ELR Order No. 05715) (NTIS Order No. EIS 72 5715–D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343–3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft, December 14

Proposed Semidi Wilderness Area, Alaska. The statement refers to the proposed legislative designation of 256,422 acres of the Semidi National Wildlife Refuge as wilderness within the National Wilderness Preservation System. The action would result in the protection of the insular ecosystem in its natural state. (29 pages) (ELR Order No. 05773) (NTIS Order No. EIS 72 5773–D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426–4355.

FEDERAL HIGHWAY ADMINISTRATION

Draft, December 15

New Jersey Route 15 Freeway, New Jersey, County: Sussex. The statement considers three alternate routes for the construction of a 6.5-mile segment of the Route 15 Freeway. The project is proposed as a four-lane limited access highway. Approximately 380 acres of rural land will be committed to right-of-way; two businesses and nine families will be displaced. The Paulins Kill River will be adversely affected. (58 pages) (ELR Order No. 05781) (NTIS Order No. EIS 72 5781–D)

Final, December 8

S.R. 365, County: Pulaski. The proposed project is the construction of a four-lane, divided highway on S.R. 365. Length is 7.4 miles. Depending upon the alternate chosen, possibly 35 families, three businesses, two churches, and a private hunting club would be displaced. Adverse effects will include increased noise and air pollution, and loss of wildlife habitat. (27 pages) Comments made by: USDA, DOI, EPA, HEW, HUD, OEO, and State agencies (ELR Order No. 05736) (NTIS Order No. EIS 72 5736–F)

Final, December 12

Talladega Scenic Drive, Alabama, County: Celeburne. The proposed project continues the southward construction of the Talladega Scenic Drive. Project length is 2.67 miles. Adverse effects include soil erosion during and after construction and acquisition of approximately 63 acres of undeveloped mountainous woodlands. Section 4(f) land from the Cheaha State Park will be encroached upon. (71 pages) Comments made by: USDA, AEC, COE, EPA, HUD, DOI, and DOT (ELR Order No 05755) (NTIS Order No. EIS 72 5755–F)

Vancouver Freeway (I–5), Washington, County: Clark. The project proposes six-laning a section of an existing four-lane freeway, updating the interchanges and providing for a wider median. Project length is 2.5 miles. Seven businesses, 150 single-family residences, one motel, one apartment house, and one fraternal organization will be displaced. Section 4(f) determinations for encroachment on Marshall and Leverich City Parks have been filed. (43 pages) Comments made by: COE, EPA, State and local agencies (ELR Order No. 05754) (NTIS Order No. EIS 72 5754–F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.72-22152 Filed 12-26-72;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

[Dockets Nos. 63 etc.]

CANCELLATION OF REGISTRATION OF PESTICIDE DDT

Notice of Hearing

Notice is hereby given, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.), as amended by the Federal Environmental Pesticide Control Act of 1972 (Public Law 92-516; 86 Stat. 973), that a public hearing session in the consolidated DDT proceedings involving the cancellation of a registration of Crop King Co., Yakima, Wash., of a pesticide containing DDT will be held on January 16, 1973, beginning at 9:30 a.m., local time, in Room 11G, Eleventh Floor, Park Place Building, 1200 Sixth Avenue, Seattle, WA.

Notice is also hereby given that a hearing session in these proceedings previously set for January 9, 1973, in Washington, D.C. (37 F.R. 24782) is postponed to a time soon after the completion of the Seattle, Wash., hearing session.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Waterside Mall, 401 M Street, SW., Washington, DC.

WILLIAM D. RUCKELSHAUS,
Administrator.

DECEMBER 21, 1972.

[FR Doc.72-22213 Filed 12-26-72;8:52 am]

UNIROYAL CHEMICAL

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1318) has been filed by Uniroyal Chemical, division of Uniroyal, Inc., Bethany, Conn. 06525, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl-1,4-oxathiin-4-oxide, (calculated as carboxin) in or on the raw agricultural commodities forages of barley, oats, and wheat at 0.5 part per million; seed and straw of barley and oats, corn fodder and forage, and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.2 part per million.

The analytical method proposed in the petition for determining combined residues of the fungicide and its metabolite is a technique in which caustic digestion cleaves aniline from the fungicide. The aniline is then removed by steam distillation and determined by a microcoulometric gas chromatographic procedure using a nitrogen detector.

Dated: December 19, 1972.

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

[FR Doc.72-22211 Filed 12-26-72;8:50 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

DECEMBER 19, 1972.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

2. *Membership.* An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Dr. Henry J. Ramey, Jr., Professor, Petroleum Engineering Department, Stanford University.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22181 Filed 12-26-72;8:48 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Order Designating Additional Member

DECEMBER 19, 1972.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Power Supply.

2. *Membership.* An additional member to the Technical Advisory Committee on Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Dr. Cavel Otte, Manager, Geothermal Division, Union Oil Co.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22182 Filed 12-26-72;8:48 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY TASK FORCE

Establishment, Forecast Review and Designation of Initial Membership and Chairmanship

DECEMBER 19, 1972.

The Federal Power Commission hereby determines that the establishment of the National Power Survey Technical Advisory Committee on Power Supply Task Force—Forecast Review, as identified hereinafter, is in the public interest and necessary and appropriate for the purposes of the Federal Power Act, 16 U.S.C. 791(a) et seq., and the Commission establishes this task force in accordance with the provisions of the Commission's order issued June 29, 1972, 37 F.R. 13380—Order authorizing the establishment of National Power Survey Advisory Committees and prescribing procedures, the Commission's order issued September 28, 1972, 37 F.R. 20999—Order establishing National Power Survey Technical Advisory Committees and designating initial membership and chairmenship—and the provisions of this order.

1. *Purpose.* The purposes of the National Power Survey Technical Advisory Committee on Power Supply Task Force—Forecast Review is to gather, review and compare various electric demand and energy forecasts which may be related to the national requirements in the time frame under assessment in the National Power Survey, and to present to the Technical Advisory Committee on Power Supply: (1) Interim reports and assessments as may be useful to the National Power Survey Technical Advisory Committee; (2) recommendations as to the extension of electric demand and energy forecasts beyond the minimum requirement of 20 years, and; (3) a final report containing a recommended electric demand and energy forecast which may be useful in the survey, and an evaluation of the probabilistic accuracy of said forecast. The National Power Survey Task Force established herein is organizationally subordinate to the National Power Survey Technical Advisory Committee on Power Supply.

2. *Membership.* The chairman, coordinating representative, secretaries, and members of the National Power Survey Technical Advisory Committee on Power Supply Task Force—Forecast Review established herein, as selected by the Chairman of the Commission, with the approval of the Commission, are designated below.

3. *Selection of future committee members.* All future National Power Survey Task Force members and persons designated to act as committee chairmen, coordinating representatives, and secretaries, shall be selected and designated by the Chairman of the Commission, with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the Commission order issued June 29, 1972, are hereby incorporated by reference:

3. Conduct of meetings.
4. Minutes and records.
5. Secretary of the committee.
6. Location and time of meetings.
7. Advice and recommendations offered by the committee.
8. Duration of the committee.

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

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY TASK FORCE—FORECAST REVIEW

Chairman: B. L. Lloyd, Manager, Business Planning and Analysis, Westinghouse Electric Corp.

Coordinating Representative: Phyllis Kline, Office of Economics, Federal Power Commission.

Secretary: N. Savage, Bureau of Power, Federal Power Commission.

Alternate Secretary: C. R. Beyer, Bureau of Power, Federal Power Commission.

Members:

Mr. Paul S. Button, Director, Division of Power Marketing, Tennessee Valley Authority.

Mr. J. D. Geist, Vice President Engineering Operations, Public Service Co. of New Mexico.

Mr. Edward J. Hanrahan, Assistant Director for Energy and Environment, Office of Planning and Analysis, Atomic Energy Commission.

[FR Doc.72-22179 Filed 12-26-72;8:48 am]

[Docket No. E-7824]

CENTRAL MAINE POWER CO., ET AL.

Notice of Initial Rate Schedule Filing

DECEMBER 19, 1972.

Take notice that Central Maine Power Co., the Connecticut Light and Power Co., New England Power Co., Boston Edison Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., Public Service Co. of New Hampshire, Montaup Electric Co., Cambridge Electric Light Co., Bangor Hydro-Electric Co., Maine Public Service Co., and Maine Electric Power Co., Inc. (Transmitting Companies) tendered for filing on November 13, 1972, their initial rate schedule for transmission of electric energy generated by Maine Yankee Atomic Power Co. (Maine Yankee). The purchasing of Maine Yankee's capacity and output is pursuant to power contracts accepted for filing with condition by Commission order issued on November 6, 1972, in Docket No. E-7787 or to purchase contracts submitted with this filing. The Transmitting Companies estimate that the initial charge per kilowatt to purchasers for transmission services will not exceed approximately $6.

The Transmitting Companies request that the transmission agreement be accepted for filing as a rate schedule to become effective on December 1, 1972, or such earlier date at which commercial operations of Maine Yankee's Unit begin. Service under the rate schedule tendered for filing is expected to commence within 90 days of the tender.

Copies of the rate schedule were served on the purchasers receiving service under it.

The total revenue estimates, required by section 35.12(b)(i) of the Commission's regulations, were not submitted. The Transmitting Companies justify this omission on the basis that the Atomic Energy Commission's license of Maine Yankee allows operation at less than its initial design level and for a temporary 18-month period rather than the usual 40-day period of such licenses, and due to the impossibility of predicting at what level future licenses will be granted.

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 §§ 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 3, 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. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22171 Filed 12-26-72;8:47 am]

[Docket No. CP73-156]

CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 19, 1972.

Take notice that on December 11, 1972, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-156 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the following:

(1) To install and operate one 660 horsepower compressor unit at its proposed West Ulysses "A" Compressor Station in Grant County, Kans.;

(2) To install and operate two 660 horsepower compressor units at its proposed West Ulysses "B" Compressor Station in Grant County, Kans.;

(3) To install and operate two 660 horsepower compressor units at its proposed West Ulysses "C" Compressor Station in Grant County, Kans.;

(4) To construct and operate approximately 1.5 miles of 4-inch and 1.5 miles of 6-inch pipeline and related appurtenant facilities in Grant County, Kans.;

(5) To install and operate one 660 horsepower compressor unit at its proposed South Ulysses "A" Compressor Station in Grant County, Kans.;

(6) To install and operate one 660 horsepower compressor unit at its proposed South Ulysses "B" Compressor Station in Grant County, Kans.;

(7) To install and operate two 660 horsepower compressor units at its proposed South Ulysses "C" Compressor Station in Stanton County, Kans.;

(8) To install and operate one 660 horsepower compressor unit at its proposed South Ulysses "D" Compressor Station in Stanton County, Kans.;

(9) To construct and operate approximately 5.06 miles of 12-inch pipeline and related appurtenant facilities in Stanton County, Kans.;

(10) To construct and operate approximately 1.65 miles of 6-inch pipeline and related appurtenant facilities in Grant County, Kans.;

(11) To install and operate one 660 horsepower compressor unit at its proposed Liberal Compressor Station in Seward County, Kans.;

(12) To install and operate 2,000 horsepower at its proposed North Straight Compressor Station in Texas County, Okla.;

(13) To install and operate 2,000 horsepower at its proposed South Straight Compressor Station in Texas County, Okla.;

(14) To construct and operate approximately 2 miles of 16-inch and 7 miles of 20-inch pipeline and related appurtenant facilities in Texas County, Okla.; and

(15) To install and operate measuring and appurtenant facilities in Texas County, Okla.

Applicant states that the facilities which it proposes to construct, install, and operate will enable it to purchase required volumes of natural gas to maintain the throughputs of its Kansas-Hugoton and Oklahoma-Hugoton 26-inch pipelines. Applicant states that the proposed facilities will enhance its ability to meet its customers' demands for natural gas under peak day and summer day conditions, and that the proposed facilities will enhance the dependability and efficiency of strategic operations on its systems, will permit operational flexibility and will create needed reserve capacity.

The application shows the total estimated cost of the proposed facilities is $5,317,900, which will be paid from treasury cash.

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 to be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22172 Filed 12-26-72;8:47 am]

[Docket No. E-7875]

DUKE POWER CO.

Notice of Proposed Cancellation of Rate Schedules

DECEMBER 18, 1972.

Take notice that Duke Power Co. (Duke) on October 25, 1972, tendered for filing proposed changes in its FPC rate schedules. The proposed changes would cancel Duke's FPC Rate Schedules Nos. 185 and 220. The proposed cancellation is being made because Duke has purchased the electric facilities of the Electric Co., Inc., Fort Mill, S.C., effective as of September 21, 1972. Duke has also requested waiver of the 30-day notice requirement under paragraph 35.15 of the Commission's regulations, so that the cancellations may become effective as of September 21, 1972. Duke has alleged that the certificate of public convenience was not issued by the South Carolina Public Service Commission until September 13, 1972.

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 §§ 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 December 27, 1972. 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22173 Filed 12-26-72;8:47 am]

[Dockets Nos. RP72-150, RP72-155]

EL PASO NATURAL GAS CO.

Notice of Filing of Proposed Restructured Rates

DECEMBER 15, 1972.

Take notice that El Paso Natural Gas Co. (El Paso), on December 7, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on January 1, 1973. The proposed changes would increase rates under the Company's Rate Schedules G and G-X as the result of a restructuring of those rates to provide rate levels consistent with the Seaboard cost classification procedure.

El Paso states that the commodity charge under Rate Schedule G as proposed in Docket No. RP72-150, and the one part rate under Rate Schedule G-X is admittedly lower than that indicated by the Seaboard cost classification procedure referred to by the Commission in its order issued on November 7, 1972, in Dockets Nos. RP71-137 and RP72-151. El Paso says that as it understands the Commission's statement therein El Paso may be exposed to making refunds of demand charges, while being required to absorb undercollections of commodity charges to the extent that the commodity charge in a demand-commodity rate is below that indicated by the Seaboard procedure. El Paso states that it cannot undertake any such risk of revenue loss.

El Paso says that by making the instant filing it does not concede the propriety of the position taken by the Commission respecting rate design in the order of November 7, 1972, and that the instant filing should not be construed as agreement on the part of El Paso to such position or waiver on the part of El Paso of its rights to propose a different rate design in any proceeding.

El Paso states that the tariff sheet containing the proposed restructured rates, Ninth Revised Sheet No. 3-B, also conforms to the form of Purchased Gas Adjustment (PGA) clause prescribed by § 154.38(d)(4) of the Commission's regulations under the Natural Gas Act, in accordance with the Commission's order issued July 31, 1972, in these proceedings. In the event that El Paso's request to substitute the restructured G and G-X rates for those originally suspended in Docket No. RP72-150 is not granted, it encloses with its filing an alternative tariff sheet, designated as First Substitute Eighth Revised Sheet No. 3-B, also modified to conform with § 154.38(d)(4) of the regulations, and containing the increased rates proposed in El Paso's notice of change in rates filed in Docket No. RP72-150 and suspended until January 1, 1973.

A copy of the filing was served on all parties of record in Docket No. RP72-150, the affected Southern Division System customers of El Paso and interested State regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before December 26, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein, with the exception of those persons who have filed petitions to intervene in Docket No. RP72-150 et al., must file petitions to intervene in accordance with the Commission's rules. The filing is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22174 Filed 12-26-72;8:47 am]

[Docket No. RP73-4]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Further Extension of Time

NOVEMBER 27, 1972.

On November 22, 1972, Commission Staff Counsel filed a motion for an extension of time of the procedural dates fixed by the order issued September 1, 1972, as amended by the notice issued November 7, 1972. The motion states that all parties have assented to the request extension.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are further changes as follows:

Service of staff evidence, December 11, 1972.

Service of intervenor evidence, January 8, 1973.

Service of company rebuttal evidence, February 5, 1973.

Commencement of prehearing conference, December 19, 1972 (10 a.m., e.s.t.).

Commencement of cross-examination, February 20, 1973 (10 a.m., e.s.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22175 Filed 12-26-72;8:47 am]

[Docket No. E-7760]

IOWA PUBLIC SERVICE CO.

Order Amending Prior Order, Setting Hearing and Permitting Late Intervention

DECEMBER 18, 1972.

On August 2, 1972, Iowa Public Service Co. (IPS) tendered for filing proposed changes in its FPC Rate Schedules Nos. 20-25, 27-29, 31, and 33-35 to become effective October 2, 1972.[1] The proposed rates would constitute an increase of approximately $102,238 based on test year 1971 sales. IPS avers that the proposed increase is necessary to enable it to recover operating expenses and depreciation for the test year 1971.

By order issued September 29, 1972, the Commission suspended the proposed increase 45 days, or until November 16, 1972, and set out a procedure by which the Commission could determine whether or not an evidentiary hearing was proper in this proceeding.

IPS's rate filing indicated that the proposed rates would yield a rate of return of approximately 4 percent, based on 1971 test year operations. Under these circumstances, in order to determine the necessity of an evidentiary

[1] IPS filed a proposed tariff on Aug. 2, 1972. The service agreements under that tariff were filed Nov. 6, 1972.

hearing, the Commission requested that intervenors and staff submit offers of proof within thirty (30) days of the issuance of that order to support their views as to the lawfulness of the proposed rates and to assist the Commission in determining whether a full evidentiary hearing would be justified.

Several pleadings have been filed by the parties in this proceeding. On October 11, 1972, the Commission Staff submitted an offer of proof which stated that after comprehensive review and certain adjustments by the Staff to the company's claimed cost of service, IPS would still earn less than a 6 percent rate of return. Staff further asserted their belief that the proposed rates were clearly just and reasonable and that, in Staff's view, an evidentiary hearing was not appropriate in this proceeding.

The intervenors in this proceeding[2] have filed three documents labelled respectively, "Motions", "Motion For More Specific Statement", and "Offer of Proof". We shall consider all of these documents as the intervenors' offer of proof. The intervenors in their pleading make the following arguments:

(1) IPS is using an improper method of metering.

(2) The service provided by IPS is not commensurate with the proposed rates.

(3) IPS is bound by fixed rate contracts.[3]

(4) The proposed increase is not in conformity with the Price Commission's Regulations.

(5) IPS is engaging in unfair competition with the municipal customers because of the relationship between the proposed wholesale rates and IPS retail rates.

Finally, the intervenors have requested that permission to intervene be granted to the towns of Anthon and Dunkerton.

IPS denied all of the allegations by answer dated November 9, 1972.[4]

Review of the offer of proof of the intervenors indicate that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

We find certain of the intervenors' arguments meritorious on the issue of the fixed rate contracts. The contracts as the presently exist with the towns of Anthon, Applington, Denver, Dunkerton, and Hudson do not contain language from which it can be concluded the parties contemplated unilateral changes in rates could be made by IPS. The contract with the Town of Denver, which is similar in form to the other contracts here in question, contains the following relevant language.

> 7. The Customer shall pay the Company on or before the 10th day of each month for all electricity consumed during the previous month at the following rate:
>
> Service Charge—25 cents per capita per month.
>
> Energy Charge—1.25 cents per KWH for all electrical energy consumed during any 1 month.

Later, in Section 11, the contract states:

> 11. The term of this Agreement shall be for a period of ten (10) years from and after its approval by the electors of the Town of Denver, Iowa, at the election to be forthwith called and held and its writtep acceptance by the Iowa Public Service Co. and shall continue thereafter by five (5) year periods until cancelled by ninety (90) days written notice being given by either party to the other prior to the end of said term or any five (5) year period thereafter.

The filing, as it pertains to these five towns is improperly filed under section 205 of the Federal Power Act. However, we shall construe the filing as it pertains to the five towns as a filing under section 206 of the Act, and we hereby amend our order of September 29, 1972, accordingly.

The Commission finds:

(1) Granting the additional petitions to intervene may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in IPS's wholesale tariff.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) The contracts between IPS and five of the wholesale customers—the Towns of Denver, Dunkerton, Anthon, Applington, and Hudson do not contain language indicating the parties contemplated unilateral rate changes by IPS, therefore, these rates cannot be changed unilaterally by IPS under section 205 of the Federal Power Act.

(5) It is necessary and proper and in the public interest to construe the filing of IPS, as it pertains to the aforementioned five customers, as a complaint for an investigation under section 206 of the Act, and consolidate this proceeding with the 205 proceeding instituted herein.

(6) It is necessary and proper and in the public interest that IPS refund to the Towns of Anthon, Applington, Denver, Dunkerton, and Hudson, those increased charges collected under the proposed rates, with interest at 7 percent.

The Commission orders:

(A) The additional petitions to intervene of the Towns of Anthon and Dunkerton are hereby granted.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on February 7, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in IPS proposed tariff as proposed to be revised herein.

(C) At the prehearing conference on February 7, 1973, IPS's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(D) The prepared testimony and exhibits of any or all intervenors shall be served on or before January 31, 1973. Any rebuttal evidence by IPS shall be served on or before February 14, 1973. Cross examination of the evidence filed will commence February 27, 1973.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in § 1.18 of the Commission's rules of practice and procedure.

(F) Based on the offers of proof filed by the parties, our order of September 29, 1972, is hereby amended to accept the proposed tariff as it pertains to the towns of Anthon, Applington, Denver, Dunkerton, and Hudson as a petition for a proceeding under section 206 of the Federal Power Act. This proceeding will be consolidated with the section 205 proceeding instituted herein.

(G) The increased revenues collected from the five towns of Anthon, Applington, Denver, Dunkerton, and Hudson from November 16, 1972, are to be refunded to them with interest at 7 percent.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22176 Filed 12-26-72;8:47 am]

[Docket No. E-7680]

IOWA SOUTHERN UTILITIES CO.

Notice of Supplemental Application

DECEMBER 15, 1972.

Take notice that on November 9, 1972, Iowa Southern Utilities Company (Applicant) filed a supplemental application pursuant to section 204 of the Federal Power Act seeking authorization to issue Promissory Notes to commercial banks and commercial paper dealers in the aggregate principal amount of $14,500,000. All notes are to be issued on or before December 31, 1973 with final maturity dates being not later than December 31, 1974.

By order issued December 30, 1971 the Commission in this Docket authorized

[2] Town of Hudson, Town of Auburn, City of Pocahontas, Lincoln Light and Power Cooperative, Town of Fonda, Town of Applington, Farmers Cooperative Light and Power Co. of Goldfield, and Town of Denver.

[3] The contract with the Town of Denver was included as an exhibit. Similar contracts exist with the Towns of Anthon, Applington, Dunkerton, and Hudson.

[4] On Nov. 13, 1972, Intervenors filed a Reply to the Response of IPS.

the Applicant to issue $14,500,000 in the form of Promissory Notes to commercial banks and commercial paper dealers which order will expire as of December 31, 1972.

The Applicant in requesting a modification of the Commission's order of December 30, 1971 states that the proceeds will be used to carry out a construction program with a proposed budget for the year 1973 of $16,205,000, which includes as major items the construction of approximately 60 miles of 345 kv transmission line between Fort Dodge and Des Moines, Iowa and construction on the installation of the 540 megawatt turbo generator at the NEEL Station near Sioux City, Iowa, of which Applicant will own 28 percent.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 26, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22177 Filed 12-26-72;8:47 am]

[Dockets Nos. CP70-313, CP64-268]

LONE STAR GAS CO.

Findings and Order After Statutory Hearing

DECEMBER 18, 1972.

Findings and order after statutory hearing issuing certificate of public convenience and necessity, permitting and approving abandonment, setting date for formal hearing, prescribing procedures, and granting petition to intervene.

On July 28, 1972, Lone Star Gas Company (Applicant) filed in Docket No. CP70-313 an amended application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon facilities and pursuant to section 7(c) of said Act for a certificate of public convenience and necessity authorizing construction and operation of facilities, and for an order amending further the Commission's order issued August 10, 1964, in Docket No. CP64-268 (32 FPC 569), all as more fully set forth in the application in this proceeding.

In its original application filed June 22, 1970, in Docket No. CP70-313, Applicant sought authorization to construct and operate a new pipeline along the Texas-Oklahoma border and to abandon certain portions of existing pipeline, in accordance with Applicant's plan to realign its entire system. Applicant further requested authorization to deliver natural gas to increase present direct sales to two Weyerhaeuser Company plants at Craig and Wright City, Okla., and for facilities to deliver natural gas for a large volume direct sale to a new Weyerhaeuser plant at Valliant, Okla.

The Presiding Officer denied the application in its entirety. The Commission affirmed this denial in Opinion No. 621, issued June 21, 1972, in Docket No. CP70-313 (47 FPC ——). The Commission recognized, however, Applicant's need to rearrange its facilities and operations in order that gas available in the Four Counties area in Texas and Oklahoma [1] could be utilized by Applicant's Southeastern Oklahoma markets. This would alleviate the dependence of the Southeastern Oklahoma market upon the inadequate gas supplies in the East Texas area. Accordingly, the Commission invited renewal of the application, excluding, the proposal to serve the new Weyerhaeuser plant. The Commission found that it could not grant a certificate, including authorization for facilities for the proposed new sale to the Weyerhaeuser plant at Valliant, because Applicant had failed to demonstrate that it had adequate gas supplies to support approval of its proposal. Furthermore, the Commission found that denial of the application, insofar as service to Weyerhaeuser is concerned, is consistent with the Commission's policy that pipeline companies should conserve their gas supplies for superior uses and that gas reserves made available to interstate markets through development incentives given to producers should be channeled into other than boiler fuel markets.

Following the foregoing opinion Applicant filed this amended application wherein it proposes:

1. To abandon certain segments of its line totalling approximately 36 miles between Texas and Oklahoma by removal and salvage and to abandon approximately 382 miles involving 49 segments of its line in Northeast Texas by transfer to intrastate operations.

2. To construct and operate the following facilities:

a. Approximately 79.2 miles of 8-inch Line E-32, extending from a point about 6 miles southeast of Durant, Bryan County, Okla., in an easterly direction to a point on existing Line E-26 approximately 6 miles southwest of Idabel, McCurtain County, Okla.

b. Approximately 6.0 miles of 8-inch Line E-32-A, extending from the western terminus of Line E-32 northwesterly to a point of interconnection with the existing Line E-5 system near Durant.

c. Approximately 9.0 miles of 8-inch Line 2d E-26 to loop the segment of Line E-26 between Idabel and Broken Bow in McCurtain County.

d. Approximately 6.2 miles of 6-inch Line 2d E-26-3 to loop 6-inch Line E-26-3 between Line E-26 at Broken Bow and the Weyerhaeuser Company's Craig plant in McCurtain County.

e. A compressor station, consisting of one unit of 880 horsepower located at the junction of Line E-32 and Line E-32-A, near Durant.

In addition, Applicant requests that the Commission amend further its order of August 10, 1964, in Docket No. CP64-268, by authorizing it to increase deliveries from 6,000 Mcfd to 7,800 Mcfd at Weyerhaeuser's Craig plant and from 2,387 Mcf to 4,625 Mcfd at Weyerhaeuser's Wright City plant, both located in southeastern Oklahoma. The additional volumes would be used in ovens, board dryers, and as boiler fuel at the Craig plant which has expanded its insulation board plant and at the Wright City plant which has expanded its plywood plant and sawmill operation.

Applicant believes that its amended application is compatible with the principles set forth in Opinion No. 621 in that it does not propose service to the new Weyerhaeuser plant. Furthermore, Applicant has reduced the length by 32.1 miles and the size of the proposed southeast Oklahoma pipeline and eliminated the need for 440 horsepower of compression. In addition, it has reduced by 38.05 miles, the length of existing pipeline system it proposes to abandon by transfer to intrastate operations.

The estimated cost of all construction and realinement of facilities is $3,489,000 which will financed out of funds currently on hand.

The environmental statement filed with the original application discloses that the size of the pipeline proposed herein to be constructed is small and will be routed through a barren area of southeastern Oklahoma. Based upon such statement and the views expressed by the Presiding Officer in his initial decision indicating that Applicant's proposal would not have an adverse effect upon the environment, the Commission finds that approval of this project does not constitute a major Federal action having any significant effect upon the environment.

After due notice by publication in the FEDERAL REGISTER on September 8, 1972 (37 F.R. 1837), Natural Gas Pipeline Company of America (Natural) filed on August 21, 1972, a timely petition to intervene in the event of a formal hearing. Natural did not request a formal hearing, provided that the authorizations sought in Dockets Nos. CP71-274, CP71-280, CP71-297, CI71-819 are issued prior to or concurrently with the authorization sought in Docket No. CP70-313. However, on September 15, 1972, Natural filed a petition seeking expedited procedure for its applications requesting abandonment approvals filed in Dockets Nos. CP71-280 and CP71-297 and further requested, pursuant to an agreement with Applicant, that the conditions as set forth in its petition to intervene, pertaining to the issuance of the authorization sought in the present proceeding no longer apply.

The original application in this proceeding, as previously indicated herein,

[1] Cooke-Grayson Counties, Tex., and Marshall-Bryan Counties, Okla.

included a proposal to serve a new Weyerhaeuser facility at Valliant, Okla., with up to 20,000 Mcf of natural gas per day and to increase existing deliveries to Weyerhaeuser facilities at Craig and Wright City, by a total of 4,030 Mcf of natural gas per day. The principal issue in the hearing before the Presiding Officer on May 25–27, 1972, was the propriety of the proposed service to the new Weyerhaeuser facility. The issue of the additional direct sales was not raised at that time. Neither was it focused upon by the Presiding Officer in his initial decision denying the application, nor by the Commission in its Opinion No. 621,affirming such denial. In view of the Commission's reluctance to authorize increased sales of gas for boiler fuel purposes,[2] it appears appropriate at this time to set the issue of such sales for formal hearing in order that Applicant may have the opportunity to demonstrate that the public convenience and necessity require deliveries to Weyerhaeuser for these purposes. In the event that the additional deliveries to Weyerhaeuser are denied, it appears questionable that the proposed 6.2 miles of 6-inch lateral from Broken Bow to Weyerhaeuser's Craig plant, as described in paragraph 2d above, will be required by the Applicant. Such question, however, should be resolved at the formal hearing and the facilities involved excluded from the authorization hereinafter issued.

At a hearing held on December 12, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, as amended, and exhibits thereto, submitted in support of the authorization sought herein and upon consideration of the record,

The Commission finds:

(1) Applicant, Lone Star Gas Co., a Texas corporation having its principal place of business in Dallas, Tex., is a "natural gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order issued April 11, 1944, in Docket No. G–442 (4 FPC 565).

(2) The facilities hereinbefore described, and as more fully described in the application in this proceeding, will be used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, and the construction and operation thereof and transportation of natural gas by Applicant are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The construction and operation of the proposed facilities are required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

[2] Opinion No. 621, mimeo p. 10, n. 7.

(5) The facilities proposed to be abandoned, as hereinbefore described and as more fully described in the application in this proceeding, are used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, and the abandonment thereof is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(6) The proposed abandonment of facilities by Applicant is permitted by the public convenience and necessity and approval thereof should be granted as hereinafter ordered.

(7) Participation by petitioner to intervene may be in the public interest.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the issues presented by Applicant's request to increase its direct sales of natural gas as hereinbefore described.

The Commission orders:

(A) A certificate of public convenience and necessity is issued upon the terms and conditions of this order authorizing Applicant to construct and operate the facilities hereinbefore described and as more fully described in the application in this proceeding.

(B) The facilities authorized by paragraph (A) shall not include the 6.2 miles of pipeline (2d Line E–26–3) which Applicant proposes to construct from Broken Bow to Weyerhaeuser's Craig plant, in McCurtain County, Okla., as hereinbefore described.

(C) The certificate issued by paragraph (A) and the rights granted thereunder are conditioned upon Applicant's compliance with all Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c)(3), (c)(4), (e), (f), and (g) of § 157.20 of such regulations.

(D) The facilities authorized shall be constructed and placed in actual operation within 1 year from the date of this order.

(E) Permission for and approval of the abandonment of facilities, as hereinbefore described and as more fully described in the application in this proceeding, are granted.

(F) Applicant shall notify the Commission of the date of abandonment of said facilities within 10 days thereof.

(G) The hereinabove named Petitioner is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

(H) Pursuant to the authority of the Natural Gas Act particularly sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. 1), a public hearing shall be convened in docket No. CP70–313 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on January 22, 1973, at 10 a.m., e.s.t., concerning the issue of increased deliveries of gas for industrial purposes and the construction of related facilities as proposed in the application in this proceeding.

(I) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority 18 CFR 3.5 (d)], shall preside at the hearing and prescribe relevant procedural matters not herein provided.

(J) On or before January 5, 1973, Applicant and intervener in this proceeding shall file their direct testimony and evidence in support of their respective positions. All direct testimony and evidence filed herein shall be served upon the Presiding Judge, the Commission Staff, and all other parties.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22170 Filed 12-26-72;8:47 am]

[Docket No. CP73–157]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

DECEMBER 18, 1972.

Take notice that on December 12, 1972, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73–157 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Amoco Production Co. (Amoco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement with Amoco dated August 7, 1972, it will receive exchange deliveries of up to 3,500 Mcf of natural gas per day from Amoco in the West Johnson Bayou Field, Cameron Parish, La., and proposes to make redeliveries by displacement of equivalent volumes of exchange gas to the account of Amoco at the outlet of the Texaco Inc., Henry Processing Plant located in Vermilion Parish, La. Applicant proposes to carry out the exchange by utilization of gas purchase facilities in Cameron Parish, La., which will be constructed pursuant to Applicant's effective budget-type gas purchase facilities certificate. Applicant indicates that this is a gas-for-gas exchange, that no monetary compensation will be paid by either party, that all volumes delivered will be adjusted for B.t.u. content, and that all gas balances will be on a volume weighted average B.t.u. basis. The exchanges volumes are equal to 50 percent of the gas received by Applicant from Amoco in the West Johnson Bayou

Field. The remaining volumes will be purchased by Applicant from Amoco.

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 intervent 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.72-22183 Filed 12-26-72;8:48 am]

[Docket No. E-7581]

PENNSYLVANIA POWER AND LIGHT CO.

Notice of Application

DECEMBER 15, 1972.

Take notice that on December 1, 1972, Pennsylvania Power and Light Co. (Applicant), filed a supplemental application pursuant to section 204 of the Federal Power Act, requesting an extension of time for the issuance of unsecured promissory notes, either in the form of commercial paper or bank loans.

On February 1, 1971, the Commission in this docket, authorized the Applicant to issue unsecured promissory notes, either in the form of commercial paper with maturity of 9 months or less or in the form of bank loans or loans from institutional investors with a maturity of less than 1 year up to an aggregate principal amount not to exceed $90 million, part of which may be commercial paper, which part may not exceed 25 percent of Applicant's revenues over the preceding 12-months' period. On January 31, 1972, the Commission modified its order of February 1, 1971. Under the modified order, Applicant was authorized to issue such unsecured promissory notes until December 31, 1972, with a final maturity of said securities be not later than December 31, 1973.

Applicant's supplemental request filed December 1, 1972, requests that the Commission further modify its previous orders in this docket by extending the date prior to which Applicant may issue unsecured promissory notes to December 31, 1973, with a final maturity of said securities to be not later than December 31, 1974. All other provisions of the Commission's previous orders to remain in full force and effect.

Applicant states that it relys on the issuance of unsecured promissory notes to: (1) Purchase and carry fuel inventory; (2) carry accounts receivable; (3) provide periodic large cash needs such as tax, dividend and interest payments; (4) supply temporary funds for unexpected cash requirements; and (5) provide interim financing for the construction of additions to generating, transmission and distribution facilities. Applicant states that the principal uses of interim financing of Applicant's construction program, which is estimated at approximately $210 million and about $240 million for each of the years 1973 and 1974, for a 3-year total of approximately $690 million.

Any person desiring to be heard or to make any protest with reference to said application, should, on or before December 26, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22178 Filed 12-26-72;8:47 am]

[Docket No. CP68-231 (Phase II)]

TENNESSEE GAS PIPELINE CO. ET AL.

Notice of Extension of Time

DECEMBER 19, 1972.

Tennessee Gas Pipeline Co., Columbia Gulf Transmission Co., Bonita Transmission Co., Columbia Offshore Pipeline Co.

On December 11, 1972, Tennessee Gas Pipeline Co., a division of Tenneco, Inc., and Columbia Gulf Transmission Co. (Applicants) filed a motion for an extension of time within which to file a cost-comparison statement pursuant to paragraph (B) of the order issued August 31, 1972, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including February 15, 1972, within which Applicants shall file a cost-comparison statement pursuant to paragraph (B) of the order issued August 31, 1972.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-22180 Filed 12-26-72;8:48 am]

[Docket No. C173-420]

LOUISIANA LAND AND EXPLORATION CO.

Notice of Application

DECEMBER 20, 1972.

Take notice that on December 14, 1972, The Louisiana Land and Exploration Company (Applicant), P.O. Box 60350, New Orleans, Louisiana 70160, filed in Docket No. CI73-420 for an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Florida Gas Transmission Company from the Mount Carmel Field, Santa Rosa County, Fla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on October 18, 1972, within the contemplation of Section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale from the end of the 60-day emergency period until December 1, 1973, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 Mcf of gas per month at 40.0 cents per Mcf at 14.65 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 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). 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.72-22121 Filed 12-26-72;8:45 am]

[Docket No. G-5145, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

DECEMBER 18, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5145 ..... C 11-24-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	19.3278	14.65
G-13126 ..... G-14333 B 11-22-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Co., McKinney Field, Clark and Meade Counties, Kans.	(1)	
CI64-1204 ..... D 11-13-72	Texaco Inc., Post Office Box 2420, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Centrahoma, Coal, Oklahoma.	17.27	14.65
CI65-21 ..... D 11-8-72	Texaco Inc	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.	17.0638	14.65
CI68-1356 ..... B 11-20-72	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Southern Natural Gas Co., Logansport, Hosston Field DeSoto Parish, La.	(2)	
CI71-104 ..... A 11-8-72	The Wiser Oil Co. (succ. to Monterey Pipeline Co.), Post Office Box 192, Sistersville, W. Va. 26175.	Columbia Gas Transmission Corp., Acreage in Duson Field, Lafayette Parish, La.	23.067	15.025
CI72-819 ..... C 11-10-72	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	El Paso Natural Gas Co., San Juan 28-5 Dakota Unit—Rio Arriba County, N. Mex.	[3] 27.312	15.025
CI73-6 ..... A 7-5-72	McCulloch Oil Corp. of Texas (succ. to J. M. Huber Corp.), 10880 Wilshire Blvd., Los Angeles, Calif. 90024.	Arkansas Louisiana Gas Co., Mathers Ranch Area, Hemphill County, Tex.	[4] 21.5	14.65
CI73-104 ..... A 8-14-72	Amoco Production Co., Post Office Box 3092, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Carterville Field, Webster Parish, La.	[5] 27.257	15.025
CI73-324 ..... (CI60-328) F 10-30-72	Ashland Oil, Inc. (succ. to Cabot Corp.), Post Office Box 1503, Houston, Tex. 77001.	El Paso Natural Gas Co., Laverne Field, Beaver County, Okla.	18.7775	14.65
CI73-332 ..... A 11-7-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., Ship Shoal Block 94, offshore Louisiana.	[6] 26.0	15.025
CI73-334 ..... A 11-7-72	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island Area Block 306, offshore Louisiana.	[7] 32.0	15.025
CI73-338 ..... A 11-8-72	Transwestern Gas Supply Co., Post Office Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., South Vici Field, Dewey County, Okla.	[8] 38.0	14.65
CI73-341 ..... (G-9462) F 11-8-72	Beren Corp. (succ. to Sun Oil Co.) 1130 Vickers-K.S.B. & T. Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., Davis Ranch, Barber County, Kans.	.15	14.65
CI73-342 ..... A 11-8-72	Continental Oil, Co., Post Office Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., Ship Shoal Block 94, offshore Louisiana.	[9] 26.0	15.025
CI73-344 ..... A 11-9-72	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325	Cabot Corp., S. C. Bowen No. 1 Well, McDowell County, W. Va.	32.0	15.325
CI73-345 ..... A 11-13-72	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Western Transmission Corp., Deep Creek Field, Carbon County, (Uintah-Green River Basin), Wyo.	[4] 24.34	15.025
CI73-346 ..... (CI67-960) A 11-6-72	Seaboard Well Service, Inc. (succ. to Austral Oil Co., Inc. and Oil Participations, Inc.), Post Office Box 51286, OCS, Lafayette, La. 70501.	Transcontinental Gas Pipeline Co., Bancker Field, Vermilion Parish, La.	.2105	15.025
CI73-347 ..... B 11-13-72	Getty Oil Co., et al., Post Office Box 1404, Houston, Tex. 77001.	Transwestern Pipeline Co., Henderson (Deep) Field, Winkler, Tex.	(9)	.....
CI73-348 ..... B 11-13-72	Getty Oil Co	Texas Eastern Transmission Corp., Midway Field, San Patricio County, Tex.	Depleted	.....
CI73-349 ..... B 11-13-72	A. L. Abercrombie (operator), et al., 801 Union Center, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	(10)	.....
CI73-350 ..... B 11-9-72	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	Texas Eastern Transmission Corp., Skull Creek Field, Colorado County, Tex.	(11)	.....
CI73-351 ..... B 11-13-72	Lincoln Rock Corp., Box 818, Northfield, Ill. 60093.	Cimarron Transmission Co., Lake Murray, S. Field, Love County, Okla.	(12)	.....
CI73-352 ..... B 11-10-72	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	Depleted	.....
CI73-353 ..... B 11-10-72	Pennzoil Producing Co	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	Depleted	.....
CI73-354 ..... B 11-10-72	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	Depleted	.....
CI73-358 ..... B 11-16-72	Dixon Management Corp., et al., 3210 One Shell Plaza, Houston, Tex. 77002.	Tennessee Gas Transmission Co., West Rock Island Field, Colo.	Depleted	.....
CI73-359 ..... A 11-16-72	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex. 75250.	Florida Gas Transmission Co., Arch Field, Matagorda County, Tex.	24.0	14.65
CI73-360 ..... (G-8493) A 11-13-72	Equipment, Inc. and Annco Petroleum Co., Inc. (succ. to Atlantic Richfield Co.).	United Gas Pipeline Co., Bancroft Field, Buearegard Parish, La.	[8] 25.061	15.025
CI73-362 ..... (CI60-492) (CI70-295) A 11-13-72	J. Gregory Merrion, Robert L. Bayless and Atom, Inc. (succ. to Gulf Oil Corp. and Odessa Natural Corp.), Post Office Box 1541, Farmington, N. Mex. 87401.	El Paso Natural Gas Co.; Basin Dakota San Juan County, N. Mex.	[13] [14] 22.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI73-364..... B 11-17-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Meyersville Field, DeWitt County, Tex.	Depleted	.....
CI73-365..... B 11-20-72	Texaco Inc., Post Office Box 60252, New Orleans, La. 70160.	Transcontinental Gas Pipeline Co., Dog Lake Field, Terrebonne Parish La.	Depleted	.....
CI73-366..... B 11-20-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Phillips Petroleum Co., Kermit Field, Winkler County, Tex.	(15)	.....
CI73-367..... B 11-20-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	United Gas Pipe Line Co., Cabeza Creek Field, Goliad County, Tex.	(16)	.....
CI73-369..... B 11-20-72	Sun Oil Co., Post Office Box, 2880, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., Fremont Field, Jim Wells County, Tex.	Depleted	.....
CI73-370..... A 11-16-72	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Grant County, Kans.	18.5	14.65
CI73-371..... A 11-16-72	Anadarko Production Co	do	18.5	14.65
CI73-372..... B 11-20-72	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	United Gas Pipe Line Co., Acreage in Nueces County, Tex.	(17)	.....
CI73-373..... B 11-20-72	Perry R. Bass 2100 First City National Bank Bldg., Houston, Tex. 77002.	Steeple Oil & Gas Corp., Acreage in Bee County, Tex.	Depleted	.....
CI73-311..... A 10-30-72	Shell Oil Co., 1 Shell Plaza Houston, Tex. 77001.	Tennessee Gas Pipeline Co., Main Pass Block 69 Field, Plaquemines Parish, La.	[18] 26.875	15.025
CI73-340..... (CI64-1155) F 11-8-72	Hal A. McVey (succ. to Chevron Oil Co.), Suite 1000, 1776 Lincoln St., Denver, Colo. 80203.	Cascade Natural Gas Corp., Mam Creek Field, Garfield County, Colo.	[19] 16.0	15.025

[1] Acreage has been released from contract as all wells have ceased to produce or, in some instances, the acreage was never productive and the leases have expired or have been released.
[2] Partial sublease of undeveloped acreage. No gas has been produced or sold from the acreage subleased.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Application previously noticed August 10, 1972 in name of J. M. Huber Corp. as initial service in CI73-2, et al. at a rate of 20.5. On Nov. 9, 1972, McCulloch filed an amendment to the application to be substituted as applicant. On November 14, 1972, McCulloch further amended to reflect a proposed rate of 21.5¢/Mcf in lieu of 20.5/Mcf.
[5] Includes base rate of 25.875 plus upward B.t.u. adjustment.
[6] Applicant is willing to accept a certificate at an initial rate of 26.0¢/Mcf subject to B.t.u. adjustment; however, the contract price is 45.0¢/Mcf.
[7] Applicant is willing to accept a certificate at an initial rate of 26.0¢/Mcf subject to B.t.u. adjustment in accordance with Commission opinion No. 598; however, the contract price is 45.0¢/Mcf.
[8] Applicant is willing to accept 24.34¢/Mfc which includes 0.59¢/Mcf. upward B.t.u. adjustment; however, the contract price is 25¢.
[9] Well plugged and abandoned and acreage released.
[10] Inability to produce gas in commercial quantities.
[11] Not capable of producing gas in commercial quantities and deliveries have ceased.
[12] The oil-well gas produced in this lease is no longer at an adequate pressure to meet the line pressure of the gathering system. The well has been shut-in.
[13] Rate in effect subject to refund in RI72-241 in Gulf Oil Corp.
[14] Rate in effect subject to refund in RI72-213 in Odessa Natural Corp.
[15] Production from the property covered by the contract ceased in 1970 and the well has been plugged and abandoned.
[16] Production from the properties covered by the contract ceased in 1970. In addition all leases subject to the contract have been surrendered.
[17] Gas is no longer being produced and delivered to applicant. Applicant no longer owns an interest in the lands and leaseholds subject to the gas purchase contract.
[18] Applicant is willing to accept a certificate at the area price of 26.875¢/Mcf, pursuant to opinion No. 598, subject to upward and downward B.t.u. adjustment. Application previously noticed on November 30, 1972 in CI61-137 at 35¢/Mcf which included base price of 35 cents, plus B.t.u. adjustment of 1.27685¢/Mcf and 1 cent tax reimbursement.
[19] Rate in effect subject to refund in RI71-503.

[FR Doc.72-22053 Filed 12-26-72;8:45 am]

FEDERAL RESERVE SYSTEM

C–M CO., INC.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency

The C–M Co., Inc., Medicine Lodge, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the retention of 90 percent or more of the voting shares of the Isabel State Bank, Isabel, Kans. "Bank").

At the same time applicant has applied for the Board's approval under section 4(c)(8) of the act and section 225.4(b)(2) of the Board's regulation Y to engage in insurance agency activities through the retention of the assets and the business of the Clyde S. Boots Insurance Agency, Isabel, Kans. ("Agency").

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the act (37 F.R. 2807 and 23223), and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the facts set forth in section 3(c) of the act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the act (12 U.S.C. 1843(c)(8)) and finds that:

Applicant presently sells credit life, health, and accident insurance, and general fire and casualty insurance in Isabel, Kans. (population 175), and is requesting approval to retain ownership of Bank.[1] Bank, with deposits of $1.3 million, controls 2.5 percent of deposits in the Pratt banking market and is the fifth largest of seven banks in that market. (Banking data are as of December 31, 1971.)

The First National Bank of Medicine Lodge, Medicine Lodge, Kans. ("Medicine Bank"), with deposits of about $11.9 million, is affiliated with Bank through common ownership of shares in each Bank by principals of Applicant. Although Bank and Medicine Bank are located in the same banking market, each primarily serves a different area and the banks are separated by a distance of 20 miles. Therefore, applicant's acquisition of Bank did not eliminate significant existing or potential competition and it does not appear that there has been any adverse effect on any bank in the area.

The Board has previously expressed its concern about debt resulting from the acquisition of a bank (1971 Federal Reserve Bulletins 676 and 750). Although applicant incurred debt in its acquisition of Bank and Agency, applicant has reduced its debt significantly since that time. In addition, applicant has submitted data which indicates that through dividends from Bank and income from Agency, it will be able to retire the remaining acquisition debt without adversely affecting applicant or putting an undue strain on Bank. Accordingly, financial and managerial considerations as they relate to applicant, Bank, and Agency are consistent with approval of the application.

Approval of this application will insure continued operation and local ownership of Bank. Since Bank is the only bank in the small community of Isabel, factors relating to the convenience and needs of the community involved weigh in favor of approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application to acquire Bank should be approved.

Applicant sells credit life, health, and accident insurance and proposes to retain Agency's business. Agency is the only general insurance agency in a community of approximately 175 people, and sells general fire and casualty insurance. Acting as a general insurance agent or broker in a community of less than 5,000 people is an activity that the Board has previously determined by regulation to be closely related to banking (12 CFR 225.4(a)(9)). Although principals of applicant operate an insurance agency in Medicine Lodge, Kans., the agencies are separated by a distance of 20 miles and each serves primarily its own locality. Accordingly, approval of this application will not have an adverse effect on either existing or potential competition.

There is no evidence in the record indicating that consummation of the proposal would result in any undue concen-

[1] On May 1, 1971, Applicant, without prior Board approval, acquired the shares of Bank which it has applied to retain. On June 22, 1971, the Board, in order to avoid impositions of undue hardship, ordered that any company which acquired a bank between Dec. 31, 1970, and June 22, 1971, without first securing prior Board approval because of lack of knowledge of that requirement might file for such approval by Aug. 31, 1971. Applicant apparently lacked knowledge of the requirements of the act at the time it acquired the shares of Bank, and had filed a tentative application with the Federal Reserve Bank of Kansas City by Aug. 31, 1971.

tration of resources, decreased or unfair competition, unsound banking practices, or other adverse effects on the public interest. It appears that the operation of Agency in conjunction with Bank will insure the continuation of banking and insurance agency services in Isabel. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors that the Board is required to consider regarding the acquisition of Agency under section 4(c)(8) is favorable and that the application should be approved.

On the basis of the record, the applications to retain Bank and Agency are approved for the reasons summarized above. The transaction with respect to Bank shall not be consummated (*a*) before the 30th calendar day following the effective date of this order or (*b*) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Agency's activities is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective December 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-22159 Filed 12-26-72;8:46 am]

FIRST UNION, INC.

Acquisition of Bank

First Union, Inc., St. Louis, Mo., 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 91.5 percent or more of the voting shares of Citizens Bank of Pacific, Pacific, Mo. 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 St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, to be received not later than January 15, 1973.

Board of Governors of the Federal Reserve System, December 19, 1972.

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

[FR Doc.72-22157 Filed 12-26-72;8:46 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Danne, Brimmer, and Bucher. Absent and not voting: Governor Sheehan.

UNITED BANKS OF WISCONSIN, INC.

Order Approving Acquisition of Bank

United Banks of Wisconsin, Inc., Madison, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 95 percent or more of the voting shares of The Kraft State Bank, Menomonie, Wis. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two banks with aggregate deposits of approximately $47.4 million, representing 0.4 percent of total deposits of commercial banks in Wisconsin. (All banking data are as of December 31, 1971.) Consummation of the proposal herein would increase applicant's proportion of State deposits by only 0.1 percentage point and accordingly would not result in a significant increase in the concentration of banking resources in Wisconsin.

Bank ($10.5 million in deposits) is the smallest of three banks in the city of Menomonie and holds approximately 24 percent of deposits therein. It is the ninth largest of 14 banks in the relevant banking market[1] with 3.8 percent of deposits in that area. Applicant's nearest subsidiary office to Bank is in Madison, Wis., more than 200 miles northwest of Menomonie. The record indicates that there is no significant existing competition between Bank and applicant and that it is unlikely such competition would develop in the future in view of the distances involved and the many intervening banks. The Board notes that the proposed acquisition represents applicant's initial entry into the Menomonie market. On the basis of the record before it, the Board concludes that consummation of the proposal would not result in any significant increase in concentration of banking resources in Wisconsin, nor have any adverse effect on competition in any relevant area.

The financial and managerial resources of applicant (which are largely dependent upon those of its subsidiary banks) as well as those of Bank are generally satisfactory in view of a commitment by applicant to inject additional equity capital into its lead bank and Bank. Future prospects for all are favorable and consistent with approval. Although the banking needs of the community appear adequately served at the present time, Applicant proposes to expand Bank's direct and indirect installment loans and trust services. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Board of Governors,[2] effective December 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-22158 Filed 12-26-72;8:46 am]

[1] The relevant banking market is comprised of Dunn County, western Eau Claire County, southwestern Chippewa County, and northern Pepin County.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Bucher. Absent and not voting: Governor Sheehan.

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11671 that the next meeting of the National Advisory Council on Extension and Continuing Education will be held on February 14 and 15, 1973, beginning at 1:30 p.m., local time, on the first day and at 9 a.m. on the second, at the Statler Hilton Hotel, Washington, D.C.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Council shall be open to the public. Complete agenda and records shall be kept of all Council proceedings and they will be available for public inspection at the Office of the Council's Executive Director, located in room 710, 1325 G Street NW., Washington, DC.

EDWARD A. KIELOCH,
Executive Director.

DECEMBER 18, 1972.

[FR Doc.72-22208 Filed 12-26-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5142]

AMERICAN ELECTRIC POWER CO., INC. ET AL.

Notice of Post-Effective Amendment Proposing Modification of Method of Allocating Consolidated Tax Liability Among System Companies

DECEMBER 19, 1972.

Notice is hereby given that American Electric Power Co., Inc., 2 Broadway, New York, NY 10004 (AEP), a registered holding company, and its subsidiary companies have filed with this Commission a posteffective amendment to the application-declaration in this proceeding pursuant to section 12 of the Public Utility Holding Company Act of 1935 (Act) and Rule 45(b)(6) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order in this proceeding dated March 21, 1972 (Holding Company Act Release No. 17504), the Commission authorized Ohio Power Co. (Ohio Power), an AEP subsidiary company, to acquire all of the common stock of Ohio Electric Co. (Generating Company), a new company incorporated for the purpose of (i) acquiring, completing the construction of, owning, and operating the General James M. Gavin Plant (Gavin Plant), which is being constructed in Ohio, and (ii) selling, upon commencement of operation of the Gavin Plant, all of the electric power and energy generated by that plant to Ohio Power. Ohio Power has certain contractual obligations to supply or cause to be supplied the equity capital of Generating Company and, under certain circumstances, the capital necessary to complete construction of and to own, maintain, and operate the Gavin Plant.

During the construction period of the Gavin Plant and thereafter, Generating Company will make large interest payments on its debt, and it expects to take accelerated depreciation for Federal income tax purposes on property at the Gavin Plant site. Generating Company expects to have substantial tax losses during the period prior to commercial operation of Unit No. 1 of the Gavin Plant and may have tax losses during the period prior to the completion of construction of Unit No. 2. In addition, Generating Company will, for Federal income tax purposes, be entitled to large amounts of investment tax credit with respect to the Gavin Plant property.

Generating Company will join in the consolidated Federal income tax returns to be filed by the AEP system. The filing indicates that using present methods of determining tax liability of the system companies in accordance with the methods prescribed by Rule 45(b)(6) under the Act would result in inequities inasmuch as substantial portions of Generating Company's tax losses and investment credit with respect to Gavin Plant property would be allocated to AEP system companies other than Generating Company and Ohio Power.

In view of the foregoing, it is proposed that the entire amount of any net operating losses for Federal income tax purposes of Generating Company should first be allocated to Ohio Power, and that investment credits with respect to Gavin Plant property which Generating Company cannot utilize on a separate return basis should first be allocated to Ohio Power. It is further proposed, that in the event Ohio Power is not able, in any year, to utilize (on a separate return basis) all of Generating Company's net operating loss in the year in which such loss is incurred or cannot utilize (on a separate return basis) all of Generating Company's unused investment credit in the year in which the related Gavin Plant property is placed in service, then (a) the net operating loss of Generating Company not utilized by Ohio Power be allocated among other AEP System companies in accordance with Rule 45(b)(6), and (b) the unused investment credit of Generating Company not utilized by Ohio Power be allocated among other AEP System companies in accordance with the Commission's order of March 26, 1964, covering an analogous situation in respect of another pair of companies in the AEP system (Holding Company Act Release No. 15036). Under these circumstances, Ohio Power would in future years be credited with the net operating loss or unused investment credit of Generating Company which Ohio Power could not utilize in the year in which the loss was incurred or the property placed in service.

It is represented that no fees or expenses are to be incurred in connection with the proposed transaction and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 9, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-22110 Filed 12-26-72;8:47 am]

[File 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 19, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 21, 1972, through December 30, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-22167 Filed 12-26-72;8:47 am]

[File 500-1]

CRYSTALOGRAPHY 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, $0.01 par value, and all other securities of Crystalography Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities

exchange be summarily suspended, this order to be effective for the period from December 20, 1972, through December 29, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-22210 Filed 12-26-72;8:50 am]

[70-4961]

MIDDLE SOUTH UTILITIES, INC.

Notice of Posteffective Amendment Regarding Issue and Sale of Notes by Holding Company to Banks and Intrasystem Sale of Common Stock

DECEMBER 18, 1972.

Notice is hereby given that Middle South Utilities, Inc. (Middle South), 280 Park Avenue, New York, NY 10017, a registered holding company, has filed with this Commission a fifth posteffective amendment to the application-declaration heretofore filed in this proceeding pursuant to sections 6(a), 6(b), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 (Act). All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transaction.

The Commission has heretofore authorized Middle South, under an $80 million revolving credit agreement, to issue and sell to a group of named banks $80 million of unsecured promissory short-term notes (see Holding Company Act, Release No. 17800, December 12, 1972). The proceeds from the sale of these promissory notes were used by Middle South to purchase common stock of its subsidiary companies, Arkansas Power & Light Co. and Louisiana Power & Light Co.

By mutual agreement, the named banks have increased the amount that may be borrowed under the revolving credit agreement to $90 million, and Middle South now seeks authorization in this proceeding to increase the maximum aggregate principal amount of short-term notes that may be outstanding with the named banks at any one time from $80 million to $90 million. The additional $10 million of borrowings will be made pro rata among such banks in accordance with their respective commitments under the credit agreement. All other terms of said agreement—including those covering the interest rate and maturity date—will remain unchanged.

The proceeds from the proposed sale of the promissory notes will be used by Middle South to purchase 435,000 shares of common stock, without nominal or par value, of Mississippi Power & Light Co. (Mississippi), a utility subsidiary company of Middle South, for an aggregate of $10,005,000. Such transaction is the subject of a separate application-declaration filed by Middle South and Mississippi with the Commission (File No. 70-5286).

Middle South states that it intends to sell common stock and apply the proceeds to extinguish the $90 million principal amount of short-term notes prior to their maximum maturity date of June 30, 1973. Such transaction will be the subject of a future filing with the Commission.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. No separate or special expenses are anticipated in connection with the proposed transaction.

Notice is further given that any interested person may, not later than January 11, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said fifth post effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-22060 Filed 12-26-72;8:45 am]

[70-5286]

MIDDLE SOUTH UTILITIES, INC., AND MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding and of Common Stock to Holding Company

DECEMBER 18, 1972.

Notice is hereby given that Middle South Utilities, Inc. (Middle South), 280 Park Avenue, New York, NY 10017, a registered holding company, and its electric utility subsidiary company, Mississippi Power & Light Co. (Mississippi), Post Office Box 1640, Jackson, MS 39205, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 9(a), 10 and 12(f) of the Act and rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, $30 million principal amount of its first mortgage bonds, —— percent series due 2003. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent and the price to be paid to Mississippi (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under Mississippi's mortgage and deed of trust dated as of September 1, 1944, to Irving Trust Co. and Frederick G. Herbst (Robert T. Lavender is to be appointed successor), as trustees, as heretofore supplemented and as proposed to be further supplemented by a 13th supplemental indenture to be dated February 1, 1973, which includes a prohibition until February 1, 1978, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

Mississippi also proposes to issue and sell 100,000 shares of a new series of cumulative preferred stock, $100 par value, subject to the competitive bidding requirements of rule 50 under the Act. The dividend rate of the preferred stock (which will be a multiple of one twenty-fifth of 1 percent) and the price to be paid to Mississippi (which will be not less than $100 nor more than $102.75 per share) will be determined by competitive bidding. The new series preferred stock will not be redeemable prior to February 1, 1978, through the use of borrowed funds, or funds derived from sale of additional preferred stock, at an effective cost to Mississippi lower than the cost of the proposed new series preferred.

Prior to the issuance and sale by Mississippi of the bonds and preferred stock, Mississippi proposes to issue and sell to Middle South, and Middle South proposes to purchase from Mississippi, 570,000 presently authorized but unissued shares of Mississippi's common stock without par value at the present stated value of $23 per share, or $13,110,000 in aggregate. A portion of the funds to be used by Middle South for the purchase of the common stock is proposed to be provided through the concurrent payment by Mississippi to Middle South (its sole common stockholder) of a special cash dividend of $3,105,000.

Mississippi will apply the net proceeds derived from the issue and sale of the bonds, preferred stock and common stock to the payment of short-term bank loans (estimated at $19,500,000 at December 31, 1972) made for the purpose of temporarily financing its 1972 construction program. The balance of the proceeds will be applied to its 1973 con-

struction program estimated to amount to approximately $91,480,000.

It is stated that no State commission and no Federal commission other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred by Mississippi in connection with the bonds are estimated at $80,000, including counsel fees of $20,000 and auditor's fees of $5,250. The fees and expenses incurred in connection with the preferred stock are estimated at $30,000, including counsel fees of $13,600 and auditor's fees of $1,750. The fees of counsel for the underwriters, to be paid by the successful bidders, are estimated at $9,000 in connection with the bonds and $5,000 in connection with the preferred stock. No special fees are anticipated by either Mississippi or Middle South in connection with the issuance, sale and acquisition of the common stock.

Notice is further given that any interested person may, not later than January 12, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-22061 Filed 12-26-72;8:45 am]

[812-3208]

IN THE MATTER OF SELECTED AMERICAN SHARES, INC., ET AL.

Notice of Application for an Order Exempting Applicants

DECEMBER 19, 1972.

Notice is hereby given that Selected American Shares, Inc., Selected Special Shares, Inc., Selected Opportunity Fund, Inc., 135 South La Salle Street, Chicago, IL 60603 (Funds), all of which are diversified, open-end management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Security Supervisors, Inc. (SSI) the Funds' principal underwriter (hereinafter collectively called "Applicants"), have filed an application, as amended, pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current public offering price described in the prospectus. The prospectus of each of the Funds states that a sales commission is included in the offering price of the shares of the Funds.

Applicants propose to sell shares of the Funds at their net asset value per share to persons who have caused their shares to be redeemed within the previous 15 days and who have not previously exercised this privilege as to any of the Funds. The sale will be limited to an amount less than or equal to the amount of the redemption proceeds, and may be in any one or more of the Funds, subject to State or prospectus restrictions otherwise applicable. To be effective, the order to purchase the shares must be received in writing by the Fund or its transfer agent or be postmarked within 15 days after the date that the request for redemption was received. The purchase will be made at the net asset value per share next determined after receipt of the order; therefore, no sales commission or concession will be paid to or received by SSI, any dealer or any other person on such purchase.

The application states that SSI contemplates notifying shareholders who have redeemed of the reinvestment privilege by notice included with the redemption check. Although disclosure will be in the prospectus of each Fund, many redeeming shareholders will probably have forgotten the privilege until they receive the reminder of the privilege accompanying the redemption check.

Applicants contend that the proposed privilege will remind investors of features of their investment which they may have overlooked, or of which they may have been unaware at the time they redeemed. Applicants also assert that because of the limitation of the privilege to investors who have not previously exercised it as to any of the Funds, and because the purchase order must be in writing, the privilege does not afford a method of speculating upon an anticipated short term decline in the net asset value of a Fund.

Section 6(c) of the Act provides that the Commission, upon application, may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any person may, not later than January 9, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issue, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of any attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-22112 Filed 12-26-72;8:47 am]

[File 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

DECEMBER 20, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Star-Glo Industries Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period commencing at 10 (e.s.t.) on December 20, 1972 and continuing through December 29, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-22209 Filed 12-26-72;8:50 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

[Temporary Instruction No. Appendix 1-3]

THE PROCEDURES FOR "DELETION" AND "CHANGE" (REVISED) FOR SSS FORMS 2 AND 110

1. Pending implementation of a new OCR form, the Status Card (SSS Form 7), which will combine the Registration Certificate (SSS Form 2) and the Notice of Classification (SSS Form 110), this instruction is issued as a supplement to revise the procedural directives for the SSS Forms 2 and 110.

2. Prior to the printing and distribution of output reports by the Computer Service Center (CSC), "Deletion" was not utilized on the SSS Form 2 or SSS Form 110. Corrective procedures necessary on the verification of input forms to RIB may now require that a registrant's record be deleted and reestablished.

3. The SSS Form 2 will continue to be used in accordance with its procedural directive except that the SSS Form 2 will not be used as a "Change" or "Deletion" document.

4. The SSS Form 110 will continue to be used in accordance with its procedural directive, as revised by this Temporary Instruction.

a. The SSS Form 110 is to be the only OCR form used as a "Change" document.

b. The SSS Form 110 is to be the only OCR form used as a "Deletion" document. A "Deletion" SSS Form 110 will entirely remove a registrant's record from the Registrant Information Bank (RIB).

(1) An "Original" or "Change" SSS Form 110 will update all the information in a registrant's record in RIB, except his Date of Birth, RSN, Priority Selection Group and Previously Examined status that was established by an initial SSS Form 2 or 110. Therefore, the "Deletion" SSS Form 110 will be used when a correction is required to one of those four elements of his record.

(2) A "Deletion" SSS Form 110 will be prepared by completing the following entries:

(a) Block 1, Line 1, Boxes 1, 2 (State and local board issuing this form), and 7 ("Deletion").

(b) Block 2, Lines 1 and 2 (registrant's name).

(c) Block 2, Line 3, Boxes 1, 2, 3, 4 (Selective Service No.), 7, 8, and (Date of Mailing). Type the date of preparation in Boxes 7, 8, and 9 (Date of Mailing).

(d) All other boxes will be left blank.

(3) Reestablishment of a registrant's record in RIB requires issuance of an "Original" SSS Forms 2 and 110, as well as any other OCR forms indicating his current processing status. The date of mailing shown on all other required forms may be the same, and will be at least 1 day following the date of mailing shown on the "Deletion" SSS Form 110.

c. As mentioned above, the "Deletion" SSS Form 110 will be used when a correction is required in a registrant's Date of Birth. However, the "Deletion" SSS Form 110 will only be used when the correction is required in the day or month of birth. When a correction in the year of birth is required, which results in the assignment of a new Selective Service No., an "Original" SSS Form 110 will be used, following the procedures for a Canceled Registration, and the registrant's record reestablished.

d. Disposal of the SSS Form 110 will be as follows:

(1) An acceptable Copy 1 is destroyed by the CSC after processing. A rejected Copy 1 is returned to the local board with an Error Listing for corrective action and will be destroyed by the local board following the required corrective action.

(2) Copy 2 is destroyed when it is not mailed or issued to the registrant.

(3) Copy 3 is destroyed following:

(a) Verification and/or corrective action.

(b) Preparation of a "Duplicate" SSS Form 110.

(4) Destruction shall be by tearing, shredding, or burning.

5. The following changes apply to the Procedural Directive, Notice of Classification, SSS Form 110 (Rev. May 22, 1972).

a. *Purpose.* Add d. (Page 1): To correct erroneous information on record in the Registrant Information Bank (RIB).

b. *Preparation.* a. (6) (Page 2): Add block "4" to the blocks completed.

c. *Preparation.* d. (Page 2): Insert "to the registrant" between "Issuance" and "of" in the first line.

d. *Preparation.* f. (Page 3): Add "deletion" to line 2 after "duplicate".

e. *Distribution.* b. (Page 3): Add "or, (4) a 'deletion' SSS Form 110 is submitted."

f. *Distribution.* c. (1) (Page 3): Add "("Original" and "Changes" interfiled by SSN)".

g. *Distribution.* c. (2) Page 3): Add "("Originals" and "Changes" interfiled by SSN)".

h. *Distribution.* c. (3) (Page 3): Add "("Originals" and "Changes" interfiled by SSN3".

i. *Distribution.* c. (Page 3): Add " (4) One file shall be created for all "deletion" SSS Forms 110 submitted each month (by SSN for each date of mailing)".

j. *Disposal.* (Page 3): the existing paragraph is rescinded. Refer to paragraph e, item 4, of this Temporary Instruction.

k. *Typing instructions.* c. (1) (e) (Page 4): Change "6" to "7" in line 1; add "deletion" to line 2.

l. *Typing instructions.* c. (1) (e) (Page 4): Item (e) is rescinded.

m. *Typing instructions.* d. (1) (e) (Page 4): Add "except when a "Deletion" form is prepared" to the note comment.

n. *Attachment 1.* 3. Change (Page 19): Item C is rescinded.

o. *Attachment 1.* Page 19, add 4. Deletion. An "X" shall be typed in box 7, when the form is prepared to delete information recorded in RIB.

6. This Temporary Instruction will terminate upon implementation of the Status Card (SSS Form 7).

Issued: December 6, 1972.

[Temporary Instruction No. 613-2]

SSS FORM 7 (STATUS CARD)

The SSS Form 7 (Status Card) is being issued to replace the SSS Form 2 (Registration Certificate) and SSS Form 110 (Notice of Classification), and will combine the functions of both forms. This form is to be implemented on January 2, 1973 or upon receipt of the form, whichever is later.

Until the Registrants Processing Manual (RPM) can be revised to reflect this change, any reference in the RPM to SSS Forms 2 or 110 will be construed to read SSS Form 7.

This Temporary Instruction will terminate upon publication of the revisions to the RPM changing all references from the SSS Forms 2 and 110 to SSS Form 7.

Issued: December 19, 1972.

[Temporary Instruction No. 632-12]

INDUCTION OF CERTAIN REGISTRANTS DURING JANUARY 1973

Registrants in the following categories may be forwarded for induction during the month of January 1973:

1. Reservists certified by their respective armed force as unsatisfactory participants in accordance with Section 631.7 of the RPM.

2. Violators who are willing to submit to induction.

3. Registrants who are paroled for induction under the provisions of Chapter 643 of the RPM.

Arrangements for such inductions should be coordinated with the AFEES Commanders.

This Temporary Instruction terminates on January 31, 1973.

Issued: December 19, 1972.

[Temporary Instruction No. 670-4]

PREPARATION OF OCR FORMS

This Temporary Instruction supplements the procedural directives for OCR Forms.

1. ALL OCR FORMS

Error corrections may be made in all lines of Block 1 in all OCR Forms currently in use by using the Character Delete Key (blob).

2. RECORD OF RESULTS OF ARMED FORCES EXAMINATION (SSS FORM 220) (12-1-71)

a. *Preparation.* (1) The SSS Form 220 should be prepared only when (1) the local board mails a DD Form 62 to the registrant indicating he has been determined acceptable or not acceptable, or (2) a registrant ordered to report for an armed forces examination fails to report for or submit to the examination and a otice of Violation would be appropriate.

(2) In the future, should a local board receive a DD Form 62 indicating that a registrant is not acceptable (final determination), and he has not been issued an SSS Form 223, the registrant shall be mailed his copy of the DD Form 62 and his copy of the SSS Form 220. The Computer Service Center copy of the SSS Form 220 shall be destroyed. In preparing the SSS Form 110 showing the registrant to be classified in Class 4-F, an "X" shall be placed in the "Previously Examined" box.

(3) If the local board receives a DD Form 62 for a registrant who has been determined "acceptable for induction", or "not acceptable (RBJ)", and who was not issued an SSS Form 223, the local board shall prepare an SSS Form 223 and mail the CSC copy of the SSS Form 223 along with the CSC copy of the SSS Form 220. The date of mailing typed on the SSS Form 223 must be the same date, or earlier, as the date of mailing typed on the SSS Form 220. The registrant's copy and the local board copy of the SSS Form 223 shall be destroyed.

b. *Error corrections.* (1) Error corrections may be made in block 1, block 2 (with the exception of the boxes on the left-hand margin), block 3 and block 4 by using the character delete key (blob).

(2) Error corrections may not be made in the boxes on the left-hand margin of block 2.

c. *Block 4.* (1) In cases when registrant has been determined not acceptable based on a partial examination by AFEES, an "X," "Y," or "Z" will be typed in the "Physical," "Mental," or "Moral" box(es) of line 1 for the part(s) of the examination completed.

The letter O will be typed in all remaining boxes in that line. The number zero must not be used.

(2) Line 2, "Date of reexamination" will be completed only when a registrant is found unacceptable reexamination believed justified (r.b.j.) and when it is determined he will be reeaxmined. A specific month, day, and year must be typed in the appropriate box when this line is completed. When it is determined that the registrant will not be reexamined (usually when the registrant has been found unacceptable r.b.j. twice for the same condition) this line will not be completed.

3. ORDER TO REPORT FOR ARMED FORCES EXAMINATION (SSS FORM 223) (REVISED 12-1-71)

a. *Preparation.* (1) An "X" will be typed in block 2, line 1 (Examination) any time a registrant is issued an SSS Form 223. Block 2, line 2 (Reexamination) will no longer be marked.

(2) The information typed in the spaces provided for the place of reporting, remarks, and court convictions should be double-spaced.

(3) All information requested on this form must be completed, particularly block 4, prior to distribution.

b. *Error corrections.* (1) Error corrections may be made in block 1, block 2 (except in the boxes at the left margin in lines 1 and 2) and block 4 by using the character delete key (blob).

(2) Error corrections may not be made in the boxes at the left margin in lines 1 and 2 of block 2, or in block 3.

This temporary instruction will terminate when procedural directives have been revised to reflect the above instructions.

Issued: December 6, 1972.

BYRON V. PEPITONE,
Acting Director.

DECEMBER 20, 1972.

[FR Doc.72-22082 Filed 12-26-72;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 142]

ASSIGNMENT OF HEARINGS

DECEMBER 20, 1972.

Cases assigned for hearing postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are are interested. No amendments will be entertained after the date of this publication.

MC-C-7849, Idaho Cedar Sales Co., Inc.— Investigation of Operations, now assigned January 15, 1973, at Billings, Mont., hearing will be held in Room 246, U.S. Post Office Building, First Avenue, North and 26th Street.

MC-F-11275, Navajo Freight Lines, Inc.—Control—Joe Hodges Transportation Corp., now assigned January 22, 1973, at Denver, Colo., hearing will be held in Room 595, Courthouse, 1921 Stout Street.

AB 6 Sub 7, Burlington Northern Inc., abandonment between Brisbin and Gardiner, Park County, Mont., now assigned January 18, 1973, at Livingston, Mont., hearing will be held in the District Courtroom 2d Floor, County Courthouse Between D and E Streets, on Callendon Avenue.

MC 133565 Sub 7, True Transport, Inc., now assigned January 22, 1973, at New York, N.Y., hearing is canceled and application dismissed.

MC 116165 Sub 5, Murray Hill Limousine Service, Ltd., now assigned continued hearing January 22, 1973, at Albany, N.Y., is canceled.

MC-117119 Sub 448, Willis Shaw Frozen Express, Inc., MC-124211 Sub 215, Hilt Truck Line, Inc., now assigned January 15, 1973, will be held in Room 1086A Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-29392 (Sub-No. 18), Les Johnson Cartage Co., now assigned January 22, 1973, will be held in Room 1086A Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 112822 Sub 235, Bray Lines, Inc., now assigned January 29, 1973, at Chicago, Ill., hearing will be held in Room 865, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 111812 Sub 476, Midwest Coast Transport, Inc., now assigned January 31, 1973, at Chicago, Ill., hearing will be held in Room 204A Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 120800 Sub 24, Capitol Truck Line, Inc., extension, methane, MC 108449 Sub 302, Indianhead Truck Line, Inc., extension, methane, now assigned February 5, 1973, at Chicago, Ill., hearing will be held in Room 1630, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 120616 Sub 2, A. V. Dedmon Trucking, now assigned January 17, 1973, at Raleigh, N.C., is postponed indefinitely.

AB 5 Sub 63, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Potts Run and Carnwarth, Clearfield, County, Pa., now being assigned hearing February 6, 1973, at Phillipsburg, Pa., in a hearing room to be later designated.

MC 136597, West Kentucky Motor Express, Inc., continued to March 26, 1973, at Paducah, Ky., hearing will be held at the Ramada Inn, 1380 South Beltline Highway.

AB-5 Sub 70, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Uniontown and South Uniontown, Fayette County, Pa., now being assigned hearing February 12, 1973 (2 days), at Uniontown, Pa., in a hearing room to be later designated.

MC-123407 Sub 106, Sawyer Transport, Inc., now assigned January 29, 1973, will be held in Room 1992, MC-61592 Sub 279, Jenkins Truck Line Inc., now assigned January 30, 1973, will be held in Room 286, MC-118959 Sub 100, Jerry Lipps, Inc., now assigned February 1, 1973, will be held in Room 204, MC-35358 Sub 29, Berger Transfer & Storage, Inc., now assigned February 5, 1973, will be held in room 1086A Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

AB-5 Sub 71, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Kings Creek and Crisfield, Somerset County, Md., now being assigned hearing February 20, 1973 (3 days), in a hearing room to be later designated.

MC 66886 Sub 34, Belger Cartage Service, Inc., now being assigned hearing February 26, 1973 (1 day), at Columbus, Ohio., in a hearing room to be later designated.

MC 87476 Sub 11, Carl Schaefer, Jr., Truck Line, Inc., now being assigned hearing February 27, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 107295 Sub 631, Pre-Fab Transit Co., now being assigned hearing February 28, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 109448 Sub 16, Parker Transfer Company, now being assigned hearing March 1, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 5623 Sub 19, Arrow Trucking Co., now being assigned hearing March 2, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC-F-11603, W. L. Mead, Inc.—Purchase—North Fairfield Transfer Co., and MC 109265 Sub 24, W. L. Mead, Inc., now being assigned hearing March 5, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

AB-5-64, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Bradford and East Greenville, Miami, and Darke Counties, Ohio, and AB-5-65, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Greenville and New Paris, Darke, and Preble Counties, Ohio, now being assigned hearing March 7, 1973 (3 days), at Greenville, Ohio, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-22234 Filed 10-26-72;8:51 am]

[Notice 143]

ASSIGNMENT OF HEARINGS

DECEMBER 21, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-83539 Sub 323, C & H Transportation Co., Inc., now being assigned hearing March 12, 1973 (2 weeks), at the Sheraton-Cleveland Hotel, 24 Public Square, Cleveland, OH.

AB-5-100, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Springfield branch between Arcanum and Glen Karn, Darke County, Ohio, now being assigned hearing March 12, 1973

(2 days), at Greenville, Ohio, in a hearing room to be later designated.

AB-5-101, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Springfield branch between Shirley and Wilkinson, Hancock County, Ind., now being assigned hearing March 15, 1973 (2 days) at Shirley, Ind., in a hearing room to be later designated.

MC 5812, John J. Sorice, doing business as John P. Sorice Trucking, now being assigned hearing March 7, 1973 (3 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 69833 Sub 77, Associated Truck Lines, Inc., now assigned January 15, 1973, at Indianapolis, Ind., canceled and application dismissed.

AB 5 Sub 40, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment Bellefonte Secondary Track, between Lemont and Coburn, in Centre County, Pa., now assigned January 16, 1973, at Bellefonte, Pa., hearing will be held in Courtroom No. 1, County Courthouse, Allegheny Street.

MC-F-11534, Associated Freight Lines—Control—Best-Way Transportation MC 112123 Sub 7, Best-Way Transportation, and MC-F-11602, Associated Freight Lines—Purchase (Portion)—Doudell Trucking Co., continued to January 29, 1973 (3 days), in Room 13025, Federal Building, 450 Golden Gate Avenue, San Francisco, CA, and February 1, 1973 (7 days), in Room 1010, Federal Building, 230 North First Avenue, Phoenix, AZ.

MC-C-7874, United Van Lines, Inc.—Investigation and revocation of certificate, now assigned January 8, 1973, at St. Louis, Mo., hearing will be held in Room 1612, Federal Building, 1520 Market Street; now assigned January 11, 1973, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street; now assigned January 15, 1973, at Dallas, Tex., will be held in Room 5A15, 1100 Commerce Street; now assigned January 16, 1973, at Denver Colo., will be held in Room 1430, Federal Building, 1961 Stout Street; now assigned January 18, 1973, at Los Angeles, Calif., will be held in Room 7210, Federal Building, 300 North Los Angeles Street; now assigned January 22, 1973, at St. Louis, Mo., will be held in Courtroom 2, Court of Appeals, 114 Market Street.

MC 136884, James J. Hamilton dba Hamilton's Towing Service, now assigned January 15, 1973, MC 4405 Sub 498, Dealer Transit, Inc., now assigned January 18, 1973, MC 107496 Sub 855, Ruan Transport Corp., now assigned January 19, 1973, at Chicago, Ill., will be held in Room 905 A, 536 South Clark Street.

MC 127957 Sub 2, Dominick Spinelli, doing business as Direct Way Auto Shippers, now assigned January 15, 1973, at Miami, Fla., is canceled and the application is dismissed.

MC 96007 Sub 27, Kenneth Hudson, Inc., extension, New Hampshire, now assigned January 16, 1973, at Concord, N.H., is postponed indefinitely.

AB 5 Sub 57, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Columbus and Flat Rock, Bartholomew and Shelby Counties, Ind., AB 5 Sub 58, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Fenns and Shelbyville, Shelby County, Ind., AB 5 Sub 59, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Rays Crossing and Rushville, Shelby and Rush Counties, Ind., now assigned January 22, 1973, at Rushville, Ind., will be held in the First Floor Assembly Room Courthouse.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-22233 Filed 12-26-72;8:51 am]

[Notice 171]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 15, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19945 (Sub-No. 34 TA), filed December 7, 1972. Applicant: BEHNKEN TRUCK SERVICE, INC., Route No. 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks, II, 1301-12 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, from the plantsite and storage facilities of Hercules Inc. at or near Louisiana, Mo., to points in Clay, Clinton, Daviess, Greene, Knox, Owen, Sullivan, Vanderburgh, Vermillion, Vigo, and Warrick Counties, Ind., for 180 days. Supporting shippers: David B. Moore, District Traffic Manager, Hercules Inc., Suite 500, 120 Oakbrook Center Mall, Oak Brook, Ill. 60521; Roy J. Ferro, Traffic Manager, Peabody Coal Co., 301 North Memorial Drive, St. Louis, MO 63102. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 29886 (Sub-No. 289 TA), filed December 8, 1972. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, truck chassis and bodies, cabs and parts of and accessories* for such vehicles when moving in connection therewith in initial driveaway service, from the plantsite of Mack Western in Hayward, Calif., to points in the United States (except Hawaii, Arizona, California, Colorado, Idaho, New Mexico, Montana, Oregon, Utah, Wyoming, Washington, and Nevada), for 180 days. Supporting shipper: Mack Western, 21301 Cloud Way, Hayward, CA 94544. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 64932 (Sub-No. 509 TA), filed December 8, 1972. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, IL 60453. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic latex*, liquid, in bulk, in tank vehicles, from Illiopolis, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Borden Chemical Division of Borden, Inc., 50 West Broad Street, Columbus OH 43215. Send protests to: Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 96612 (Sub-No. 13 TA), filed December 6, 1972. Applicant: SEA-FREIGHT SERVICE, INC., Post Office Box 1050, Elizabeth, NJ 07207. Applicant's representative: F. Hiljer, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned seafood*, from Seattle, Wash., to Bellingham, LaConner, Anacortes, Blaine and Monroe, Wash., restricted to traffic having a prior movement by water, for 180 days. Supporting shippers: Wards Cove Packing Co., Inc., Box 30, University Station, 88 East Hamlin, Seattle, WA 98105; Bumble Bee Seafoods, a division of Castle & Cooke, Inc., Astoria, Oreg. 97103; Pan-Alaska Fisheries, Inc., Post Office Box 647, Monroe, Wash. 98272; New England Fish Co., Pier 89, Seattle, Wash. 98119. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Bureau of Operations, 970 Broad Street, Newark NJ.

No. MC 138178 (Sub-No. 1 TA), filed December 6, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188 (1612 East Irving Boulevard), Dallas, TX 75222. Applicant's representative: James K. Newbold (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Playground apparatus, recreational equipment, and sporting goods*, from Bossier City, La., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: Gym-Dandy, Inc., Post Office Box 5637, Bossier City, LA 71010. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 13878 (Sub-No. 1 TA), filed December 7, 1972. Applicant: HEFLIN INDUSTRIES, INC., 1111 West Maricopa Freeway, Phoenix, AZ 85007. Applicant's representative: A Michael Bernstein, 1327 United Bank Building, Phoenix, AZ 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable and semiperishable commodities*, from Medford, Oreg., to Atlanta, Ga.; Baltimore, Md.; Brooklyn, N.Y.; Charlotte, N.C.; Chicago, Ill.; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; Harrisburgh, Pa.; Houston, Tex.; Indianapolis, Ind.; Jacksonville, Fla.; Jersey City, N.J.; Kansas City, Mo.; Memphis, Tenn.; Miami, Fla.; Milwaukee, Wis.; Minneapolis, Minn.; New Orleans, La.; New York, N.Y.; Oklahoma City, Okla.; Omaha, Nebr.; Philadelphia, Pa.; Phoenix, Ariz.; Pittsburgh, Pa.; St. Louis, Mo.; and Washington, D.C., for 180 days. Supporting shipper: Harry and David, Bear Creek Orchards, Medford, Oreg. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 138206 (Sub-No. 1 TA), filed December 7, 1972. Applicant: TRULINE CORPORATION, 5804 Pebble Beach Boulevard, Las Vegas, NV 89108. Applicant's representative: A. Bill Maupin, Suite 100 First National Bank Building, Las Vegas, NV 89101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products including wallboard, plasterboard, and plaster* in bags, from points in Clark County, Nev., to points in Ventura, Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, Calif., for 180 days. Supporting shippers: Flintkote Co., Post Office Box 2312, Terminal Annex, Los Angeles, Calif. 90051; Johns-Manville, 4301 East Firestone Boulevard, Post Office Box 1788, South Gate, CA 90280. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, 705 North Plaza Street, Carson City, NV 89701.

No. MC 138246 TA, filed December 7, 1972. Applicant: BAY CITY TRADING CO., 5603 South West Hood, Portland, OR 97201. Applicant's representative: Lawrence V. Smart, Jr., 419 North West 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring refrigeration, from Seattle, Wash., to points in Multnomah, Wash., and Clackamas Counties, Oreg., for 180 days. Supported by: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 405 Multnomah Building, 319 South West Pine Street, Portland, OR 97204.

No. MC 133966 (Sub-No. 23 TA), filed December 7, 1972. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except frozen and commodities in bulk), from Berwick, Pa., to Liberty, Middletown, Wyantskill, Oneonta, Glens Falls, Amsterdam, Poughkeepsie, Kingston, Plattsburgh, Binghamton, Hornell, Buffalo, Schenectady, Rochester, Fayettesville, Utica, Ogdensburg, Watertown, and Falconer, N.Y.; Bedford, Laconia, Berlin, Fremont, Somersworth, and Metheun, N.H.; Williston, St. Johnsbury, and Hartford, Vt.; Fairfield, S. Norwalk, Hartford, Mystic, Lisbon, and Branford, Conn.; Cranston, R.I.; Westfield, Worcester, Bridgewater, Cambridge, Andover, and Lowell, Mass.; Atlantic City, Cape May, Rio Grande, Farmingdale, Trenton, Neptune, Gloucester City, and Westville, N.J.; Baltimore, Brentwood, Salisbury, and Cumberland, Md., for 150 days. Supporting shipper: Wise Foods, Division of Borden Foods, Borden, Inc., Berwick, Pa. 18603. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 138247 TA, filed December 8, 1972. Applicant: CHARLES H. WILLIAMS TRUCKING CO., INC., R.F.D. No. 1, Oakfield, TN 38362. Applicant's representative: Charles H. Williams, Sr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies, including tools* used in the construction and maintenance of telephone systems and communications, between Jackson, Tenn., and points in the counties of Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Wayne, and Weakley, Tenn., for 180 days. Supporting shipper: Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

MOTOR CARRIERS OF PASSENGERS

No MC 127669 (Sub-No. 4 TA), filed December 8, 1972. Applicant: CHERRY HILL TRANSIT, a New Jersey corporation, 109 Brick Road, Marlton, NJ 08053. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Cherry Hill Mall, Cherry Hill, Camden County, Moorestown Township, and Mount Laurel Township, Burlington County, N.J., on the one hand, and, on the other, New York City, N.Y., serving all intermediate points between Cherry Hill Mall and Mount Laurel Township, from Cherry Hill Mall along New Jersey Route No. 38 to its intersection with Lenola Road, thence along Lenola Road to its intersection with New Jersey Highway Route No. 73, thence along New Jersey Highway Route No. 73 to Exit 4 of the New Jersey Turnpike, thence along the New Jersey Turnpike to Exit 16, thence along Interstate Highway Route No. 495 to the Lincoln Tunnel nel, thence through the Lincoln Tunnel to New York City, N.Y., and return over the same route, for 180 days. Supported by: Various individuals. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

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

[FR Doc.72-22235 Filed 12-26-72;8:51 am]

[Notice 172]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 20, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1756 (Sub-No. 25 TA), filed December 11, 1972. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, NJ 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends and materials, supplies and equipment* used in connection therewith, between plant and warehouse sites of Continental Can Co., Inc., in Passaic County, N.J., on the one hand, and, on the other, points in Scotia, Albany, Patchogue, Elmsford, Utica, Newburgh, New Rochelle, Pelham, New Hyde Park, and Richmond County, N.Y., for 180 days. Supporting shipper: Continental Can Co., Inc., 633 Third Avenue, New York, NY 10017. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 16965 (Sub-No. 5 TA), filed December 12, 1972. Applicant: FRANKLIN TRUCKING, INC., 210 East Washington Street, Hartford City, IN 47348. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of Weyerhauser Co. at Columbus, Ind., to Cincinnati, Ohio, and Louisville, Ky., for 180 days. Restriction: Restricted to traffic originating at the plantsite of Weyerhauser Co. at Columbus, Ind., and destined to Cincinnati, Ohio and Louisville, Ky., and performed under a continuing contract or contracts with the Weyerhauser Co., for 180 days. Supporting shipper: Weyerhauser Co., 110 South Wacker Drive, Chicago, IL 60608. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 35807 (Sub-No. 27 TA), filed December 11, 1972. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 210 Baker Street NW. (30313), Mail: Post Office Box 4313, Atlanta, GA 30302. Applicant's representative: Melvin E. Bailet (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, from New Orleans, La., on the one hand, and, on the other, points in Stone, George, Perry, Kemper, Neshoba, Sharkey, Issaquena, Jefferson Davis, Wilkinson, Amite, Walthall, Copiah, Simpson, Lawrence, Jefferson, Covington, Jasper, Claiborne, Smith, Wayne, Greene, Clarke, Marion, Jackson, Harrison, Hancock, Pearl River, Lamar, Forrest, Jones, Lauderdale, Newton, Scott, Leake, Madison, Yazoo, Ranklin, Hinds, Warren, Adams, Franklin, Lincoln and Pike Counties, Miss., and Mobile, Baldwin, Esgambia on and west of State Highway 21, Counties, Ala., for 180 days. Supporting shipper: Federal Reserve Bank of Atlanta, New Orleans branch, New Orleans, La. Send protests to: District Supervisor William L. Scroggs, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 44128 (Sub-No. 37 TA), filed November 13, 1972. Applicant: EPES TRANSPORT SYSTEM, INC., Office: 830 South Main Street, Blackstone, VA 23824. Applicant's representative: Edward G. Villalon, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted, reconstructed, or homogenized tobacco*, from Spotswood, N.J., to Louisville, Ky., for 180 days. Supporting shipper: Brown and Williamson Tobacco Corp., 1600 West Hill Street, Louisville, KY 40201. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 104654 (Sub-No. 149 TA), filed December 12, 1972. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, IL 62222. Applicant's representative: D. R. McClane (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen, liquid oxygen, and liquid argon*, in bulk, in shipper owned trailers, from Indianapolis, Ind., to points in Illinois, Indiana, Kentucky, and Ohio, restricted to traffic having a prior movement by rail, for 180 days. Supporting shipper: R. L. Mathews, Operations Manager, Airco Industrial Gases, Division of Airco, Inc., Broadview, Ill. 60155. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 107012 (Sub-No. 168 (TA), filed December 12, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Carlton Holle (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, uncrated, from Grafton, W. Va., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, for 180 days. Supporting shipper: Ozite Corp., 1755 Butterfield Road, Libertyville, IL 60048. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 111720 (Sub-No. 9 TA), filed December 12, 1972. Applicant: RAY WILLIAMS, AND ARLENE WILLIAMS, doing business as WILLIAMS TRUCK SERVICE, 2800 East 11th, Post Office Box 40 (57101), Sioux Falls, S. Dak. 57103. Applicant's representative: Ray Williams (Same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of John Morrell & Co. at or near Sioux Falls, S. Dak., and Sioux City, Iowa, to points in Georgia, North Carolina, South Carolina and Tennessee, under contract or continuing contracts with John Morrell & Co., for 180 days. Supporting shipper: John Morrell & Co., 1400 North Weber Avenue, Sioux Falls, SD 57103, Claude Stewart, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113047 (Sub-No. 9 TA), filed December 14, 1972. Applicant: BUANNO TRANSPORTATION CO., INC., Rural Delivery No. 1, Fort Johnson, NY 12070. Applicant's representative: Julius Braun, Room 21, Albany Port Administration Building, Albany, NY 12202. Authority sougth to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in bottles and cans, in cases or cartons, and in kegs or barrels, from Fogelsville, Pa., to Gloversville, N.Y., for 180 days. Supporting shipper: Sarraino Bros. & Curcio, Inc., 180 South Main Street, Gloversville, NY 12078. Send protests to: Joseph M. Barninj, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, NY 12207.

No. MC 113410 (Sub-No. 75 TA), filed December 6, 1972. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Applicant's representative: Robert W. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Distillate fuel oil*, in bulk, in tank vehicles, from Williams Bros., pipeline at or near Mankato, Minn., to points in Kossuth, Winnebago, and Worth Counties, Iowa, for 180 days. Supporting shipper: Ashland Petroleum Co., Ashland, Ky. 41101. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 116254 (Sub-No. 133 TA), filed December 11, 1972. Applicant: CHEM-HAULERS, INC., 1510 Martin Avenue, Post Office Box 245, Sheffield, AL 35660. Applicant's representative: Douglas O. Logue (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium dioxide*, dry, in bulk, in tank vehicles, from New Johnsonville, Tenn., to points in Alabama, Arkansas, Delaware, Iowa, Michigan, New Jersey, New York, Pennsylvania, and Texas, for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Attention: Traffic Department, Wilmington, Del. 19898. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 118989 (Sub-No. 82 TA), filed December 8, 1972. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and related parts*, from the plantsite of the Coca Cola Co. at Valparaiso, Ind., to Ortonville, Minn., for 180 days. Supporting shipper: Coca Cola Co., Foods Division, Post Office Box 2079, Houston, TX 77001 (Frank H. Reynolds, Manager of Distribution Services). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 127418 (Sub-No. 6 TA), filed December 4, 1972. Applicant: TROPARCTIC REFRIGERATED SERVICE, INC., Post Office Box 1272, Gainesville, Ga 30501. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, rugs, tufted textile products and yarn*, from points in Catoosa, Chattooga, Floyd, Gilmer, Gordon, Murray, Pickens, Walker, and Whitfield Counties, Ga., to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and (2) *jute or burlap*, from Los Angeles, Calif., Oakland, Calif., Portland, Oreg., San Diego, Calif., San Francisco, Calif., and Seattle, Wash., to points in the Georgia counties named in (1) above, for 180 days. NOTE: Authority is requested to interline at any common point of joinder with other carriers where such interlining permits more efficient service to public. Supported by: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 128866 (Sub-No. 45 TA), filed December 13, 1972. Applicant: B & B TRUCKING, INC., 9 Brade Lane, Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, Federal Bar Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., Searcy, Ark., and Deerfield, Ill., to Duncanville, Tex., for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddonfield, NJ 08033. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 129480 (Sub-No. 4 TA), filed December 7, 1972. Applicant: TRI-LINE EXPRESSWAYS, LTD., Post Office Box 5245, Station A, 550 71st Avenue SE, Calgary, AB, Canada. Applicant's representative: Hugh Sweeney, Post Office Box 1321, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds*, in containers, from Military, Kans., to the international boundary line between the United States and Canada situated in Montana, North Dakota, and Minnesota, for 180 days. Supporting shipper: Gulf Oil Co.-United States Post Office Box 2100, Houston, TX 77001. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133014 (Su-No. 5 TA), filed December 12, 1972. Applicant: WOODCREST L & S CO., 1301 West 22d Street, Suite 509, Oakbrook, Ill. 60521. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by mail-order houses, except in bulk, between Charlotte, N.C., and points in North Carolina, South Carolina, Alabama, Georgia, Tennessee, and Virginia, pursuant to a continuing contract or contracts with Spiegel, Inc., of Chicago, Ill., restricted to traffic originating at or destined to the facilities of Spiegel, Inc., at Chicago, Ill., for 180 days. Supporting shipper: Roger B. Nelson, Director of Transportation, Spiegel, Inc., Chicago, Ill. Send protests to: Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135542 (Sub-No. 3 TA), filed December 7, 1972. Applicant: TIMOTHY D. SHAW, Rural Delivery No. 1, Sweet Valley, PA 18621. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V, Group III, 61, M.C.C. 209 and 766, from Luzerne, Pa., to points in Massachusetts, Vermont, Connecticut, New Jersey, and Carlton, Mich., for 180 days. Supporting shipper: Wilkes-Barre Iron & Wire Works, Inc., Post Office Box 177, Luzerne, PA 18709. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 135562 (Sub-No. 4 TA) filed December 11, 1972. Applicant: O.C.C., INC., 2201 Sixth Avenue, South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wheels, wheel parts, wheel attaching parts, fifth wheels, axles, axle parts, suspensions and parts thereof, and landing legs* (for trailers), from Akron, Ohio, Detroit, Mich., Muskegon, East Chicago, Ind., and Montgomery, Ala., to Tempe, Ariz., Los Angeles and San Leandro, Calif., under continuing contract with Wheel Industries, Inc., for 180 days. Supporting shipper: Wheel Industries, Inc., 3050 East 11th Street, Los Angeles, CA 90023. Send protests to: L. D. Boone, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, WA 98104.

No. MC 135809 (Sub-No. 4 TA) filed December 6, 1972. Applicant: B-H TRANSFER CO., Post Office Box 151, Sandersville, GA 31082. Applicant's representative: J. Raymond Clark, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between Sandersville, Ga., on the one hand, and, on the other, Augusta, Dublin, Mason, and Thomson, Ga., for 180 days. Restriction: Restricted to traffic having an immediately prior or subsequent movement by rail T.O.F.C. service. Supporting shippers: Evans Adhesive Corp., 925 West Henderson Road, Columbus, OH 43220; Lapp Insulator Division, Interpace

Corp., Sandersville, Ga. 31082. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 135903 (Sub-No. 6 TA), filed December 12, 1972. Applicant: MID NEBRASKA TRUCKING, INC., Cornlea, Nebr. 68630. Applicant's representative: Robert G. Planansky, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems and parts, equipment, materials and supplies* used in irrigation systems, their shipment or their installation, from facilities used by Lindsay Manufacturing Co., Inc., at Lindsay, Nebr., to points in Maine, Massachusetts, Nevada, New Hampshire, Rhode Island, Vermont, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized; and (2) *equipment, materials, and supplies* utilized in the manufacture of irrigation systems, from points in Maine, Massachusetts, Nevada, New Hampshire, Rhode Island, Vermont, and the District of Columbia to the facilities of Lindsay Manufacturing Co., Inc., at Lindsay, Nebr. The operations sought herein are limited to transportation service to be performed under continuing contract or contracts with Lindsay Manufacturing Co., Inc., for 150 days. Supporting shipper: Larry Fisher, Shipping Manager, Lindsay Manufacturing Co., Inc., Lindsay, Nebr. 68644. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebraska 68508.

No. MC 138256 TA, filed December 11, 1972. Applicant: INTERIOR TRANSPORT, INC., Post Office Box 3347, 2141 Waterworks Way, Spokane, WA 99220. Applicant's representative: James C. Williams (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, iron and steel metal building products and accessories; plastic, steel and aluminum irrigation and construction pipe and tubing and accessories; metal working machinery or machines; aluminum and steel sheets, coiled*, from and to the following points: ASC plant sites at Spokane, Wash., Tacoma, Wash., and Visalia, Calif., Gifford-Hill Co., plant sites at Grand Island, Nebr., and Lubbock, Tex., between points in Washington, Oregon, Idaho, Montana, California, Arizona, Nevada, Utah, Wyoming, Colorado, New Mexico, South Dakota, North Dakota, Nebraska, and Texas, for 180 days. Supporting shipper: ASC Industries, Inc., North 800 Fancher Way, Spokane, WA 99211. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, WA 98104.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-22236 Filed 12-26-72;8:52 am]

[Notice 187]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopsis of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 73985. By order of December 7, 1972, the Motor Carrier Board approved the transfer to Best-Way Transport, Inc., Baltimore, Md., of a portion of the operating rights in certificate No. MC 36746 issued April 22, 1966, to American Transfer Co., Inc., Baltimore, Md., authorizing the transportation of general commodities, with exceptions, over regular routes, between Baltimore, Md., and Washington, D.C. William J. Little, 10 East Baltimore Street, Baltimore, MD 21202, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-22138 Filed 12-26-72;8:47 am]

[Notice 188]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 20, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR part 1132:

No. MC-FC-74173. By application filed December 13, 1972, Articare Transport, Inc., 307 Hartford Pike, Shrewsbury, MA 01545, seeks temporary authority to lease the operating rights of Nelson Freightways, Inc., 47 East Street, Rockville, CT 06066, under section 210a(b). The transfer to Articare Transport, Inc., of the operating rights of Nelson Freightways, Inc., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-22137 Filed 12-26-72;8:47 am]

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PART II

FEDERAL COMMUNICATIONS COMMISSION

■

SCHEDULE OF FEES

Notice of Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19658; FCC 72-1140]

SCHEDULE OF FEES

Notice of Proposed Rule Making

In the matter of amendment of Subpart G of Part I of the Commission's rules relating to the schedule of fees, Docket No. 19658.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission is again confronted with its responsibility and obligation to comply with the mandate of the Congress that:

> * * * any work, service, * * * benefit, privilege, authority, * * * license, permit, certificate, registration or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by (Federal Communications Commission) shall be self-sustaining to the full extent possible * * *.[1]

The Congress has authorized us to accomplish this by prescribing such fees as we shall determine, in case none exist, or redetermine in case of an existing one, to be:

> Fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy, or interest served, and any other pertinent facts * * *.[2]

3. The Commission, by its report and order, released July 2, 1970,[3] adopted a new and broader schedule of fees than had theretofore existed.[4] It was pointed out therein that, in adopting an earlier schedule, the Commission stated that it would undertake a continuing review of fees and that such a continuing review had since been carried forward on a regular basis which resulted in a number of changes and modifications being made; that the fee schedule adopted in 1964 established nominal filing fees and produced fee revenues which approximated 25 percent of the Commission's annual appropriation at that time; that subsequent changes in the schedule generally maintained the same rates between fee revenues and the Commission's appropriation; that, however, after judicial affirmation[5] of the Commission's authority to establish a schedule of fees, the Bureau of the Budget has regularly urged the establishment of higher fee schedules; and that in 1969 the House Appropriations Subcommittee expressed its concern about the Commission's fee schedule, stating:

> The Committee also feels that fee charges should be further reviewed and adjusted upward with the objective of assuring that the activities of the Commission are more nearly self-sustaining * * *.[6]

It was further noted that the Conference on the Independent Office Appropriations Bill of 1970 supported the House Appropriation Subcommittee's views, stating, with respect the Commission's schedule, that:

> The Committee of Conference is agreed that the fee structure of the Commission should be adjusted to fully support all its activities so the taxpayers will not be required to bear any part of the load * * *.[7]

We further pointed out that after the commencement of the proceeding in Docket 18802 both the Senate and House Appropriations Subcommittees reiterated their view that the Commission establish its schedule of fees on a basis which would make it self-sustaining to the fullest extent possible.

4. The U.S. Court of Appeals for the Fifth Circuit in "Clay Broadcasting v. United States of America and the FCC"[8] affirmed in all respects the Commission's 1970 schedule of fees, including annual fees payable by broadcasters and cable operators.[9]

5. The fee collections for fiscal year 1972 amounted to $23,981,361 or 78.6 percent of the $30,392,100 which was the sum allocated for expenditure that year. The subsequent expansion of Commission activities and obligations, and the increases in its operating expenses and costs now necessitate a proposed increase in fees to produce revenues which will approximate our expected expenditures for fiscal year 1974 and attain the self-sustaining objective of the fees enabling legislation and of the Bureau of Budget and congressional committee.

6. The anticipated fiscal year 1974 activity cost is $42,407,406 and represents a 39.1 percent increase over the 1972 corresponding figure of $30,492,000. The breakdown of the 1974 sum both in terms of dollars and in terms of percentages of the total Commission cost together with expected fee revenues is as follows:

	Anticipated fiscal year 1974 costs		Anticipated fiscal year 1974 fee revenues	
		Percent		*Percent*
Broadcast	$12,287,000	29.0	$12,746,000	29.8
Common carrier	8,054,000	19.0	8,920,000	20.9
Safety and Special	16,029,000	37.8	14,514,000	33.9
Cable television	3,100,000	7.3	2,713,000	6.3
Chief engineer	811,000	1.9	1,200,000	2.8
Field engineering	2,127,000	5.0	2,718,000	6.3
	42,408,000	100.0	42,811,000	100.0

In this notice, the level of our anticipated fee revenue has been set at approximately the cost to the Commission of administering our programs in fiscal year 1974. To the extent that the fee revenues are in excess of our costs, the additional amounts will serve to eliminate the necessity for frequently revising our fee schedule to keep up with our increasing appropriation structure.

7. The full impact of this fee schedule will not be felt until fiscal year 1975 due to the "phased in" nature of the fee schedule. For example, applications which are currently on file will not be subject to the new higher grant fees. Similarly in the cable television area, the new annual fee will not take effect until December 31, 1973 and will not be due until April 1, 1974.

8. If our actual appropriations are not substantially equal to the estimated activity cost as contained in this notice, adjustments will be made in the finalized fee schedule to reflect our revised estimates.

9. Although we attempted to establish fees that would result in Commission activities being as nearly self-supporting as practicable, it will be noted that in the Broadcast and Common Carrier services the expected fee revenues are slightly in excess of the budget cost of administering those services and in the case of the Safety and Special Radio Service, the fee revenue is expected to be less than the estimated cost of administering that service. These variances, we believe, are justified on the basis of the comparison of the value to the recipients in the Broadcast and Common Carrier services with that in the Safety and Special Radio Service where radio communication is usually an adjunct to the primary business, and not the primary business, in which the recipient is engaged. In addition, a significant number of licensees in the Safety and Special Radio

[1] From title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483 (a)).

[2] Ibid.

[3] For a brief history of the activity of the Commission, the Congress and other governmental agencies pertaining to fees from 1929 to February 1970, see Appendix B attached below.

[4] Docket No. 18802, 35 F.R. 10988 (1970), 23 FCC 2d 880. By its memorandum opinion and order of April 1, 1971, in said docket, the Commission disposed of the petitions for reconsideration and other requests and comments concerning the schedule's legality and equitableness of individual fees, 28 FCC 2d. 139.

[5] Aeronautical Radio Inc., et al. v. United States and FCC, 335 F. 2d 304 (1964) cert. denied 379 U.S. 966.

[6] H.R. Rep. No. 91-316, 91st Cong., first session, 7-8 (1969).

[7] H.R. Rep. 91-649, 91st Cong. first session (1969).

[8] Case No. 71-1621, 71-1990, decided July 21, 1972 (Slip Op.); rehearing denied Oct. 2, 1972.

[9] The order of the Federal Power Commission assessing annual fees against gas pipeline companies and electric utilities was set aside by the U.S. Court of Appeals for the District of Columbia in New England Power Company v. Federal Power Commission, Cases Nos. 71-1439, 71-1539, 71-1555 decided Aug. 15, 1972 (Slip Op.); rehearing denied Sept. 25, 1972.

Service are local governments or others whose principal activities are to render public services and who are, therefore, not subject to the fee schedule.

10. Also, the estimated fee revenue for the Commission's activities relating to Cable Television and Cable Television Relay Services are approximately 88 percent of the Commission's expected budget allocation for those services. Adoption of a cable fee schedule yielding that percentage, rather than full coverage, reflects the Commission's desire to offset the unintentional inequities resulting from the cable fee schedule basically adopted in 1970 (and currently in force) under which the Commission's actual cable revenue amounted to approximately 200 percent of cable-regulation budget allocations, and its recognition that cable television, notwithstanding its bright long-run potential for service to the American people, is still in an early developmental stage during which much financial investment is required but profit margins are typically either thin or nonexistent.

11. As we explained in 1970 [10] the Commission's fee process starts with direct costs for each bureau/office concerned, as reflected in our annual budget requests. There is then added to such direct costs those costs of other bureaus or offices which are directly attributable to the service involved; e.g., the costs of most of the activities of the Field Engineering Bureau are distributed among Broadcasting, Common Carrier, Cable Television, and Safety and Special Services in the proportion of activity devoted to each service. This is also true of Administrative Law Judges, Opinions and Review and the Review Board. Thereafter, the Commission's remaining costs, for example, those for the General Counsel's Office, the Executive Director's Office, the Commissioners' offices and others not directly attributable to any particular service are distributed amongst the bureaus and offices, pro-rated on the basis of direct costs. As has been the case with past schedules, the other factors—"value to recipient" and "public policy and interest"—have been, and must continue to be, part of our consideration in setting new fees or modifying old ones. Accordingly, we have not deviated from that obligation in arriving at the proposals herein. Nevertheless, as with past schedules, and as noted above, the charges proposed do not necessarily reflect accurately the cost to the Government of processing any particular application or the value conferred upon a recipient of an authorization or service. We reiterate that there is no requirement that individual fees be tied directly to processing costs or that individual activity costs set an outer limit for fee revenues resulting from such activity. The Court is the "Aeronautical" case [11], in sustaining the validity of the Commission's 1963 schedule, states (at p. 310):

> The self-sustaining principle is but one of the factors to be considered by the Commission in distributing the burden of costs, and there is no necessity that it be given the same weight in setting each class of fees * * *
>
> We see no requirement [in 31 U.S.C. 483 (a), then 5 U.S.C. 140] that "value to the recipient" need be pecuniary value * * * the Commission may in its discretion determine what weight should be placed on each of the factors.[12]

12. The Court in the recent "Clay" case [13] confirms that conclusion, citing with approval the "Aeronautical" case and stating (Slip. Op., p. 7):

> * * * the weighing of these statutory factors or "whether * * * all * * * must play a quantitative share" in the judgment made, was for the commission. (Citing cases) Additionally, the Bureau of the Budget Circular A–25 which provides "The maximum fee for a special service will be governed by its total cost and not by the value of the service to the recipient" does not compel the Commission to precisely pro-rate its costs in performing the various services in the Broadcast Bureau and limit the fee for each service to its precise administrative cost. Indeed such precision would be difficult if not altogether impossible to achieve (footnotes omitted).

13. In light of the above congressional directives, the judicial decisions and our fee assessment experiences, we proposed to amend our schedule of fees as set forth in Appendix A below. Comments are invited on these proposals.

REFUND OF FEES (SECTION 1.1103)

14. We propose to amend § 1.1103 to increase the minimum amount to be refunded from amounts exceeding $2 to amounts exceeding $5. The increase is being recommended for two reasons: One, the number of fees which are being recommended at $5 or less is being reduced and consequently we expect the number of refunds which would be made at $5 or less will drop; and two, the administrative costs to the Commission and the Treasury Department to process refunds exceeds the amounts refunded.

BROADCAST SERVICES (SECTION 1.1111)

15. The fees required by the Commission's present fee schedule for broadcast services fall broadly into four categories: (1) Filing and grant fees for construction permits for new broadcast stations or for major changes in existing stations; for television, these fees vary with the type of station (VHF, UHF) and the size of the market in which the station is located or proposed to be located; for radio, they vary with the power, hours of operation, and class of station; (2) filing and grant fees for long form applications for assignment of license or transfer of control of existing corporate licensees, the filing fee being $1,000 and the grant fee being 2 percent of the consideration for the assignment or transfer; (3) annual license fees, which, for radio stations, are 24 times the station's highest single "1-minute" spot announcement rate, but never less than $52, and for television stations are 12 times the station's highest "30-second" spot announcement rate, but never less than $144; and (4) a variety of other filing fees, such as those for applications for minor changes in facilities, change of call sign, assignment of license or transfer of control (short form), or applications for subscription television authorizations.

16. The rationale of the fee schedule in general and as it pertains to the broadcast services has been set forth above and will not be repeated in detail here. Suffice it to say that the broadcast fees in the present schedule and as proposed below are founded on due consideration of the factors permitted by law as discussed above—direct and indirect cost to the government, value to the recipient, and public policy or interest to be served, as well as other pertinent factors. Moreover, as stated above, the Commission has a mandate to fully support all of its activities, and revenues expected to be received under the present schedule are not sufficient to meet projected administrative costs of the Commission. Those projected costs for the Broadcast Bureau for fiscal year 1974 are $12,287,000. In fiscal year 1972, fee revenues from the broadcast services amounted to $9,688,547.

ACROSS-THE-BOARD INCREASE IN FEES

17. We believe it is a legitimate exercise of the fee-setting authority to modify the fees for the broadcast services by making an across-the-board increase of 30 percent (with exceptions noted below) in order to comply with our mandate to be self-supporting. Thus, for example, the filing fee for an application for a construction permit for a new VHF television station or for a major change in such an existing station in the top 50 markets is proposed to be increased 30 percent—from $5,000 to $6,500, and the grant fee is proposed to be increased 30 percent—from $45,000 to $58,500. Similar 30 percent increases are proposed for construction permits for new VHF television stations, or for major changes, in markets of other sizes; and for radio, depending on power, hours of operation, and class of station. For long form applications for assignment of license or transfer of control, we propose to increase the filing fee 30 percent—from $1,000 to $1,300, and the grant fee by 30 percent—from 2 percent of the consideration to 2.6 percent. As to the other filing fees, such as those for applications for minor change in facilities, change of call sign, or assignment of license or transfer of control (short form), 30 percent increases are proposed.

FEES NOT RAISED 30 PERCENT

18. In some cases, we do not propose to increase fees by 30 percent, but, rather, we propose to leave them as they presently are, or lower them, or raise them more than 30 percent. These situations are explained below.

[10] The Commission's supplemental notice adopted and released Mar. 4, 1970, in Docket 18802, 23 FCC 2d 183.

[11] Footnote 5 supra.

[12] That same court further stated (at p. 309): "To sustain their contention that the schedule does not comply with the statutory guidelines as to the cost to the government, value to the recipient and public interest served, petitioners must show us that the order assailed is unreasonable or arbitrary: we are not at liberty to interfere with the discretion of the Commission. (citing cases)"

[13] See footnote 8 supra.

(A) ANNUAL LICENSE FEES

19. Annual license fees for radio and television stations are proposed to be increased by a third: We propose that for radio stations such fees be 32 (instead of the present 24) times the station's highest single "1-minute" spot announcement rate, but never less than $69; and for television stations, 16 (instead of the present 12) times the station's highest "30-second" spot announcement rate, but never less than $192. The fact that the proposed increase for such fees is 33⅓ percent rather than 30 percent reflects the greater importance of the "value to recipient" factor of a going operation.

(B) UHF; SUBSCRIPTION TELEVISION

20. The fees that we propose to leave unchanged are those for applications for construction permits for new UHF stations or for major changes in such stations. We do this because of the marginal nature of UHF stations and the consequent lesser "value to recipient." Similarly, we propose to retain the present $1,000 filing fee for applications for authority to engage in over-the-air subscription television operations because of uncertainties as to the viability of this new service.

(C) APPLICATION FOR CONSTRUCTION PERMIT TO REPLACE EXPIRED PERMIT, FCC FORM 321

21. Under the present fee schedule, the filing fee for an application for a construction permit to replace either an expired permit for a new AM, FM, or TV station or an expired permit for a major change in an existing station (FCC Form 321) is $500. (The fee for an application to replace a permit for a minor change is presently $50.) Frequently, a permittee inadvertently lets its permit expire, thinking that a grant of a modification of the permit automatically extends the date of completion of the underlying permit. Although it is the responsibility of a permittee to be aware of all facets of its operation, and it therefore should be aware of the status of its permit, nevertheless, we view the $500 fee as being in the nature of an excessively strong penalty. Because of this, because there is usually relatively little work involved in processing such applications, and because in many cases the application is for a small station unrepresented by counsel, it is proposed that the filing fee for such applications be reduced to $250.

(D) "ALL OTHER APPLICATIONS IN THE BROADCAST SERVICES"

22. Section 1.1111(a) of the fee schedule specifically sets forth the fees for various categories of applications in the broadcast services. Then, as a sort of catchall, it contains the category "All Other Applications in the Broadcast Services," including AM, FM, TV, and auxiliary, and specifies that the fee for such applications is $50. Our experience in processing such applications leads us to the view that the work entailed, and consequent cost to the Government, warrants an increase to $75, which is what we now propose.

(E) APPLICATIONS FOR MODIFICATION OTHER THAN A MAJOR CHANGE (EXCEPT AUXILIARY BROADCAST SERVICES)

23. The present fee for this type of application in the AM, FM, TV, and auxiliary services is $50. For the same reason that we are suggesting an increase in the "All Other Applications" category, mentioned in the preceding paragraph, we are proposing that the fee for these minor modification applications be increased to $75, except for the auxiliary services.

(F) MODIFICATION OF CONSTRUCTION PERMITS OR LICENSES IN THE AUXILIARY BROADCAST SERVICES

24. Under the present schedule, a $50 fee is charged to file an application for a construction permit for a new broadcast auxiliary station. An application to modify that permit (or to modify a license), whether the modification is major or minor, must also be accompanied by a $50 filing fee. We believe that applications for all such modifications, because of the small amount of processing work involved, and relatively low cost to the Government, should be reduced to $20, and propose that § 1.1111(a) be amended accordingly.

LEGISLATIVE HISTORY

25. The report and order, and the Memorandum opinion and order, in Docket No. 18802, cited above, established the present fee schedule. In so doing, those documents contained discussions of numerous problems and questions as to fees. In administering the present fee schedule, it is necessary to refer to those discussions, which constitute an important part of the "legislative history" of the schedule. Thus, for example, the fee schedule requires payment of a grant fee consisting of 2 percent of the consideration in assignment and transfer cases. It is silent as to who must pay this fee. The "legislative history" provides that the assignee/transferee is liable to the Commission for payment of the fee although the parties by contract may allocate the burden between them. Again, the fee schedule provides for the payment of an annual operating fee by broadcast stations based on station rate cards of June 1 (which are to be filed with the Commission as a basis for computing the annual fee). The "legislative history", in discussing this fee, recognizes that this standard may, in some cases, be open to question, and states that any licensee claiming that the rate card in effect on June 1 is not reasonably descriptive of its yearly average may petition for the filing of a more appropriate rate card. In the foregoing and other situations, the legislative history sheds light on how the present schedule is to be administered. The proposals herein to modify the schedule retain the same basic concepts that underlie the existing schedule. Therefore, we stress that the legislative history of the present fee schedule will be used in administering the proposed schedule if it is adopted, except in cases where definite statements in the present proceeding clearly rescind statements in the history.

EXEMPTIONS

(a) LICENSES TO COVER CONSTRUCTION PERMITS IN THE AUXILIARY BROADCAST SERVICES

26. Examination of § 1.1111(b), which lists various types of applications for which fees are not required, suggests that several amendments thereto are in order. Under the fee schedule in effect prior to the present schedule, applications for licenses to cover construction permits in the auxiliary broadcast services were specifically exempted from payment of fees. In the auxiliary broadcast services, generally the application for a construction permit and the application for a license to cover the permit are filed and processed together and, after processing, they are granted simultaneously where possible. Since the applications are handled in this way, and since the exemption was omitted from the present fee schedule through inadvertence, it is proposed that § 1.1111(b) be amended by adding applications for such licenses to those which are exempted.

(b) APPLICATIONS REQUESTING AUTHORITY TO DETERMINE ANTENNA POWER BY DIRECT MEASUREMENT

27. Section 1.1111(b) exempts from payment of a fee applications in the AM service requesting authority to determine antenna power by direct measurement. The processing of such applications filed by directional AM stations is very time consuming as compared to the processing of similar applications filed by nondirectional AM stations. Although recognizing that cost to the Commission is only one factor in setting fees, it is proposed that the section be amended to exempt only applications of this nature that are filed by nondirectional AM stations. Those filed by directional AM stations would be assessed a filing fee of $75 under the "All Other Applications" category of § 1.1111(a).

INTERNATIONAL BROADCASTING

28. The present fee schedule contains no fee specifically applicable to the international broadcast service, except for the "All Other Applications" category. A notice of proposed rule making in Docket No. 19530, adopted June 21, 1972, and published in the FEDERAL REGISTER on June 30, 1972 (37 F.R. 12969), contains sweeping proposals for amendment of the rules pertaining to the international broadcast service. Among other things, it proposes to amend the fee schedule so as to provide for specific fees for stations in that service. While we shall handle the matter of fees for that service in that proceeding, we wish here to call attention to the fact that such fee proposals are outstanding.

GRANT FEES FOR ASSIGNMENTS AND TRANSFERS

29. Grant fees paid in connections with the granting of either applications for assignment of license of broadcast stations or applications for transfer of

control of corporate broadcast station licensees are 2 percent of the consideration for the assignment or transfer. Although we believe that this is generally a good standard, various problems have arisen in administering it. Some of these problems were anticipated in the report and order adopting the present schedule, when we expressed our awareness of the fact that difficulties might arise. And in the memorandum opinion and order which disposed of petitions for reconsideration, we acknowledged the fact that difficulties had indeed arisen and we urged parties to such transactions, where the consideration is not specified in cash, to submit to the Commission their own estimates of the dollar value of the consideration in order to assist us in determining the fee. We said, too, that because of the aforesaid difficulties, we were considering other means of determining grant fees in such case. The following paragraphs contain proposals concerning problem areas.

(a) ALLOCATION PROBLEMS

30. One type of difficulty, anticipated in the report and order in Docket No. 18802, is that in which broadcast properties are only a part of a larger transaction and the parties do not specify what part of the consideration for the entire transaction is to be allocated to the broadcast properties. A particularly difficult case of this kind was encountered in the transfer of control of Plough Broadcasting Co., Inc., to Schering-Plough Corp. In a memorandum opinion and order released July 24, 1972, 35 FCC 2d 929), we resolved the allocation problem by using the statistical method of regression analysis. Essentially, this method consisted of examining twenty past assignment and transfer cases of AM and FM stations and developing a formula whereby, within a specified margin of error, one could, from the gross revenues of a station determine what consideration would be given for it if sold. Knowing the gross revenues of the five AM-FM combinations of Plough Broadcasting, the consideration that would have been given for a purchase of 100 percent of their stock was predicted. The grant fee for such a purchase would have been 2 percent of that consideration. However, since the transaction was such that the Plough shareholders only parted with (approximately) 60 percent of their shares in the stations, the grant fee was 60 percent of 2 percent times the predicted consideration that would have been given for a purchase of 100 percent of the stock.

31. We propose to use this method in other cases involving allocation problems. Unfortunately, the method cannot be used in situations where there is not a substantial number of sales of the type in which the problem arises, for without substantial sample, regression analysis cannot be applied. (As mentioned above, the calculation in Schering-Plough was based on 20 former AM and FM transactions.) Perhaps other statistical methods may be developed for use in cases where lack of a large enough sample precludes regression analysis. Absent any applicable statistical method for fee calculation, problem cases possibly might be solved by assessing the fee against the fair market value of the broadcast properties involved rather than against the actual or statistically predicted consideration given for the properties. Comments are also invited on whether such allocation problems might be solved by levying the proposed 2.6 percent fee against a rough approximation of the fair market value of the broadcast properties calculated by multiplying gross revenues of the station(s) by a specified factor, such as, e.g., 2.5 times gross revenues for radio stations and three or four times gross revenues for TV stations.

(b) LEASE ARRANGEMENTS

32. Assignment and transfer cases involving lease arrangements have also presented difficulties in determining the amount of consideration against which to assess the grant fee. An example of such a problem is that which arose in computing the grant fee where the assignment of license of an AM station involved a lease-option agreement concerning the physical assets with an initial lease term of 8 years for payments totaling about $1,100,000—about $140,000 per year. At the end of the 8 years the assignee had the option to purchase the physical assets for about $500,000 or lease them again for a term of 5 years at $175,000 per year. If it elected to lease, then at the end of the 5-year period it could elect to purchase for $300,000 or renew the lease for another 5 years at $100,000 per year. If it elected to lease, then at the end of the 5-year period it was required to surrender the assets to the lessor. The assignee was required to pay $300,000 at the closing of the transaction as an advance on the total amount due on the first term of the lease.

33. In such a situation, it would be possible to collect a fee on the amount to be paid under the first term of the lease, and then, at the end of that term, collect a fee on $500,000 if the option were exercised. If it were not, a fee could then be levied on the amount to be paid on the second term of the lease, and so on. Thus, the consideration could be $1,600,000 if the assignee leased for 8 years and then purchased the assets; $2,275,000 if it leased for 13 years and purchased; and $2,375,000 if it leased for 18 years and surrendered the assets. The problem is further complicated by the fact that during a lease term the assignee might assign to another party who would assume the lease payments and succeed to the rights under the option. If an option were later exercised, problems could arise as to who would be liable for the fee covering the amount paid under the option.

34. We do not believe it is administratively desirable for computation and payment of a fee to be deferred, especially where the deferment could be for a lengthy period and the amount of the fee is subject to a variety of contingencies. In the case described above, we decided to levy the 2-percent fee against the total amount to be paid on the lease during the first 8 years, but we are not especially satisfied with the outcome. We propose, in administering the fee schedule in the future, to apply the regression analysis method mentioned above, if a sufficient sample exists, or some other statistical method, for computation of the consideration in lease-back situations. Comments are also invited on the possibility of assessing the proposed 2.6 percent fee against the fair market value of the broadcast station(s) in such cases, or against the gross revenues of the stations multiplied by a factor that might give a rough approximation of the fair market value.

35. Still another approach might be taken with regard to lease-option arrangements. It is clear that in some cases they may be used by parties as a means of avoiding payment of a large grant fee. Thus, this might be the case if the lease payments are apparently far too great for the physical facilities being leased, and the option price for purchase of the facilities at the end of the lease period is very small as compared with what would appear to be a fair price for the facilities. In such a case it might appear that the assignee is actually purchasing the physical plant by means of lease payments, and that the proper way to assess a grant fee might be one of the methods discussed above. However, situations might well occur in which it is clear that the lease payments over an extended period of time are quite appropriate in terms of the physical plant being leased, and that the final option price for purchase of the plant is very close to its expected fair market value. In such a case the question arises as to whether any grant fee should be charged at all since the actual purchase of the plant appears to assume a secondary importance. Comments are invited as to whether in such cases there should be no grant fee with regard to that part of the purchase price relating to the physical plant.

36. The foregoing two situations involving allocation problems or lease-option problems are only two possible problem areas that might be encountered in administering the assignment and transfer grant fee. Since other problem areas may also arise, we further propose that in all cases the applicant shall, without a request from the Commission, have the burden of making a clear and convincing showing in its application as to how the parties arrived at the consideration and what they viewed it to be, and that absent such a showing we shall assess the fee by using a regression or other statistical method, fair market value, or a multiplier times gross revenues, as suggested above.

(c) ADDITIONAL ACQUISITIONS OF STOCK

37. It is of course possible for a party acquiring control of a corporate broadcast licensee to do so by purchasing e.g., 60 percent or 100 percent of its stock in a single transaction. In such a case the grant fee is 2 percent of the consideration given for the stock. However, it is also possible that a party might own less than a controlling amount of voting stock, e.g., 45 percent, in a corporate licensee and then acquire an additional

amount, e.g., 10 percent, which results in acquisition of control. In such situations, absent highly unusual circumstances, we have administered the present fee schedule by assessing the 2-percent grant fee against the consideration given for the 10-percent acquisition that resulted in transfer of control. Comments are invited on whether this method should be continued or whether the fee should be assessed against the consideration given for the total amount of stock which the transferee holds after the transacion in which it acquired control, i.e., in the example above, against the consideration given for the total of 55 percent of the stock. Alternatively, comments are invited on whether, at the time that control is acquired, the fee should be assessed against the consideration given for the most recent acquisition that results in transfer of control and against the consideration given for all the stock acquired during a specified period of time, such as the 5 years immediately preceding the transaction which resulted in transfer of control.

(d) SHORT FORM VERSUS LONG FORM APPLICATIONS

38. The aforementioned problem of how to assess a grant fee in cases where a party already owning a noncontrolling amount of stock in a corporate licensee gains control through the acquisition of additional shares raises still another question. Under the present fee schedule, applications for assignment or transfer which are filed on the short form (FCC Form 316) are assessed a $250 filing fee, but no grant fee; grant fees are levied only on applications filed on the long form (FCC Form 314 or 315). Section 1.540 of the rules lists situations in which the short form is to be used. One of the situations, set forth in paragraph (b)(3) of the section, is the following:

> Assignment or transfer by which certain stockholders retire and the interest transferred is not a controlling one.

By long administrative construction of this rule, when less than 50 percent of the stock of a corporate licensee is transferred to a party, and when the newly acquired stock added to stock of the corporation previously held by the party totals 50 percent (negative control) or more (positive control), and when the party has been previously passed on by the Commission with respect to the station involved, the short form is used. However, if the acquiring party has not been previously passed on by the Commission, the long form is used. Comments are invited on whether, when a short form is used in such situations, a grant fee should be charged, and, if so, whether it should be assessed only against the consideration given for the most recent acquisition of stock that resulted in gaining control, against the consideration given for all of the stock held after the transfer of control regardless of when the stock was acquired, or against the consideration given for the most recent acquisition and the consideration given for the stock acquired during a specified period of time prior to the transfer of control, such as 5 years immediately preceding the transaction which resulted in transfer of control. It should be noted that we are not here proposing to assess a grant fee against all applications filed on the Form 316, but only against those of the type described above.

(e) GIFTS

39. Under the present fee schedule, we are of the view that no grant fee should be assessed on any assignment or transfer by will, intestacy, or inter vivos gift because in such cases there is no monetary consideration as contemplated by the report and order in Docket No. 18802 which adopted that schedule. We question, however, whether all such situations should be free from payment of a grant fee, and we propose that only assignments and transfers (inter vivos, or by will or intestacy) to members of the donor's family should be free from such fees. Thus gifts to anyone else, whether to tax-exempt organizations for the operation of stations providing noncommercial educational broadcast services, or otherwise, would be subject to the fee. This proposal raises two questions, (1) How should a family member be defined, and (2) in cases of gifts to nonfamily members, how should the grant fee be calculated? Comments are invited on whether family relationship should be delimited as in various sections of the Internal Revenue Code, such as sections 267 (a), (b), and (c) which disallow losses from sales or exchanges of property between members of a family. The family of an individual is defined in those sections as including only his brothers and sisters (whether by the whole or half-blood), spouse, ancestors, and lineal descendants. 26 U.S.C. 267 (1964). We also invite comments on whether a more restrictive family relationship should be used, e.g., spouse only. As to the matter of calculation of the grant fee in cases of gifts to nonfamily members, we invite comments on the use of regression analysis or other statistical methods for ascertaining a predicted consideration for the subject broadcast facilities against which the 2.6 percent fee would be levied. Comments are invited, too, on assessment of the fee against the fair market value of the station(s), or against the gross revenues multiplied by a factor that might give a rough approximation of the fair market value. Finally, we invite views concerning whether a filing fee should be charged for applications that involve gifts to family members.

(f) LIABILITIES

40. Comments are also invited on another problem that has been encountered in administering the fee schedule, a problem having to do with liabilities of a closely held corporate licensee the control of which is being transferred. It is clear that if an assignee or transferee assumes liabilities of an assignor or transferor, the liabilities constitute part of the consideration in the transaction. The problem that we have met is that in which the liabilities of a transferor of a closely held corporate licensee are not assumed by the transferee. If, for example, in a single transaction a transferee acquires 100 percent of the stock of a closely held corporate licensee but does not assume its liabilities, the transferee owns the corporation and the liabilities continue as those of the corporation.

41. Comments are invited on whether, for purposes of calculating the grant fee, the consideration should include the consideration given for the stock plus the amount of the liabilities in such situations. The underlying theory of such an approach is that the negotiations for the stock would take into account the amount of the liabilities of the corporation. The greater the liabilities, the less the amount of the cash that would be paid, and vice versa, and the total of the consideration given for the stock plus the amount of the liabilities would be about the same regardless of the consideration given for the stock.

42. Additionally, comments are invited on how to treat situations where a transferee acquires control of a closely held corporate licensee, having liabilities, by the purchase of less than 100 percent of its stock. Thus, if instead of 100 percent of the stock, a transferee in a single transaction were to acquire a controlling interest such as 51 percent, should the consideration be computed by adding the consideration given for the stock to 51 percent of the amount of the liabilities? To 100 percent of the liabilities? If a party owns 45 percent of the stock of such a corporation and acquires an additional 10 percent, should the consideration be viewed as that given for the stock plus 10 percent of the liabilities? Or that given for the stock plus 55 percent of the liabilities? Or that given for the stock plus 100 percent of the liabilities?

43. Parties are requested to submit their views on whether the liabilities to be considered in the foregoing types of cases should include current liabilities only, or all liabilities of the corporation, and whether relief from secondary liabilities such as substitution of a transferee for a transferor as guarantor, endorser, surety, etc., on any obligation should also be included.

COMMON CARRIER (SECTION 1.1113)

44. The estimated fiscal year 1974 budget requirement for the Common Carrier Bureau is $8,054,000 or practically double the amount actually collected for fiscal year 1972 for the Bureau. We therefore, with the specific exceptions noted below, and in the absence of any indication of significant inequities among common carrier services or carriers and for ease of administration, propose to double the current application filing and grant fees which should substantially meet the Commission's revenue requirements, including those to be imposed in 1975.

45. With respect to the exceptions, the present schedule covering the Domestic Public Land Radio Service prescribes filing fees for individual mobile units of

$50 for the first unit per application and $30 for each additional unit. These fees are substantially higher than the fees charged in the Industrial Service for comparable facilities, where there is only a $20 fee for the first unit and no fees for additional units requested in a single application. Although this notice proposes a filing fee for each additional transmitter unit in the Safety and Special Radio Services, we believe that any increase in the common carrier schedule for individual mobile units would continue an undesirable differential. Consequently, no charge from the present fee levels is proposed. We are however, as an addition to the DPLRS schedule, proposing initial grant and renewal fees for individual mobile units included under base station authorizations.

46. Under the current schedule, the grant or renewal of a base station authorization includes authority for individual mobile units and, if any, dispatch stations and standby transmitters associated with the base station. Applications for modification of base station authorizations to increase the number of mobile units have also been subject only to the prescribed base station modification fees. This approach is inconsistent with all other common carrier services where a fee is applicable to each separate transmitter. Moreover, in the mobile service itself the present schedule prescribes that applications for license or renewal of license for individual mobile stations (Item 6) shall apply on a per mobile unit basis. Consequently, we propose a separate grant fee ($20 for initial grant and $10 for renewal) for each mobile unit, dispatch station or standby transmitter covered by a base station authorization in addition to the filing and grant fees applicable to the base station itself. We also propose a $10 renewal fee for each one-way signaling receiver served through a base station at time of renewal of the base station.

47. We also propose, while doubling the filing fee, to retain without increase the current grant fee in the mobile service for "other than initial construction permit, modification of construction permit or license for base station, dispatch station, auxiliary test stations, control station or repeater station at an existing station location". This we do to be consistent with the grant fee prescribed for similar applications in the point-to-point microwave service. Under the proposed schedule the grant fee in each case would be $50. The fee levels proposed for the new Multipoint Distribution Service supersede the schedule of fees proposed in the notice of proposed rule making in Docket No. 19493. (34 FCC 2d 719.)

48. We are also proposing minor adjustments in certain fees in the Rural Radio Service and Local Television Service, none of which will have an appreciable effect on fee revenue. We have found that the third sentence in that Service's present schedule reading: "Application for license or modification of license for individual subscriber stations" does not describe with sufficient precision the types of authorization affecting rural subscriber facilities. We therefore propose to delete that sentence and replace it with separate sentences for applications for initial construction permits and modification of construction permits or licenses respectively. We have thus proposed equating these applications with the corresponding types of applications for dispatch stations in the Domestic Land Mobile Radio Service.

49. With respect to the Local Television Transmission Service, an adjustment in the grant fee for applications for "other modification of construction permit or modification of license" is being made to conform to the treatment of similar applications in the point-to-point microwave service. Modification applications in both services are comparable in nature and processing considerations. The proposed grant fee is $50. Also, we feel that the grant fee for renewal of licenses in this service should be made equal to the fee proposed for renewals in the point-to-point microwave service.

50. In the Satellite Communication Services section of the schedule, we propose to delete all fee requirements for applications for initial construction permit or for renewal of license for an earth station to be used solely for developmental or noncommercial purposes. This is consistent with the treatment of noncommercial stations in the broadcast service.

51. The Common Carrier Non-radio Applications current schedule, provides for a filing fee and a grant fee for applications filed by telegraph companies to discontinue, reduce or impair services to the public. Part 63 of the Commission's rules permits such companies to file blanket applications for reduction in hours of service at main and branch offices under certain specified standards and conditions, in which an unlimited number of offices may be included in a single application. These monthly "blanket" applications include requests covering an average of from 25 to 30 telegraph offices, although occasionally the number runs as high as 50 or more for which authority to reduce hours is requested. Each proposal must be scrutinized individually by the staff and substantial benefits accrue to the carrier from a grant of its request. In the interest of consistency we have proposed the addition of a footnote (No. 11) to § 1.1113 of the schedule specifying that the grant fee shall apply to each individual reduction-in-hours request granted in a blanket application.

52. Appendix A of Part 64 of the Commission's rules contains instructions relative to the proper order of restoration of leased intercity private line service if such service is interrupted during emergencies, and establishes procedures whereby private line customers may apply for restoration priority assignments. We propose a $10 filing fee for each such application and a $20 grant fee for each circuit certified for priority assignment. Also in the common carrier nonradio section of the schedule, footnote 10 has been amended to state the equivalency factor between analog and digital channel spectrum use which will be used in determining grant fees, when appropriate.

(SAFETY AND SPECIAL RADIO SERVICES)
(SECTION 1.1115)

53. In the Safety and Special Radio Services, the fee schedule will be revised in the following significant respects. First the basic fee now charged will be increased. Second, in determining the fee to be charged each applicant, we will take into account the number of transmitter units to be authorized, and finally, in the Aviation and Marine Service, we will charge a different fee if the radio is to be used for business purposes. Our goal is to devise a fee schedule which will result not only in receipts approximating our expenses in regulating the services but which is also equitable and administratively practical (roughly $14.5 million, or approximately 33.9 percent of the anticipated 1974 fiscal year Commission activity cost).

54. Accordingly, in Industrial, Public Safety, Land Transportation, Marine and Aviation Services (where fees are not chargeable), the basic filing fee will be increased from $20 to $40. In addition, for any applicant proposing, on one application, more than one transmitter (e.g., one base station and five mobile units or two base stations) an additional amount of $5 will also be charged for each transmitting unit more than one. Thus, for example, an applicant proposing a base and five mobile units in one of the Industrial Services will be charged a fee of $65, one proposing two base stations and no mobile units in the same application will be charged $45. An applicant proposing a mobile relay system, which involves the filing of three applications will be charged $40 for the control station, $40 for the mobile relay station, and $40 for the mobile station assuming a single mobile unit is to be used. If five mobile units are proposed, the fee for the mobile application will be $60 ($40 plus $20 for the four additional mobile units).

55. For microwave station applications, those proposing frequencies above 952 MHz, we propose to increase the basic fee to $100 for an authorization with one transmitter and charge an additional fee of $25 for any additional transmitting units applied for in the same application.

56. We propose to provide a distinction between the commercial and noncommercial users of radio by retaining the present $20 fee for ship and aircraft station applications ($25 when interim authority for ships is requested) when the radio is to be used only for recreational or pleasure, i.e., nonbusiness purposes and raising the fee to $40 ($50 for interim authority) in other cases. While we are mindful of the fact that because of frequent resales of recreational aircraft and/or boats, a large percentage of them are sometimes operated without a radio or with an unlicensed radio, our policy is to foster the use of radio on ships and aircraft to the maximum extent possible for purposes of establishing an effective maritime and aeronautical safety system. We are apprehensive that raising, at this time, the application fee for recreational or pleasure craft might hinder us in reaching that goal.

57. In establishing this distinction, and not extending it, generally to other than

the cases of recreational boats and aircraft, we are aware that there are instances where the licensees of stations in other services, such as the Business Radio Service, may be using radio for purposes other than a commercial enterprise and that the distinction could, therefore, be applied to such other services. Our licensing records, however, indicate that noncommercial radio users in the other services, with the exception, perhaps, of the Class D Citizens Service, are rare and that to provide special processing procedures for these applicants would be unreasonably burdensome and of questionable value. In the Class D Citizens Service we propose no distinction among users of the Service because we believe, with the present misuse of the Service, and resultant enforcement problems which we are trying to solve, the value to the recipient of the Class D service is much less than in other more commercially oriented services such as the Land Transportation, Industrial or Class A Citizens Service. We recognize, too, that the fair and effective implementation of this proposal may be administratively troublesome at times in that there will be difficult cases when an applicant, or the staff, may not always be able to correctly determine for filing fee purposes, whether an applied-for station is to be used for business or nonbusiness purposes. We believe that in the interests of equity, however, an effort should be made to distinguish between these two classes of radio users, and we can modify our application forms to include an appropriate question to help us determine whether a proposed station is for business or nonbusiness uses.

58. In an earlier notice of proposed rule making,[14] we stated that the large number of applications filed in the Safety and Special Radio Services, together with the minimal percentage of denials of such applications, militated against the general establishment of separate application filing fees and grant fees because of the substantial paper work involved. We recognize, however, that when an applicant desires to operate large numbers of mobile units, or additional stations under aircraft fleet or ship plurality licenses and pays filing fees for the additional transmitting units many times the basic application filing fee, an unreasonable financial hardship results when the application is not granted and none of the fee is refunded. Despite the large volume of applications that will result from the new fee arrangement, we believe some relief must now be provided to applicants whose applications are not granted, therefore, we propose to permit refunds in these cases of all the filing fees except the specified basic filing fee, as shown in the attached appendix.

59. In the case of the Citizens Class D Service we propose to increase the fee to $25 for a license with an authorization to operate up to five transmitters; plus $1 for each transmitter over five. Essentially, this constitutes no increase in the basic filing fee, which is now $20, but represents a new fee of $1 per transmitter, or mobile unit, as contrasted with the $5 per transmitter fee in other services. We believe the smaller fee is warranted in the Citizens service, because of the existing user problems that render the service less valuable to the Class D Citizens radio licensee, as explained above.

60. We are proposing a $1 increase to the schedule of fees for licenses in the Amateur Radio Service. We consider this a modest increase and we do not anticipate a significant decrease in the number of amateur radio operators as a result. We do not believe a greater fee increase to be advisable in that it could prove to be a hardship for some applicants. On the other hand, it would not be equitable for licensees in this Service to completely avoid some share in meeting the increased costs of the Commission operation generally, and in administering the Amateur Radio Service specifically. Also considered, but not proposed, was the establishment of a nominal fee for applications for the Novice Class license, which has not been required in the past. We determined a fee of more than $5 would be excessive for this 2-year beginner license, in comparison to the other 5-year licenses. Yet a lesser fee might cost more to collect and account for than the added revenue derived.

61. For applications for modifications of authorizations the filing fee proposed will be the same as the basic filing fee. If additional transmitting units or stations are requested, the fee will be related to the number of units to be added to the license, as modified during its term. If an applicant desires a full term renewal of a station authorization, with a modification at that time to increase the transmitting units, a fee based on the total units would be required.

62. We propose to continue to exempt from the fee requirement applications and licenses in the emergency services such as fire and police, for State and local government entities and certain other applicants as now specified in the rules. Therefore, paragraph (c) of the current § 1.1115 will not be changed.

63. We have not proposed an increase in the fees for Class III (VHF) Public Coast station applications because this is a developing service that is not yet economically viable in many instances and we are interested in the expansion and better establishment of the service for maritime safety system reasons and in improving public correspondence radiocommunication facilities. We believe that a fee increase in this service at this time may be a deterrent to the improvement of the service by imposing an economic hardship on licensees whose operations may be economically marginal.

Cable Television Services (Section 1.1116)

64. The proposed schedule includes in the Cable Television Relay (CAR) Service a $15 fee for reinstatement of an expired construction permit or license and a $25 fee for assignment of a construction permit or license or transfer of control of a corporate permittee or licensee. While not included in the schedule currently in effect, they were inadvertently omitted therefrom when it was initially published. Such fees were actually in existence in the Business Radio schedule and were paid by CAR licensees and permittees prior to the proceeding in Docket No. 18802.

65. We are proposing an increase in the cable television annual fee from 30 to 40 cents per subscriber, a 33⅓-percent increase. In addition, we have proposed an approximately 50-percent increase in the filing fees for certificate-of-compliance applications.[15] We believe that the burden of paying for the operational cost of the Cable Television Bureau is more equitably placed upon the annual fee than upon a more substantial increase in the fee for certificates of compliance. The per-subscriber annual fee more accurately reflects the ultimate benefit to the certificate applicant of the Commission's application processing services.[16] Loading the major cost of certificate application processing upon the prospective cable operator rather than recouping it later with annual fees would be very burdensome on small operators in view of the initial outlay required such as the cost of local franchise acquisition, the fact that a separate certificate application must be processed for each community proposed to be served, and the fact that the initial construction costs for cable television transmission to various parts of the community and to particular sub-

[14] Paragraph 11, notice of proposed rule making in Docket No. 18802, 35 F.R. 3815 (1970) 21 FCC 2d 502.

[15] The fees now in effect ($35 for certificate applications and $10 for each additional system under same ownership and using same headend but serving or proposing to serve an additional community) were adopted by the Commission on Feb. 2, 1972 as part of the Cable Television Report and Order in Docket Nos. 18397 et al. and have only been in effect since March 31, 1972 when they superseded an earlier fee of $10 per "notification pursuant to § 74.1105."

[16] To be sure, not all cable systems now in existence and subject to the annual fee have as yet filed applications for certificates of compliance. But substantially all of them will have to within the near future. Section 76.11 of the new cable rules provides, in pertinent part, that "(a) No cable television system shall commence operations or (even) add a television broadcast signal to existing operations unless it receives a certificate of compliance from the Commission. (b) No cable television system lawfully carrying television broadcast signals in a community prior to Mar. 31, 1972, shall continue carriage of such signals beyond the end of its current franchise period, or Mar. 31, 1977, whichever occurs first, unless it receives a certificate of compliance." Thus, annual fee payment by an existing system which has not yet filed an application for a certificate of compliance may reasonably be justified in part as (i) partial prepayment for a deferred service (processing of application for a certificate of compliance) substantially certain to be required by the operator within the near future, and (ii) payment for a current benefit (authorization to operate within the scope of the Federal cable television regulatory program), both calculated in terms of benefit to the recipient.

scribers within them are very high per TV home; far higher, for example, than the construction costs for over-the-air television transmission facilities.

FIELD ENGINEERING BUREAU COMMERCIAL OPERATOR APPLICATIONS (SECTION 1.1117)

66. The fee schedule proposed for applications filed and processed for commercial radio operator licenses and permits and certain related services contains certain reductions and increases necessitated as in other areas and has been simplified. The present fee schedule is based on the class or type of the license document requested. The fees imposed upon applications for a new or renewed third, second or first class authorization are $3, $4, and $5 respectively. It must be emphasized that the applications for these three classes of operator authorizations require identical processing procedures and that the examination portion of an application for a new third class permit may involve the same amount of work by the staff as the first class license application. It is therefore proposed that a single $10 fee be established for applications for new and renewed commercial operator authorizations of all classes.

67. The fee for replacement or duplicate of an existing permit is being reduced to $2 since these issuances do not grant any new or extended operator privileges to the recipient. In most cases, the duplicate or replacement of the original permit is requested because of circumstances beyond the control of the applicant.

68. Section 13.71(a) of the Commission's rules provides that an operator whose permit or license has been lost, mutilated or destroyed "shall" immediately notify the Commission and file an application for replacement. Section 13.71(b), however, provides that in the case of a name change the holder "may" make an application for replacement. We now propose to eliminate the fee for replacement of a license or permit if the reason for the requested replacement is a name change only. We also propose to amend § 13.71(b) to make it mandatory to notify the Commission of name changes in order that the Commission's records will reflect the correct names of its licensees and permittees. We believe that charging a fee in such cases is perhaps discriminatory against female operators and also may have militated against the voluntary filing of applications which presently the rule does not require. Notification to the Commission is the important requirement in such cases. Permittees or licensees may still request permit or license replacements to show new names but no fee will be charged therefor. Applicants for replacements for other than name change reasons will continue to be charged fees therefor.

69. We propose a separate $2 fee for each endorsement an applicant requests to be placed on a new renewed license or permit. These endorsements confer additional special operator privileges or authority and are usually obtained by passing an additional examination element or completing a specified period of operating experience and submitting documentation thereof. Under the current fee schedule a separate endorsement fee is required only for those applications submitted separately from new or renewal applications.

70. Restricted Radiotelephone Operator Permits (RP) are issued to U.S. citizens without written examinations, normally valid for the lifetime of the permittee. The records on these grants must be maintained in the Commission's files for an indefinite period. A special version of these permits is also issued for a 1-year term to aliens who hold U.S. aircraft pilot licenses. The present fee for these restricted permits is $8 for applications from U.S. citizens and $2 for applications from aliens. Experience in administering the issuance of these permits has shown that applications from aliens require as much or a greater amount of clerical work than do permits issued to U.S. citizens. For this reason, a uniform $10 fee is proposed for all Restricted Radiotelephone Operator Permit applications.

71. No changes in the fee schedule are proposed for applications filed for verification cards or posting statements. However, the schedule will clarify the $2 fee is required for each posting statement requested. (A verification card is a wallet size certificate attesting to the existence of a valid license document and used during the operation of certain types of radio stations. It is more easily carried than a full-size license. A posting statement is a document that may be posted in lieu of the original license certificate by a person who is employed at more than one transmitting station where his operating authority must be on display.)

EQUIPMENT TESTING AND APPROVAL (SECTION 1.1120)

72. For the Commission's type approval program, administered by its laboratory, it is proposed that the preponderance of the proposed fees as increased be imposed on the filing rather than on the grant as is currently the case. This is preferable and justifiable because nearly the total test and evaluation effort must be and is accomplished regardless of whether approval is granted or not. There were approximately 145 items type-approved in 1972 with a fee revenue of only about $49,000. The personnel costs alone for type approval tests in that year totaled $107,510 which did not include cost of Commission equipment, facilities and other support efforts. The cost of operating the laboratory is approximately $200,000 annually (excluding allowances for special projects, development work, etc.) and therefore the projected fee recovery in this area, which is approximately $240,000, is not unreasonable.

73. With respect to the certification and type acceptance programs administered by the Technical Division of the Office of Chief Engineer, the fees continue to reflect the total relative processing effort involved, modified by experience. The amounts, however, do not reflect the degree of processing efforts involved for each type of action. Instead it can be said that the fees are somewhat more reflective of the "value to the recipient" factor. Because the generally higher production items (i.e., television and AM/FM broadcast receivers, etc.) are certified by the Technical Division, the preponderant share of funds to be recovered by the Office of Chief Engineer will be recovered through that schedule.[17]

74. Although not included herein as a proposal, the Commission in this connection is considering the advisability of proposing at a future time a fee schedule which would more nearly reflect the "value to recipient" component of the fee standards with respect to type acceptance, type approval and certification actions. It is believed that a schedule should be developed which takes into consideration the quantity produced and/or marketed of a particular generic type of equipment distributed for sale pursuant to one of the authorizations mentioned above. The types of equipment being considered under such a plan would include such things as receivers in the broadcast service, microwave ovens, and land mobile equipment. The per unit fee would be very nominal and thus would not constitute any significant burden on consumers.

75. While we recognize the reluctance of manufacturers to divulge production and sales figures, we also recognize the need for a schedule which would more realistically reflect the value to the grant recipients and believe that its adoption would permit future equitable modifications in other areas of the fee schedule. Accordingly, comments directed toward the efficacy of and methodology for such a schedule, the problems associated with collection, administration and dependability of reported data, etc., are specifically requested. Additionally, we are interested in the magnitude and scope of the effect such a schedule would have on manufacturers' distribution networks and ultimately on the consumer from the standpoint of recuperation of administrative costs. Some may challenge our authority in this area; therefore, comments or legal briefs on the subject would be most welcome.

APPLICABILITY OF NEW SCHEDULE

76. The proposed new schedule, if adopted, will apply to all filings and grants made after the effective date of the adoption: *Provided, however,* That applications filed on or prior to the date that this notice of proposed rule making is published in the FEDERAL REGISTER, but granted after the effective date of the adopted new schedule, will be subject to the old schedule of fees.

[17] Attention is also invited to the notice of proposed rule making in Docket No. 19642 released Nov. 29, 1972, wherein the simultaneous submission of filing and grant fees for type acceptance and certification actions is proposed. Rule making accomplished in that proceeding will be incorporated in whatever final action may be adopted in the subject rule making.

77. With regard to the date of filing of applications referred to above, it is noted that pursuant to the Commission's rules and practices, the filing date of a document is considered to be the date it is actually received at the offices of the Commission and not the date of the postmark on the envelope.

PRORATING OF ANNUAL FEES

78. As in the present fee schedule, the proposed new schedule provides that annual fees for broadcast stations will be payable on the anniversary date of the expiration of the license, and annual fees for cable operations will be payable on April 1. In the case of broadcast stations, the fee covers station operation for the year preceding the due date. For cable systems, it covers operation for the previous calendar year. During the first year of any new schedule that may be adopted, we propose that the annual operating fees for broadcast stations be prorated. That portion of the year's operation preceding the effective date of the new schedule will be paid for at the old rate, and that portion following the effective date will be paid for at the new rate. Similarly, for cable television systems, that portion of the preceding calendar year's operation that preceded the effective date of the new schedule will be paid for at the old rate, and the rest at the new rate.

79. It is contemplated that under the new fee schedule the party who is the licensee of a broadcast station or the owner of a cable system on the date the annual fee falls due (the anniversary date of expiration of license for broadcast station licensees, and April 1 for cable television system owners) will be liable for the entire fee regardless of whether that party was the licensee or owner for the entire year which the fee covers.

80. While it is not reflected in the attached fee schedule, the Commission is currently considering the elimination of operator examination fees. We are inviting comments on the proposal to eliminate operator responsibility for such fees and to "spread" the operator examination program costs over the activities which benefit therefrom.

81. The Commission is presently studying the feasibility of transferring its operator examination program to the Civil Service Commission in order to improve the service to the public. By the use of the facilities of the Civil Service Commission the number of points at which examinations can be given would be increased from the present 89 locations to over 1,000. To take advantage of this opportunity, it may be necessary to eliminate fee collections from operators and shift the cost of the program to the industries that benefit by the use of qualified operators. This would necessitate a minor increase in the proposed fee schedule.

82. Authority for the adoption of the amendments herein proposed is contained in section 4(i) (47 U.S.C. 154(i)) of the Communications Act, title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)) and Budget Bureau Circular A-25 and supplements thereto.

83. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 13, 1973, and reply comments on or before February 28, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

85. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: December 13, 1972.

Released: December 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[18]
BEN F. WAPLE,
Secretary.

It is proposed that Subpart G, Part I of Chapter I, Title 47 of the Code of Federal Regulations, §§ 1.1103, 1.1111, 1.1113, 1.1115, 1.1116, 1.1117, and 1.1120 be amended.

1. It is proposed that § 1.1103 paragraph (b) be deleted and that a new paragraph (b) and a paragraph (d) be added as follows:

§ 1.1103 Return or refund of fees.

* * * * *

[18] Commissioner Johnson concurring in the result.

(b) In the case of applications filed in the Safety and Special Radio Services, if the full amount of any fee submitted is not refunded pursuant to paragraph (a) of this section and the application is not granted, the portion of the filing fee that represents a fee for additional transmitting units or stations will be refunded or returned.

(c) [This paragraph is the subject of a separate notice of proposed rule making in Docket No. 19642, released November 29, 1972.]

(d) Payments in excess of an applicable fee will be refunded only if the overpayment exceeds $5.

3. It is proposed that § 1.1111 be amended to read as follows:

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, the fees prescribed below are applicable to applications and operations in the Radio Broadcast Services:

CONSTRUCTION PERMITS

Application for construction permit for new station or for major changes in existing station.

	Filing fee	Grant fee
VHF—Top 50 markets [1]	$6,500	$58,500
UHF—Top 50 markets	2,500	22,500
VHF—Next 50 markets	2,600	23,400
UHF—Next 50 markets	1,000	9,000
VHF—Balance	1,300	11,700
UHF—Balance	500	4,500
FM—Class A	130	1,170
FM—Class B and C	260	2,340
AM—Day—50 kw	650	5,850
AM—Day—25 kw	520	4,680
AM—Day—10 kw	390	3,510
AM—Day—5 kw	260	2,340
AM—Day—1 kw	130	1,170
AM—Day—500 w	65	585
AM—Day—250 w	35	300
AM—Unlimited 50 kw	1,300	11,700
AM—Unlimited 25 kw	1,040	9,360
AM—Unlimited 10 kw	780	7,020
AM—Unlimited 5 kw	520	4,680
AM—Unlimited 1 kw	260	2,340
AM—Unlimited 500 w	130	1,170
AM—Unlimited 250 w	65	585
AM—Class IV	130	1,170

[1] The market size shall be determined by the ranking of the American Research Bureau, on the basis of prime time households (average quarter-hour audience during prime time, all home stations).

OTHER APPLICATIONS

The following fees shall accompany each application.

	AM	FM	TV	Auxiliary [1]
Applications filed on FCC Form 316 (where more then one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	$325	$325	$325	No fee
Application for construction permit to replace expired permit, FCC Form 321 [2]	250	250	250	$50
Application for modification other than a major change (except Auxiliary Broadcast Services)	75	75	75	
Application for a modification of construction permit or license in the Auxiliary Broadcast Services				20
Application for change of call sign for broadcast station	130	130	130	
All other applications in the broadcast services	75	75	75	75

[1] With respect to applications for remote pickup broadcast stations authorized under Supbart D of Part 74 of this chapter, one fee will cover the base station (if any) and all the remote pickup mobile stations of a main station, provided the applications therefor are filed at the same time.

[2] The $250 fee applies to construction permits for new stations or major change in existing stations. An application to replace a construction permit for a modification other than a major change must be accompanied by a fee of $75 in

SUBSCRIPTION TELEVISION

Application for subscription television authorizations:
Application filing fee $1,000

ASSIGNMENT AND TRANSFERS

Application for assignment of license or transfer of control, exclusive of FCC Form 316 applications (where more than one broadcast station license is involved the total amount of fees prescribed for each license so involved will be paid in the manner set forth below):

Application filing fee.	$1,300.
Assignment and transfer fee to be paid immediately following consummation of the assignment or transfer.	2.6 percent of consideration for assignment or transfer.

ANNUAL LICENSE FEES

Each broadcast station shall pay an annual license fee to the Commission that is based on the station's rate card as of June 1 of each year.[4]

For AM and FM radio stations:

The annual fee will be a payment equal to 32 times the station's highest single "one-minute" spot announcement rate, but in no event shall the annual payment for each AM and each FM station be less than $69;

For television broadcast stations:

The annual fee will be a payment equal to 16 times the station's highest "30-second" spot announcement rate, but in no event shall the annual payment be less than $192.

(b) Fees are not required in the following instances:

(1) Applications filed by tax exempt organizations for the operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial educational use.

(2) Applications in the standard broadcast service requesting authority to determine operating power of nondirectional standard broadcast stations by direct measurement.

(3) All FM or television translator applications and all television translator relay stations.

(4) Applications by local government entities in connection with the licensing or operation of a noncommercial broadcast station.

(5) Applications for licenses to cover construction permits in the auxiliary broadcast services.

4. It is proposed that § 1.1113 be amended to read as follows:

[4] In the first year of the fee schedule, a station's fee will be computed by taking the number of months from the effective date to the payment date divided by 12 times the full year annual fee which is required by this schedule, and adding to that the fee computed by taking the number of months from the last payment date to the effective date of this schedule divided by 12 times the full year annual fee required by the old fee schedule. Stations beginning operation, pursuant to program test authority, after the license expiration anniversary date are liable for a pro-rata amount of the annual fee equal to the number of full months in operation from the date of program test authority to the payment date for the short period.

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for common carrier services shall be accompanied by the fees prescribed below:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICES [1]

	Filing fee	Grant fee
Application for initial construction permit or for relocation of a base station, including authority for mobile units, blanket dispatch station authority,[2] and standby transmitters without independent radiating systems.[3 4]	$200	$300.
If above includes authority for mobile units, blanket dispatch station authority or standby transmitters without independent radiating system add per mobile unit, dispatch station or standby transmitter.	.....	20.
Application for initial construction permit or for relocation of a dispatch station,[5] auxiliary test station, control station or repeater station.[4]	100	150.
Application for other than initial construction permit, modification of construction permit or license for base station, dispatch station, auxiliary test station, control station or repeater station at an existing station location.	50	50.
Application to increase number of mobile units blanket dispatch stations or standby transmitters without independent radiating systems per unit or transmitter.	.....	20.
Application for renewal of base station	50	250.
If above provides one-way signaling or includes renewal authority for mobile units, blanket dispatch stations or standby transmitters without independent radiating systems, add per one-way signaling receiver served, mobile unit, dispatch station or standby transmitter.	.....	10.
Application for renewal of license for dispatch station, auxiliary test station, control station or repeater station.	20	100.
Application for license, modification of license or renewal of license for individual mobile stations:		
One mobile unit per application	50	
Each additional mobile unit per application	30	

MULTIPOINT DISTRIBUTION SERVICE

Application for initial construction permit or for modification involving relocation of station or addition or change of frequencies.	200	300.
Application for other modification of construction permit or license	50	50.
Application for renewal of license	50	200.

RURAL RADIO SERVICE

Application for an initial construction permit or for relocation of central office, interoffice or relay facilities.	200	200.
Application for other than initial construction permit, modification of construction permit or license for central office, interoffice or relay facilities.	50	100.
Application for an initial construction permit or for relocation of rural subscriber facilities.	100	150.
Application for other than initial construction permit, modification of construction permit or license for rural subscriber facilities.	50	100.
Application for license for operation of stations at temporary-fixed locations	20	40.
Application for renewal of license of central office, interoffice or relay station	250	None.
Application for renewal of license of rural subscriber station	50	None.

POINT-TO-POINT MICROWAVE RADIO SERVICES

Applications for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to existing points of communication or for relocation of facilities.[4 6]	100	300.
Application for license for operation of a station at temporary-fixed locations	100	200.
Application for other modification of construction permit or modification of license.	50	50.
Application for renewal of license	50	200.

LOCAL TELEVISION TRANSMISSION SERVICE

Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to an existing station location or for relocation of facilities.[4]	100	300.
Application for license for operation of an STL station at temporary-fixed locations.	100	200.
Application for license for operation of a mobile television pickup station	100	200.
Application for other modification of construction permit or modification of license.	50	50.
Application for renewal of license	50	200.

INTERNATIONAL FIXED PUBLIC RADIO-COMMUNICATION SERVICES

International Fixed Public Station:		
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station.[4]	300	1,000.
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter(s) being replaced if both applications are filed simultaneously).	150	200.
Application for change of location of an authorized station	300	800.
Application for modification of license	50	200.
Application for renewal of license	200	400.
International Control Station:		
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station.[4]	200	800.
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter being replaced if both applications are filed simultaneously).	100	500.

INTERNATIONAL FIXED PUBLIC RADIO-COMMUNICATION SERVICES—Continued

	Filing fee	Grant fee
International Control Station—Continued		
Application for change of location of an authorized station	200	800.
Application for modification of license	50	200.
Application for renewal of license	100	200.
OTHER RADIO APPLICATIONS		
Application for assignment of an authorization or transfer of control (a separate fee is required for each call sign covered by the application).	20	100.
All other common carrier radio applications	50	None.
SATELLITE COMMUNICATIONS SERVICES		
Application for initial construction permit for commercial transmit/receive earth station.[4]	400	1 percent of construction cost as set forth in the application, not to exceed $50,000.
Application for initial construction permit for a commercial receive only or transportable earth station.[4]	200	Do.
Application for modification of construction permit or license or for construction permit for additional equipment at an existing commercial earth station.	200	1 percent of construction cost as set forth in the application.
Application for authority to operate a transportable earth station at a fixed site	200	400.
Application for renewal of license for a commercial transmit/receive earth station	200	10,000.
Application for renewal of license for a commercial receive only earth station	100	1,000.
Application for initial construction permit or modification of construction permit or license for an auxiliary station (boresight) to an earth station or for a telemetry, tracking, and control station.	100	1 percent of construction cost as set forth in the application.
Application for renewal of license of an auxiliary station to an earth station or for a telemetry, tracking, and control station.	100	400.
Application for initial construction permit per satellite	500	10,000.
Application for authority to launch and operate satellites, per satellite	500	1 percent of satellite construction cost as set forth in the application (due 45 days after successful launch and operation).
Application for assignment of a commercial transmit/receive earth station or satellite construction permit or license or transfer of control of a licensee or permittee, per earth station or satellite.	200	400.
Application for assignment of a commercial receive only or transportable earth station construction permit or license or transfer of control of a licensee or permittee, per earth station.	50	100.
Application for communications common carrier for authorization to own stock in the Communications Satellite Corp.	50	100.
Any other application filed under the Communications Satellite Act or the Communications Act of 1934 in the Satellite Communications Services.	50	100.
COMMON CARRIER NONRADIO APPLICATIONS		
Section 214 applications for construction landline coaxial cable[9]	200	10 per route mile.
Section 214 applications to extend or supplement facilities by construction of landline voice cables or installation of carrier equipment on landline wire, cable or radio routes.[9]	100	12 per 100 equivalent 4-kHz-channel miles authorized.[10]
Section 214 applications to lease facilities from other carriers (except overseas channels).[9]	50	8 per 100 equivalent 4-kHz-channel miles authorized.[10]
Section 214 application for overseas cable construction	2,000	100 per route mile (nautical).
Section 214 applications to establish communication channels on overseas cables.[10]	100	20 per 100 equivalent 3-kHz miles authorized.[10]
Cable landing license	200	200.
Section 214 application to acquire overseas cable channels	100	12 per 100 equivalent 3-kHz-channel miles authorized.
Section 214 application to acquire domestic circuits to interconnect international circuits:		
Circuits outside of the United States	50	None.
Circuits within the United States or territories	50	8 per 100 equivalent 4-kHz-channel miles authorized.[8 10]
Section 214 applications to install carrier equipment to establish channels of communication at an earth station.	200	1 percent of equipment and installation cost as set forth in the application.
Section 214 application to establish and provide channels of communication via satellite.	100	400.
Section 214 application to acquire satellite channels	100	$40 per equivalent 4-kHz channel.
Section 214 applications to discontinue, reduce or impair services to the public:		
Telephone companies	100	100.
Telegraph companies [11]	20	30.[11]
Public Coast Stations	20	30.
Interlocking Directorate applications	20	80.
Section 221 applications	20	500.
Tariff applications to change charges or regulations on less than statutory notice	50	None.
Application for certification for priority restoration of leased intercity private line service in emergency situations.	10	20 per ckt. certified.
All other common carrier nonradio applications	50	None.

(Footnotes 1 through 9 to remain unchanged, however, No. 10 is amended and No. 11 is added.)

[10] Fees for other than 4-kHz channels or 3-kHz channels will be the appropriate multiples or fractions of the 4-kHz or 3-kHz channel fee. If digital channels are to be provided, two 4.8 k/b/s (or one 9.6 k/b/s) data channels are to be considered the equivalent of one 4-kHz analog channel for the purpose of calculating the grant fee.

[11] For blanket applications filed pursuant to § 63.67 or § 63.68 of the rules of this chapter, the grant fee shall apply to each individual main or branch office for which reduction of hours is authorized.

5. It is proposed that § 1.1115 paragraph (a) be amended as follows:

§ 1.1115 Schedule of fees for the Safety and Special Radio Services.

(a) Except as provided in paragraph (c) of this section, the fees set forth in the schedule below shall accompany all formal applications for authorization in the Safety and Special Radio Services:

All authorizations (except as noted below)	$40
Single transmitting unit (except as noted below)	40
Ship license for business use, w/o interim authorization [1]	40
Ship license for nonbusiness use, w/o interim authorization [1]	20
Ship license for business use, w/interim authorization [1]	50
Ship license for nonbusiness use, w/interim authorization [1]	25
Aircraft license for nonbusiness use	20
Multiple transmitting units (e.g., mobile units or a base station, or stations, with mobile units; aircraft on fleet licenses; ship on plurality licenses) or modification of authorizations to add transmitting units; the single transmitting unit, or other, basic filing fee as specified above, plus, for each additional transmitting unit	5
Paging receivers, each	5
Class C and D citizens license with authority to operate up to five transmitters	25
Additional transmitters, for each transmitter	1
Common Carrier Public Coast Stations:	
Initial license and renewal, or assignment	75
Amateur Service:	
Initial license, renewal and new class of operator license	10
Modification of license without renewal	5
Modification of license with renewal	10
Special Call sign (plus other applicable fee)	25
Operational fixed stations using frequencies above 952 MHz:	
Initial license w/one transmitter and 5-year renewal	100
Each additional transmitter on same application (plus other applicable fee)	25
Assignment of license (no additional fee for transmitters)	75
Yearly renewal	20

[1] An interim ship station license permits the operation of a station during the period (usually about 3 weeks) the Commission is processing an application for a 5-year term license. Requests for interim authority must be presented in person by an applicant to the nearest Field Engineering Office except in Alaska in which it may be mailed to the Field Engineering Office in Anchorage. (See § 83.35 of the Commission's rules in this chapter. Paragraph (b), including the duplicate license fee of $6, and paragraph (c) (1) through (8) of the current schedule will not be changed:)

* * * * *

6. It is proposed that § 1.1116 be amended to read as follows:

§ 1.1116 Schedule of fees for Cable Television and Cable Television Relay Services.

(a) Applications and petitions filed in the Cable Television and Cable Television

Relay Services shall be accompanied by the fees prescribed below:

Application in the Cable Television Relay (CAR) Service:	
For a construction permit	$50
For a license or renewal	15
For a modification of construction permit or license	15
For reinstatement of expired construction permit or license	15
For assignment of license or construction permit, or transfer of control	25
Application for certificate of compliance, pursuant to § 76.11	50

NOTE: If multiple applications for certificate of compliance are filed by cable television systems having a common headend and identical ownership but serving or proposing to serve more than one community, the full $50 fee will be required only for one of the communities; $15 will be required for each of the other communities.

Petitions for special relief, pursuant to § 76.71	25

NOTE: If a petition for special relief involves more than one cable television community, and the communities are served by cable facilities having a common headend and identical ownership, only a single $25 fee is required.[1]

(b) An annual fee shall be paid by each cable television system on or before April 1 of each year for the preceding calendar year. The fee for each system shall be equal to the number of its subscribers times 40 cents. The number of its subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter. (See § 1.1102(c).)

NOTE: (No change is proposed in the note.)

(c) Fees are not required for petition for special relief filed pursuant to § 76.7 of this chapter by a noncommercial educational broadcast station.

7. It is proposed that § 1.1117 be amended to read as follows:

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Applications filed for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

Applications for operator license or permit:	
First-class license, either radiotelephone or radiotelegraph, new or renewal	$10
Second-class license, either radiotelephone or radiotelegraph, new or renewal	10
Third-class permit, either radiotelephone or radiotelegraph, new or renewal	10
Provisional radiotelephone third-class certificate with broadcast endorsement—1-year term	10
Restricted radiotelephone permit, new	10
Restricted radiotelephone permit (alien)—1-year term	10
Applications for operator license or permit:—Continued	
Each endorsement of license	2
Each verification card (FCC Form 758–F)	2
Each posting statement (FCC Form 759)	2
Each duplicate or replacement (any class)	2

(b) When an application is filed for a new license or permit, and the applicant fails to appear for the required examination within 18 months, the application will be null and void for his failure to prosecute and no refund will be made.

(c) Pursuant to § 13.71(b) of this chapter, as amended, no fee is required for applications filed for replacement of licenses or permits filed because of change in name only.

8. It is proposed that § 1.1120 be amended to read as follows:

§ 1.1120 Schedule of fees for equipment type approval, type acceptance, and certification.

Type approval, type acceptance, certification, or approval of subscription shall require payment of fees as prescribed below.

CERTIFICATION

	Filing	Grant
1. Receivers:		
(a) Television receiver with FM reception capability, or with built-in VTR, or with both, with or without capability of receiving other signals	$50	$200
(b) All other television receivers	50	150
(c) AM/FM receiver with or without capability of receiving other signals (excluding AM/FM/TV receiver in paragraph (a))	50	100
(d) FM receiver with or without capability of receiving other signals (excluding FM/TV receiver in paragraph (a))	50	100
(e) Any other receiver (includes communication receiver, auditory training device receiver, receiver portion of transreceiver, etc.)	50	100
2. Low Power Communication Devices (Under Part 15.) (Includes control transmitter for door opener, biomedical telemetry transmitter.)	50	100
3. Field Disturbance Sensors (Under Part 15.)	50	100
4. ISM equipment (Under Part 18.) (Includes industrial heaters, ultrasonic equipment, microwave ovens (in special cases only). No fee required for certificates filed for use of industrial heating equipment on Form 724 in accordance with § 18.116 of the Commission's rules of this chapter.)	50	100

TYPE ACCEPTANCE

1. Application for type acceptance for each equipment type [2 3 4]	50	150
2. Application for the addition of each rule part to existing type acceptance for each equipment type as identified by manufacturer or trade name and type number	50	100
3. Approval of subscription television systems	500	1,000

TYPE APPROVAL

Item	Filing fee	Grant fee
1. Application or submission for type approval: [7]		
(a) Part 73:		
(1) Broadcast modulation monitors SCA and stereo	$2,400	$600
(2) Broadcast modulation monitors—other	1,200	300
(3) Broadcast antenna phase monitors	1,200	300
(4) Other broadcasting equipment	1,200	300
(b) Parts 81 and 83:		
(1) Ship transmitters, including lifeboat transmitters	1,000	200
(2) Radar	750	250
(3) Ship automatic alarm systems	3,000	1,000
(4) Ship alarm automatic keyers	750	250
(5) Other maritime devices	750	250
(c) Part 15:		
(1) Wireless microphones	900	300
(2) Auditory training transmitters	1,500	500
(3) Class I TV devices	250	50
(4) Other devices	900	300
(d) Part 18:		
(1) Medical diathermy and Subpart H equipment (13.56, 27.12, 40.68 MHz)	1,200	400
(2) Medical diathermy, microwave ovens and other Subpart H equipment (915 MHz and above)	1,500	500
(3) Medical ultrasonic (no optional accessories)	900	300
(4) Medical ultrasonic (optional accessories)	1,500	500
(5) Industrial ultrasonic (no optional accessories)	900	300
(6) Industrial ultrasonic (optional accessories)	1,800	600
(7) Other devices	900	300
2. Applications for modification of existing type approved equipment: [8]		
(a) Modifications which require testing: 75 percent of the filing and grant fees listed above for the particular class of equipment.		
(b) All other modifications	75	25

NOTE: Text of footnotes requires no change.

APPENDIX B

HISTORY RE FEES FROM 1929 TO FEBRUARY 1970

Although for a period of approximately 22 years the Congress, the Executive Department, the Federal Radio Commission, and the Federal Communications Commission (FCC) made or debated legislative proposals concerning "user-charge" or fees for services provided and licenses issued by the FCC and its predecessor,[1] it was not until after the

[1] This NOTE was adopted by the Commission in its "Reconsideration of Report and Order in Docket No. 18397," adopted June 16, released June 26, 1972, 37 F.R. (No. 136) at 13864, Col. 3 (July 14, 1972).

[1] See, for example, S. Res. 751, 70th Cong., second session, 70 Cong. Rec. 50–58 (1929); S. 6, 71st Cong., first session, hearings before the Committee on Interstate Commerce of the Senate pp. 926, 999, 1007–1010, 1611–1613, and 1756–1757 (1929); H.R. 7716, 72d Cong., first session. (Section 17 of the bill dropped

(Footnote continued on next page.)

Legislative Reorganization Act of 1946 [2] that the Congress, the Bureau of the Budget, and agencies in the executive branch of the Government embarked on an extensive study of fees for services which such agencies render to "special interests." In 1950 the Senate's Committee on Expenditures of the Executive Department [3] considered the question of the practicability of establishing fees for services which the Federal Government renders to those interests and stated:

"The Committee's jurisdiction in this relation springs from its statutory duty under the Legislative Reorganization Act * * * of 'studying the operation of the Government activities at all levels with a view to determine its economy and efficiency'. The Committee's approach, therefore, is not from a revenue-raising perspective, but is rather with the view of determining the feasibility of offsetting items now necessarily included in the Federal budget as nonreimbursable by transferring the financial burden thereof to the special beneficiaries. Thus at the outset, it is desired to draw a clear line of distinction between services which the Federal Government renders, either upon request or by law, to special interests to which benefits thereby accrue at the expense of all the taxpayers, and services for which the Government is inherently liable and the benefits of which accrue to the people at large.[4]

Following the cooperative work of that Senate committee, the corresponding House committee, and the Budget Bureau with the various executive agencies, the Congress on August 31, 1951, passed the Independent Offices Appropriations Act of 1952 [5] part of which, in essence, declared that any service, license, or similar thing of value provided by any Federal agency should be self-sustaining "to the full extent possible" and that the head of each agency is authorized to prescribe such fee as he shall determine to be fair and equitable "in case none exists," or "redetermine, in case of an existing one," taking into consideration (1) "direct and indirect cost to the Government," (2) "value to recipient," (3) "public policy or interest served," and (4) "other pertinent facts."

House Report No. 384, Committee on Appropriations, 82d Cong. First session, at p. 3 (1951), made the following statement regarding title V of the aforementioned Act:

"The bill would provide authority for Government agencies to make charges for these services in cash where no charge is made at present, and to revise charges where present charges are too low, except in cases where the charge is specifically fixed by law or the law specifically provides that no charge shall be made."

After entertaining some doubts as to its authority to levy fees, the FCC in 1953 finally concluded that: (a) If fees were charged under an overall Government policy, no legislation additional to title V would be needed for initiation of rulemaking looking toward promulgating a reasonable schedule of fees; and (b) certain features of the then current proposal (the overall approach plus assessment of fees only where services were "primarily of benefit to the private groups") diminished apprehension previously voiced in connection with user-charge proposals.

On November 5, 1953, the Budget Bureau issued its Circular No. A–25 calling for agencies to complete their studies on the fee question so that proposed schedules of fees could be made public by February 1, 1954. On January 27, 1954, the Commission issued a notice of proposed rule making in Docket No. 10869 [6] proposing a schedule of fees for the Commission's instruments of authorization and services, designed to implement title V of the Independent Offices Appropriations Act of 1952 and the Budget Bureau Circular.

Following the above and the introduction of bills proposing to amend the Communications Act to permit only "nominal" charges or fees,[7] the Senate Committee on Interstate and Foreign Commerce, in executive session, on March 24, 1954, adopted a resolution [8] calling for the suspension by the FCC of action involving fees including the notice of proposed rule making in said Docket No. 10869. By its order released February 16, 1962, the FCC complied by withdrawing its notice of proposed rule making and terminating the proceeding initiated in 1954 in that Docket 10869.[9]

After much intragovernment discussion, study, and several legislative proposals from 1955 to 1961 [10] the FCC issued a notice of proposed rule making [11] proposing a schedule of fees generally for filing applications in the various areas of FCC regulation.

On May 6, 1963, the FCC adopted a report and order,[12] that established a fee schedule containing nominal fees covering all areas of FCC licensing and regulation at the time. It was pointed out therein that the FCC in conducting its licensing and regulatory activities, conveys special benefits to identifiable recipients above and beyond those which accrue to the public at large; that in fairness to the general taxpayers, who bear the major burden of supporting Federal agencies, the Government has adopted the policy that the recipient of special benefits conveyed by a Federal agency should pay a reasonable charge for the benefits received; that in accordance with that policy the FCC determined that the public interest would be served by the establishment of a fair and equitable schedule of fees for its licensing and regulatory activities, thereby recouping for the Government a portion of the FCC's cost of regulating the communications industry.

Subsequently, 17 petitions for reconsiderations of the FCC's report and order of May 6, 1963, were filed and on September 25, 1963, the FCC adopted a memorandum opinion and order [13] disposing of the petitions and effecting minor changes and clarifications in the schedule while also pointing out that, with respect to seeming disparities complained of by some petitioners, the requirements of the application procedures of the several Bureaus of the Commission do not readily lend themselves to a uniform schedule of fees completely devoid of seeming or minor disparities; and that the disparities would be resolved from time to time in the course of a continuing review which would be undertaken with respect to the fee schedule.

In October of 1963, H.R. 6697 was introduced in the 88th Congress, first session, to amend the Communications Act by adding thereto a new section (section 417) to prohibit the FCC from assessing fees or charges, etc., unless specifically permitted by Federal law other than title V of the Independent Offices Appropriation Act of 1952. The bill, which ultimately died in committee, voiced the position of those still attacking the authority of the FCC to establish fees.[14]

A joint petition for review was filed December 6, 1963, in the U.S. Court of Appeals for the Seventh Circuit which sought review of the FCC's May 6, 1963, report and order and its October 7, 1963, memorandum opinion and order respectively adopting and reaffirming with minor changes, the schedule of fees. After actions on stay requests, injunctions, etc. the effective date of the fee schedule was changed by the court to March 17, 1964,[15] from January 1, 1964.[16]

In an opinion of July 10, 1964, the U.S. Court of Appeals for the Seventh Circuit affirmed both the validity of the Commission's action and the reasonableness of the fees adopted. "Aeronautical Radio, Inc., et al. v. United States and FCC." [17]

On March 19, 1965, the FCC released another notice of proposed rule making [18] proposing several amendments, including additions, deletions and reductions regarding filing fees.

On November 17, 1965, the Commission adopted the report and order in said docket [19] amending its schedule of application filing fees, which became effective December 29, 1965. The rules became Subpart G Part 1 of the Commission's rules, § 1.1101 et seq.

On February 19, 1970, the FCC released its notice of proposed rule making in docket No. 18802 [20] (and on March 4, 1970 its supplemental notice [21]) proposing widespread changes in the then current fee schedule.

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on Dec. 14, 1932); S. 5201, 72d Cong., second session (76 Cong. Rec. 542); H.R. 14688, 72d Cong., second session (1933); H.R. 6440, 75th Cong., first session (1937); S. Res. 94, 76th Cong., first session 84 Cong. Rec. 2260 (1939).

[2] Public Law No. 601, 79th Cong., second session (1946).

[3] A then standing committee of the Senate in the 81st Congress.

[4] S. Rep. No. 2120, 81st Cong., second session (1950) at p. 1.

[5] Public Law No. 137, 65 Stat. 290, 31 U.S.C. 483(a).

[6] 19 F.R. 622 (1954).

[7] S. 2926 and H.R. 7842, 83d Cong., second session (1954); S. 3203, 83d Cong., second session (1954).

[8] 100 Cong. Rec. 3783.

[9] 27 F.R. 1728.

[10] See, for example, S. Res. 140 of July 25, 1955, which referred the fee program study to the Senate Committee on Government Operations, S. Rept. 1467, 84th Cong., second session (1959) entitled "Fee for Government Services"; H.R. 9538, 85th Cong., second session (never reported out of committee); the staff memorandum No. 85–1–70 dated Oct. 28, 1957, of the Senate Committee on Government Operations; Budget Bureau's Bulletin No. 58–3, Nov. 18, 1957, calling for removal of all limitations or restrictions on agencies' authority to recover full costs for Government services which provide a special benefit; Budget Bureau's Circular A–25, Sept. 23, 1959; H.R. 12668, 86th Cong., second session (1960); H.R. 1118, 87th Cong., first session (1961); 21 the Federal Bar Journal No. 2, pp. 209–218.

[11] Docket No. 14507, 27 F.R. 1729 (1962).

[12] Docket No. 14507, 34 FCC 811, 28 F.R. 4759 (1963).

[13] 28 F.R. 10911 (1963).

[14] See also H. Doc. No. 15, Pt. I, 88th Cong., first session, pp. 14–15 and hearings before the House Committee on Ways and Means on the President's Tax Message Pt. I, pp. 787–88, 88th Cong., first session, and 107 Cong. Rec. pp. 14587–88 where the chairman of the House Interstate and Foreign Commerce Committee agreed on the floor of the House that title V would vest authority in the FCC to establish a schedule of fees.

[15] 29 F.R. 2647 (1964).

[16] 28 F.R. 13510 (1963).

[17] 335 F. 2d 304. On Jan. 18, 1965, the U.S. Supreme Court denied a petition for certiorari seeking review of that action of the Seventh Circuit Court, 379 U.S. 966.

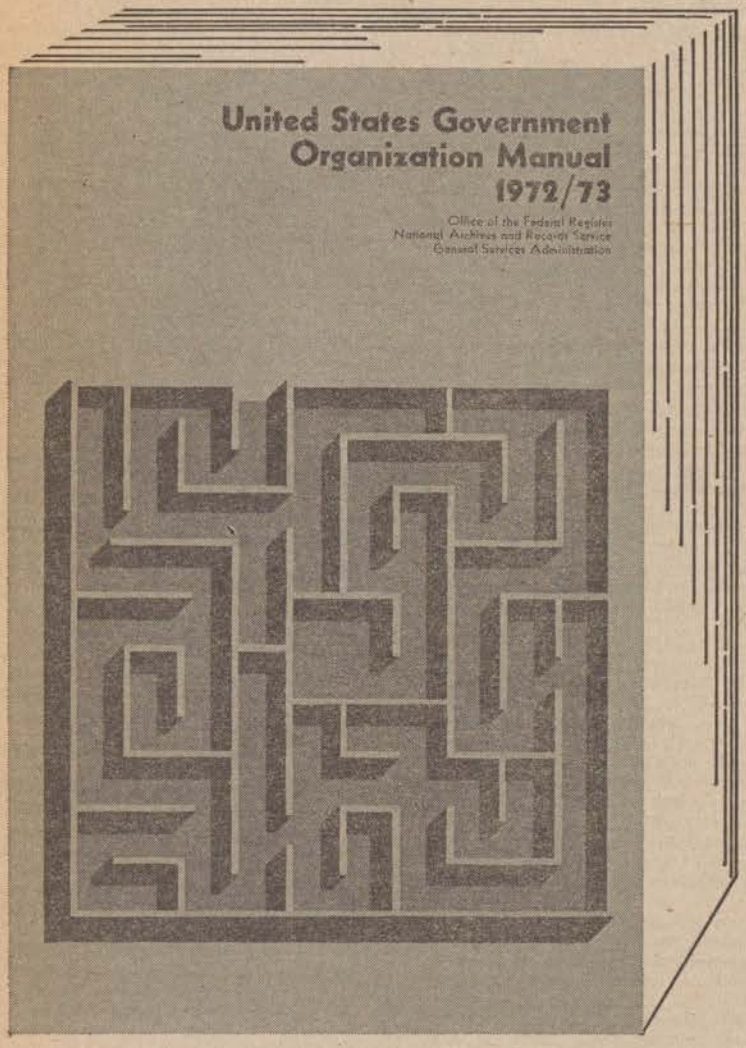
[18] Docket 15881, 30 F.R. 3822.

[19] 1 FCC 2d 1345.

[20] 35 F.R. 3815 (1970), 21 FCC 2d 502.

[21] 35 F.R. 4557 (1970), 23 FCC 2d 183.

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