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PART I

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Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1972]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

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they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

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Title 3—The President

PROCLAMATION 4142

National Voter Registration Month

By the President of the United States of America

A Proclamation

As we continually work to construct a better and better Nation, America has no need of sidewalk superintendents. And any person who is qualified to vote, but who does not register to vote, can be little more than a sidewalk superintendent standing apart from the vital project of building national progress in the challenging era of the 1970s.

In recent years, Federal and State governments have taken historic actions to extend the voting privilege to more and more of our citizens, including those between 18 and 21 years of age.

All of these efforts to broaden the base of the American constituency—in order to insure continuing national political vitality and accurate representation—will have been in vain, however, if the newly eligible voters do not activate their newly won voting rights by registering according to the laws of the States.

There is no place for apathy in an America facing the momentous challenges and opportunities of the era of the 1970s. The Nation needs the talents and the energies of each and every citizen, and it needs all their votes on election day.

I am convinced that nationwide, non-partisan voter registration campaigns could substantially reduce the number of qualified citizens who will be barred from voting in the forthcoming general elections by reason of failure to comply with election registration laws.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim September, 1972, as National Voter Registration Month, and I urge the Governors, and election officials of the several States, together with other officials, candidates for public office, and political parties and organizations, to

institute non-partisan campaigns designed to achieve the registration of as many qualified citizens as possible prior to the forthcoming elections.

I also urge all interested citizens and all civic and educational organizations to participate in voter registration campaigns and to take all appropriate steps to assure maximum registration of qualified voters.

Finally, I urge our newspapers, magazines, and other periodicals, our television and radio stations and networks, and all other news media to publicize and promote voter registration drives and the importance of voter registration.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of July, 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.72-11090 Filed 7-14-72; 3:59 pm]

PROCLAMATION 4143

Captive Nations Week, 1972

By the President of the United States of America

A Proclamation

The cause of human rights and personal dignity remains a universal aspiration. Yet, in much of the world, the struggle for freedom and independence continues. It is appropriate, therefore, that we who value our own precious heritage should manifest our sympathy and understanding for those to whom these benefits are denied. The Eighty-Sixth Congress on July 17, 1959, by a joint resolution, authorized and requested the President to proclaim the third week of July in each year as Captive Nations Week in support of this sentiment.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 16, 1972, as Captive Nations Week.

I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all peoples for self-determination and human liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of July, 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.72-11171 Filed 7-17-72;11:36 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Secretary to the Public Affairs Director is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER, subparagraph (26) is added to paragraph (a) of § 213.3315 as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(26) One Secretary to the Public Affairs Director.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.72-10973 Filed 7-17-72;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Confidential Assistant to the Commissioner, Social Security Administration, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (1) is amended under § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(1) *Social Security Administration.* * * *

(2) One Confidential Assistant to the Commissioner.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc. 72-10972 Filed 7-17-72;8:48 am]

PART 213—EXCEPTED SERVICE

Action

Section 213.3359 is amended to show that one Executive Assistant to the Director of ACTION is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER, paragraph (f) is added to § 213.3359 as set out below.

§ 213.3359 Action.

(f) One Executive Assistant to the Director.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.72-10971 Filed 7-17-72;8:48 am]

Title 7—AGRICULTURE

Chapter III—Animal and Plant Health Inspection Services, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS Commuted Traveltime Allowances

The following amendments are made pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs by 7 CFR 354.1 (36 F.R. 24917; 37 F.R. 6327, 6505, 10554). The administrative instructions appearing at 7 CFR 354.2, as amended, January 14, 1972 (37 F.R. 587) prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding to or deleting from the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

WITHIN METROPOLITAN AREA

1 HOUR

Delete: Atlanta, Ga.
Add: Las Vegas, Nev.
Delete: Norton AFB, Calif.
Delete: Ramey AFB, P.R.
Add: Ramey AFB, P.R. (including Borinquen Airport).
Add: Reno, Nev.
Delete: San Luis, Ariz.
Add: Yuma International Airport, Ariz.

2 HOURS

Add: Atlanta, Ga.
Add: Los Angeles, Calif. (including San Pedro, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor, and Long Beach Municipal Airport, Calif.).

Add: Phoenix, Ariz.
Add: San Luis, Ariz.
Delete: San Pedro, Calif. (including Los Angeles, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor, and Long Beach Municipal Airport, Calif.).

OUTSIDE METROPOLITAN AREA

1 HOUR

Add: Cherry Point, Wash. (served from Blaine, Wash.).
Add: Cousins Island, Maine (served from Portland, Maine).

2 HOURS

Add: Bath, Maine (served from Portland, Maine).
Add: Brunswick NAS, Maine (served from Portland, Maine).
Add: Chickasaw, Ala. (served from Mobile, Ala.).
Add: El Segundo, Calif. (served from Los Angeles, Calif.).
Delete: El Segundo, Calif. (served from San Pedro, Calif.).
Delete: George AFB, Calif. (served from Norton AFB, Calif.).
Delete: March AFB, Calif. (served from Norton AFB, Calif.).
Add: Marietta, Ga. (served from Atlanta, Ga.).
Delete: Ontario Airport, Calif. (served from Norton AFB, Calif.).
Add: Pensacola, Fla. (served from Mobile, Ala.).
Add: Seal Beach, Calif. (served from Los Angeles, Calif.).
Delete: Seal Beach, Calif. (served from San Pedro, Calif.).

3 HOURS

Add: Burbank, Calif. (served from Los Angeles, Calif.).
Delete: Burbank, Calif. (served from San Pedro, Calif.).
Add: El Toro Marine Corps Air Station, Calif. (served from Los Angeles, Calif.).
Delete: El Toro MCAS, Calif. (served from Norton AFB, or San Pedro, Calif.).
Delete: Elizabeth City, N.C. (served from Wilmington, N.C.).
Delete: Homestead AFB, Fla. (served from Miami, Fla.).
Add: Kittery, Maine (served from Portland, Maine).
Add: March AFB, Calif. (served from Los Angeles, Calif.).
Delete: March Field, Calif. (served from San Pedro, Calif.).
Add: Ontario, Calif. (served from Los Angeles, Calif.).
Delete: Ontario, Calif. (served from San Pedro, Calif.).
Add: Pease AFB, Pease, N.H. (served from Portland, Maine).
Add: St. James, La. (served from Baton Rouge, La.).
Delete: South Miami, Fla. (served from Miami, Fla.).
Delete: Any undesignated California port served from Norton AFB, Calif.
Delete: Any undesignated California port served from San Diego, San Pedro, or San Francisco.
Add: Any undesignated California port served from San Diego, Los Angeles, or San Francisco.

Add: Any undesignated Florida port served from Miami, Fla.

Delete: Any undesignated Tennessee port served from Memphis, Tenn., or Atlanta, Ga.

Add: Any undesignated Tennessee port served from Memphis, Tenn.

4 HOURS

Add: Bradley Field, Windsor Locks, Conn. (served from Milford, Conn.).

Add: Columbus, Ga. (served from Atlanta, Ga.).

Add: George AFB, Calif. (served from Los Angeles, Calif.).

Add: Macon, Ga. (served from Atlanta, Ga.).

Add: Norton AFB, Calif. (served from Los Angeles, Calif.).

Delete: Norton AFB, Calif. (served from San Pedro, Calif.).

5 HOURS

Add: Cherry Point, Wash. (served from Seattle, Wash.).

Add: Douglas, Ariz. (served from Nogales, Ariz.).

Add: Any undesignated Tennessee port served from Atlanta, Ga.

6 HOURS

Add: Eastport, Maine (served from Bangor, Maine).

Add: Elizabeth City, N.C. (served from Morehead City, N.C.).

Add: Vicksburg, Miss. (served from Baton Rouge, La.).

Add: Bradley Field, Windsor Locks, Conn. (served from Boston, Mass.).

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service. It is to the benefit of the public that these amendments be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (7-18-72).

Done at Washington, D.C., this 12th day of July 1972.

T. G. DARLING,
Acting Deputy Administrator,
Plant Protection and Quarantine Programs.

[FR Doc.72-10965 Filed 7-17-72;8:47 am]

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

[Valencia Orange Regulation 399, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 908.699 (Valencia Orange Regulation 399, 37 F.R. 13245) during the period July 7 through July 13, 1972, are hereby amended to read as follows:

§ 908.699 Valencia Orange Regulation 399.

* * * * *

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

(i) District 1: 295,000 cartons;

(ii) District 2: 356,000 cartons;

(iii) District 3: 124,000 cartons.

* * * * *

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

Dated: July 12, 1972.

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

[FR Doc.72-10962 Filed 7-17-72;8:47 am]

[Lemon Regulation 541, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* The provision in paragraph (b) (1) of § 910.841 (Lemon Regulation 541, 37 F.R. 13465) during the period July 9, through July 15, 1972, is hereby amended to read as follows:

§ 910.841 Lemon Regulation 541.

* * * * *

(b) *Order.* (1) * * * 275,000 cartons.

* * * * *

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

Dated: July 13, 1972.

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

[FR Doc.72-10961 Filed 7-17-72;8:47 am]

[Fench Reg. 11]

PART 919—PEACHES GROWN IN THE COUNTY OF MESA IN THE STATE OF COLORADO

Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches

grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of peaches from the production area are expected to begin on or about July 17, 1972. The grade and size requirements provided herein are necessary to prevent the handling, on and after July 17, 1972 of any peaches of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act. It is necessary to establish minimum grades and sizes for peaches this season, even though a reduced crop is in prospect, in the interest of producers and consumers, to prevent shipment of small, poor quality fruit, and demoralization of the market for larger, better quality fruit.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 17, 1972. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Administrative Committee until June 29, 1972, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were submitted to the Department on July 10, 1972; shipments of the current crop of such peaches are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the

aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 919.312 Peach Regulation II.

(a) Order. During the period July 17, through August 16, 1972, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1 grade;

(2) Any peaches of any variety which are of a size smaller than 2 1/8 inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2 1/8 inches in diameter (i) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2 1/8 inches in diameter; and (ii) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 1/8 inches in diameter.

(b) Definitions. As used herein, "peaches," "handler," "ship" and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," and "count," shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210-51.1223 of this title).

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

Dated: July 14, 1972.

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

[FR Doc.72-11057 Filed 7-14-72; 12:40 p.m.]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for area No. 3, to be effective under Marketing Agreement No. 97 and order No. 948, both as amended (7 CFR Part 948), was published in the June 22, 1972, issue of the FEDERAL REGISTER (37 F.R. 12326). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the area committee for area No. 3, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.267 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area commit-

tee for area No. 3 to enable such committee to perform its functions, pursuant to the provisions of marketing agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1973, will amount to \$3,424.

(b) The rate of assessment to be paid by each handler pursuant to marketing agreement No. 97, as amended, and this part, shall be \$0.00685 per hundredweight of potatoes grown in area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1973, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in marketing agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 533) in that: (1) the relevant provisions of this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1972, and the rate of assessment herein will automatically apply to all assessable potatoes beginning with such date.

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

Dated: July 13, 1972.

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

[FR Doc.72-11003 Filed 7-17-72; 8:50 am]

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

[Milk Order 63, 78, 79]

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

PART 1078—MILK IN THE NORTH-CENTRAL IOWA MARKETING AREA

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Quad Cities-Dubuque and north-central Iowa marketing areas. This order does not suspend any provision of the order regulating and handling of milk in the Des Moines, Iowa, marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (37 F.R. 12728) concerning a proposed suspension of certain provisions of the orders. Interested persons were afforded

opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of July and August 1972 the following provisions of the Quad Cities-Dubuque and north-central Iowa orders do not tend to effectuate the declared policy of the Act:

1. In Part 1063—Quad Cities-Dubuque, the proviso in § 1063.14 which reads: "Provided, That in any of the months of July through January milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler."

2. In Part 1078—north-central Iowa, the provisions of § 1078.7 which read: "(1) Any day during the months of April through June, and (2) on not more than one-half of the days on which milk was delivered from a farm during any of the months of July through March."

This suspension will permit unlimited diversion of producer milk under the Quad Cities-Dubuque and north-central Iowa orders during the months of July and August.

Two cooperative associations of producers supplying milk to certain regulated plants in the Quad Cities-Dubuque, north-central Iowa, and Des Moines markets requested suspension during July and August of the respective order provisions limiting diversion of producer milk to nonpool plants.

It is a common practice of cooperatives in these markets to divert reserve milk supplies to nonpool manufacturing plants. Reserve milk supplies associated with certain regulated plants under the Quad Cities-Dubuque and north-central Iowa orders exceed the quantity that could be moved as producer milk under the diversion limitations to nonpool manufacturing plants.

Unless the suspension action is taken much of the reserve milk of the two markets, in order to be priced under the orders, will need to be moved from farms to pool plants and then reshipped to manufacturing plants rather than being moved directly from farms to manufacturing plants.

It is necessary to suspend the diversion provisions of the Quad Cities-Dubuque and north-central Iowa orders so all producers who have regularly supplied milk for these markets can continue to have their milk priced under the orders and share in the proceeds of the markets. Such action also will facilitate the efficient handling of reserve milk of the markets during July and August 1972.

The provisions limiting diversion of producer milk under the Des Moines, Iowa, order were also proposed to be suspended in the notice issued June 22,

1972, by the Deputy Administrator, Regulatory Programs, Agricultural Marketing Service (37 F.R. 12728). A cooperative association representing a majority of the producers supplying the Des Moines market filed views and arguments in opposition to the proposed suspension of the diversion limits of the Des Moines order for July and August 1972. The cooperative stated such suspension would provide the possibility of pooling substantial additional supplies of milk under the order.

The diversion limits under the Des Moines order during July and August are the same as in the months of April, May, and June. Normally the reserve milk supply in this market reaches its peak level during the month of June. There was no apparent problem during June in handling reserve milk supplies within the limits of the diversion provisions of the Des Moines order. Accordingly, it can reasonably be expected that the diversion limits will not impede the handling of reserve supplies of producer milk now associated with the market during July and August 1972.

It therefore is found and determined that the proposed suspension of the diversion limits of the Des Moines order should not be effectuated.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing areas in that the most efficient method of handling the markets' reserve milk supplies is movement directly from producers' farms to milk manufacturing plants. This suspension would allow such handling during July and August 1972, while the dairy farmers involved retain producer status.

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

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

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

It is therefore ordered, That the aforesaid provisions of the Quad Cities-Dubuque and north-central Iowa, orders are hereby suspended for the months of July and August 1972.

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

Effective date. Upon publication in the FEDERAL REGISTER (7-18-72).

Signed at Washington, D.C., on July 12, 1972.

RICHARD E. LYG, Assistant Secretary.

[FR Doc.72-10963 Filed 7-17-72;8:47 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 442.0]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart I—Processing Loans to Associations (Except for Domestic Water and Waste Disposal)

MISCELLANEOUS AMENDMENTS

On Saturday, April 8, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 7101) to amend 7 CFR, Subpart I of Part 1823, to provide guidelines pertaining to accounting systems, management reports, and audits for FHA borrowers. Interested persons were afforded the opportunity to participate in the rule making through the submission of comments. One comment was received and is incorporated in § 1823.287. The proposed new regulations (§§ 1823.280 through 1823.289) are hereby adopted effective on the date of their publication in the FEDERAL REGISTER.

As amended, the new §§ 1823.280 through 1823.289 will read as follows:

§ 1823.280 Loan servicing.

Loans will be serviced in accordance with Subpart F of Part 1861 of this chapter.

§ 1823.281 Management assistance.

Management assistance will be based on such key factors as observation of borrower operations and facility maintenance and review of the periodic management and audit reports. The amount and type of assistance provided will be that needed to assure borrower success and compliance with its agreements with FHA.

(a) *Borrower management reports, audits, and accounting systems.* Requirements pertaining to borrower accounting systems and management reports are detailed in §§ 1823.282 through 1823.289. Requirements pertaining to audit reports are contained in a booklet entitled, "FHA Instructions to Independent Certified Public Accountants and Licensed Public Accountants." Copies of the audit booklet will be given to each applicant at a time not later than delivery of the letter of conditions.

(1) *Management reports.* (i) County Supervisors will obtain from the borrowers and forward to the State Director two copies of periodic management reports within 20 days after the end of the period shown below:

Type of borrower	Form FHA 442-2 "Statement of income and expenses for the fiscal year to date"	Form FHA 442-3 "Balance sheet"	Fiscal year.
Recreation	Quarter		Do.
Grazing	Semiannual		Do.
Drainage, irrigation, or other soil and water conservation:	Fiscal year		Do.
Watershed	do		Do.
Timber development	do		Do.
Incorporated economic opportunity co-operative.	Quarter		Do.
Resource conservation and development.	(In accordance with purpose of loan.)		

(ii) County supervisors will also obtain Form FHA 442-1, "Forecast of Cash Receipts and Disbursements (Operating Budget)," from the borrowers shown in subdivision (i) of this subparagraph for the new fiscal year and forward it to the State director no later than 20 days after the beginning of the borrower's new fiscal year.

(iii) Unincorporated economic opportunity cooperatives having an annual gross income of \$10,000 or less will not be required to submit periodic management reports nor minutes of meetings unless the State director desires otherwise.

(iv) the State director will designate a member of the Community Programs staff to be responsible for the review of borrower management reports. Ordinarily, review findings and instructions regarding further assistance will be forwarded to FHA field personnel within 20 days of submission for delinquent and problem borrowers and 40 days for other borrowers. Form FHA 430-4, "5-Year Progress Report," will be updated during each State office review.

(v) Copies of review findings, instructions for further assistance, and management reports pertaining to delinquent and problem borrowers will be forwarded to the national office.

(vi) The State director may:
 (a) After the end of the borrower's third full fiscal year of operation, exempt it from submitting management reports other than annually, provided it is current on its loans; is meeting the conditions of its agreements with FHA; is properly maintaining its facility; and has demonstrated its ability to successfully operate its facility and manage its affairs. Borrowers qualifying for this exemption will only be required to submit copies of Forms FHA 442-1, FHA 442-2, "Statement of Income and Expenses for the Fiscal Year to Date," FHA 442-3, "Balance Sheet," and, for those borrowers required to submit an audit, a copy of the audit report.

(b) Reinstate the requirement for submission of periodic management reports for those borrowers who become delinquent or otherwise are not carrying out their agreements with FHA.

(c) Require more frequent submission of management reports.

(2) *Audit reports and accounting systems.* (i) The county supervisor will obtain audit reports from those borrowers required to submit them and send them

to the State director for forwarding to the national office. All audit reports will receive national office review. Review results and recommendations or instructions for further assistance and audit preparation will be provided the State director.

(ii) Borrowers accounting systems must be approved by the State director before loan funds are advanced.

(iii) The State director may:

(a) Waive FHA accounting and auditing requirements for a public entity borrower if State statutes or regulations require adequate accounting and auditing procedures, and if he has reasonable assurance that he will obtain the necessary financial information for borrower assistance from the accounting system and audit reports prepared in accordance with such statutes or regulations.

(b) Require an audit report from any borrower in addition to those described in §§ 1823.282 through 1823.289 when he determines that the FHA's or the borrower's interests would be better protected if such an audit were made.

(b) *Application to borrowers indebted to FHA upon receipt of this subpart—*

(1) *Management reports.* The requirements of this subpart will apply.

(2) *Accounting systems.* The requirements of this subpart apply to all such borrowers who the State director determines are not now maintaining adequate accounting systems.

(c) *District supervisor reports.* The district supervisor will complete and forward to the State director Form FHA 442-4, "District Supervisor Report—Association—Organization Borrowers," for all borrowers between the fourth and ninth month of operation in the first year, and prior to March 31 of each year for borrowers delinquent in making their annual payments by January 21. Unincorporated economic opportunity cooperatives and borrowers transferred to collection-only are excluded.

(d) *Security inspections.* A representative of the borrower will ordinarily accompany the FHA county supervisor during each inspection.

(1) *Initial inspection.* The county supervisor will inspect each borrower's security property and facility at the end of the first year of operation. The results of this inspection will be reported to the State director on Form FHA 424-12, "Inspection Report."

(2) *Subsequent inspections.* The county supervisor will make subsequent inspections of borrower security property and facilities during each third year after the initial inspection. The results of this inspection will be reported to the State director on Form FHA 424-12.

(3) *Special inspections.* The county supervisor may request or the State director may determine the need for a member of his State staff to make certain security inspections. In such cases the State director will detail a member of his staff to make such inspections.

(4) *Follow-up inspections.* If any inspection discloses deficiencies or exceptions or otherwise indicates a need for subsequent inspections prior to the third

year, the State director will prescribe the type and frequency of followup inspections. These inspections will be made until all deficiencies and exceptions have been corrected.

§ 1823.282 Introduction.

Sections 1823.282 through 1823.289 of this subpart set forth guidelines pertaining to accounting systems, management reports, and audits for FHA borrowers. Accounting systems which utilize the suggested chart of accounts and which are maintained in accordance with generally accepted accounting principles, will supply the necessary accounting data for borrower operations.

§ 1823.283 Borrower responsibilities.

All FHA borrowers are required to maintain adequate records and accounts and submit financial and statistical reports to FHA. Borrower agreements provide that FHA representatives may have access to and the right to inspect any or all books, records, and accounts pertaining to the facility of the borrower. Those elected and/or appointed officials (hereinafter referred to as governing bodies) of the borrower, are by virtue of their position charged with:

(a) Accepting their responsibilities as defined in the articles of incorporation and bylaws, the statutes under which they operate, and the terms of their agreements with FHA.

(b) Conducting borrower affairs so that the terms of its agreements with FHA will be fulfilled.

(c) Maintaining accounting records adequate for successful operation.

(d) Preparing reports necessary for successful management and operation and submitting copies of such reports to FHA as required.

(e) Planning for sufficient income and control costs to the extent necessary to assure that all financial obligations can be paid when due.

(f) Establishing and maintaining rules, regulations, rate schedules, fees, assessments, and policies necessary for orderly and economic operation.

(g) Providing proper control and management of operations, and informing members, users, or patrons of organization goals, activities, and current financial situation.

§ 1823.284 Accounts and records.

Each borrower will keep and safely preserve its books of account and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish full information as to any items included in any account. Each entry will be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

(a) *Accounting systems.* Each FHA borrower is responsible for establishing and maintaining its accounting system, which must be operational and approved by FHA before any loan funds are received. Systems will be maintained on an accrual basis.

(1) Borrowers with small operations may use Form FHA 430-5, "Soil and Water Association Record Book."

(2) Accounting systems required by a State or regulatory agency for public entities may be acceptable to FHA.

(3) A recommended minimum chart of accounts is shown in § 1823.289.

(4) Accounting systems may be maintained by borrower personnel, a book-keeping service, a computer service or through other arrangements satisfactory to the borrower and FHA.

(b) *Closing of books.* Each borrower will close its accounting records at the end of its fiscal year unless State statutes or regulations prescribed otherwise.

(c) *Bank accounts.* (1) Borrowers will maintain a bank account or bank accounts in a bank whose deposits are insured by the Federal Deposit Insurance Corporation.

(2) The private bank account of the borrower will be known as the Revenue Fund Account and all revenue will be deposited therein and expended and used only in the manner prescribed by the bond ordinance, loan agreement, or loan resolution.

(3) The reserve cash account may be invested in an interest bearing savings account, certificates of deposit, treasury bills, a savings and loan association account or may be used to make a prepayment on the FHA loan.

§ 1823.285 Management reports.

Effective decisions by governing bodies are critical to successful operation. In order to make effective decisions, the governing body must receive timely information by means of financial and other appropriate reports which will assist it in the fulfillment of its basic tasks, the formulation of plans to achieve goals, and the control of operations to accomplish planned results. The following minimum required reports will furnish the governing body with a means of evaluating prior decisions and serve as a basis for planning the future operations and financial conditions of the borrower.

(a) *Form EHA 442-1, "Forecast of Cash Receipts and Disbursements (Operating Budget)."* (1) The forecast will be prepared and adopted by the governing body prior to the beginning of each fiscal year. It should be based on realistic and informed estimates of expected receipts and disbursements for the coming fiscal year. Planning should generally be done on the basis of controlling expenses as much as possible, and insuring that rates, fees, and so forth, are set to provide the necessary revenue. Throughout the year, other financial reports which compare the forecast with actual receipts and disbursements will provide valuable information in the preparation of future budgets.

(2) Two copies of Form FHA 442-1 and copies of the minutes of the meeting at which it was approved will be submitted to the FHA County Supervisor no later than 20 days after the beginning of the borrower's new fiscal year.

(b) *Form FHA 442-2, "Statement of Income and Expenses for the Fiscal Year*

to Date." The statement will be used to detail the income and expenses during a given accounting period. Two copies of Form FHA 442-2 will be forwarded to the FHA County Supervisor each time it is prepared.

(c) *Form FHA 442-3, "Balance Sheet."* This form is a statement of financial conditions and discloses the assets, liabilities, reserves, and net worth of the borrower as of the end of an accounting period such as a quarterly, semiannually or annually. The balance sheet will be prepared as often as needed by the governing body. Two copies of Form FHA 442-3, prepared as of the end of the fiscal year will be forwarded to the FHA County Supervisor no later than 20 days after the end of the fiscal year.

(d) *Report submission.* Those borrowers using a machine accounting system may submit printout-type reports providing these reports are in the format of the required FHA forms. Also, borrowers desiring to submit more detailed information than required by FHA forms may attach such detail to the related FHA form.

§ 1823.286 Additional reports.

Each borrower is required to provide the FHA County Supervisor within 20 days following the end of the fiscal year the following:

(a) A letter showing:

(1) The name, address, and term of office for each member of the governing body, and

(2) The number of members benefiting from the facility.

(b) Evidence that required property and liability insurance, workmen's compensation, and fidelity bond premiums have been paid.

§ 1823.287 Audits.

FHA borrowers required to have an annual audit performed by an independent public accountant are those whose projected gross income for a full year of operations (column 3 of Form FHA 442-1) exceeds \$25,000, and others as required by the FHA State Director. Borrowers whose annual gross income is less than \$25,000 may have an annual audit made by an independent public accountant.

(a) Such audits will be conducted in accordance with generally accepted auditing standards by independent certified public accountants or by independent licensed public accountants licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(b) Audits will be prepared in accordance with the requirements of the handbook, "Instructions to Independent Certified Public Accountants and Licensed Public Accountants Performing Audits of Farmers Home Administration Borrower and Grantees."

(c) Audit reports prepared for a borrower in accordance with the requirements of a State or other regulatory agency, may be accepted by FHA in lieu of those required in paragraph (b) of this section.

(d) A copy of the audit report will be forwarded to the FHA County Supervisor by the borrower as soon as it is received.

§ 1823.288 Financial reports for organizations not required to submit an audit report.

Borrowers whose annual gross incomes for a full year of operation are less than \$25,000 and not having an annual audit made by an independent public accountant, will, within 60 days following the end of each fiscal year, furnish the FHA County Supervisor with an annual report, consisting of a verification of the organization's balance sheet and statement of income and expense by a committee of the membership not including any officer, director, or employee. Such committees will be appointed by the borrower's governing body and will certify to its examination of the accounts and records. The final Form FHA 442-2 for the year and the Form FHA 442-3 will be used.

§ 1823.289 Minimum chart of accounts for FHA borrowers.

Each FHA borrower will keep its books of account and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry will be supported by such detailed information as will permit a ready identification, analysis, and verification of all facts relevant thereto. This is a minimum suggested chart of accounts for FHA borrowers. Each borrower should establish a general ledger using only those accounts that are necessary to adequately furnish the information needed to prepare balance sheets and other financial reports. Other needed accounts may be added. Some accounts with credit balances are included among the assets because this is the order in which these accounts are usually shown on the balance sheet. (Example: Allowance for Uncollectable Receivables.) The numbers preceding each account are for reference purposes only and are not intended to represent a comprehensive method of coding.

100 ASSETS—CURRENT

- 101 Cash—Revenue Fund Account.
- 102 Cash—Operation and Maintenance Fund.
- 103 Cash—Debt Service.
- 104 Cash—Reserve Fund.
- 105 Cash—Construction Funds.
- 106 Petty Cash and Change Fund.
- 111 Accounts Receivable—General.
- 112 Accounts Receivable—Members.
- 113 Accounts Receivable—Employees.
- 115 Allowance for Uncollectable Receivables.
- 121 Inventory.

150 ASSETS—FIXED

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- 430 Repairs and Maintenance.
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- 438 Office Supplies and Printing.
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(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Act. Sec. of Agr. (36 F.R. 21529); Order of Asst. Sec. of Agr. for Rural Development and Conservation (36 F.R. 21529); Order of Dir., OEO (29 F.R. 14764))

The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: July 11, 1972.

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.72-10967 Filed 7-17-72; 8:48 am]

SUBCHAPTER G—MISCELLANEOUS REGULATIONS
[AL-17(400)]

PART 1890—NONDISCRIMINATION BY RECIPIENTS OF FINANCIAL ASSISTANCE

Exemptions From Compliance Reviews

Part 1890, Title 7, Code of Federal Regulations (35 F.R. 13973), § 1890.6 is amended to add paragraph (d) to provide that civil rights compliance reviews on unincorporated economic opportunity cooperatives may be discontinued until further notice. Section 1890.6 as amended, reads as follows:

§ 1890.6 Compliance reviews and reports.

(d) *Exemptions from compliance reviews.* Because of the heavy workload on FHA personnel, the Office of Equal Opportunity has agreed that civil rights compliance reviews on unincorporated economic opportunity cooperatives may be discontinued until further notice. This exemption does not affect these borrowers' nondiscriminatory obligations under title VI. No further compliance reviews on unincorporated cooperatives should be scheduled or reported.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; order of Acting Secretary of Agriculture (36 F.R. 21529); order of Assistant Secretary of Agriculture for Rural Development and Conservation (36 F.R. 21529); order of Director, OEO (29 F.R. 14764))

Dated: July 11, 1972.

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.72-10966 Filed 7-17-72; 8:48 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

[Docket No. 72-534]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in subparagraph (e) (1) relating to the State of Texas, a new subdivision (iii) relating to Mitchell and Nolan Counties is added to read:

- (e) * * *
- (1) *Texas.*

(iii) The adjacent portions of Mitchell and Nolan Counties bounded by a line beginning at the junction of State Highway 208 and Farm-to-Market Road 2319 in Mitchell County; thence, following

Farm-to-Market Road 2319 in a northeasterly direction to Farm-to-Market Road 608 in Nolan County; thence, following Farm-to-Market Road 608 in a northwesterly direction to the Nolan-Fisher County line; thence, following the Nolan-Fisher County line in a westerly direction to the junction of the Nolan-Fisher-Scurry-Mitchell County lines; thence, following the Mitchell-Scurry County line in a westerly direction to State Highway 208 in Mitchell County; thence, following State Highway 208 in a southeasterly direction to its junction with Farm-to-Market Road 2319.

2. In § 76.2, in subparagraph (e) (6) relating to the State of New Jersey, a new subdivision (iii) relating to Burlington and Ocean Counties is added to read:

- (e) * * *
- (6) *New Jersey.*

(iii) The adjacent portions of Burlington and Ocean Counties bounded by a line beginning at the junction of State Highway 530 and U.S. Highway 206 in Burlington County; thence, following State Highway 530 in a generally southeasterly direction to State Highway 70; thence, following State Highway 70 in a northeasterly direction to State Highway 539 in Ocean County; thence, following State Highway 539 in a southeasterly direction to State Highway 72; thence, following State Highway 72 in a northwesterly direction to State Highway 532 in Burlington County; thence, following State Highway 532 in a southwesterly, then northwesterly direction to U.S. Highway 206; thence, following U.S. Highway 206 in a northerly direction to its junction with State Highway 530.

(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; 37 F.R. 6327, 6505)

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

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

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and

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

Done at Washington, D.C., this 13th day of July 1972.

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

[FR Doc.72-11000 Filed 7-17-72; 8:49 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to 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, new subdivisions (v) relating to Kern County and (vi) relating to Kings County are added to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *California.* * * *

(v) The premises operated by Georgia Bernbaum in Kern County, located NW ¼, sec. 36, T. 32 S., R. 31 E., Mount Diablo Base and Meridian.

(vi) The premises of Jerry Madruga, Hanford, Calif., in Kings County, comprised of that portion of the northeast quarter of the northeast quarter of sec. 12, T. 18 S., R. 21 E., Mount Diablo Base and Meridian.

(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; 37 F.R. 6327, 6505.)

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

The amendments quarantine portions of Kern and Kings Counties in California because of the existence of exotic Newcastle disease. The amendments impose 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 their purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 11th day of July 1972.

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

[FR Doc.72-10964 Filed 7-17-72; 8:47 am]

Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Inspection), Department of Agriculture

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Designation of Missouri

Statement of Considerations. Officials of the State of Missouri have advised this department that the State of Missouri is no longer in a position to continue administering the State meat inspection program after August 17, 1972, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Missouri had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Act. However, such titles contemplate a continuous, ongoing program, and in view of the termination date now applicable to the Missouri program, it is hereby determined that the Missouri requirements are not at least equal to the prescribed Federal requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under Section 301 (c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of the Act shall apply to intrastate operations and transactions

in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act, and any establishment in the State of Missouri which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. Willis H. Irvin, Director, Southwestern Region for Meat and Poultry Inspection Program, Room 5-F41, 1100 Commerce Street, Dallas, TX 75201, telephone: Area Code 214-749-3747.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act (9 CFR 331.2) is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

§ 331.2 Designation of States under paragraph 301(c) of the Act.

State	Effective date of designation
Missouri	August 18, 1972.

(Secs. 21 and 301(c), 34 Stat. 1260, as amended, 21 U.S.C. 621, 661; 29 F.R. 10210, as amended, 37 F.R. 6327, 6505)

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under section 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (7-18-72).

Done at Washington, D.C., on July 13, 1972.

PHILIP C. OLSSON,
Acting Assistant Secretary.

[FR Doc.72-10999 Filed 7-17-72; 8:49 am]

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Subpart V—Special Provisions for Designated States and Territories; Criteria and Procedure for Designating Establishments With Operations Which Would Clearly Endanger the Public Health; Disposition of Poultry Products Therein

DESIGNATION OF MISSOURI

Statement of Considerations. Officials of the State of Missouri have advised this Department that the State is no longer in a position to continue administering the State poultry products inspection program after August 17, 1972, and has requested the Department to assume the responsibility for carrying out the provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act, with respect to establishments within the State at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning poultry products and other articles and animals subject to the Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Missouri had developed and activated requirements at least equal to the requirements under sections 1-4, 6-10, and 12-22 of the Federal Act. However, such provisions contemplate a continuous, ongoing program, and in view of the termination date now applicable to the Missouri program, it is hereby determined that the Missouri requirements are not at least equal to the prescribed Federal requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 5(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of sections 1-4, 6-10, and 12-22 of the Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act, and any establishment in the State of Missouri which conducts any slaughtering or processing of poultry or poultry products as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c) (2) of the Act.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. Willis H. Irvin, Director, Southwestern Region for Meat and Poultry Inspection Program, Room 5-F41, 1100 Commerce Street, Dallas, TX 75201. Telephone: A/C 214-749-3747

Accordingly, § 381.221 of the regulations under the Poultry Products Inspection Act (9 CFR 381.221) is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

§ 381.221 Designation of States under paragraph 5(c) of the Act.

State	Effective date of designation
Missouri	August 18, 1972

(Secs. 14 and 5(c), 71 Stat. 441, as amended, 21 U.S.C. 454(c), 463; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505)

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under section 5(c) of the Poultry Products Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (7-18-72).

Done at Washington, D.C., on July 13, 1972.

PHILIP C. OLSSON,
Acting Assistant Secretary.

[FR Doc.72-11001 Filed 7-17-72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-125, Amdt. 39-1485]

PART 39—AIRWORTHINESS DIRECTIVES

Canadair Aircraft

On page 22598 of the FEDERAL REGISTER for November 25, 1971, the Federal Aviation Administration published a proposed airworthiness directive applicable to Canadair CL-215-1A10 type aircraft.

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

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R.

13697), § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published.

This amendment is effective July 25, 1972.

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

Issued in Jamaica, N.Y., on July 7, 1972.

CLAY U. HEDGES,
Acting Director, Eastern Region.

CANADAIR. Applies to Canadair Limited Type CL-215-1A10 airplanes, Serial Nos. 1005, 1006, 1010, 1011, 1013 through 1018, 1021, and 1023 through 1030.

Compliance required within the next 125 hours' time in service, unless already accomplished, after the effective date of this AD. To reduce the risk of flame propagation in the event of a fire in the engine fire zone, modify the oil system and hydraulic system hoses in accordance with the instructions and effectivities listed in the following Canadair Service Bulletins or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(a) Canadair Service Bulletin CL-215-138 dated February 2, 1971, and revision "A" dated April 23, 1971 or later approved revision.

(b) Canadair Service Bulletin CL-215-140 dated January 18, 1971 or later approved revision.

Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

[FR Doc.72-10793 Filed 7-17-72;8:45 am]

[Airspace Docket No. 72-SO-51]

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

Alteration of Transition Area

On May 25, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 10577), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, N.C., transition area.

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., September 14, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Raleigh, N.C., transition area is amended as follows: " * * * long. 78°39'23" W.) * * * " is deleted and " * * * long. 78°39'23" W.); within a 6.5-mile radius of Horace Williams Airport (lat. 35°55'50" N., long. 79°04'00" W.) * * * " 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 East Point, Ga., on July 7, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-10944 Filed 7-17-72;8:47 am]

[Airspace Docket No. 72-SO-48]

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

Designation of Transition Area

On June 1, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 10959), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Williamston, N.C., transition area.

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., September 14, 1972, as hereinafter set forth.

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

WILLIAMSTON, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Martin County Airport (lat. 35°51'45" N., long. 77°10'35" W.); within 2.5 miles each side of Rocky Mount VOR 105° radial, extending from the 5-mile radius area to 24.5 miles east of the VOR.

(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 July 7, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-10945 Filed 7-17-72;8:47 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of Export Regs., Amdt. 41]

PART 390—GENERAL ORDERS

Export of Cattle Hides

Pursuant to 50 U.S.C. App. 2402(2) and E.O. 11533, Part 390 of 15 CFR is amended to read as set forth below:

Effective date: 12:01 a.m. July 16, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

Part 390, General Orders, is amended by adding a new § 390.6 to read as follows:¹

§ 390.6 Exports of cattlehides.

(a) *Requirement for validated license*—(1) *Introduction of requirement*. Effective 12:01 a.m., July 16, 1972 and except only as provided in subparagraphs (3) and (4) of this paragraph: (i) A validated license shall be required for export of the following commodities, hereafter referred to in this section as "cattlehides," to any destination:

Schedule B No.

211.1010	-----	Cattlehides, whole.
211.1015	-----	Cattlehides, except whole, cut into croupons, crops, dossets, sides, butts or butt bends

and (ii) cattlehides shall not be exported to any destination under the provisions of General License GLV.

(2) *Cattlehide-export control program and transition period*. Except only as provided in paragraph (d) of this section, validated licenses for exports of cattlehides after August 31, 1972, shall be issued subject to the cattlehide-export control program set forth in paragraph (b) of this section and validated licenses for exports of cattlehides during the transition period 12:01 a.m., July 16, 1972 through 12 p.m., August 31, 1972, shall be issued subject to the provisions of paragraph (c) of this section.

(3) *Shipments until July 23, 1972*. Until an exporter obtains a validated license, but no later than midnight July 23, 1972, he may export cattlehides pursuant to actual orders for export made prior to 12:01 a.m., July 16, 1972, without a validated license, but the cattlehides so exported must be included as exports under a validated license the exporter thereafter obtains, and will be charged against the exporter's quota.

(4) *Nonapplicability to certain exports*. The requirements for validated license contained in this section shall not apply to exports from Hawaii of cattlehides produced in Hawaii, and cattlehide producers shall not be eligible under paragraph (b) (3) of this section to receive cattlehide export tickets on the basis of cattlehide production in Hawaii.

(b) *Cattlehide-export control program*—(1) *Establishment of quotas*. Effective 12:01 a.m., September 1, 1972, the total number of cattlehides licensed for export shall be subject to quotas established for 3-month periods, hereafter referred to in this section as "quota periods." Validated licenses shall be valid only during that 3-month period for which issued.

(2) *Applications for validated licenses*. (i) Any application for a vali-

dated license shall be made on Form FC 419 but need not be accompanied by Form FC 842 or Form FC 843 and need not be based on an order. The license when issued will authorize export to any destination except country groups S and Z (North Korea, North Vietnam, Cuba, and Southern Rhodesia) and to any consignee except a consignee listed in Supplement No. 1 to Part 388 of the Export Control Regulations in this chapter.

(ii) Any application for a validated license for any quota period shall be accompanied by cattlehide-export tickets issued in accordance with subparagraph (3) of this paragraph. A validated license shall not be issued for the export of a number of cattlehides greater than the number reflected in the cattlehide-export tickets accompanying the application for the license.

(3) *Cattlehide-export tickets*. (i) Cattlehide-export tickets shall be issued for the number of cattlehides equal to the quota established for each quota period. Each cattlehide-export ticket shall be identified to a particular quota period and shall be valid only for validated licenses for that period.

(ii) Cattlehide-export tickets shall be issued, in accordance with this subparagraph (3), to cattlehide producers. For purposes of this section a cattlehide producer is any person who, acting for his own account or for the account of another, produces cattlehides and to produce cattlehides means to remove hides from cattle within the United States for commercial purposes. Cattlehide-export tickets shall be freely transferable with or without consideration.

(iii) Each cattlehide producer making timely application for cattlehide-export tickets for any quota period shall be issued tickets for the number of cattlehides, rounded to the nearest 10, which bears the same ratio to the applicable quota as his production of cattlehides during the base period bears to total cattlehide production during the base period of all producers who apply for tickets. For this purpose, the base period, hereafter referred to in this paragraph (b) as the "base period," is the 3-month period ending 2 months before the beginning of the quota period.

(iv) Any cattlehide producer making application for the issuance to him of cattlehide-export tickets shall submit to the Office of Export Control (Attention: 852), Department of Commerce, Washington, D.C. 20230, an original and one copy of Form IA-1148.² Each application shall include a certification, executed by a responsible official of the applicant, of the number of cattlehides produced during the applicable base period. The certification shall be that the applicant company and the official executing the certification thereby certify that the information contained in the application

¹The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

²Form IA-1148 may be obtained at all Department of Commerce Field Offices and from the Office of Export Control (Attention: 852), Department of Commerce, Washington, D.C. 20230.

is correct and complete to the best of their information and belief.²

(v) In order to avoid duplicate reporting of cattlehide production, whenever a cattlehide producer owns more than one cattlehide production facility, separate applications shall not be made for each facility but rather one application shall be made for all such facilities, unless special prior waiver of this provision is obtained from the Office of Export Control.

(vi) Applications for cattlehide export tickets shall be filed as soon as practicable following the close of each base period. Except as provided in subparagraph (4) (iii) of this paragraph, an application which is actually received by the Office of Export Control after the twentieth day of the first month following any base period and which was mailed postmarked after the 15th day of that month shall be deemed not to have been timely filed. Applications not timely filed shall be disregarded.

(vii) The Office of Export Control shall receive applications for cattlehide-export tickets and, as expeditiously as practicable after receipt of all applications that are timely filed, shall compute the total number of cattlehides sold during the base period from the applications timely filed, compute the number of cattlehide-export tickets to be allocated to each applicant who timely filed an application, and issue and mail cattlehide-export tickets to applying producers. It is intended that, except as provided in subparagraph (4) (iv) of this paragraph, cattlehide-export tickets will be issued and mailed by the end of the first month following any base period.

(4) *First quota period.* (i) The first quota period shall be September 1, 1972 through November 30, 1972.

(ii) The export quota for the first quota period shall be 4,050,000 cattlehides.

(iii) An application for cattlehide-export tickets for the first quota period shall be deemed not to have been timely filed if it is actually received by the Office of Export Control after August 5, 1972 and mailed postmarked after July 31, 1972.

(iv) It is intended that cattlehide-export tickets for the first quota period will be issued by August 17, 1972.

(c) *Transition-period controls—(1) Establishment of quota.* For the period 12:01 a.m. July 16, 1972 through 12 p.m. August 31, 1972, hereafter referred to in this paragraph as the "transition period," an overall export quota of 2 million cattlehides is established, hereafter referred to in this paragraph as the "transition-period quota." Validated licenses issued for export of cattlehides during the transition period shall not be valid for exports after 12 p.m., August 31, 1972.

(2) *Applications for validated licenses.* (i) In order to participate in the

transition-period quota, an exporter shall submit an application for validated license to export cattlehides. Each application shall be made in accordance with the procedures set forth in paragraph (b) (2) (i) of this section.

(ii) Each application shall be accompanied by a certification, executed by a responsible official of the applicant, of the total number of cattlehides exported by the applicant during the period July 1, 1971, through August 31, 1971, and by documentary evidence, including Shippers Export Declarations, supporting these exports. The certification shall be that the applicant company and the official executing the certification thereby certify that the required information regarding exports and the accompanying documentation are correct and complete to the best of their information and belief.⁴

(3) *Allocation of quota among exporters.* Allocations of the transition-period quota shall be made on the basis of data previously submitted to the Department of Commerce which indicate that 1,860,000 cattlehides were exported during the period July 1, 1971, through August 31, 1971. Each applicant for validated license for the transition period shall be limited to a maximum export of the number of hides which equals 109 percent of the number of cattlehides which the applicant exported during the period July 1, 1971, through August 31, 1971 ($1.09 \times 1,860,000 = 2,025,000$).

(d) *Exceptions for hardship.* Validated licenses may be issued without regard to the provisions of paragraphs (b) and (c) of this section only in cases of actual hardship and only after hardship has been determined to exist by the Office of Export Control on the basis of adequate documentation supplied by the applicant. Consideration will be given to issuing validated licenses for reasons of hardship, for example: Where an exporter's history during the period referred to in paragraph (c) (2) (ii) of this section is so distorted as to result in gross discrimination against him in the allocation of an export quota under paragraph (c) (3) of this section.

[FR Doc.72-11126 Filed 7-17-72;9:37 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-437; Order 454]

NATURAL GAS COMPANIES AND PUBLIC UTILITIES AND LICENSEES

Investment Tax Credit; Accounting Treatment and Related Reporting

JULY 6, 1972.

On January 24, 1972, the Commission issued a notice of proposed rule mak-

⁴Reference is made to footnote 3.

ing in this proceeding (37 F.R. 2451, February 1, 1972) proposing to amend its Uniform Systems of Accounts for Classes A, B, C, and D Public Utilities and Licensees, and FPC Form No. 1, Annual Report for Public Utilities and Licensees and Others (Class A and Class B); FPC Form No. 1-F, Annual Report Form for Public Utilities and Licensees (Class C and Class D); FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B); and FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D) consistent with amendments to the Uniform Systems of Accounts.

The changes to the Uniform Systems of Accounts for Public Utilities and Licensees and Annual Report Forms stem from the provisions of the Revenue Act of 1971, as it concerns the restoration of the investment tax credit therein known as the Job Development Credit.

Comments were invited from interested parties to be submitted by March 10, 1972.

In response to the notice of rule-making, the Commission received comments from eight respondents.¹

None of the respondents opposed the proposed rule making and five respondents fully concurred with it. Three respondents raised questions on or proposed modification to the proposed accounting for the investment tax credits. These respondents were concerned with the proposed language in the first sentence of paragraph B of account 255, Accumulated Deferred Investment Tax Credits, which reads as follows: "B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.3, credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. * * *" Similar language appears in paragraphs B and C of account 411.3, Investment Tax Credit Adjustments.

The concerns expressed related to whether the language might jeopardize obtaining the credit because of restrictions on regulatory treatment contained in the Revenue Act of 1971 and proposed Treasury Regulations thereunder and the fact that many companies are subject to regulation by more than one regulatory body. We do not believe that the language is in conflict with the Act, nor with the proposed Regulation. However, to provide additional flexibility where more than one regulatory body is involved, we have revised the last part of the sentence in question to

²United States Code, title 18 (Criminal Procedure), section 1001, makes it a criminal offense willfully to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

¹Cleveland Electric Illuminating Co., The Consumers Power Co., Florida Power Corp., Pacific Gas & Electric Co., Pennsylvania Power & Light Co., Utah Power & Light Co., West Texas Utilities Co., Iowa-Illinois Gas & Electric Co.

read " * * or such lesser period of time as allowed by a regulatory body having rate jurisdiction."

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Parts 101, 104, and 105 of the Commission's Uniform Systems of Accounts for Public Utilities and Licensees and Annual Report Form No. 1 prescribed by § 141.1, in Chapter I, Title 18 of the Code of Federal Regulations; Annual Report Form No. 1-F prescribed by § 141.2, in Chapter I, Title 18 of the Code of Federal Regulations; Annual Report Form No. 2 prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations; and Annual Report Form No. 2-A prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for administration of the Federal Power Act and the Natural Gas Act.

(3) Since the revisions prescribed herein are for use in FPC Form No. 1, No. 1-F, No. 2, and No. 2-A covering the calendar year beginning January 1, 1972, or for a year beginning or ending during the calendar year 1972, good cause exists for making these revisions to the Annual Report Forms effective January 1, 1972, and for the Uniform Systems of Accounts effective immediately and to coincide with the relevant effective dates provided for in the Revenue Act of 1971.

(4) Since the changes prescribed herein which were not included in the notice of the rule making proceeding are of a minor nature, further notice and opportunity for comment is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act as amended, particularly sections 3, 4, 301, 304 and 309; (41 Stat. 1063-1066, 1353; 46 Stat. 798; 49 Stat. 838, 839, 840, 841, 854-856, 858, 859; 61 Stat. 501; 16 U.S.C. 796, 797, 825, 825c, 825h) and the Natural Gas Act, as amended, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830 (1938); 15 U.S.C. 717g, 717i, 717o), orders:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The text of Balance Sheet account "255, Accumulated deferred investment tax credits," is amended by revising paragraphs A and B. The amended portions of account 255 will read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.3 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as allowed by a regulatory agency having rate jurisdiction. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

* * * * *

2. The chart of the Income Accounts is amended by adding a new account title "420, Investment tax credits," immediately following account "411.5, Investment tax credit adjustments, non-utility operations." As so amended, the chart of accounts will read as follows:

**Income Accounts
(Chart of Accounts)**

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

* * * * *

420 Investment tax credits.

* * * * *

3. The text of the Income Accounts, account "411.3, Investment tax credit adjustments," is amended and a new account entitled "420, Investment tax credits," is added immediately following account "419.1, Allowance for funds used during construction." As so amended the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of investment tax credits used in calculating the reported current year's income taxes which are charged to account 409, Income taxes, except to the extent that all or part of

such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a State regulatory commission as defined in the Federal Power Act. Under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, accumulated deferred investment tax credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment tax credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255 with such amounts passed on in the current year: *Provided, however*, That the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as allowed by a regulatory agency having rate jurisdiction.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as allowed by a regulatory agency having rate jurisdiction.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

420 Investment tax credits.

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amounts equal to debits to account 411.3, Investment tax credit adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

(b) By amounts equal to debits to account 255, Accumulated deferred investment tax credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate,

or such lesser period of time as may be adopted and consistently used by the company.

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

(B) The Commission's Uniform System of Accounts for Class C, Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The text of Balance Sheet account "255, Accumulated deferred investment tax credits," is amended by revising paragraphs A and B. The amended portions of account 255 will read as follows:

Balance Sheet Accounts

LIABILITIES AND OTHER CREDITS

8. DEFERRED CREDITS

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment tax credit adjustments, and 420, Investment tax credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.3 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as allowed by a regulatory agency having rate jurisdiction. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

2. The chart of the Income Accounts is amended by adding a new account "420, Investment tax credits," immediately following account "411.5, Investment tax credit adjustments, nonutility operations." As so amended the chart of accounts will read as follows:

Income Accounts

(Chart of Accounts)

2. OTHER INCOME AND DEDUCTIONS

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

420 Investment tax credits.

3. The text of the Income Accounts account "411.3, Investment tax credit adjustments," is amended and a new account entitled "420, Investment tax credits," is added immediately following account "419.1, Allowance for funds used during construction." As so amended the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of investment tax credits used in calculating the reported current year's income taxes which are charged to account 409, Income taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a State regulatory commission as defined in the Federal Power Act. Under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated deferred investment tax credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment tax credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255 with such amounts passed on in the current year: *Provided, however,* That the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as allowed by a regulatory agency having rate jurisdiction.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as allowed by a regulatory agency having rate jurisdiction.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

2. OTHER INCOME AND DEDUCTIONS

420 Investment tax credits.

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amounts equal to debits to account 411.3, Investment tax credit adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

(b) By amounts equal to debits to account 255, Accumulated deferred investment tax credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

(C) The Commission's Uniform System of Accounts for Class D, Public Utilities and Licensees prescribed by Part 105, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The text of Balance Sheet account "255, Accumulated deferred investment tax credits," is amended by revising paragraphs A and B. The amended portions of account 255 will read as follows:

Balance Sheet Accounts

LIABILITIES AND OTHER CREDITS

8. DEFERRED CREDITS

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment tax credit adjustments, and 420, Investment tax credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.3 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as allowed by a regulatory agency having rate jurisdiction. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

2. The chart of the Income Accounts is amended by adding a new account "420, Investment tax credits," immediately following account "411.5, Investment tax credit adjustments, nonutility operations." As so amended the chart of accounts will read as follows:

Income Accounts
(Chart of Accounts)

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* * * * *
2. OTHER INCOME AND DEDUCTIONS
* * * * *
C. TAXES APPLICABLE TO OTHER INCOME AND
  DEDUCTIONS
* * * * *
420 Investment tax credits.
* * * * *

```

3. The text of the Income Accounts, account "411.3, Investment tax credit adjustments," is amended and a new account entitled "420, Investment tax credits," is added immediately following account "419.1, Allowance for funds used during construction." As so amended the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of investment tax credits used in calculating the reported current year's income taxes which are charged to account 409, Income taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a State regulatory commission as defined in the Federal Power Act. Under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated deferred investment tax credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment tax credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255 with such amounts passed on in the current year: *Provided, however,* That the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser pe-

riod as allowed by a regulatory agency having rate jurisdiction.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as allowed by a regulatory agency having rate jurisdiction.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

```

* * * * *
2. OTHER INCOME AND DEDUCTIONS
* * * * *
420 Investment tax credits.

```

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amounts equal to debits to account 411.3, Investment tax credit adjustments; for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

(b) By amounts equal to debits to account 255, Accumulated deferred investment tax credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

PART 141—STATEMENTS AND
REPORTS (SCHEDULES)

(D) Effective for the reporting year 1971, Schedule page 116A, Statement of Income For the Year (continued), Statement C, page 229, Accumulated Deferred Investment Tax Credits (Account 255), and page 228, Investment Tax Credits Generated and Utilized of FPC Form No. 1, Annual Report for Electric Utilities and Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations are amended, all as set out in Attachments A and B hereto.*

(F) Effective for the reporting year 1971, Schedule page 6, Statement of Income For the Year, page 9, Investment Tax Credits Generated and Utilized, and page 10, Accumulated Deferred Investment Tax Credits (Account 255), of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by section 141.2, Chapter I, Title 18 of the Code of Federal Regulations are amended, all as set out in Attachments D and E hereto.*

PART 260—STATEMENTS AND
REPORTS (SCHEDULES)

(F) Effective for the reporting year 1971, Schedule page 228, Investment Tax

Credits Generated and Utilized, and page 229, Accumulated Deferred Investment Tax Credits (Account 255), of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by section 260.1, Chapter I, Title 18 of the Code of Federal Regulations are amended, all as set out in Attachments B and C hereto.*

(G) Effective for the reporting year 1971, Schedule page 11, Investment Tax Credits Generated and Utilized, and page 12, Accumulated Deferred Investment Tax Credits (Account 255), of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by section 260.1, Chapter I, Title 18 of the Code of Federal Regulations are amended, all as set out in Attachments E and F hereto.*

(H) This order is effective January 1, 1972.

(I) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10929 Filed 7-17-72;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS
FOR OPHTHALMIC AND TOPICAL USE

Prednisolone-Neomycin Sulfate
Ophthalmic Ointment

The Commissioner of Foods and Drugs has evaluated a new animal drug application (45-288V) filed by EVSCO Pharmaceutical Corp., 3345 Royal Avenue, Oceanside, N.Y. 11572, proposing the safe and effective use of prednisolone-neomycin sulfate ophthalmic ointment for treatment of the eyes of cats and dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(d), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

§ 135a.25 Prednisolone-neomycin sulfate ophthalmic ointment.

(a) *Specifications.* Prednisolone-neomycin sulfate ophthalmic ointment contains 2 milligrams prednisolone and 5 milligrams neomycin sulfate (equivalent to 3.5 milligrams neomycin base) in each gram of ointment.

(b) *Sponsor.* See code No. 053 in § 135.501(c) of this chapter.

(c) *Conditions of use.* The drug is recommended for use in superficial ocular inflammations or infections limited

* Attachments A, B, C, D, E, and F filed as part of the original document.

to the conjunctiva or the anterior segment of the eye of cats and dogs, such as those associated with allergic reactions or gross irritants. A small quantity of the ointment should be expressed into the conjunctival sac four times a day for 7 days. After 7 days, if clinical improvement is not noted, reevaluation of the diagnosis should be considered. All topical ophthalmic preparations containing corticosteroids with or without an antimicrobial agent are contraindicated in the initial treatment of corneal ulcers. They should not be used until the infection is under control and corneal regeneration is well underway. For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7-18-72).

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: July 11, 1972.

FRED J. KINGMA,
Acting Director, Bureau of
Veterinary Medicine.

[FR Doc.72-10925 Filed 7-17-72;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Xylazine Hydrochloride

The Commission of Food and Drugs has evaluated a new animal drug application (47-955V) filed by Chemagro, Division of Baychem Corp., Hawthorn Road, Post Office Box 4913, Kansas City, MO 64120 proposing the safe and effective use of xylazine hydrochloride as a sedative and analgesic for dogs and cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.58 is amended in paragraph (a) and paragraphs (c)(1) and (c)(2) as follows:

§ 135b.58 Xylazine hydrochloride injection.

(a) *Specifications.* Xylazine hydrochloride injection is a sterile aqueous solution containing xylazine hydrochloride equivalent to 100 milligrams of xylazine in each milliliter of solution when intended for use in horses and containing 20 milligrams of xylazine per milliliter of solution when intended for use in dogs and cats.

(c) *Conditions of use.* (1) The drug is used in horses, dogs, and cats to produce sedation, as an analgesic, and a preanesthetic to local or general anesthesia.

(2) It is administered to horses intravenously at a dosage level of 0.5 milliliter of xylazine hydrochloride injection, containing 100 milligrams of xylazine in each milliliter of solution, per 100 pounds of body weight or intramuscularly to horses at a dosage level of 1 milliliter of said xylazine hydrochloride injection per

100 pounds of body weight. It is administered intravenously to dogs and cats at a dosage level of 0.5 milligram per pound of body weight or intramuscularly or subcutaneously at a dosage level of 0.5 to 1 milligram per pound of body weight using xylazine hydrochloride injection containing 20 milligrams of xylazine in each milliliter of solution.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7-18-72).

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: July 6, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72-10924 Filed 7-17-72;8:45 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

2-(sec-Butylamino)-4-Ethylamino-6-Methoxy-s-Triazine

A petition (PP 1F1127) was filed by Ciba-Geigy Corp., Ardsley NY 10502, 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 herbicide 2-(sec-butylamino) - 4-ethylamino-6-methoxy-s-triazine in or on sugarcane and sugarcane fodder and forage at 0.25 part per million.

Subsequently, the petitioner amended the petition by withdrawing sugarcane fodder and forage and proposing a negligible residue tolerance of 0.25 part per million for combined residues of the subject herbicide and its metabolites 2-amino-4-(sec-butylamino) -6-methoxy-s-triazine, 2-amino-4-(3-hydroxy-sec-butylamino)-6-methoxy-s-triazine, 2-amino-4-ethylamino-6-methoxy-s-triazine, and 2,4-diamino-6-methoxy-s-triazine on sugarcane.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerance is being established.
2. There is no reasonable expectation of residues in eggs, meat, milk, and poultry, and § 180.6(a) (3) applies.
3. The tolerance 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 trans-

ferred 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), Part 180 is amended by adding the following new section to Subpart C:

§ 180.323 2-(sec-Butylamino)-4-ethylamino-6-methoxy-s-triazine; tolerances for residues.

A tolerance of 0.25 part per million is established for combined negligible residues of the herbicide 2-(sec-butylamino) - 4 - ethylamino-6-methoxy-s-triazine and its metabolites 2-amino-4-(sec-butylamino) - 6-methoxy-s-triazine, 2-amino-4-(3-hydroxy-sec-butylamino)-6-methoxy-s-triazine, 2-amino-4-ethylamino-6-methoxy-s-triazine, and 2,4-diamino-6-methoxy-s-triazine in or on the raw agricultural commodity sugarcane.

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 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 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 (7-18-72).

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2))

Dated: July 11, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-10955 Filed 7-17-72;8:49 am]

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

Subpart D—Exemptions From Tolerances

PARAFORMALDEHYDE

A petition (PP 2F1208) was filed by Wellgro, Inc., Post Office Box 173, Greeley, CO 80631, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an exemption from the requirement of a tolerance for

residues of paraformaldehyde when applied to the soil as an insecticide, in accordance with good agricultural practice, in the production of sugar beets.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the pesticide is useful and that the exemption 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), Part 180 is amended by adding the following new section to Subpart D:

§ 180.1024 Paraformaldehyde; exemption from the requirement of a tolerance.

The insecticide paraformaldehyde is exempted from the requirement of a tolerance for residues in or on sugar beets

(roots and tops) when applied to the soil not later than planting.

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 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in triplicate. 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 (7-18-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 11, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-10954 Filed 7-17-72;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service,
Department of the Treasury

SUBCHAPTER A—INCOME TAX
[T.D. 7195]

PART 1—INCOME TAX; TAXABLE
YEARS BEGINNING AFTER DECEMBER
31, 1953

Treatment of Payments for Expenses
of Moving From One Residence to
Another Residence

Correction

In F.R. Doc. 72-10596 appearing at page 13533 of the issue for Tuesday, July 11, 1972, in the 17th line of § 1.217-2(b)(9)(v) the reference to "(vi)" should read "(iv)".

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

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table. This entry differs from prior entries to the table in that a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Indian River	Unincorporated areas.				July 14, 1972. Emergency.
New Jersey	Essex	East Orange				Do.
Do.	Camden	Haddonfield Borough.				Do.
Do.	Monmouth	Oceanport Borough.				Do.
Do.	Ocean	Point Pleasant Beach.				Do.
Do.	Bergen	Upper Saddle River Borough.				Do.
North Carolina	Carteret	Atlantic Beach				Do.
Oklahoma	Oklahoma	Oklahoma City	I 40 109 3550 01 through I 40 109 3550 14	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112.	Department of Public Works, Fourth Floor, Municipal Bldg., 200 North Walker, Oklahoma City, OK 73102.	Mar. 24, 1971. Emergency. July 14, 1972. Regular.
Rhode Island	Washington	North Kingstown	I 44 009 0155 03 through I 44 009 0155 13	Rhode Island Insurance Department, Room 403 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Town Planning Department, 80 Boston Neck Rd., North Kingstown, RI 02852.	Sept. 18, 1970. Emergency. July 14, 1972. Regular.
Wisconsin	Pierce	Unincorporated areas.	I 55 093 0000 02 through I 55 093 0000 11	Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	Pierce County Zoning, Courthouse, Ellsworth, Wis. 54911.	Jan. 8, 1971. Emergency. July 14, 1972. Regular.
				Department of Natural Resources, Post Office Box 450, Madison, WI 53701.		
				Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.		

(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; designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 F.R. 16701, Aug. 25, 1971)

Issued: July 11, 1972.

BERNARD V. PARRETTE,
Acting Federal Insurance Administrator.

[FR Doc.72-10863 Filed 7-17-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Indian River	Unincorporated areas.				July 14, 1972.
New Jersey	Essex	East Orange				Do.
Do.	Camden	Haddonfield Borough.				Do.
Do.	Monmouth	Oceanport Borough.				Do.
Do.	Ocean	Point Pleasant Beach.				Do.
Do.	Bergen	Upper Saddle River Borough.				Do.
North Carolina	Carteret	Atlantic Beach				Do.
Oklahoma	Oklahoma	Oklahoma City	H 40 109 3550 01 through H 40 109 3550 14	Oklahoma Water Resources Board, 2241 Northwest 49th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 403, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73103.	Department of Public Works, Fourth Floor, Municipal Bldg., 240 North Walker, Oklahoma City, OK 73102.	Mar. 24, 1971.
Rhode Island	Washington	North Kingstown	H 44 009 0155 08 through H 44 009 0155 13	Rhode Island Statewide Planning Program, 235 Melrose St., Providence, RI 02907. Rhode Island Insurance Division, 103 Weybosset St., Providence, RI 02903.	Town Planning Department, 80 Boston Neck Rd., North Kingstown, RI 02882.	Sept. 18, 1970.
Wisconsin	Pierce	Unincorporated areas.	H 55 093 0090 02 through H 55 093 0090 11	Department of Natural Resources, Post Office Box 459, Madison, WI 53701. Wisconsin Insurance Department, 212 North St., Madison, WI 53703. Bassett	Pierce County Zoning, Courthouse, Ellsworth, Wis. 54911.	Jan. 8, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 F.R. 16701, Aug. 25, 1971)

Issued: July 11, 1972.

BERNARD V. PARRETTE,
Acting Federal Insurance Administrator.

[FR Doc.72-10864 Filed 7-17-72;8:45 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Interim Eligibility and Procedural Conditions for Federal Interest Benefits

Part 177 of Title 45 of the Code of Federal Regulations is hereby revised by amending § 177.2, *Student eligibility for interest benefits*, which deals with the conditions of eligibility for, and the

procedures for obtaining, Federal interest benefits on loans covered by this part, to reflect certain provisions of the Education Amendments of 1972, Public Law 92-318. Since these statutory provisions become effective by operation of law on July 1, 1972, the regulatory amendment issued hereby must, of necessity, also become effective on July 1, 1972.

The central change in the law and the regulation is to shift the basis for the eligibility of a borrower for payment of Federal interest benefits on a loan issued after June 30, 1972, from the existing requirement that the borrower's adjusted family income be less than \$15,000 to a standard involving a determination as to whether the borrower is in need of the loan. The revised section sets forth the basis on which the determination of need is to be made by the educational institution and a recommendation made

to the lender for its consideration. However, the Commissioner intends to issue further regulations, as may be appropriate, setting forth further criteria regarding the acceptability of needs analysis systems utilized in the determination of the expected family contribution, and the basis on which the payment of interest benefits may be made on loans in excess of the recommendation of the educational institution. As amended, § 177.2 reads as follows:

§ 177.2 Student eligibility for interest benefits.

(a) A student (1) who has received a loan from an eligible lender under (i) a student loan insurance program meeting the requirements of § 177.12 or § 177.13, (ii) a program meeting the requirements of § 177.14, or (iii) the program of Federal loan insurance provided for in Subpart E of this part, (2) who is enrolled or

has been accepted for enrollment as at least a half-time student in an eligible institution, (3) who (i) with respect to a loan issued prior to July 1, 1972, has an adjusted family income of less than \$15,000 or (ii) with respect to a loan issued after June 30, 1972, has had made on his behalf the determination and statement provided for in paragraph (b) of this section, and (4) who is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands, is eligible for payment on his behalf of a portion of the interest as determined under § 177.4.

(b) In connection with a loan issued after June 30, 1972, in order for a student to be eligible for payment on his behalf by the Commissioner of a portion of the interest on such loan as determined under § 177.4, the eligible institution at which the student has been accepted for enrollment or which he is attending (and in good standing as determined by the institution) must, prior to the making of such loan, (1) determine, pursuant to paragraph (c) of this section, the loan amount needed by the student, if any, and (2) recommend that the lender make a loan in the amount so determined.

(c) (1) The determination referred to in paragraph (b) of this section is to be made by a responsible officer of the eligible institution concerned by subtracting from the amount estimated by such institution to be the cost of tuition, fees, room and board, and reasonable commuting costs for the period for which the loan is to be made, the expected family contribution with respect to such student plus any other resources or student aid that such institution determines to be reasonably available to the student during such period.

(2) For the purpose of this paragraph "the expected family contribution" shall mean the amount which a student, his parents, and spouse may be reasonably expected to contribute toward his post-secondary education for the academic period to be covered by the loan. The determination of the expected family contribution must be made by an eligible institution in accordance with uniformly applicable standards and criteria which it has prescribed for that purpose and which take into account the income, assets, and resources of the student and, except where the conditions set forth in § 177.3(c) are met, the income, assets, and resources of the student's parents and spouse. Determinations made pursuant to a method covered by an agreement between the eligible institution and the Commissioner in connection with the administration of any other program of Federal financial assistance, or determinations made under generally recognized needs analysis systems, such as the Alternate Income System, the American College Testing Program System, the

College Scholarship Service System, or the Income Tax System, will meet the requirements of this paragraph. Information about these systems may be obtained from State or private nonprofit loan guarantee agencies, the Regional Offices of the U.S. Office of Education, and the Division of Insured Loans, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202.

(d) To have interest payments made on his behalf, a student shall submit to the lender a statement in such form as the Commissioner may prescribe, which shall include:

(1) A certification by an eligible institution that he is enrolled at the institution or has been accepted for enrollment;

(2) An assurance by the student that the loan on which interest payments are to be made has not been and will not be used for any purpose other than for the costs of education for the academic year covered by the application;

(3) Information necessary to determine, pursuant to § 177.3, whether his adjusted family income is less than \$15,000 or, when paragraph (b) of this section is applicable to the loan, a statement from the eligible institution reflecting the basis for the determination and the recommendation provided for therein; and

(4) Information concerning other loans to him which have been made under programs covered by this part or Part 178.

(e) The lender, acting in good faith, may in the absence of information to the contrary rely upon statements submitted by the borrower, his family, or an eligible institution pursuant to paragraph (d) of this section.

(f) For the purposes of this section a loan will be considered issued after June 30, 1972, if application for an insurance commitment with respect to such loan is received after June 30, 1972, by a State or private nonprofit agency under a student loan insurance program or the appropriate Regional Office of the U.S. Office of Education under the program of Federal loan insurance, or if a note or written evidence of a loan commitment is executed after June 30, 1972, under a direct State student loan program.

(20 U.S.C. 1078(a)(1))

Effective date. This amendment shall become effective as of July 1, 1972.

Dated: July 14, 1972.

S. P. MARLAND, JR.,
U.S. Commissioner of Education.

Approved: July 14, 1972.

JOHN G. VENEMAN,
Acting Secretary, Department
of Health, Education, and
and Welfare.

[FR Doc.72-11127 Filed 7-17-72;10:18 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1472—CONDUCT OF RENEGOTIATION

Filing of Information and Requests by Contractor

Section 1472.6 *Filing of information and requests by contractor* is amended by deleting in its entirety the first sentence in paragraph (d) (1) and inserting in lieu thereof the following: The principal office of the Board is located at 2000 M Street NW., Washington, DC 20446. (Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

Dated July 13, 1972.

RICHARD T. BURRESS,
Chairman.

[FR Doc.72-10992 Filed 7-17-72;8:49 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 72-104R]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these amendments to the shipping regulations is to correct errors, remove obsolete material, and make minor changes. The amendments are discussed below in the order in which they are set forth following the discussion.

1. Part 58 contains regulations for the design and construction of machinery installed on vessels. Therefore, a requirement in § 58.30-17(e) that components that have been subjected to excess pressure during testing may not be sold is amended to come within the purpose of Part 58, that is, these components may not be installed on vessels to which Part 58 applies. The word "valve" in the last sentence of § 58.30-17(e) has been changed to "component" because the section applies to other components in addition to valves.

2. These amendments revise the sections pertaining to hull markings in Parts 32, 78, 97, 185, and 196 to delete obsolete references to the documentation regulations of the Commissioner of Customs. The documentation of vessels is now a function of the Coast Guard. The sections are revised to properly refer to the marking requirements now in the Coast Guard regulations.

3. Because of the adoption of Subchapter T, which is applicable to small passenger vessels, the applicability of Subchapter H Passenger Vessels, is limited to vessels that are 100 gross tons or

more. These amendments delete obsolete language that applies to vessels less than 100 gross tons. The requirements that are deleted now appear in Subchapter T of Title 46, Small Passenger Vessels Under 100 Gross Tons.

4. These amendments revoke § 75.40-90(a) (2), which allows wood floats instead of live preservers on certain vessels. Wood floats are in use on only one inspected vessel. They may be continued in service on that vessel under § 75.40-90(a) (1). The term "Wood floats" is also deleted from the marking requirements in § 78.47-65.

5. Section 78.75-1 is amended to refer to recently adopted requirements relating to motion picture projectors.

6. Section 78.80-11, which pertains to power-operated industrial trucks aboard vessels, is amended to delete an obsolete exception.

7. Section 73.40-20 is amended to correct a reference to a section in Part 55.

8. The restriction against piercing the longitudinal joint of welded pipe in § 56.60-2 is revised to assure this requirement is not overlooked.

9. Section 56.60-25 is amended to correct a reference to another section.

10. The table in § 56.85-10 is amended to state the correct name of material group P-8, which is "High alloy steels, austenitic." "P" groupings are defined in section IX, Welding Qualifications, ASME Boiler and Pressure Vessel Code.

11. Section 136.07-5(a) is revised to remove ambiguity. An "Investigating Officer," as defined in § 136.03, which was revised on April 29, 1970 (FEDERAL REGISTER, Vol. 35, No. 84), is designated by the Commandant, District Commander, or Officer in Charge, Marine Inspection. But § 136.07-5, which was not revised when § 136.03 was revised, refers to an investigating officer designated by the Commandant or District Commander. Because the designation of investigating officers is covered in the definition, the reference to the designation in § 136.07-5(a) is unnecessary and is deleted by this amendment.

Because each of these amendments is minor or deletes obsolete requirements or references or corrects errors and imposes no burden on any person, I find that public procedure thereon is unnecessary and that these amendments may be made effective in less than 30 days.

In consideration of the foregoing, Title 46 of the Code of Federal Regulations is amended effective July 17, 1972, as follows:

1. By amending Part 58 by revising the second sentence of § 58.30-17(e) to read as follows:

§ 58.30-17 Procedure for impact shock test of hydraulic cast iron and cast aluminum products.

(e) * * * Components that have been subjected to a hydrostatic proof test in excess of twice the pressure rating marked on the component shall not be installed on vessels to which this part applies.

2. By amending Parts 32, 78, 97, 185, and 196 as follows:

§§ 32.05-10 and 32.05-15 [Amended]

(a) By deleting the words "not documented by the Commissioner of Customs" in the first sentence of § 32.05-10.

(b) By deleting the words "not documented by the Commissioner of Customs" in the first sentence of § 32.05-15.

(c) By revising § 78.50-5 to read as follows:

§ 78.50-5 Hull markings.

Vessels shall be marked as required by Parts 67 and 69 of this chapter.

(d) By revising § 97.40-5 to read as follows:

§ 97.40-5 Hull markings.

Vessels shall be marked as required by Parts 67 and 69 of this chapter.

(e) By revising § 185.30 to read as follows:

§ 185.30 Hull markings.

Vessels shall be marked as required by Parts 67 and 69 of this chapter.

(f) By revising § 196.40 to read as follows:

§ 196.40 Hull markings.

Vessels shall be marked as required by Parts 67 and 69 of this chapter.

3. By amending Parts 71, 72, 74, 75, as follows:

(a) By revising § 71.01-5 to read as follows:

§ 71.01-5 Posting.

The certificate of inspection shall be displayed under glass in a conspicuous place where observation by the passengers is likely.

(b) By revising the third sentence of § 72.10-5(a) to read as follows:

§ 72.10-5 Two means required.

(a) * * * For stairway continuity and general requirements for stairways see § 72.05-20.

(c) By revising § 72.15-5 to read as follows:

§ 72.15-5 Structural fire protection.

See § 72.05-50 for ventilation requirements pertaining to structural fire protection.

(d) By revising § 72.20-1 to read as follows:

§ 72.20-1 Application.

The provisions of this subchapter, except § 72.20-90, apply to all vessels contracted for after November 18, 1952. Vessels contracted for before November 19, 1952 shall meet the requirements of § 72.20-90.

§ 72.20-90 [Amended]

(e) By deleting paragraph (a) of § 72.20-90.

(f) By revising § 74.01-5 to read as follows:

§ 74.01-1 General.

The provisions in this part, except those in Subpart 74.90, apply to vessels contracted for after May 25, 1965. The provisions of Subpart 74.90 apply to vessels contracted for before May 26, 1965.

§§ 75.10-20, 75.90-5 and 78.50-10 [Amended]

(g) By deleting subparagraph (1) of paragraph (a) and subparagraphs (2) of paragraph (b) of § 75.10-20.

(h) By deleting paragraph (b) of § 75.90-5.

(i) By deleting the words "50 gross tons and over, under the jurisdiction of the U.S. Coast Guard," in the first sentence of § 78.50-10(a).

4. Parts 75 and 78 are amended as follows:

§§ 75.40-90 and 78.47-65 [Amended]

(a) By revoking § 75.40-90(a) (2).

(b) By deleting the words "wood floats" in § 78.47-65 and in the catch line for that section.

5. Part 78 is amended by revising § 78.75-1(b) to read as follows:

§ 78.75-1 Type required.

(b) Projectors must meet the requirements in § 111.80-30 of this title.

6. By amending Part 78 by revising § 78.80-1(a) to read as follows:

§ 78.80-1 Application.

(a) Power-operated industrial trucks. This subpart applies to—

(1) Power-operated industrial trucks carried on board vessels as part of the vessel's equipment for handling materials of any kind; and

(2) Power-operated industrial trucks placed on board a vessel for handling materials of any kind when the vessel is within the navigable waters of the United States, its territories, or its possessions. This subparagraph does not apply in the Panama Canal Zone.

§ 73.40-20 [Amended]

7. By amending Part 73 by striking out the section reference "55.10-70" in § 73.40-20 and inserting the section reference "56.50-95" in place thereof.

8. By amending Part 56 as follows:

(a) By revising paragraph (b) of § 56.60-2 to read as follows:

§ 56.60-2 Limitations on materials.

(b) Welded pipe and tubing. The following restrictions apply to the use of welded pipe and tubing specifications when utilized in piping systems, and not when utilized in heat exchanger, boiler, pressure vessel, or similar components:

(1) Longitudinal joint. Wherever possible, the longitudinal joint of a welded pipe shall not be pierced with holes for branch connections or other purposes.

(2) Class II. Use unlimited except as restricted by maximum temperature or pressure specified in Table 56.60-1(a).

(3) *Class I.* (1) For those specifications in which a filler metal is used, the following applies to the material as furnished prior to any fabrication:

(a) For use in service above 800° F. full welding procedure qualifications by the Coast Guard are required. See Part 57 of this subchapter.

(b) Ultrasonic examination as required by item S-6 in ASTM A-376 shall be certified as having been met in all applications except where 100 percent radiography is a requirement of the particular material specification.

(ii) For those specifications in which no filler metal is used in the welding process, the following applies:

(a) Ultrasonic examination as required by item S-6 in ASTM A-376 shall be certified as having been met for service above 800° F.

NOTE: There are additional requirements for nuclear and low temperature piping systems in this subchapter.

§§ 56.60-25 and 56.85-10 [Amended]

9. Part 56 is amended by striking out the words and numbers "See § 56.90-59" in parenthesis in subparagraph (a) (5) of § 56.60-25 and inserting the words and numbers "See § 56.50-95(f)" in place thereof.

10. Part 56 is amended by striking out the symbol "do" in item P-8 in the table in § 56.85-10 and inserting the words "High-alloy steels, austenitic" in place thereof.

11. By amending Part 136 by revising § 136.07-5(a) to

§ 136.07-5 Investigating officers, powers of.

(a) An investigating officer investigates each marine casualty or acci-

dent reported under §§ 136.05-1 and 136.05-10.

(R.S. 4405, as amended, R.S. 4462, as amended, sec. 633, 63 Stat. 545; sec. 6(b) (1), 80 Stat. 937; 46 CFR 375, 416, 14 U.S.C. 633, 49 CFR 1655(b) (1); 49 CFR 1.46(b))

Dated: July 10, 1972.

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

[FR Doc.72-10974 Filed 7-17-72;8:48 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Required Motor Vehicle Lighting Equipment; Correction

By notice published on May 9, 1972 (37 F.R. 9322), corrections were made to the recodified Federal Motor Vehicle Safety Standards published on December 2, 1971 (36 F.R. 22902). These corrections inadvertently omitted turn signal flashers and vehicular hazard warning signal flashers from Table III of § 571.108, Standard No. 108. An erroneous footnote was also assigned the vehicular hazard warning signal operating unit. Accordingly, the following revisions are made to table III following the requirements for turn signal operating unit.

TABLE III—REQUIRED MOTOR VEHICLE LIGHTING EQUIPMENT

Item	Passenger cars, multipurpose passenger vehicles, trucks, and, buses	Trailers	Motorcycles	Applicable SAE standard or recommended practice
Turn signal flasher	1 ⁴	None	1 ¹²	J590b October 1965.
Vehicular hazard warning signal operating unit.	1 ¹¹	None	None	J910 January 1966.
Vehicular hazard warning signal flasher.	1 ⁴	None	None	J946 February 1966.

Effective date: July 18, 1972. Because the revision creates no additional burden or obligation, the Administrator has found for good cause shown that an effective date earlier than 30 days after issuance of this notice is in the public interest.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407;

delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on July 11, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-10979 Filed 7-17-72;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 32, 33]

CAPE NEWENHAM NATIONAL WILDLIFE REFUGE, ALASKA

Proposed Hunting and Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), as delegated to the Director, Bureau of Sport Fisheries and Wildlife by chapter 2, part 242 of the departmental manual, it is proposed to amend 50 CFR Parts 32 and 33 by the addition of Cape Newenham National Wildlife Refuge, Alaska, to the list of areas open to the hunting of migratory game birds, upland game, and big game, and to the list of areas open to sport fishing.

It has been determined that the regulated hunting of migratory game birds, upland game, and big game, and regulated sport fishing may be permitted as designated on the above refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, §§ 32.11, *List of open areas; migratory game birds*, 32.21, *List of open areas; upland game*, 32.31, *List of open areas; big game*, and 33.4, *List of open areas; sport fishing* are amended by the following addition:

* * * * *

ALASKA

* * * * *

Cape Newenham National Wildlife Refuge.

SPENCER H. SMITH,
Director, Bureau of
Sport Fisheries and Wildlife.

JULY 12, 1972.

[FR Doc.72-10976 Filed 7-17-72;8:48 am]

[50 CFR Part 33]

CEDAR POINT AND OTTAWA NATIONAL WILDLIFE REFUGES, OHIO

Proposed Sport Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), as delegated to the Director, Bureau of Sport Fisheries and Wildlife by chapter 2, part 242 of the departmental manual, it is proposed to amend 50 CFR 33 by the addition of Ottawa National Wildlife Refuge and Cedar Point National Wildlife Refuge, Ohio, to the list of areas open to sport fishing.

It has been determined that regulated sport fishing may be permitted as designated on the above refuge without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

OHIO

* * * * *

Cedar Point National Wildlife Refuge.
Ottawa National Wildlife Refuge.

SPENCER H. SMITH,
Director, Bureau of
Sport Fisheries and Wildlife.

JULY 11, 1972.

[FR Doc.72-10928 Filed 7-17-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Proposed Regulation of Handling

Notice is hereby given that the Department is considering a proposed

amendment to the rules and regulations (Subpart—Rules and Regulations; 7 CFR Part 910.100 et seq.; 36 F.R. 17485) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The amendment of said rules and regulations was proposed by the Lemon Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. Currently, the rules and regulations authorize the committee to allocate off-bloom allotment each week in the proportion that each handler's certified off-bloom lemons bear to the total quantity of all off-bloom lemons certified for all handlers, but not in excess of the quantity requested by such handler. The amendment would (1) provide that the committee shall allocate off-bloom allotment on the basis of the volume of certified off-bloom lemons picked and delivered, and (2) limit the proportion of such allotment granted to a percentage not exceeding 15 percentage points above the percentage of the total volume of lemons the committee estimates will be marketed in domestic channels. The committee reported that adoption of the procedure would help to assure equity among handlers in the allocation of allotment.

The proposed amendment is that paragraph (c) of § 910.161(a) be revised to read as follows:

§ 910.161a Off-bloom allotment.

(c) *Issuance of weekly allotment.* The committee shall allocate allotment each week in such proportion as the quantity of off-bloom lemons a handler has certified bears to the total quantity of all

off-bloom lemons certified for all handlers, but not in excess of the amount a handler requests, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests, in the same proportion as aforesaid but not in excess of the amount requested: *Provided*, That such allotment shall be granted only for certified lemons which have been picked and delivered and the total allotment granted shall not be for more than 15 percentage points above the percentage which the committee estimates will be marketed in domestic channels in its current marketing policy established pursuant to § 910.50.

Dated: July 13, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc.72-11003 Filed 7-17-72; 8:50 am]

Food and Nutrition Service

[7 CFR Part 271]

FOOD STAMP PROGRAM

Computation of Hardship Allowance

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011-2025), notice is hereby given that the Food and Nutrition Service, Department of Agriculture proposes to amend the regulations governing the Food Stamp Program to provide that the shelter hardship allowance be computed on the basis of income remaining after the deduction of all other allowable expenses.

Interested persons may submit written comments, suggestions, or objections, regarding the proposed amendment to James H. Kocher, Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, so as to be received not later than the 30th day following the date of the publication of this notice in the FEDERAL REGISTER. Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director, during regular business hours (8:30 a.m.-5:00 p.m.).

It is proposed to revise § 271.3(c) (1) by deleting subdivisions (iii) (b), by relettering subdivisions (iii) (c), (d), (e), and (f) as subdivisions (iii) (b), (c), (d), and (e), respectively, and by adding a new subdivision (iii) (f). As revised, § 271.3(c) (1) (iii) would read as follows:

§ 271.3 Household eligibility.

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

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

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

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

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

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

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

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

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

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

RICHARD LYNG,
Assistant Secretary.

JULY 14, 1972.

[FR Doc.72-11103 Filed 7-17-72; 8:52 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 280]

ODS AGREEMENTS

Award and Payment

Notice is hereby given that the Maritime Subsidy Board, pursuant to section 204 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), is considering the promulgation of the following regulations governing award of operating-differential subsidy (ODS) agreements and payment of ODS. The proposed regulations were in substance set forth by the Maritime Subsidy Board in a final opinion and order dated June 1, 1972, in Docket S-244. They are being published to carry out the mandate of that final opinion and order. Therefore, the Maritime Subsidy Board proposes to add a new Part 280 to Title 46, Chapter II, Code of Federal Regulations as follows:

PART 280—REGULATIONS GOVERNING AWARD OF ODS AGREEMENTS AND PAYMENT OF ODS

- Sec. 280.1 Purpose.
- 280.2 Definitions.
- 208.3 Standards governing award of an ODS agreement.
- 280.4 Standards governing payment of ODS.
- 280.5 Computation of ODS payable on outbound and inbound legs of a service.
- 280.6 Examination of cargo carried on a single voyage.
- 280.7 Effective date; prospective application.
- 280.8 Example.

§ 280.1 Purpose.

The purpose of this part is to prescribe regulations governing the award of operating-differential subsidy (ODS) agreements and the payment of ODS under title VI of the Merchant Marine Act, 1936, as amended (Act), as that title has been interpreted by the Maritime Subsidy Board (Board) in Docket No. S-244.

§ 280.2 Definitions.

For purposes of this part:

(a) "Commercial cargoes," "conference-rated civilian preference cargoes," and "open-rated civilian preference cargoes carried at 'world' rates" shall be as defined by the Board in its final opinion in Docket S-244 served June 12, 1972.

(b) "Gross freight revenues" shall mean gross revenues earned from the carriage of cargo. Gross revenues earned from the carriage of passengers and mail and miscellaneous gross revenues shall not be included within the term "gross freight revenues."

(c) "Inbound gross freight revenue" shall mean gross freight revenues earned from carriage of cargoes in foreign commerce inbound to the United States; "outbound gross freight revenue" shall mean gross freight revenue earned from carriage of cargoes in foreign commerce outbound from the United States. Gross freight revenue earned from the carriage of wayport cargoes between foreign ports shall not be included within either outbound or inbound gross freight revenues.

(d) "Total gross revenue" shall mean gross freight revenues, gross revenues earned from carriage of passengers and mail and miscellaneous gross revenues.

(e) "Service" shall mean "essential service in the foreign commerce of the United States" as described in section 211(a) of the Act. Where an ODS agreement has been made, the specific nature of each service covered by the ODS agreement shall be as defined in the agreement.

§ 280.3 Standards governing award of an ODS agreement.

No ODS agreement shall be made under title VI of the Act unless the applicant establishes in its application that the vessel operations proposed to be subsidized will be conducted in a manner which will not preclude the applicant from earning annually at least 50 percent of its inbound gross freight revenues and at least 50 percent of its outbound gross freight revenues for each service covered by the application from the carriage of commercial cargoes, conference-rated civilian preference cargoes or open-rated civilian preference cargoes carried at "world" rates.

§ 280.4 Standards governing payment of ODS.

(a) (1) ODS will be paid in full for vessel operations on the inbound leg of each service covered by an ODS agreement only if at least 50 percent of the annual inbound gross freight revenues earned for that service are earned from

the carriage of commercial cargoes, conference-rated civilian preference cargoes, or open-rated civilian preference cargoes carried at "world" rates.

(2) If less than 50 percent of the annual inbound gross freight revenues earned on the inbound leg of a service covered by an ODS agreement are earned from carriage of commercial cargoes, conference-rated civilian preference cargoes, or open-rated civilian preference cargoes carried at "world" rates, payment of ODS for the inbound leg of the service shall be reduced as follows:

Percent of inbound gross freight revenue from carriage of competitive cargoes	ODS reduction (expressed in percent of total ODS payable for cargo carriage on the inbound leg of the service)
40 to 49.9-----	20
30 to 39.9-----	40
20 to 29.9-----	60
10 to 19.9-----	80
0 to 9.9-----	100

(b) (1) ODS will be paid in full for vessel operations on the outbound leg of each service covered by an ODS agreement only if at least 50 percent of the annual outbound gross freight revenues earned for that service are earned from the carriage of commercial cargoes, conference-rated civilian preference cargoes, or open-rated civilian preference cargoes carried at "world" rates.

(2) If less than 50 percent of the annual outbound gross freight revenues earned on the outbound leg of a service covered by an ODS agreement are earned from carriage of commercial cargoes, conference-rated civilian preference cargoes, or open-rated civilian preference cargoes carried at "world" rates, payment of ODS for the outbound leg of the service shall be reduced as follows:

Percent of outbound gross freight revenue from carriage of competitive cargoes	ODS reduction (expressed in percent of total ODS payable for cargo carriage on the outbound leg of the service)
40 to 49.9-----	20
30 to 39.9-----	40
20 to 29.9-----	60
10 to 19.9-----	80
0 to 9.9-----	100

(c) The Board shall have the power to waive the provisions of paragraph (1) (1) and (2) of this section for a specific period of time under special circumstances and for good cause shown.

§ 280.5 Computation of ODS payable on outbound and inbound legs of a service.

(a) For purposes of § 280.4(a) (2), "total ODS payable for cargo carriage on the inbound leg of a service" shall be computed in accordance with the following formula: Inbound gross freight revenues for the service divided by total gross revenues for the service times total ODS payable for the service equals total ODS

payable for cargo carriage on the inbound leg of the service.

(b) For purposes of § 280.4(b) (2), "total ODS payable for cargo carriage on the outbound leg of a service" shall be computed in accordance with the following formula: Outbound gross freight revenues for the service divided by total gross revenues for the service times total ODS payable for the service equals total ODS payable for cargo carriage on the outbound leg of the service.

§ 280.6 Examination of cargo carried on a single voyage.

Nothing in this part shall require the Board to examine into the cargo carried on any leg of a single voyage and nothing in this part shall prevent payment of ODS or require a reduction in ODS where a leg or legs of a single voyage is devoted exclusively to carriage of cargoes other than commercial, conference-rated civilian preference, or open-rated civilian preference at "world" rates, provided only that the requirements of this part are met.

§ 280.7 Effective date; prospective application.

This part shall be effective 90 days after final publication in the FEDERAL REGISTER. This part shall apply prospectively to all ODS agreements existing on the effective date of this part and to all new ODS agreements made after such effective date.

§ 280.8 Example.

Company A operates several vessels engaged in carrying (a) cargo, passengers and mail from the west coast of the United States outbound to foreign ports in the Far East, (b) cargo between foreign ports in the Far East, and (c) cargo from foreign ports in the Far East inbound to the west coast of the United States. Company A's operation on this service is subsidized under a valid ODS contract, made in accordance with § 280.3. Total annual subsidy payable for Company A's service is \$1 million.

In 1971, Company A's gross revenues were as follows:

Outbound gross freight revenues	\$4,000,000
Inbound gross freight revenues	4,000,000
Gross freight revenues—Wayport cargo	1,000,000
Total gross freight revenues	9,000,000
Passenger, mail, and miscellaneous gross revenues	1,000,000
Total gross revenues	10,000,000

Of the \$4 million outbound gross freight revenues, \$1,600,000 or 40 percent was earned from carriage of commercial cargoes, conference-rated civilian preference cargoes and open-rated civilian preference cargoes carried at "world" rates. Of the \$4 million inbound gross freight revenues, \$2,400,000 or 60 percent was earned from carriage of such cargoes.

Company A's failure to earn at least 50 percent of its outbound gross freight revenues from carriage of competitive cargoes disqualifies it from receiving full ODS for cargo carriage on the outbound leg of its service. Since the percentage of outbound gross freight revenue earned from carriage of competitive cargoes was only 40 percent, § 280.4(b) (2) requires that payment of ODS to Company A be reduced by an amount

equal to 20 percent of total ODS payable for cargo carriage on the outbound leg.

Under section 280.5(b), total ODS payable to Company A for cargo carriage on the outbound leg equals outbound gross freight revenue (\$4 million) divided by total gross revenues (\$10 million) times total ODS payable for the service (\$1 million), or \$400,000; 20 percent of \$400,000 equals \$80,000. Accordingly, subsidy payable to Company A in 1971 must be reduced \$80,000 to \$920,000.

While rule making involving ODS is exempted from the formal requirements of section 4, Administrative Procedures Act (5 U.S.C. 553), the Maritime Subsidy Board invites all interested parties to submit written comments on the proposed regulations, in triplicate, to the Secretary, Maritime Subsidy Board, Maritime Administration, Department of Commerce, Washington, D.C. 20235, within 30 days from the date of publication.

Dated: July 11, 1972.

By Order of the Maritime Subsidy Board, Maritime Administration.

AARON SILVERMAN,
Assistant Secretary, Maritime
Subsidy Board, Maritime Administration.

[FR Doc.72-10398 Filed 7-17-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 145]

ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

International Standards

In 1965 the 18th World Health Assembly passed Resolution WHA 18.7, recommending that International Standards and Units, or their equivalent, be cited in the relevant national pharmacopelas and, where applicable, these standards and units, or their equivalents, be recognized in relevant national regulations. Most Food and Drug Administration Master and Working Standards, whether their activity is expressed in micrograms or units, are numerically equivalent to International Units if such unit has been defined by the World Health Organization.

This proposal expresses the relationship between FDA standards and International Units and provides for (but does not require), the labels of appropriate antibiotic products to bear the potency in terms of International Units.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 145 be amended in § 145.4 by adding introductory text and by revising paragraphs (a) (2), (b) (13) and (b) (14), as follows:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to anti-biotic substances.

Unless it has been otherwise specified in the individual monographs in this section, the activity assigned to each "unit" or "microgram" is equivalent to an International Unit, if such has been defined by the World Health Organization.

(a) * * *

(2) *Bacitracin*. The term "unit" applied to bacitracin means a bacitracin activity (potency) contained in 13.51 micrograms of the bacitracin master standard.

* * *

(b) * * *

(13) *Colistin*. The term "microgram" applied to colistin means the colistin base activity (potency) contained in 1.495 micrograms of the colistin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less. The numerical value of a microgram of colistin is not equivalent to the International Unit.

(14) *Colistimethate*. The term "microgram" applied to colistimethate means the activity (potency) calculated as colistin base that is contained in 1.938 micrograms of the colistimethate master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less. The numerical value of a microgram of colistimethate is not equivalent to the International Unit.

* * *

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 10, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-10926 Filed 7-17-72; 8:45 am]

[21 CFR Part 295]

CHILD PROTECTION PACKAGING STANDARDS

Proposed Exemption of Certain Effervescent Aspirin-Containing Preparations

In the FEDERAL REGISTER of February 16, 1972 (37 F.R. 3427), regulations (21 CFR 295.2 and 295.3) were promulgated under the Poison Prevention Packaging Act of 1970 establishing child protection packaging standards for preparations containing aspirin, effective August 14, 1972.

In the document's preamble, the Commissioner of Food and Drugs announced that he would consider requests for ex-

emptions from the packaging requirements and, if reasonable grounds were furnished, would publish proposed exemptions in the FEDERAL REGISTER.

Notice is given that the Commissioner has received a request from Miles Laboratories, Inc., to exempt from said standards two tableted effervescent preparations containing aspirin and having the following characteristics:

1. Each dry tablet contains less than 10 percent of aspirin.

2. Each dry tablet has an oral LD-50 of greater than 5 grams per kilogram of body weight.

3. The tablet placed in water releases at least 85 milliliters of carbon dioxide per grain of aspirin in the dry tablet when measured stoichiometrically at standard conditions (0° C. 760 mm. Hg).

A copy of the exemption petition submitted by Miles Laboratories, Inc., is available for inspection at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

Grounds given in support of the requested exemption are that the tablets' effervescence (the rapid liberation of carbon dioxide in the presence of moisture) is a sufficient deterrent to toxic overdose in small children because:

1. The hygroscopic dry product placed directly in the mouth absorbs available saliva, effervesces, and produces foam. This tends to produce gagging.

2. Small children are generally unable to swallow tablets and usually chew them to achieve ingestion. The effervescent reaction in the child's mouth is increased by chewing. Unreacted particles swallowed while chewing result in formation of carbon dioxide in the stomach. This causes repeated belching that discourages further attempts at ingestion.

3. It is not feasible for small children to ingest large numbers of such effervescent tablets by first dissolving them in water. Dissolution of such effervescent tablets takes time, an available receptacle, and water. Dissolution of large amounts into sufficient quantities of water to make a solution of ordinary concentration requires quantities of water that cannot be consumed by a small child in a short period of time. Ingestion of excessive amounts of a concentrated solution of such effervescent tablets causes nausea and vomiting because of its salinity.

Miles Laboratories, Inc., reports the production of over 50 billion such tablets to date without reports of toxicity to small children from overingestion having been received or, to their knowledge, reported in the world scientific and medical literature.

Having considered the requests and grounds in support thereof plus other relevant material, the Commissioner concludes that the exemption should be proposed as set forth below. Accordingly, pursuant to provisions of the act (secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 295.2(a) be

amended by changing the period at the end of subparagraph (1) to a comma and adding "except the following:" and by adding to subparagraph (1) a new subdivision (1), as follows:

§ 295.2 Substances requiring "special packaging".

(a) * * *

(1) * * *

(i) Effervescent tablets containing aspirin provided the dry tablet contains less than 10 percent of aspirin, the tablet has an oral LD-50 of greater than 5 grams per kilogram of body weight, and the tablet placed in water releases at least 85 milliliters of carbon dioxide per grain of aspirin in the dry tablet when measured stoichiometrically at standard conditions (0° C. 760 mm. Hg).

* * *

Since the time for filing of comments under this proposal will extend beyond the effective date (August 14, 1972) of the aspirin order, the publication of this proposed amendment shall have the effect of staying the effective date of the order establishing the standards for aspirin, only as it applies to effervescent tablets containing aspirin as described in this proposal, pending review of comments and promulgation of a final order in this matter. This proposal will in no way affect the effective date of the aspirin standards as they apply to other aspirin-containing preparations described therein.

Interested persons may, within 60 after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 14, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11095 Filed 7-17-72; 8:52 am]

[21 CFR Part 295]

CHILD PROTECTION PACKAGING STANDARDS

Proposed Exemption of Certain Aspirin-Containing Preparations and Certain Preparations Subject to Comprehensive Drug Abuse Prevention and Control Act

In the FEDERAL REGISTER of February 16, 1972 (37 F.R. 3427), regulations (21 CFR 295.2 and 295.3) were promulgated under the Poison Prevention Packaging Act of 1970 establishing child protection packaging standards for preparations containing aspirin. An amendment (21 CFR 295.2(a) (4)) was promulgated April 27, 1972 (37 F.R. 8433), establishing such

standards for drug preparations containing any substance subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970. The effective date of the aspirin order is August 14, 1972, and the effective date of the controlled drug order is October 24, 1972.

In the preambles of both documents, the Commissioner of Food and Drugs noted that some comments included requests for exemptions. The Commissioner did not then conclude that the requests justified establishing such exemptions but gave notice that if exemption requests furnishing reasonable grounds were received, appropriate proposals to amend the standards would be published.

Subsequently, the Commissioner has received requests to exempt from compliance with the aforementioned standards preparations for animals and preparations in other than oral dosage forms. Requests for exemption were received from Haver-Lockhart Laboratories, Kansas City, Mo., G. & W. Laboratories, Inc., Port Reading, N.J., The William A. Webster Co., Memphis, Tenn., and Wyeth Laboratories, Inc., Philadelphia, Pa. Copies of the exemption petitions submitted by each firm are available for inspection at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

Having considered these requests, the Commissioner concludes as follows:

1. The human experience data presently available from such sources as the National Clearinghouse for Poison Control Centers fails to support a finding that special packaging is necessary to protect children from serious personal injury or serious illness as a result of handling, using, or ingesting human drugs in dosage forms intended for other than oral administration.

2. In the event that future data should indicate a need for the special packaging of any human drug in nonoral dosage form, specific child protection packaging standards may be promulgated at that time.

3. The variation in size of dosage units and in distribution and usage patterns between human and veterinary preparations is sufficient to warrant separate consideration under the Poison Prevention Packaging Act of 1970. Drugs for veterinary use will therefore be studied and child protection packaging standards proposed where necessary.

4. The regulations concerning aspirin and controlled drug preparations should accordingly be revised as proposed below to exempt therefrom preparations in other than oral dosage forms and preparations for veterinary use.

Therefore, pursuant to provisions of the act (secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 295.2(a) (1) and (4) be revised to read as follows:

§ 295.2 Substances requiring "special packaging".

(a) * * *

(1) *Aspirin*. Any aspirin-containing preparation for human use in a dosage

form intended for oral administration shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c).

(4) *Controlled drugs*. Any preparation for human use that consists in whole or in part of any substance subject to control under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) and that is in a dosage form intended for oral administration shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c).

Since the time for filing of comments under this proposal will extend beyond the effective date of the aspirin order, the publication of this proposal shall have the effect of staying the effective dates of both the aspirin standards and the controlled drug standards, only as they apply to veterinary preparations and human drugs in forms for other than oral administration, pending review of comments and promulgation of a final order in this matter. This proposal will in no way affect the effective dates of the aspirin and controlled drug standards as they apply to drugs for humans in dosage forms for oral administration.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 14, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11094 Filed 7-17-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 61]

[Docket No. 9523; Reference Notice 69-17]

GLIDER CLOUD-FLYING RATING

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 69-17 (34 F.R. 6484) in which the Federal Aviation Administration solicited comments on proposed amendments to Part 61 of the Federal Aviation Regulations to establish a new pilot rating to be known as a "glider cloud-flying rating" and to provide accompanying aeronautical knowledge, experience, and skill requirements for issuing the rating, and recent flight experience requirements for glider cloud-flying.

A majority of the approximately 40 public comments received in response to the notice recommended adoption of the proposal. In opposition, however, it was asserted that the proposed rule would encourage illegal and unsafe operations. Thus, it was asserted that the pilot could not effectively carry out his responsibility for conducting his flight within specified geographical limits when operating in or above an overcast, or within large cloud formations—particularly when the cloud has both vertical and lateral movements. Concern also was expressed that when flying within clouds in uncontrolled airspace the pilot could inadvertently transit controlled airspace and thereby create a hazard to other aircraft in that airspace. It also was asserted that the requirements should be the same as for airplanes or that, if adopted, the rule should apply only outside of controlled airspace.

Upon further consideration of the matter, and in view of its controversial nature as disclosed by the comments, and the increasing volume and complexity of present-day IFR operations, serious doubt exists as to whether the level of safety intended for operations by pilots holding the glider cloud-flying rating as proposed by Notice 69-17 would in fact be attained.

By reason of the foregoing, the FAA has determined that rule-making action on the proposed amendments is not appropriate at the present time, and that Notice 69-17 should be withdrawn. The withdrawal of this notice does not, however, preclude the FAA from issuing similar notices in the future nor commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule-making published in the FEDERAL REGISTER (34 F.R. 6484) on April 15, 1969, and circulated as Notice 69-17, entitled "Glider Cloud-Flying Rating," is hereby withdrawn.

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

Issued in Washington, D.C., on July 10, 1972.

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

[FR Doc.72-10946 Filed 7-17-72;8:47 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173]

[Docket No. HM-80; Notice No. 72-8]

PHOSPHORUS PENTASULFIDE

Proposed Packaging Specifications

On March 10, 1971, the Hazardous Materials Regulations Board of the Department of Transportation published Notice No. 71-7 Phosphorus Pentasulfide in Docket No. HM-80 (36 F.R. 4626). Several comments were received.

Some commenters objected to the classification of the material but in view of accidents with the product that have continued to occur during the rule making proceeding, and the basic properties

of the material necessitating certain responses to an incident, the Board continues to believe that the material should be classed as a flammable solid. In addition, on the basis of its properties and the experience developed from these incidents, it further believes that specification packaging should be specified. In the notice of March 10, 1971, DOT specification packaging was not a subject of the rule making action. Therefore, the Board is republishing the notice to propose that specification packaging be required except when the material will be fused into one solid mass for transportation.

Some commenters stated that the same requirements applicable to phosphorus sesquisulfide should be applicable to phosphorus pentasulfide. Upon examination of the literature describing the physical and chemical properties of the two compounds, the Board considers phosphorus sesquisulfide to be of a higher level of hazard, and believes that less stringent packaging limitations for phosphorus pentasulfide are warranted.

This notice supersedes Notice No. 71-7 in Docket HM-80.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172 and 173 as follows:

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170-189 OF THIS CHAPTER

I. In § 172.5 paragraph (a), the List of Hazardous Materials would be amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Phosphorus pentasulfide.....	F.S.....	No exemption, 173.225.....	Yellow.....	11 pounds.

PART 173—SHIPPERS

II. (A) In Part 173 Table of Contents, § 173.225 would be amended to read as follows:

173.225 Phosphorus sesquisulfide and phosphorus pentasulfide

(B) In § 173.225, the heading would be amended; paragraph (b) would be added to read as follows:

§ 173.225 Phosphorus sesquisulfide and phosphorus pentasulfide.

(b) Phosphorus pentasulfide must be packed as follows:

(1) In any packaging prescribed in § 173.154;

(2) Specification 53¹ or 56 (§§ 178.251, 178.252 of this subchapter). Metal portable tank; or

(3) Metal drum not over 15 gallons capacity. Authorized only for phosphorus pentasulfide fused into a solid mass before transportation.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before August 22, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

¹ Use of existing tanks authorized, but new construction not authorized.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on July 13, 1972.

W. J. BURNS,
Director,

Office of Hazardous Materials.

[FR Doc.72-10983 Filed 7-17-72; 8:50 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 69-20]

ACCELERATOR CONTROL SYSTEMS

Date for Response to Petitions for Reconsideration

The purpose of this notice is to announce a date by which a response will be issued to the petitions for reconsideration of Motor Vehicle Safety Standard No. 124, Accelerator Control Systems, 49 CFR 571.124, published April 8, 1972 (Docket No. 69-20; Notice 3; 37 F.R. 7097).

Simultaneously with the publication of Standard No. 124, the NHTSA published and NPRM which would amend Standard No. 124 to establish a time in which the throttle would be required to return to the idle position (Docket No. 69-20; Notice 4; 37 F.R. 7108). The due date for comments on this proposal is July 7, 1972. Because of the interrelatedness of the notice and some of the issues raised by the petitions, the NHTSA

found that it was not practicable to take action by July 7, 1972, the date by which action would originally be taken under the agency's policy on petitions for reconsideration. Action on the above petitions and notice is planned for issuance not later than September 1, 1972.

Issued on July 10, 1972.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.72-10980 Filed 7-17-72; 8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19540; FCC 72-603]

FM BROADCAST STATIONS IN CERTAIN CITIES IN MASSACHUSETTS, NEW HAMPSHIRE, AND MAINE

Proposed Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations, Winchendon, Mass.; Plymouth and Newport, N.H.; and Skowhegan, Maine, Docket No. 19540, RM-1791.

1. Notice of proposed rule making is hereby given as concerns amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules) as concerns Winchendon, Mass.; Plymouth and Newport, N.H.; and Skowhegan, Maine. The following table sets forth the changes:

City	Channel No.	
	Present	Proposed
Winchendon, Mass.....		249A
Plymouth, N.H.....	261A	237
Newport, N.H.....	235A	269A
Skowhegan, Maine.....	239	271

2. The pertinent population information of the cities involved, the county in which each is located and population of these counties, is as follows:

City	Population	County	Population
Winchendon....	6,635	Worcester.....	637,069
Plymouth.....	4,225	Grafton.....	61,014
Newport.....	5,899	Sullivan.....	30,949
Skowhegan.....	7,601	Somerset.....	40,597

All population data is from the 1970 Census, unless otherwise specified.

3. As stated in the Notice in Docket No. 19512 (FCC 72-430), Gardner Broadcasting Co., Inc. (Gardner), licensee of AM Station WGAW, a Class IV at Gardner, Mass., filed a petition on April 29, 1971, requesting assignment of Channel 249A to Winchendon, Mass. No other revisions of the Table were proposed. Petitioner furnished information and data as to the form of government, historical, sociological, and economic data to support the needs of Winchendon for the

proposed allocation. The notice also recited other facts based on a survey from which Gardner concluded that a station on the proposed FM allocation would serve particular local needs including substantial unique educational elements. These are incorporated by reference. We found that this was a sufficient showing of public interest, convenience, and necessity to propose the channel allocation.

4. In taking this action, we stated that "no existing FM assignment will be disturbed." No mention was made of the appeal in "Lakes Region Broadcasting Corp. v. Federal Communications Commission, et al.", C.A.D.C. No. 72-1381, from the Commission's action(s) in Docket No. 19116 denying the proposal of Lakes Region Broadcasting Corp., Inc. (Lakes Region) to assign Channel 248 to Plymouth, N.H. See Report and Order, adopted November 10, 1971, 32 FCC 2d 549, and the Memorandum Opinion and Order, adopted March 23, 1972, 34 FCC 2d 338. Winchendon and Plymouth are only 76 miles apart, while § 73.207 of the Commission's rules and regulations requires a separation of 105 miles between adjacent Class A and C channels.

5. Lakes Region, by letter dated June 6, 1972, requests that the "Petition for Reconsideration" filed by Lakes Region on May 4, 1972, proposing the allocation of Channel 287 to Plymouth, 269A to Newport, and 294 to Skowhegan, and other data filed in support of its petition (RM-1464) in Docket No. 19116 be considered as a counterproposal and comments in Docket No. 19512 as concerns the Winchendon rule making. Lakes Region also suggests a further notice of proposed rule making in the latter docket consolidating it with Docket No. 19116, or alternatively commencing a new proceeding to consider the Winchendon proposal and Lakes Region's "counterproposal" to remove the conflict. We have decided to follow the latter procedure, and, accordingly, we are adopting this notice and an order severing the Winchendon proposal (RM-1791) from Docket No. 19512.

6. A brief summary of what transpired in Docket No. 19116 will be helpful. That docket involved the proposal of Kennebec Valley Broadcasting System, Inc. (Kennebec) to assign Channel 286 to Skowhegan, Maine, in order that Station WGHEM-FM, Channel 296A, licensed to Kennebec, could change channels (RM-1442). Because the proposal of Lakes Region to substitute 287 for Station WDNE, Channel 248, Dover, N.H., in order that Channel 248 could be assigned to Plymouth (RM-1464), conflicted, these proposals were considered together. (There were concomitant changes elsewhere.) The notice, adopted January 6, 1971 (FCC 71-23), indicated that the Skowhegan proposal appeared more meritorious because of Kennebec's showing as to service to unserved and underserved areas under the criteria of the "Roanoke Rapids and Goldsboro," 9 FCC 2d 672 (1967), case, while Lakes Region's assertion in this respect were not borne out. In comments, Lakes Region advanced a counterproposal to obviate the conflict

by proposing Channel 277 for Skowhegan and making changes elsewhere but still proposing Channel 248 for Plymouth. We denied both Lakes Region's proposal and counterproposal. 32 FCC 2d 549. The counterproposal was rejected because of technical deficiencies and conflict with a Canadian allocation (32 FCC 2d at 552). Lakes Region then sought reconsideration primarily contending that the counterproposal should have been adopted, but we also denied this because "mainly * * * reargument of contentions considered and rejected by the Commission" (34 FCC 2d 338, 340-341). Lakes Region then filed its appeal on April 24, 1972. Lakes Region also filed a "Petition for Reconsideration" on May 4, 1972, advancing another proposal which would permit allocation of Class C channels to both Plymouth (287) and Skowhegan (294). This plan also requires the substitution of Channel 269A for 285A for Station WCNL-FM at Newport, New Hampshire, and Lakes Region has agreed to reimburse the licensee; allocate Channel 242A in lieu of 292 at Rumford, Maine (in effect incorporating then pending Docket No. 19366); and allocate Channel 282 to Augusta, Maine, which was being considered for other reasons in Docket No. 19116. The Rumford docket and Augusta matter have been disposed of; see the report and order in Docket No. 19366, adopted June 14, 1972 (FCC 72-516) and order in Docket No. 19116, adopted June 14, 1972 (FCC 72-515). In support of Lakes Region's latest proposal, a showing of service has been made based on the terrain limitation rather than the standard prediction method (see § 73.313 (e) of the Commission's rules) which seems to be warranted because of the very mountainous geography. This proposal meets all mileage separations and raises no question(s) under the Canada-United States FM Agreement of 1947 and the Working Arrangement of 1963.

7. Rather clearly the Winchendon rule making proceeding may not be acted on until Lakes Region's appeal is disposed of. In the circumstances, there appears to be no reason why the Commission should be averse to Lakes Region's suggestion that the proposal set forth in the May 4 petition for reconsideration be considered a counterproposal to obviate the adjacent channel shortage between Lakes Region's Channel 248 proposal, which is sub judice, and the Channel 249A proposal for Winchendon.

8. We tend to agree with Lakes Region that the more appropriate method for determination of service because of the mountainous geography in the area is on a terrain limited rather than prediction basis (see § 73.313(e)). In this respect, the Commission is not completely satisfied with Lakes Region's showing as to the service area of Channel 287 at Plymouth or of the impact of terrain on potential service from other stations into the service area of a station on such a channel in making a Roanoke Rapids showing.

9. As stated in the memorandum opinion and order, "the touchstone of fair, efficient, and equitable service as

required by section 307(b) of the Communications Act of 1934, as amended" is a showing under the "Roanoke Rapids and Goldsboro, North Carolina," 9 FCC 2d 672 (1967), case (34 FCC 2d at 341). We agree with Lakes Region that the more tenable theory is to consider service on a terrain limited basis for the proposed channel at Plymouth and other stations (actual and potential) that would serve within the 60 dBu contour of a station on such a channel. Full information and data has been submitted only as to Channel 287; Lakes Region's engineering statement furnished maps with the other contours but full data and information as to the determination of the other contours was not given. Lakes Region stated that this "information is available for inspection," but actual divulgence is necessary for the Commission and interested parties to verify Lakes Region's finding(s). In the same vein, Lakes Region's profile graphs for the Faraway Mountain site and the 60 dBu contour from that site do not appear wholly consistent. Lakes Region should amplify these aspects in filing comments supporting the Plymouth Channel 287 proposal. Additionally, it would appear that because of mountainous terrain within the anticipated 1 mv/m contour, there also is substantial shadowing within the Plymouth station's contour with result that not all of the communities in Grafton, Belknap and Carroll Counties which Lakes Region expected to serve with a Class C station may necessarily be served. For the sake of clarity, Lakes Region's comments should consist of a single pleading setting forth all the contentions it deems appropriate to support its new proposal. This should include all relevant engineering information including the supplementary data referred to above.

10. In sum, we believe that the public interest, convenience, and necessity would be served to notice the Lakes Region proposal for rule making, especially in the light of the mandate of section 307(b) of the Communications Act of 1934, as amended, to make a fair, efficient, and equitable distribution of radio service. To consider the Plymouth proposal together with the Winchendon proposal is appropriate to the extent that the Lakes Region Channel 248 proposal is still technically sub judice before the Commission. We have chosen the procedure of a new notice in order that Lakes Region will have ample opportunity to furnish further information and date and interested parties will have full opportunity to comment on its proposal.

11. Cutoff procedure: The following procedure will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and public notice to the effect will be given,

NATIONAL LABOR RELATIONS BOARD

[29 CFR Part 103]

HORSE RACING AND DOGRACING INDUSTRIES

Proposed Exercise of Jurisdiction

The National Labor Relations Board pursuant to the authority vested in it by section 6 of the National Labor Relations Act, as amended (49 Stat. 452; 29 U.S.C. sec. 156), and in accordance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. sec. 553), publishes this notice that it is giving consideration to promulgation of a rule whereby it would exercise jurisdiction over the horseracing and dogracing industries and establish jurisdictional standards therefor. To assist it in its consideration of this proposal the Board invites all interested persons to submit to it (1) data relevant to defining the extent to which the horseracing and dogracing industries are in commerce as defined in section 2(6) of the National Labor Relations Act, and to assessing the effect upon commerce of a labor dispute in those industries, (2) statements of views or arguments as to the desirability of the Board exercising jurisdiction, and (3) data and views concerning the appropriate jurisdictional standards which should be established in the event the Board decides to promulgate a rule exercising jurisdiction over those industries. An explanatory statement published herewith summarizes existing Board policy on jurisdiction over the horseracing and dogracing industries, as well as policy concerning certain other industries in the sports and entertainment fields. It also describes some of the types of data which the Board believes would be relevant to its deliberations.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed rule should file 15 copies of the same, not later than 60 days after publication hereof in the FEDERAL REGISTER, with the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours in the Office of the Executive Secretary of the Board, Room 701, 1717 Pennsylvania Avenue NW., Washington, D.C.

Dated, Washington, D.C., July 18, 1972.

By direction of the Board.

[SEAL] JOHN C. TRUESDALE,
Executive Secretary.

Explanatory statement. The jurisdiction of the National Labor Relations Board under section 9 of the National Labor Relations Act, as amended,¹ to determine questions concerning repre-

¹ 61 Stat. 140, 143, 146, 29 U.S.C. secs. 158, 159, 160.

sentation, and under section 10 of the Act to prevent unfair labor practices, extends to all such matters which "affect commerce" as defined in section 2(7) of the Act.² Under section 14(c) of the Act,³ the Board, in its discretion, may decline to assert jurisdiction over labor disputes involving any class or category of employers if such labor disputes will not have a substantial impact on commerce and provided that it had not asserted jurisdiction over such class or category prior to August 1, 1959. To date, the Board has consistently declined to assert jurisdiction over labor disputes in the horse racing and dog racing industries.⁴ The Board has also declined to assert jurisdiction over labor disputes involving employers whose operations are an integral part of those racing industries.⁵ However, it has not declined to assert jurisdiction over service contractors whose businesses are not confined to the horse racing and dog racing industries and whose employees are not closely integrated with the operations of an employer in those industries.⁶

Although the Board's policy of declining jurisdiction over labor disputes in the horse racing and dog racing industries has not altered, since its 1962 decision in "Walter A. Kelley"⁷ the Board has responded to changing circumstances to exercise its jurisdiction for the first time over labor disputes in other sectors of the economy over which it had not theretofore exercised jurisdiction.⁸ The Board now considers it appropriate to also reevaluate its position as to the exercise of jurisdiction over labor disputes in the horse racing and dog racing industries.

The views of the industries, of governmental agencies, of labor organizations, and of the public are invited to assist the Board in that reevaluation. Interested parties are invited to address themselves to the question of whether

² 61 Stat. 137, 29 U.S.C. sec. 152(7). See *NLRB v. Fainblatt*, 306 U.S. 601.

³ 29 U.S.C. sec. 164.

⁴ Los Angeles Turf Club, Inc., 90 NLRB 20 (horse racing track); Jefferson Downs, Inc., 125 NLRB 386 (horse racing track); Meadow Stud, Inc., 130 NLRB 1202 (horse owner/breeder); Hialeah Race Course, Inc., 125 NLRB 388 (horse racing track); Walter A. Kelley, 139 NLRB 744 (horse owners/breeders); Centennial Turf Club, Inc., 192 NLRB No. 97 (horse racing track); Yonkers Raceway, Inc., 196 NLRB No. 81 (horse racing track); Jacksonville Kennel Club, Case 12-RC-3815, May 5, 1971 (dog racing track) (not reported in NLRB volumes).

⁵ Pinkerton's National Detective Agency, Inc., 114 NLRB 1363; Hotel and Restaurant Employees and Bartenders International Union, Local 343, AFL-CIO (Resort Concessions, Inc.), 148 NLRB 208.

⁶ Harry M. Stevens, Inc., 160 NLRB 806.

⁷ *Supra*, fn. 4.

⁸ E.g., gambling industry (El Dorado Inc., doing business as El Dorado Club, 151 NLRB 579); private hospitals and nursing homes (Butte Medical Properties, doing business as Medical Center Hospital, 168 NLRB 260); nonprofit colleges and universities (Cornell University, 183 NLRB No. 41); and professional baseball (The American League of Professional Baseball Clubs, 180 NLRB 100).

as long as they are filed before the data for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

12. Authority for the actions proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before August 14, 1972, and reply comments on or before August 25, 1972. All submissions by parties to this proceeding, or by persons acting in behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

14. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. 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, 1919 M Street NW., Washington, DC.

Adopted: July 6, 1972.

Released: July 11, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-10984 Filed 7-17-72;8:49 am]

[47 CFR Part 73]

[Docket No. 19512; FCC 72-604]

FM BROADCAST STATIONS IN CERTAIN CITIES IN MASSACHUSETTS, MICHIGAN, AND INDIANA

Proposed Table of Assignments

Order. In the matter of amendment of § 73.202, *Table of Assignments*, FM broadcast stations (Winchendon, Mass., Adrian, Mich., and West Lafayette, Ind.), Docket No. 19512, RM-1791, RM-1820, RM-1822.

1. For the reasons set forth in the notice of proposed rule making in Docket No. 19540, adopted this date, we are severing RM-1791 from this docket for consideration together with the counterproposal of Lakes Region Broadcasting Corp., Inc., in that proceeding.

2. Accordingly, it is ordered, That consideration of the petition of Gardner Broadcasting Co., Inc. (RM-1791), from this docket is terminated.

Adopted: July 6, 1972.

Released: July 11, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-10985 Filed 7-17-72;8:49 am]

¹ Commissioner Hooks not participating.

or not the Board should assert jurisdiction over the horse racing and dog racing industries, as well as what jurisdictional standards should be applied in the event the Board determines it should assert jurisdiction. The data which the Board deems desirable to enable it to make its determination encompasses a broad spectrum of information relevant to the impact of the industries on commerce, and the aspects of industry operations significant as possible criteria for the exercise of jurisdiction. It includes, but is not limited to: (1) The number and kind of employers in the industries, the geographic location of these employers, the business relationships between employers, and the operations of employer associations affecting the horse racing and dog racing industries; (2) information on whether certain employees of employers in those industries would be exempt from jurisdiction under section 2(3) of the Act;⁹ (3) the number of employees in those industries, and the number of employees in other industries who may be affected by the labor disputes in the horse racing and dog racing industries; (4) the extent to which the horse racing and dog racing industries affect other industries, e.g., tourism, transportation, etc.; (5) the interstate and international aspects of the operations of those industries; (6) the dollar volume of various forms of cash-flow in those industries; (7) the extent of State regulation of labor relations and terms and conditions of employment within those industries; and (8) information on past labor disputes in those industries, how they arose, their impact, and how they were resolved.

It is the Board's intention to apply such standard or standards as may be adopted to all proceedings pending at the time of the adoption thereof, as well as to all proceedings which may arise thereafter.

[FR Doc.72-10806 Filed 7-17-72;8:45 am]

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM 73-1]

EVIDENTIARY AND FILING REQUIREMENTS IN RATE AND CLASSIFICATION CASES

Advance Notice of Proposed Rule Making

JULY 17, 1972.

Notice is hereby given that the Postal Rate Commission has under consideration rule making action to amend its regulations governing evidentiary and filing requirements in rate and classification cases.

⁹ 29 U.S.C. sec. 152. See also in this regard: 29 CFR Part 780.131; Opinions of Wage-Hour Administrator, Race Track: Horse Breeding Farm (Sept. 19, 1964), BNA Wage-Hour Manual 91:844, and Raising Dogs, Race Horses (March 22, 1969), BNA Wage-Hour Manual 91:828(a).

In the Commission's Decision in Docket No. R71-1, Postal Rate and Fee Increases, 1971, issued June 5, 1972, the Commission advised that it would institute a rule making proceeding. As stated by the Commission on page 12 of that decision, the purpose of the proceeding, " * * * was, among other things", for "determining what cost and revenue data should be obtained for use in future proceedings." The Commission further stated on page 261 of its decision:

In the future, the Commission must, among other things, refine the techniques for apportioning costs and revenue requirements among the individual mail categories. That aim, along with the objectives of determining the relevant data required and the proper presentation of such data to represent the functionalized operations of the postal system, can be best achieved through a rule making proceeding.

The rule making proceeding, which the Commission is instituting, will provide a forum for participants to fully air their various viewpoints concerning what data should be collected. And they will have every opportunity to show how such data can be best presented to enable the Commission to make the pragmatic adjustments which may be called for by particular circumstances.

Experience with the first rate case has demonstrated that insufficient information was available at the time of the filing of the Post Office's case to complete expeditiously the hearing and to produce a record containing full and complete information. While the discovery rules and rules relating to interrogatories were helpful in eliciting additional information, the procedure was necessarily circuitous at best. Under the existing provisions of the rules it was necessary for the parties and the staff to request additional information from the U.S. Postal Service before a complete evaluation of the filing could be made. Such requests and the time lag before compliance created delay.

The Commission has not decided what changes in its rules can best alleviate the problems exposed in the first rate case. The Commission has requested a staff task force to develop a draft of proposed rules. The staff task force's proposal will be available in the office of the Commission's Secretary on or about July 31, 1972, and will be published in the FEDERAL REGISTER soon thereafter.

At the time it publishes the task force proposal, the Commission will not have determined the appropriateness of that proposal. By publishing this advance notice, the Commission wishes to give the Postal Service and the public ample time to prepare to comment on the task force proposal and to submit their own proposals. It is anticipated that the Commission will request comments to be filed by August 31, 1972.

The Commission will fully consider comments on the staff task force's proposal, counter proposals, and suggestions as to what is required in the nature of amendments to our rules in order to expedite future proceedings, obtain better and more reliable information, and otherwise better serve the public interest.

Authority for the proposed rule making proceeding is contained in sections 3603, 3622, and 3623 of the Postal Reorganiza-

tion Act, 1970, 39 U.S.C. 3603, 3622, and 3623.

GORDON M. GRANT,
Secretary.

[FR Doc.72-11123 Filed 7-17-72;9:51 am]

RENEGOTIATION BOARD

[32 CFR Parts 1460, 1499]

RENEGOTIATION REGULATIONS

Notice of Proposed Rule Making

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, as amended (50 U.S.C., App. 1211 et seq.), proposes to issue the following regulations not less than thirty (30) days after the date of this publication in the FEDERAL REGISTER.

Interested persons are hereby notified that any changes, to be considered, must be presented, in writing, to the Renegotiation Board, 2000 M Street NW., Washington, DC 20446, within thirty (30) days after the date of this publication in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 2000 M Street NW., Washington, DC.

Dated: July 13, 1972.

RICHARD T. BURRESS,
Chairman.

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Paragraph (a) of § 1460.5 is revised to read as follows:

§ 1460.5 Minimum refund.

(a) *In general.* Except as otherwise provided in this section, and in the absence of unusual circumstances, no determination of excessive profits will be made (1) with respect to any fiscal year ending on or before December 31, 1970, in an amount less than \$40,000 or, in the case of subcontracts described in section 103(g) (3) of the act, in an amount less than \$10,000; or (2) with respect to any fiscal year ending after December 31, 1970, in an amount less than \$80,000 or, in the case of subcontracts described in section 103(g) (3) of the act, in an amount less than \$20,000; in each instance before adjustment for taxes measured by income, other than Federal taxes (see § 1459.9 of this chapter).

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

Section 1499.1-8 is revised to read as follows:

§ 1499.1-8 Renegotiation Ruling No. 3: Competitively bid construction contracts; small business restricted advertising ("set-asides") (interprets act section 106(a) (9); § 1453.7 (b) (1) (iii) of this chapter.

(a) The exemption provided in section 106(a) (9) of the act is confined to prime

contracts, awarded as a result of competitive bidding, for the construction of any building, structure, improvement or facility (other than so-called Capehart housing). Under § 1453.7(b)(1)(iii) of this chapter, a contract is considered to have been awarded as a result of competitive bidding if it was awarded in conformity with the formal advertising procedures prescribed in section 3 of the Armed Services Procurement Act of 1947 (now 10 U.S.C. § 2305). This limitation was prescribed by the Congress at the time of the enactment of the exemption (see S. Rept. 582, 84th Cong., 1st Sess. 3 (1955)).

(b) Small business restricted advertising is a special method of procurement whereby contracts are advertised and awarded in the same manner as contracts

made under 10 U.S.C. 2305, except that bids and awards are restricted to small business concerns. To validate awards so made, contracts for total or partial small business set-asides, entered into after small business restricted advertising, are classified as negotiated procurements. See § 1-706.2 of the Armed Services Procurement Regulation (32 CFR 1-706.2), § 1.706-8 of the NASA Procurement Regulation (41 CFR 18-1.706-8), and §§ 1-1.701-9 and 1-1.706-8 of the Federal Procurement Regulations (41 CFR 1-1.701-9, 1-1.706-8). However, for purposes of the exemption in section 106(a)(9) of the act, since in such procurements all established principles and requisites of formal advertising are observed with respect to all eligible bidders, the Board considers that such contracts have been

awarded in conformity with the requirements for procurement by formal advertising prescribed in 10 U.S.C. 2305. This conclusion is consistent with the view expressed by the Comptroller General that "there may be formal advertising even though the bidding is restricted to a limited class or group," including specifically small business concerns (41 Comp. Gen. 230).

(c) It follows that construction contracts entered into as a result of small business restricted advertising, under the set-aside program, are within the exemption provided in section 106(a)(9) of the act.

(Sec. 109, 65 Stat. 22; 50 U.S.C., App. Sec. 1219)

[FR Doc.72-10993 Filed 7-17-72;8:49 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial I-5053]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 26, 1972.

The Department of Agriculture has filed an application Serial No. I-5053, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for the Upper Fishhook Research Natural Area in the St. Joe National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 West Fort Street, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

ST. JOE NATIONAL FOREST

Upper Fishhook Research Natural Area

T. 44 N., R. 5 E.,
Sec. 32, N $\frac{1}{2}$.

The area described aggregates 320 acres in Shoshone County, Idaho.

RICHARD H. PETRIE,
Chief,

Division of Technical Services.

[FR Doc.72-10927 Filed 7-17-72;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1971 Rev., Supp. No. 19]

EMPLOYERS CASUALTY CO., ET AL.

Surety Companies Acceptable on Federal Bonds; Terminations of Authority

Notice is hereby given that the Certificates of Authority issued by the Treasury to the following companies under sections 6 to 13 of title 6 of the United States Code to qualify as acceptable sureties on Federal bonds were terminated on June 30, 1972.

Employers Casualty Company, Dallas, Tex.
Michigan Mutual Liability Company, Detroit, Mich.

Millers Mutual Insurance Company, Harrisburg, Pa.

National-Ben Franklin Insurance Company of Pittsburgh, Pa., New York, N.Y. (a Pennsylvania corporation)

National Union Indemnity Company, Philadelphia, Pa.

Northeastern Insurance Company of Hartford, Des Moines, Iowa (a Connecticut corporation)

Providence Washington Insurance Company, Providence, R.I.

The above companies were last listed as acceptable sureties on Federal bonds at 36 F.R. 12952-12958, July 9, 1971.

Notice is also hereby given that the Certificates of Authority issued by the Treasury to the following companies under Treasury Circular No. 297, revised January 2, 1970, as supplemented, to qualify as reinsuring companies on Federal bonds were terminated on June 30, 1972:

Transatlantic Reinsurance Company, New York, N.Y.

The Unity Fire and General Insurance Company, New York, N.Y.

The above companies were last listed as acceptable reinsurers on Federal bonds at 36 F.R. 12959, July 9, 1971.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by the above-named companies.

Dated: July 12, 1972.

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

[FR Doc.72-10991 Filed 7-17-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ORGANIZATION AND DELEGATIONS

Statement Regarding Redelegations on Temporary Basis

The notice published in 36 F.R. 21529 (November 10, 1971) with respect to delegations of authority within the Department of Agriculture stated that delegations of authority to those agencies and offices reporting directly to the Secretary or Under Secretary had been reconfirmed for a 90-day period, effective October 20, 1971. The notice published in 37 F.R. 888 (January 20, 1972) extended that period for 90 days, and the notice published in 37 F.R. 7725 (April 19, 1972) provided for an additional 90-day extension. Such period, as extended, is hereby further extended for an additional 90 days.

Dated: July 13, 1972.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.72-11004 Filed 7-17-72;8:50 am]

Packers and Stockyards Administration

LOUISA STOCKYARDS ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

KY-168, Louisa Stockyards, Louisa, Ky.

MO-225, MFA Livestock Ass'n., Inc., Cassville Concentration Point, Cassville, Mo.

MO-226, MFA Livestock Ass'n., Inc., Doniphan Concentration Point, Doniphan, Mo.

OK-189, Purcell Livestock Auction, Purcell, Okla.

TX-296, Morris County Livestock Commission, Omaha, Tex.

WA-126, Woodland Auction Yard, Woodland, Wash.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above and posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations,

Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 12th day of July 1972.

EDWARD L. THOMPSON,
Acting Chief, Registrations,
Bonds, and Reports Branch,
Livestock Marketing Division.

[FR Doc.72-10968 Filed 7-17-72;8:48 am]

**Rural Electrification Administration
BASIN ELECTRIC POWER
COOPERATIVE, BISMARCK, N. DAK.
Draft Environmental Statement**

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Basin Electric Power Cooperative of Bismarck, North Dakota. This loan application requests REA Loan funds to complete Stanton Unit No. 2 and extensive transmission facilities and to install an electrostatic precipitator for Stanton Unit No. 1.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the

National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 12th day of July 1972.

DAVID A. HAMIL,
Administrator, Rural
Electrification Administration.

[FR Doc.72-10969 Filed 7-17-72;8:48 am]

**DEPARTMENT OF
TRANSPORTATION**

Office of Pipeline Safety

[Waiver No. 4; Docket No. OPS-19]

TENNESSEE GAS PIPELINE CO.

Grant of Waiver

By petition dated March 30, 1972, the Tennessee Gas Pipeline Co. requested a waiver of the requirements of § 192.65 of Title 49 of the Code of Federal Regulations. Section 192.65 provides that in a pipeline to be operated at a hoop stress of 20 percent or more of SMYS pipe having an outer diameter-to-wall thickness ratio of 70 to 1, or more, that is transported by railroad must be transported in accordance with API RP 5L1.

Tennessee is currently in the process of ordering approximately 99 miles of 36" pipe for its 1972 construction program. In order to reduce the cost and extent of field circumferential welding, Tennessee considers it desirable to utilize 80-foot lengths of pipe which are double submerged-arc girth welded at the mill. Tennessee wishes to transport the pipe from the various mills to Mississippi, Alabama, and Tennessee. Due to the limited availability of railroad cars longer than 80 feet, it will be necessary to ship the 80-foot pipe on cars as short as 52 feet.

However, API RP 5L1 (1967 edition) prohibits overhang loads in excess of 5 feet or one-half of the distance between intermediate bearing strips, whichever is greater. Loading the pipe on railroad cars as short as 52 feet will result in a double overhang of approximately 15 feet on idler cars.

A public hearing on this petition was held at the Office of Pipeline Safety on June 22, 1972 (see 37 F.R. 11596; June 9, 1972). The only appearance at the hearing was by the petitioner.

Based on the information available to the Department, it appears that:

1. The 1972 edition of API RP 5L1 provides for the transportation of long pipe on short railroad cars. This standard appears to adequately provide for the transportation of long pipe without damage. The petitioner stated that they would use the 1972 edition of API RP 5L1 for the loading of the pipe.

2. Large quantities of pipe loaded according to the procedure and in a man-

ner similar to that proposed by petitioner have been transported for substantial distances to destinations in the United States and Canada. The shipment of pipe by this method has not resulted in any unsafe pipe conditions.

In consideration of the foregoing, Tennessee Gas Pipeline Co. is granted a waiver from § 192.65 of the Federal safety standards for the transportation of gas and pipeline facilities to the extent necessary to permit the use of approximately 99 miles of 36" pipe shipped in approximately 80-foot lengths by rail from various mills to Mississippi, Alabama, and Tennessee with an overhang from the end bearing strips in excess of that permitted under API RP 5L1 subject to the following conditions:

1. Each rail carload of pipe shall be loaded in accordance with API RP 5L1, 1972 edition. An inspection must be made after loading to assure it has been accomplished in this manner.

2. During car unloading, each length of pipe must be inspected for visible damage. A detailed report of any damage discovered, other than damage to pipe bevels, must be made promptly to the Office of Pipeline Safety.

3. Each length of pipe used must be strength tested after installation to at least 90 percent of specified minimum yield strength and each failure that may have been related to transportation damage must be separately reported in a detailed supplementary statement, in addition to furnishing Form DOT-F-7100.2.

4. Tennessee shall notify the Office of Pipeline Safety upon completion of the testing of the pipeline for which the shipment is intended and shall furnish that Office with any additional information which it secures related to the safety of this manner of shipment.

Issued in Washington, D.C., on July 11, 1972.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.72-10942 Filed 7-17-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-358A]

**CINCINNATI GAS AND ELECTRIC CO.,
ET AL.**

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated July 5, 1972, a copy of which is attached as Attachment "A".

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "rules of practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the

application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and
Indemnity, Directorate of Licensing.

ATTACHMENT "A"

Cincinnati Gas and Electric Co., Columbus and Southern Ohio Electric Co., and the Dayton Power and Light Co., William H. Zimmer, Nuclear Power Station, AEC Docket 50-358

JULY 5, 1972.

The Commission has requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended by Public Law 91-560, in regard to the above cited application.

1. *The applicants.* The W. H. Zimmer Nuclear Power Station will consist of an 840 mw unit located near Moscow, Ohio. The plant will be owned jointly by three investor-owned utilities: Cincinnati Gas and Electric Co. (37%), Columbus and Southern Ohio Electric Co. (32%), and the Dayton Power and Light Co. (31%). Estimated total cost of the unit at completion is \$287 million. The unit is scheduled to go into operation in 1977. Cincinnati Gas and Electric Co. will have complete responsibility for its design, construction and operation.

Cincinnati Gas and Electric Co. (CG&E) is a privately owned integrated combination utility which serves a 2,200 square mile area in southwestern Ohio with approximately 485,000 electric customers. CG&E presently supplies the full bulk power requirements of six municipalities and wheels power to two rural electric cooperatives. In 1970, CG&E's total operating revenues were in excess of \$253 million of which more than \$158 million was derived from sales of electricity. Together with the other two applicants, CG&E is a member of the "CCD" pool, which has planned, constructed and operated on a joint-ownership basis a series of large-scale generating units and connecting high-voltage transmission. In addition, CG&E has major interconnections with Indiana and Michigan Electric Co., Public Service Co. of Indiana, Louisville Gas and Electric Co., Ohio Valley Electric Corp., and Ohio Power Co.

Columbus and Southern Ohio Electric Co. (C&S) is a privately owned integrated electric utility which serves an area of central Ohio surrounding Columbus and an area in southern Ohio, with a total of approximately 362,000 customers. C&S supplies the full bulk power requirements of three municipalities, the partial requirements of one municipality and wheels electricity to four rural electric cooperatives. In 1970, C&S's total electric

operating revenues were in excess of \$108 million. C&S's major interconnections are with Ohio Power Co., Ohio Edison Co., Ohio Valley Electric Co., and the other applicants.

The Dayton Power and Light Co. (DP&L) is a privately owned integrated combination utility which serves a 6,000 square mile area with approximately 353,000 electric customers in western Ohio. DP&L presently supplies the full bulk power requirements of ten municipalities, the partial requirements of three municipalities, and wheels power to nine rural electric cooperatives. In 1970, DP&L had operating revenues in excess of \$180 million of which some \$120 million were generated by the sale of electricity. DP&L's major interconnections are with Ohio Edison Co., Ohio Power Co., Ohio Valley Electric Co., and the other applicants.

2. *Relations with other utilities.* There are numerous smaller electric systems operating in the general area served by the three applicants. These are all municipal systems and rural electric cooperatives. The municipal systems generally have obtained power either through isolated self-generation or through wholesale purchase from the particular applicant in its area. The cooperatives receive power from Buckeye Power, Inc., under arrangements which we discuss below. While the co-ops and investor-owned utilities are precluded by Ohio law (Ohio revised Code Sec. 4905.261) from competing to serve customers presently connected to another electric power supplier, there is wide latitude for competition for new retail loads. Especially when such loads are large, more than one electric system may find that it is in a position to submit a proposal for rendering the service. In addition, the various systems may compete in attempting to attract large industrial users of electric power to locate new facilities within their service areas.

The three applicants along with certain other utilities are parties to a Power Delivery Agreement which was executed January 1, 1968. This agreement was part of the series of arrangements whereby Buckeye Power, Inc., an association of all the rural electric cooperatives in Ohio, acquired the ownership and output of one of the large generating units in Ohio Power Co.'s Cardinal Station. The Power Delivery Agreement requires that the investor-owned utilities make their transmission systems available to Buckeye for the purpose of wheeling electric power and energy to the various rural electric cooperatives which are Buckeye members. Provisions of this agreement¹ restrict sales by Buckeye member cooperatives to an electric utility which has some generation of its own, unless that utility is able to obtain permission for such a sale from the company wheeling Buckeye power. Two municipalities in DP&L's service area allege that they have been foreclosed from purchasing bulk power from Buckeye member co-

¹ Section 4.9(a); the restriction also appears in paragraph 12(a) of the Wholesale Power Agreement.

operatives as a result of adherence to this contractual restriction.

3. *The requests for participation in the Zimmer unit.* a. On September 8, 1971, the Midwest Ohio Municipal Power Pool (MOMPP), an organization comprising the municipal systems of Piqua, St. Marys, and Celina, Ohio, made a filing with the Commission indicating that it wished to participate in the Zimmer unit to the extent of 30 megawatts of capacity. All of MOMPP's member systems are located within the area served by DP&L.

Celina operates some generation and is a partial-requirements wholesale customer of DP&L for the remainder. St. Marys and Piqua have been generating all of their power requirements and have operated their systems on an isolated basis. MOMPP was organized in July 1970 and shortly thereafter its representatives informed DP&L that MOMPP, as an entity, was interested in engaging in a variety of bulk power supply coordination arrangements with DP&L. From that time to date, there have been a series of discussions and negotiations between DP&L and the MOMPP representatives regarding future bulk power supply arrangements for the three towns. DP&L, however, has consistently refused to consider arrangements which would involve its dealing with MOMPP as an entity; for it contends that the municipal pool cannot be lawfully organized under Ohio law.² DFL also argues that, in any event, MOMPP would afford no advantage to the three towns in their dealings with DP&L. Recently, Piqua and DP&L negotiated an interconnection agreement which affords Piqua a number of options for bulk power supply from DP&L. Celina has recently accepted DP&L's proposal for purchases under its standard wholesale rate schedule, with the city having the option of full-requirements or partial-requirements purchases. St. Marys is still considering DP&L's proposals.

In response to our inquiries, DP&L has supplied a study indicating that, at present cost levels, it would be more economical for the individual cities of Piqua, St. Marys and Celina to purchase firm interconnection power from DP&L than it would be to purchase delivered unit power from Zimmer. Although requested to do so, MOMPP has not supplied us with any analysis of the cost of unit power from Zimmer as against whatever alternatives for bulk power supply it would have.

b. On December 15, 1971, the cities of Blanchester and Georgetown, Ohio, presently all-requirements customers of CG&E, made a filing with the Commission which indicated that they together desired an allocation of 20 megawatts of capacity from Zimmer. CG&E, in response to the Department's inquiry, provided economic data similar to that provided by DP&L—indicating that the cities could purchase their entire requirements under CG&E's present wholesale rate schedule more economically

² Applicants rely upon *State, ex rel. Wilson v. Hance*, 169 O.S. 457, 159 N.E. 2d 741.

than they could purchase unit power from Zimmer. Although requested to do so, Blanchester and Georgetown have not submitted any analysis of their own regarding the cost of bulk power alternatives available to them.

4. Antitrust analysis of the requests for participation. The requests by municipalities in the service areas of both DP&L and CG&E for participation in Zimmer raise questions under the antitrust principle of access to a jointly controlled essential resource. Generally, the antitrust laws require that when business entities jointly control an essential resource, they must grant access to it, on equal and nondiscriminatory terms, to all those engaged in the given business. This principle has been widely applied to a variety of business organizations—including a terminal railway controlling a vital bridgehead, *United States v. Terminal R.R. Ass'n*, 224 U.S. 383 (1912); a dominant national securities market, *Silver v. New York Stock Exchange*, 373 U.S. 341 (1963); a dominant news gathering organization, *Associated Press v. United States*, 326 U.S. 1 (1945). The reason for the rule is to prevent those holding a unique monopoly position from using that lawful monopoly to foreclose competition in related activities which should be competitive.

It seems clear that municipal electric systems such as those which have requested participation in Zimmer are in competition with one or more of the applicants, at least for large new loads, and that access to the bulk power supply comparable in cost to that of the applicants is of decisive importance in preserving the conditions necessary for that competition. The critical question then is whether the Zimmer unit should be regarded as such an "essential resource"—that is whether, as a matter of factual analysis, the municipal systems seeking access to it have no reasonably comparable alternative for meeting their bulk power requirements.

The municipalities have not yet made a case on this point, and it is difficult to make any reliable evaluation. We must consider both (i) alternative sources of power and (ii) cost comparisons between power available from Zimmer units and that available from alternative sources.

It would appear that these municipal systems do not have a practical alternative of looking to bulk power suppliers other than the applicants in the foreseeable future. Attempts by these and other Ohio municipalities to put together a statewide bulk power arrangement similar to the Buckeye agreement between the cooperatives and industrial utilities have not yet been successful; and indeed applicants apparently would argue that such an arrangement is barred by existing law. Also, as indicated above, restrictions contained in the Buckeye Power Delivery Agreement have prevented municipal systems from turning to Buckeye or to Buckeye member cooperatives as a source of bulk power supply. While these restrictions may now be subject to question and may ultimately be removed, the future availability of bulk power supply

from Buckeye sources can only be regarded as speculative at present. Another alternative which probably would have to be excluded in a realistic evaluation is the addition by the municipal systems of their own generation. Absent a very high level of coordinated development between the municipalities and the investor-owned systems in Ohio (providing for such things as pooling of load growth and equalized reserve sharing), such expansion of the municipalities' own generation would have to consist of small units. Given the very substantial economies of scale in generation and transmission, this would probably not be competitive in cost with a share of capacity from a unit like Zimmer.

This means that the question of whether the Zimmer unit is an "essential resource" must largely turn on whether bulk power is available on a comparable basis and cost from the applicants under wholesale rate schedules regulated by the Federal Power Commission. The municipalities have made no showing that such power would involve higher costs than participation in the Zimmer unit. The applicants have prepared cost studies which do not necessarily resolve the issue. On their face, the studies purport to show that given the present level of the rates for wholesale service from DP&L and CG&E, unit power purchases from Zimmer (together with transmission costs and the costs of maintaining the municipalities' own backup generation) would be a higher cost alternative. However, no effort has been made to project likely increases in the level of wholesale rates over the economic life of the Zimmer unit, during which period the cost of a unit power purchase would be relatively stable. Even if analysis is confined to the present level of CG&E and DP&L wholesale rates, one cannot draw very firm conclusions. CG&E and DP&L have assumed that any participation by municipalities in Zimmer would have to take the form of unit power purchases since, in their view, any kind of joint ownership arrangement would be in violation of provisions of Ohio law governing the powers of municipal corporations. While Ohio law does seem to prohibit the most simple and direct forms of joint ownership between municipal systems and investor-owned systems, it is not clear that it would prohibit all the feasible arrangements amounting to equity participation by the municipalities. If there is such a feasible and lawful alternative, it would enable the municipal systems to take advantage of their lower cost financing and thereby reduce the cost of participation. Our preliminary analysis of the data provided indicates that with equity participation, Zimmer might well be lower in cost than power supplied at DP&L's and CG&E's current wholesale rates.

Since the evaluation of whether the Zimmer unit will constitute an "essential resource" to be open to participation by municipal systems is extremely complex, and since much of the necessary information is not presently available to us, we cannot reach any definitive conclusions on the question. About

the most that can be said at this point is that there is something more than a possibility that Zimmer could be shown to constitute such a resource.

The lateness of requests for participation by MOMPP, Blanchester, and Georgetown could create some difficult problems if detailed engineering, financial and operating arrangements have already been made among the applicants. The nature and the extent of any such practical problems should be considered in passing on the requests for participation.

5. Conclusion. We believe that those seeking access to a nuclear unit under the principles described above bear some burden of showing that the unit involved is an essential resource, and of rebutting any showing that their requests were not filed in a timely manner. The MOMPP and the other two municipalities have not yet made such showings with respect to the Zimmer unit.

Therefore, we recommend that the Commission give MOMPP and the Cities of Blanchester and Georgetown a limited period (such as 60 days) in which to file any evidence showing that the cost of power available through participation in the Zimmer units is cheaper than that available on purchase of firm power from one or more of the applicants. The Commission would have to require the applicants to make available all underlying information necessary to make such comparisons.

In the meantime, if the applicants now contend that it would not be feasible (or would not have been feasible when the municipalities made their request) to include the municipalities as participants in the Zimmer unit, from an engineering or operating standpoint, they should submit a specific showing in support of that contention.

If the Commission finds that: (i) The municipalities have made a prima facie showing on the cost question, and (ii) the applicants have not shown the infeasibility of complying with the requests for inclusion, we would recommend that the Commission set the antitrust question of access to the Zimmer unit for a full hearing. Otherwise, we would recommend that the Commission proceed in its consideration of the application without an antitrust hearing.

[FR Doc.72-10948 Filed 7-17-72;8:47 am]

[Docket No. 50-341]

DETROIT EDISON CO.

Notice of Environmental Hearing on Application for a Construction Permit

In the matter of the Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2), Docket No. 50-341.

The evidentiary hearing on environmental considerations in this proceeding will convene at 10 a.m. on Wednesday, July 26, 1972 at:

Cantrick Junior High School Auditorium,
1008 Riverview Avenue, Monroe, MI 48101.

All members of the public are entitled to attend this hearing. Statements, both oral and written, that members of the public desire to make in this proceeding by way of limited appearance pursuant to § 2.715 of the rules and regulations of the Atomic Energy Commission will be received at the outset on the initial day of the hearing.

Issued: July 13, 1972, Washington, D.C.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.72-11030; Filed 7-17-72;8:51 am]

[Docket No. 50-366]

GEORGIA POWER CO.

Notice of Hearing on Application For Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50 "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Georgia Power Co. (the applicant), for a construction permit for a boiling water nuclear reactor designated as the Edwin L. Hatch Nuclear Power Plant Unit 2 (the facility), which is designed for initial operation at approximately 2436 thermal megawatts with a net electrical output of approximately 795 megawatts. The proposed facility is to be located at the applicant's site near the south bank of the Altamaha River in Appling County, Ga., approximately 11 miles north of the town of Baxley, Ga. The hearing will be held in the vicinity of the site of the proposed facility.

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

The date and place of a prehearing conference and the hearing will be set by the Board. In setting these dates due regard will be had for the convenience and necessity of the parties or their representatives, as well as of the Board members. Notices of the dates and places of prehearing conference and the hearing will be published in the FEDERAL REGISTER.

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

Issues pursuant to the Atomic Energy Act of 1954, as amended.

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

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

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

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program associated with such features or components; and

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

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

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

Issue pursuant to National Environmental Policy Act of 1969 (NEPA).

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

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n) of the Commission's "Rules of Practice," the Board will: (1) Without conducting a de novo review of the application, consider and determine the issues of whether the application and the record of the proceeding contain sufficient information, and the review of the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the construction permit proposed to be issued by the Director of Regulation; and (2) determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will decide any matters in controversy among the parties and consider and initially decide as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permit should be issued to the applicant.

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

The application for construction permit, the report of the Commission's Advisory Committee on Reactor Safeguards, dated November 13, 1971, the applicant's supplemental environmental report dated November 1971, and, as they become available, the proposed construction permit, the applicant's summary of the application, the safety evaluation by the Commission's regulatory staff, the Commission's draft and final detailed statement of environmental considerations, and the transcripts of the prehearing conference and of the hearing will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public.

Copies of those documents will also be made available at the Appling County Public Library, Parker Street, Baxley, Ga., for inspection by members of the public between the hours of 10 a.m. and 12:30 p.m. and 2:30 p.m. and 5 p.m. on Mondays, Tuesdays, Thursdays, Fridays, and Saturdays. Copies of the ACRS report, the applicant's supplemental environmental report (to the extent of supply), and, when available, the regulatory staff's safety evaluation and the draft and final detailed statements of environmental considerations may be obtained by request to the Director, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, 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 at the discretion of the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days

from the date of publication of this notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or 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. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR 2.714, the petitioner show good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. 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 applicant 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 Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the 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.

With respect to this proceeding, the Commission will delegate to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR 2.785 of the Commis-

sion's "Rules of Practice," and will make the delegation pursuant to subparagraph (a) (1) of that section. The Appeal Board will be composed of a chairman and assistant chairman, Dr. John Buck, with a third member to be designated by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

A "Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters" was published in the FEDERAL REGISTER on April 30, and May 7, 14, and 21, 1971. The notice afforded an opportunity for any persons wishing to have his views on the antitrust aspects of the application presented to the Attorney General for consideration to submit views to the Commission within 60 days after June 19, 1971.

Dated at Washington, D.C., this 14th day of July 1972.

UNITED STATES ATOMIC
ENERGY COMMISSION,
W. B. MCCOOL,
Secretary of Commission.

[FR Doc.72-11086 Filed 7-17-72;8:51 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23287]

AIR FREIGHT FORWARDERS' CHARTERS INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 6, 1972, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

In order to facilitate the conduct of the conference, parties are instructed to submit to the examiner and other parties: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 21, 1972, and the other parties on or before August 30, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 13, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-10996 Filed 7-17-72;8:49 am]

[Dockets Nos. 24567, etc.; Order 72-7-36]

AMERICAN AIRLINES, INC., ET AL.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July, 1972.

General increases in air freight rates, Dockets 24567, 24569, 24597; Domestic Air Freight Rate Investigation, Docket 22859.

By tariff revisions¹ bearing a posting date of June 9, or an issue date of June 23, and marked to become effective July 24, 1972, American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), The Flying Tiger Line Inc. (Flying Tiger), Northwest Airlines, Inc. (Northwest), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and Western Air Lines, Inc. (Western) propose essentially a 5-percent across-the-board increase in their domestic air freight rates.² The proposed increases apply equally to bulk and container rates for both general and specific commodity traffic.

The carriers propose to use the following methodology:

(a) Under-100-pound rates would be increased by 5 percent rounded up to the nearest cent.

(b) 100-pound-and-over rates would be increased by 5 percent rounded off to the nearest 5 or 10 cents.

(c) All container charges would be raised by 5 percent, rounded off to the nearest whole dollar.

In addition, Northwest and Western propose to increase all eastbound general commodity rates which are less than westbound rates by 10 percent but not to exceed the westbound level.

Complaints have been filed by the Hawaii Air Cargo Shippers Association, Inc. (HACSA) and by the Society of American Florists (SAF).³

The complainants assert, inter alia, that the proposed rate increases constitute unjust and unreasonable rates and charges based on the following grounds:

(a) The justifications for the rate increases are based entirely on the revenues/expenses of all-cargo operations. Since a significant portion of freight traffic now moves in the bellies of passenger aircraft, it is unreasonable to predicate cargo rate increases on all-cargo operations only. Until a reasonable basis for making proper allocation of costs between combination and all-cargo aircraft has been determined, the cost figures upon which the instant proposals are predicated are incomplete and inaccurate;

(b) That there is no economic justification for applying identical percentage increases to all types of cargo and, hence, the proposed across-the-board increases constitute arbitrary and unreasonable rates and charges; and

(c) That an increase in air freight rates at this time may act as a deterrent to the normal growth of air freight traffic by diverting existing traffic to other competitive modes of transport and,

¹ Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB 131 and 169.

² No increases are typically being proposed in minimum charges, accessorial service charges, excess valuation charges or small package rates.

³ The HACSA complaint was directed against the proposals filed by American and United, and SAF filed against all proposals except that of Flying Tiger.

hence, lead to reduced load factors and loss of revenues.

SAF also contends that the rate proposals of the carriers are prohibited by Price Commission regulations.⁴

In their justification and in answer⁴ to complaints, the carriers assert, inter alia, that the proposed rates are justified by a critical need for additional freight revenues as a result of substantial losses in their cargo operations; that carriers will continue to incur losses even if rate increases are granted; that the proposed increases are the minimum required to bring revenues more closely in line with costs; that the increases will be distributed equitably among shippers; that the increases will not adversely affect the movement of traffic in any meaningful way; and that the increases will not upset the present rate structure, which is under investigation in Docket 22859. With the exception of Flying Tiger,⁵ the carriers further assert that since the proposed rate increases amount to considerably less than 1 percent of their aggregate annual revenues, they are not required to report the proposed increases to the Price Commission.

All the rates and charges involved in the instant tariff filings are automatically under investigation in Docket 22859, "Domestic Air Freight Rate Investigation." The question now before the Board is whether to permit the proposed increases to become effective pending investigation or to suspend them.

The Board concludes that the carriers have adequately demonstrated a serious need for an immediate increase in air freight revenues. For the 12 months ended December 31, 1971, for example, carriers in scheduled domestic all-cargo service reported operating losses of \$35.3 million, on operating revenues of \$258.9 million. Operating losses in all-cargo aircraft operations have been chronic for domestic service for many years. In only two 12-month periods (those ended December 31, 1966, and June 30, 1967) have all-cargo domestic services resulted in operating profits to the carriers. All-cargo aircraft services account for about 56 percent of total domestic scheduled air freight ton-miles and thus are a fair indicator of the profitability of air freight services in general. Moreover, these operating losses must be viewed in the context of the unsatisfactory economic situation being experienced by these carriers in their overall domestic services.

The proposed 5-percent increase in rates does not appear unreasonable in view of the carriers' revenue needs and cost increases. If adopted by the entire industry, the proposed increase would

produce additional revenues of approximately \$25 million, based on 1971 revenues.

Accordingly, except with respect to United, the Board has determined to permit the rate increases to become effective as an interim matter pending investigation.⁶

Although United's proposal appears warranted in accordance with general ratemaking standards of the Federal Aviation Act of 1958, it must be suspended in accordance with § 300.16a(1) of regulations of the Price Commission. This regulation requires that proposed interim rates that result in revenue increases of \$5 million or more must be suspended for the maximum period authorized by law unless otherwise required for emergency reasons. Only the interim rates proposed by United result in a revenue increase of this magnitude. Inasmuch as this proposal, as well as all the other carriers' proposals, is subject to Docket 22859, "Domestic Air Freight Rate Investigation," as indicated above, the Board has no choice but to suspend United's interim proposal.

United is also required to furnish to us, with a copy to the Price Commission, a statement that it complies with certain criteria indicated by the Price Commission. The carrier should also furnish to the Commission proof of publication in a newspaper of general circulation of a statement regarding the proposal as indicated in detail in the cited regulations of the Commission.

In its answer to the complaints United denies that it is subject to the foregoing Price Commission provisions. The carrier alleges that, since the Price Commission regulation was made effective June 1, it does not affect United's proposal, which was filed with the Board May 31. It is clear, however, that the Price Commission regulation applies to rates allowed to be placed in effect after May 31, 1972, regardless of when they were filed. The second point raised by United is that its proposed rates are not "interim" rates referred to by the Price Commission. According to the Price Commission regulation "interim rate" means an increased rate allowed to go into effect by operation or law, or by action or inaction of a regulatory agency, pending a final determination by that agency on the requested increase.⁷ It is clear that United's proposed rates are within the purview of the "Domestic Air Freight Rate Investigation," Docket 22859, which will ultimately dispose of the proposals, unless withdrawn by United in the meanwhile.

⁶ With respect to the SAF complaint to the effect that the increases will seriously affect floral product shipments, we are not persuaded that suspension is warranted now and note that the matter of special rate treatment of flowers is currently in issue in United Air Lines, Inc., Specific Commodity Rates on Periodicals, Floral Products, and Seafood, Docket 22157. Also the overall rate relationship as between general and specific commodities raised in the HACSA complaint will of course be considered in Docket 22859.

In its complaint SAF contends that the carriers should have notified the Price Commission of the proposals and submitted certain information to the Board, as required by the Price Commission, inasmuch as the revenues to be obtained from their proposals would exceed 1 percent of their freight revenues. It is clear, however, that the regulations currently in effect require such notification and information only in respect to proposals resulting in 1 percent of a carrier's aggregate annual revenues.⁷ See § 221.165a of the Board's Economic Regulations (14 CFR). The proposed rates of only Flying Tiger would result in an increase exceeding 1 percent of aggregate revenues; this carrier alleges that it has notified the Price Commission of its proposal and has submitted the required information to the Board.

Accordingly, it is ordered, That:

1. Pending hearing and decision by the Board, all increased rates, charges and provisions described in Appendix A hereto⁸ are suspended and their use deferred to and including October 21, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. The complaints filed by Hawaii Air Cargo Shippers Association, Inc., in Docket 24567, and the Society of American Florists, in Dockets 24569 and 24597 are dismissed except to the extent indicated herein; and

3. Copies of this order shall be filed with the tariffs and served upon United Air Lines, Inc., Hawaiian Air Cargo Shippers Association, Inc., and Society of American Florists.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINE,
Secretary.

[FR Doc.72-10397 Filed 7-17-72;8:49 am]

[Docket No. 24607; Order 72-7-43]

NOVO AIRFREIGHT CORP.

Order of Suspension and Investigation Regarding Additional Limitation on Liability

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of July 1972.

By tariff revision bearing the issue date of June 16 and marked to become effective July 16, 1972, Novo Airfreight Corp. (Novo), an air freight forwarder, proposes to establish, domestically, additional liability limitations. The proposed rule provides that if there is loss of any article which is part of a pair or set, the measure of loss shall be the actual value of the part lost, or a pro rata share of the

⁷ Except for interim rate increases resulting in revenue increases of \$5 million or more, as indicated above.

⁸ Filed as part of the original document.

⁴ HACSA also alleges that the proposed rate increases of American and United were not posted in Hawaii at an appropriate time. In view of this, the Board has accepted HACSA's complaint as a request for suspension although it was untimely filed (due June 21, filed June 22).

⁴ Answers were filed by American and United.

⁵ Flying Tiger has reported its proposed increase to the Price Commission.

total actual value of the pair or set, but such loss shall not be considered to mean total loss of the pair or set. The proposed rule would be in addition to Novo's current liability limitations relating to actual and declared value per shipment.

Upon consideration of all relevant factors, the Board finds that the proposed rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed rule should be suspended pending investigation.

The actual damage to a shipper or owner from the loss of one article which is a part of a pair or set, in many cases could exceed the value of the part lost or the pro rata share of the total value of the pair or set. The carrier presently limits its liability to 50 cents per pound or \$50 per shipment, whichever is greater, unless a higher valuation is declared, but shall, in no event, exceed the actual value of the shipment. The proposal, however, would further limit the carrier's liability to less than the actual damages suffered by the shipper, consignee, or owner, for which no justification has been provided.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule No. 100(D) on fourth revised page 8 of Novo Airfreight Corp.'s CAB No. 4, and rules, regulations, or practices affecting such provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule No. 100(D) on fourth revised page 8 of Novo Airfreight Corp.'s CAB No. 4 is suspended and its use deferred to and including, October 13, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 24607, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Novo Airfreight Corp., which is hereby made a party to Docket 24607.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-10995 Filed 7-17-72;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY ASULAM

Notice of Establishment of Temporary Tolerance

Rhodia Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, submitted a petition (PP 2G1200) requesting establishment of a temporary tolerance for negligible residues of the herbicide asulam (methyl sulfanyl-carbamate) in or on sugarcane at 0.1 part per million.

It has been determined that a temporary tolerance of 0.1 part per million for negligible residues of the herbicide in or on sugarcane is safe and will protect the public health. It is therefore established as requested on condition that the herbicide will be used in accordance with the temporary permits being issued concurrently by the Environmental Protection Agency and which provide for distribution under the Rhodia Inc. name.

This temporary tolerance expires July 11, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), 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).

Dated: July 11, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-10957 Filed 7-17-72;8:49 am]

CHEMAGRO CORP.

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 2F1274) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, proposing establishment of a tolerance (40 CFR Part 180) for residues of the herbicide 4-amino-6-t-butyl-3-(methylthio)-as-triazin-5-(4H)-one in or on the raw agricultural commodity soybeans at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatography procedure using electron capture detection.

Dated: July 11, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-10950 Filed 7-17-72;8:49 am]

CIBA-GEIGY CORP.

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 2F1284) has been filed by Ciba-Geigy Corp., Ardsley, N.Y. 10502, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide 2-ethylthio-4,6-bis(isopropylamino)-s-triazine in or on the raw agricultural commodity cottonseed at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is gas chromatography using a flame photometric detector equipped with a filter specific for sulfur.

Dated: July 11, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-10951 Filed 7-17-72;8:40 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

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 2F1283) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide carbofuran and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl N-methylcarbamate in or on the raw agricultural commodities sorghum fodder and forage at 0.5 part per million and sorghum grain at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticides is a gas chromatographic technique using a detection system specific for nitrogen.

Dated: July 11, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-10952 Filed 7-17-72;8:40 am]

METHOMYL

Notice of Establishment of Temporary Tolerance

E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, submitted a petition (PP 2G1241) requesting temporary tolerances for residues of the insecticide methomyl (S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate in or on pineapple forage at 1 part per million and pineapples at 0.02 part per million.

It has been determined that temporary tolerances of 1 part per million for residues in or on pineapple forage and 0.2 part per million in or on pineapples will protect the public health. These temporary tolerances are therefore established as requested, on condition that the insecticide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the E. I. du Pont de Nemours & Co. name.

These temporary tolerances expire July 11, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), 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).

Dated: July 11, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-10956 Filed 7-17-72;8:49 am]

TOXAPHENE

Notice of Establishment of Temporary Tolerance

In response to a request from North Dakota State University, Fargo, N. Dak. 58102, a temporary tolerance of 7 parts per million is established for residues of the insecticide toxaphene (chlorinated camphene containing 67-69 percent chlorine) in or on sugar beets and sunflower seeds.

It has been determined that a temporary tolerance of 7 parts per million for residues of the insecticide in or on sugar beets and sunflower seeds will protect the public health. This temporary tolerance is established on condition that the insecticide will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency.

This temporary tolerance expires December 31, 1972.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), 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).

Dated: July 11, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-10958 Filed 7-17-72;8:49 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 2F1271) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, Conn. 06525, proposing establishment of tolerances (40 CFR Part 180) for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on the raw agricultural commodities plums (fresh prunes) at 55 parts per million, brussels sprouts at 20 parts per million, melons at 5 parts per million, and peppers at 1 part per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a colorimetric method in which the residue is hydrolyzed with 50 percent sodium hydroxide, distilled, and reacted with trisodium pentacyanoamine ferrate to form a specific red color at pH 5.0. The color is measured spectrophotometrically.

Dated: July 11, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-10953 Filed 7-17-72;8:49 am]

RENEGOTIATION BOARD

STATEMENT OF ORGANIZATION AND FUNCTIONS

Availability of Information

The Statement of Organization published in the issue of June 6, 1967 (F.R. Doc. 67-6258; 32 F.R. 8104), as heretofore amended, is hereby further amended as follows:

1. In section 3, the address of the Renegotiation Board is changed from "1910 K Street NW., Washington, DC 20446" to "2000 M Street NW., Washington, DC 20446."

2. In section 4, the first paragraph is deleted in its entirety and the following is inserted in lieu thereof:

4. *Availability of information*—Requests for general information about renegotiation should be directed to the Renegotiation Board, 2000 M Street NW., Washington, DC 20446, as follows: On matters relating to filing requirements, to the Director, Office of Assignments, on matters relating to interpretations of the act or regulations, to the General Counsel; on matters relating to employment with the Board, to the Director, Office of Administration; on matters relating to small business, to the Small Business Adviser; on other matters of a general nature, to the Secretary to the Board.

3. In section 5, the last sentence of the fifth paragraph is deleted in its entirety

and the following is inserted in lieu thereof:

A de novo redetermination may be obtained, by petition, in the U.S. Court of Claims, whose decision is final with respect to the amount of excessive profits but is otherwise subject to review by the Supreme Court upon certiorari.

Dated: July 13, 1972.

RICHARD T. BURRESS,
Chairman.

[FR Doc.72-10994 Filed 7-17-72;8:49 am]

FEDERAL MARITIME COMMISSION

ATLANTIC EXPORT CO. ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Atlantic Export Co., Paul F. Durkin, doing business as, 538 Commercial Street, Boston, MA 02109.

Omnitrans Corp. Ltd., 140 Cedar Street, New York, NY 10006.

Officers:

Hermann Amsz, President; Hans Hofmann, Vice President.

Alabama Freight Forwarding, Inc., 530 South 21st Street, Birmingham, AL 35233.

Officers and Directors:

Robert W. O'Connor, President/Director; Robert W. O'Connor, Jr., Vice President/Director; Garet Van Antwerp, Secretary/Treasurer/Director.

G. P. Expeditors, George Ferreira, doing business as, 13-15 Laight Street, New York, NY 10013.

Dated: July 13, 1972.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-10988 Filed 7-17-72;8:50 am]

NAVIBEL INTERNATIONAL, LTD. AND MARITIME CONTAINER LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Navibel International, Ltd. and Maritime Container Lines, Ltd.

Notice of Agreement Filed by:

Thomas D. Wilcox, Esq., 919-18th Street NW., Washington, DC 20006.

Agreement No. 9990 establishes a rate agreement between the above named common carriers by water in the east-bound and westbound trade between Continental Europe ports and ports on the U.S. Atlantic Coast. The purpose of this agreement is to permit Maritime Container Lines, Ltd., to participate in the tariffs of Navibel International, Ltd., currently on file with the Commission. The parties are under common ownership.

By Order of the Federal Maritime Commission.

Dated: July 13, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-10987 Filed 7-17-72; 8:50 am]

[No. 72-25]

SEA-LAND SERVICE, INC., AND
SEATRAN LINES, INC.

Discriminatory Assessment of Wharfage Charges at Port of Baltimore; Rescheduling of Filing Dates

Correction

In F.R. Doc. 72-10476 appearing at page 13501 in the issue of Saturday, July 8, 1972, the bracket should read as set forth above.

CERTIFICATES OF FINANCIAL
RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of

Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate

No.	Owner/Operator and Vessels
01011---	Aktieselskabet Det Ostasiatiske Kompagni: Pasadena.
01068---	The Bowring Steamship Co., Ltd.: Trinculo.
01073---	N.V.t.v.v.d. Koninklijke Hollandsche Lloyd: Waterland.
01078---	Commerce Tankers Corp.: Barbara.
01114---	Hjalmar Roed & Co.: Finship.
01237---	Aksjeselskapet Tank: Trollheim.
01268---	Tonnevolds Rederi A/S: Thelma.
01303---	Prince Line Ltd.: Douro.
01306---	Shaw Savill & Albion Co., Ltd.: Ceramic.
01343---	Hamburg-Sudamerikanische Dampfschiff - Ahrts - Gesellschaft Eggert & Amsinck: Cap Norte.
01428---	The Ocean Steam Ship Co., Ltd.: Achilles. Clytoneus. Ajax. Perang.
01505---	Servicios Maritimos Mexicanos, S.A.: Tabasco.
01597---	Entre Rios Compania Naviera S.A.: San Nicolas.
01811---	Partenreederei M/S "Amelle Thyssen" Managers: Christian F. Ahrenkiel: Amelle Thyssen.
01861---	BP Tanker Co., Ltd.: British Hero.
01911---	Quevedo Investments, Ltd.: Wellington Exporter.
02198---	The Peninsular & Oriental Steam Navigation Co.: Dorset.
02202---	Humble Oil & Refining Co.: Esso No. 18.
02242---	Dal Deutsche Afrika-Linien G.m.b.H. & Co.: Tanga.
02247---	Union International Co., Ltd.: Melbourne Star.
02264---	Dr. Erich Retzlaff: Hugo Retzlaff.
02314---	A/S Athene: Stoit Artemis.
02323---	A/S Awilco: Wilchief.
02355---	Van Nievelt, Goudriaan & Co.'s Stoomvaart Maatschappij N.V.: Perregaux.
02372---	Marine Carriers Co. S.A.: Panos.
02441---	Quebec & Ontario Transportation Co., Ltd. et al.: Thorold.
02448---	Rederiaktiebolaget Nordstjernen: Seattle.
02477---	American Dredging Co.: SE-103. SE-104.
02492---	Interstate Oil Transport Co.: Yorktown. Diana H. Graham. Interstate No. 32. Interstate No. 40.

Certificate

No.	Owner/Operator and Vessels
02849---	Herald Shipping Lines, Ltd.: Akama.
02877---	Nippon Yusen Kabushiki Kaisha (The Japan Mail Steamship Co., Ltd.): Aso Maru.
03008---	Rederi Ab Walltank: Don Juan.
03400---	Nicolas J. Vardinoyannis: Demosthenes V. Eleni V. Iosif V. Nell Armstrong. Theodoros V.
03415---	Chiyoda Kisen K.K.: Caledonia Maru.
03499---	El-Yam Bulk Carriers (1967) Ltd., Israel: Har Canaan.
03533---	Reder Ab Wallstar: Anlara. Oberon.
03715---	Santa Fe-Pomeroy, Inc.: Pacific Giant.
03725---	Circle Line-Sightseeing Yachts, Inc.: Alexander Hamilton.
03773---	Penntans Co.: Penn Carrier.
03828---	Attica Sea Carriers Corp.: Laconia.
03979---	Moran Towing Corp.: Moran 104.
04080---	Port Arthur Towing Co. et al.: Offshore Fueler.
04162---	Wright Towing Co., Inc.: Harmes 63.
04265---	Kerketis Compania Maritima S.A.: Capetan Costas Panou.
04398---	Hapag-Lloyd Aktiengesellschaft: Rendsburg. Brandenstein. Nabstein. Bieberstein.
04500---	Miura Enyo Gyogyo K.K.: Kohomaru.
04503---	Okutsu Suisan Kabushiki Kaisha: Zenkomaru No. 30.
04564---	Yamashita-Shimniihon Kisen Kaisha: Yamatsuki Maru.
04640---	McAllister Lighterage Line, Inc.: Popsle. McAllister No. 131. Pioneer. Andrew F. Bradley. Nana.
05097---	Esso Transport Co., Inc.: Esso Brooklyn.
05558---	Gloadoro Compania Naviera S.A.: Panagla Kounistra.
05958---	Perseus Tanker Corp.: Perseus.
06014---	Compania de Navigacion Andria, S.A.: Eleni.
06067---	Pacific Offshore Navigation, Ltd.: Samarinda.
06079---	Kimon Compania Naviera S.A.: Aegle Dignity.
06194---	Alkiviades Shipping Enterprises S.A.: Aegle Myth.
06545---	Rederiaktiebolaget Strim: Sea Serpent.
06610---	N. J. Vardinoyannis: Vardis V.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-10989 Filed 7-17-72; 8:50 am]

FEDERAL POWER COMMISSION

[Project No. 2705]

CITY OF SEATTLE, WASH.

Notice of Land Withdrawal Washington

JULY 11, 1972.

Conformable to the provision of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2705 for which a completed application for license (major) was filed on November 10, 1971, by the city of Seattle, Wash., and are, from the date of the filing of the said application, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

Willamette Meridian, Washington

Those portions of the following described subdivisions lying within the project boundary as delimited on map Exhibit K (FPC No. 2705-7) filed November 10, 1971.

T. 37 N., R. 12 E.,

Sec. 21, lots 5 and 9;

Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area of U.S. lands reserved pursuant to the filing of the above application is approximately 6.56 acres of which approximately 3.12 acres have previously been withdrawn for power purposes in connection with Power Site Classification No. 207 or power Project No. 553. All of the lands described herein are located within the Ross Lake National Recreation Area.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128) is applicable to the above described lands reserved for transmission line purposes only.

Copies of the aforementioned project may exhibit have been transmitted to the Geological Survey, the Bureau of Land Management, the Forest Service, the Fish and Wildlife Service and the Bureau of Reclamation.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10933 Filed 7-17-72;8:46 am]

[Docket No. E-7743]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Changes in Rates and Charges

JULY 12, 1972.

Take notice that on June 16, 1972, The Connecticut Light and Power Co. (CL&P), tendered for filing changes to its presently effective tariff which propose to change the form and level of rates of such tariff. The proposed tariff is in the form of a service agreement with two

appendices and two riders setting forth the detail as to delivery points, delivery voltages, price levels, and the blocks to which such apply, and terms and conditions of the service to be rendered. The changes are estimated to increase jurisdictional revenues by \$1,228,169 based on 1971 test year operations. The company requests an effective date of August 15, 1972.

The rate schedule filed is a tariff form of rate schedule and proposes to supersede CL&P's currently effective Rate Schedule FPC Nos. 7, 8, 9, 10, 11, and 12, which are contractual in form. The riders pertain to whether or not the customers receive full or partial requirements from CL&P and whether or not such customers are participants in the New England Power Pool.

CL&P asserts that the filing is necessary because of increased costs including higher taxes, interest rates, material and labor costs, and to provide an appropriate rate of return.

All customers who take service under the aforementioned rate schedules and interested State commissions were served copies of the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 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 July 28, 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. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10932 Filed 7-17-72;8:45 am]

[Docket No. RP71-137]

EL PASO NATURAL GAS CO.

Notice of Motion for Modification of Order

JULY 13, 1972.

Take notice that El Paso Natural Gas Co. (El Paso), on June 30, 1972, filed a motion in which it: (1) Requests the Commission to issue an order further modifying its July 30, 1971, order in the above-captioned proceeding so as to extend the company's authority to track changes in the rates of its suppliers on its Northwest Division System, as contained in that order, until El Paso's purchased gas adjustment provision, filed in Docket No. RP72-154 concurrently with its motion becomes operative; and (2) seeks authority to utilize Account 186, miscellaneous deferred debits, or a successor account, of the Commission's uniform system of accounts in conjunction with its outstanding tracking authority,

as proposed to be modified herein, in order to eliminate successive tracking increases which otherwise would be required until its purchased gas adjustment provision becomes effective.

In support of its request for extension of its tracking authority El Paso says that if the effectiveness of its purchased gas adjustment provision is postponed beyond August 12, 1972, the expiration date of its tracking authority under the Commission's Order No. 452-A, Docket No. R-406, issued June 13, 1972, El Paso may be faced with absorbing substantial increases in purchased gas costs on its Northwest Division System, which it submits would be neither fair nor equitable under the circumstances. El Paso says that its proposal to utilize Account 186, or a successor account in conjunction with its tracking authority is, in part, prompted by numerous objections of Northwest Division System customers and regulatory commissions as to the frequency of tracking filings. The company says that the procedure which it envisions under Account 186, or a successor account, as fully described in its motion, would obviate the necessity for frequent tracking filings during the remainder of the term of the tracking authority on the Northwest Division System, allow El Paso to recover its increased purchased gas costs and will not eliminate any of the present restrictions on El Paso's tracking authority.

Copies of the motion were served on all Northwest Division System jurisdictional customers, interested State commissions and parties in Docket No. RP 71-137.

Answers or comments relating to the motion may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before July 17, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11029 Filed 7-17-72;8:51 am]

[Docket No. CP72-236]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 12, 1972.

Take notice that on June 23, 1972, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-236 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to perform an offshore and onshore transportation service for Natural Gas Pipeline Co. of America (Natural) and to construct and operate measuring facilities incident thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to receive from Shell Oil Co. (Shell) for the account of Natural a contract demand volume of 15,600 Mcf of natural gas per day which Natural has contracted to purchase from Shell, such delivery to be made at

[Docket No. CP72-292]

PENNZOIL OFFSHORE TRANSMISSION CO.**Notice of Application**

JULY 12, 1972.

Take notice that on June 20, 1972, Pennzoil Offshore Transmission Co. (Applicant), 1500 Southwest Tower, Houston, TX 77002, filed in Docket No. CP72-292 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation and sale in interstate commerce of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Shell's existing point of delivery to applicant in Block 259, Eugene Island Area, offshore Louisiana. Applicant proposes to transport the gas through its Louisiana offshore pipeline system and make redelivery to Natural by displacement at the existing point of interconnection of the pipelines of applicant and Natural near Lake Arthur, La. The rate proposed for the transportation service is a monthly demand charge of \$1.25 for each Mcf of contract demand, plus a commodity charge of 1.65 cents per Mcf of gas redelivered. Applicant states that, subject to its obtaining authorization for the construction of certain of the facilities for which applications are pending in Dockets Nos. CP72-175 and CP72-125 (Phase II) and installation of the offshore facilities authorized by the Commission on May 22, 1972, in Docket No. CP72-87 (47 FPC —), the only new facilities required to render the proposed service are measurement facilities to be installed on the Shell platform in Block 259. The estimated cost of the measurement facilities is \$54,100, which applicant states will be financed with cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10934 Filed 7-17-72;8:46 am]

to 13.7 cents per Mcf of natural gas, assuming an estimated 7.6-cent, 100 percent load factor, rate on volumes transported from offshore locations to Sweet Lake. Applicant states that presently it has not been able to negotiate to the point of execution contracts for the sale of natural gas from the West Cameron area; therefore, throughout its application it has assumed a price of 35 cents per Mcf for illustrative purposes. Based on that assumption, Applicant states that the effect of its delivering 400,000 Mcf per day of transport gas to Sweet Lake and 400,000 Mcf per day of sale gas to Clarence would be to reduce the impact of the project on United's cost of gas from 3.1 cents per Mcf if only the deliveries to Clarence were made, to 2.5 cents per Mcf.

Applicant indicates that the estimated cost of the proposed pipeline system is \$126 million. Applicant states that it is presently contemplated that this sum will be financed by United's purchase of approximately \$23 million of Applicant's common stock, by the private or public sale of approximately \$23 million of Applicant's nonvoting preferred stock and by the private or public placement of approximately \$80 million in long term debt at an interest rate of approximately 8.5 percent. Applicant further states that in view of the anticipated 10 to 12-year maturity of its long-term debt and the gathering function of the proposed facilities, it proposes to establish a 10 percent depreciation rate.

Applicant states that the facilities for which authorization is sought will be designed and operated by or under the supervision of United pursuant to a service agreement between the parties. United will participate in the negotiation of any construction contracts and will supervise the construction on behalf of Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the

Applicant seeks authorization to construct and operate approximately 10.6 miles of 30-inch pipeline extending from Block 587 in the West Cameron area, South Addition, offshore Louisiana, to Block 548 in the same area; approximately 121 miles of 36-inch pipeline extending from a platform located in Block 548 in the West Cameron area to an onshore point located near Sweet Lake, Cameron Parish, La.; and approximately 139 miles of 30-inch pipeline extending from Sweet Lake to a point near Clarence, La. In addition, Applicant seeks authorization to transport through the proposed facilities and to sell up to 400,000 Mcf of natural gas per day to United Gas Pipe Line Co. (United), of which Applicant is a wholly owned subsidiary, at a delivery point near Clarence, pursuant to a gas sales agreement dated June 15, 1972, which provides for a monthly demand charge of \$6.18 per Mcf of natural gas, at a contract demand of 400,000 Mcf per day, and a commodity charge based on Applicant's average cost of purchased gas, subject to adjustment to reflect the effect of changes in the interest rate payable on its outstanding long-term debt.

Applicant states that with the addition of compression at a cost of approximately \$5,600,000 at Sweet Lake, an additional 400,000 Mcf of natural gas per day of capacity in its offshore 36-inch line can be achieved for use by it for transportation of natural gas for others from offshore locations to points in the vicinity of the terminus of the 36-inch line near Sweet Lake. Applicant indicates, however, that at this time it has not entered into any transportation contracts.

Applicant states that it anticipates reaching its 400,000 Mcf of natural gas per day delivery requirement to United during the third year of operation of the proposed facilities and that its demand charge at that time, on a 100 percent load factor basis, will be approximately 20.2 cents per Mcf for deliveries at Clarence, La. With the addition of compression at Sweet Lake and full utilization of the resulting additional capacity in the 36-inch offshore line for transportation, Applicant anticipates that its demand charge for deliveries to Clarence would be reduced, on a 100 percent load factor basis,

matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10935 Filed 7-17-72;8:46 am]

[Docket No. E-7742]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Proposed Changes in Rates and Charges

JULY 12, 1972.

Take notice that Public Service Company of New Hampshire (P.S.C. of N.H.) on June 15, 1972, tendered for filing proposed changes in its rates charged customers under the following FPC rate schedules:

- (a) Town of Ashland, FPC No. 28.
- (b) Concord Electric Co. FPC No. 24.
- (c) Exeter & Hampton Electric Co. FPC No. 35.
- (d) New Hampshire Electric Cooperative, Inc. FPC No. 50; FPC No. (unassigned).
- (e) New Hampton Village Precinct, FPC No. 29.

The proposed changes would increase revenues from jurisdictional sales and service by \$1.7 million based on a 1971 test year.

The new schedules provide for a demand charge of \$3 per kilovolt-ampere of maximum demand and 7.5 mills per kilowatt-hour for energy. (For the town of Wolfeboro the demand charge is expressed at an equivalent value of \$3.13 per kilowatt.) P.S.C. of N.H. states that the proposed rate adopts a form which is simpler to understand and apply than the hour's use type rate in the schedules currently in effect and that the new form does not change the revenue relationships between the customers. The new schedules also introduce a fuel clause, with a base cost derived by proforming 1971 fuel costs to include year end costs of coal for Merrimack Station.

The Company states that this filing represents the first increase in rates to these customers since 1957 and that there were two separate rate decreases in 1965 and 1967. The Company claims that the increased revenues are essential if the Company is to be in a position to continue to finance its construction program which will require over twice as much new capital from external sources in the next 4 years as the Company had to raise in the last 6 years. With the high cost of debt capital, the Company contends that it will be unable to continue to meet the coverage test necessary to the issuance of new debt securities without substantial rate relief.

The Company states that under the rates currently in effect, the return from

the resale service customers on a 1971 test year basis is 4.62 percent while under the proposed rates the return would be 8.25 percent, including a 12.5 percent return on equity.

The Company requests an effective date of August 15, 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 July 26, 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.

Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[F.R. Doc.72-18936 Filed 7-17-72;8:46 am]

SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS SUPPLY

Order Designating an Additional Member

JULY 11, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. Membership. An additional member to the Supply-Technical Advisory Task Force-Natural Gas Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Burt E. Banks, Advisor to Commissioner, Vernon L. Sturgeon, California Public Utilities Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10939 Filed 7-17-72;8:46 am]

THE NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE-SUPPLY

Order Designating Additional Federal Power Commission Representative

JULY 11, 1972.

The Federal Power Commission by order issued April 6, 1971, established the Technical Advisory Committees of the National Gas Survey.

1. FPC Representative. An additional FPC Representative to the Technical Advisory Committee-Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Arthur L. Litke, Chief, Office of Accounting and Finance.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10341 Filed 7-17-72;8:46 am]

THE NATIONAL GAS SURVEY-TRANSMISSION TECHNICAL ADVISORY TASK FORCE-ECONOMICS

Order Designating Additional Federal Power Commission Representative

JULY 11, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. FPC Representative. An additional FPC Representative to the Transmission-Technical Advisory Task Force-Economics, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Arthur L. Litke, Chief, Office of Accounting and Finance.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10940 Filed 7-17-72;8:46 am]

[Docket No. CP72-52]

SOUTHERN NATURAL GAS CO.

Order Permitting Intervention, Fixing Date of Hearing, and Specifying Procedures

JULY 11, 1972.

On September 1, 1971, Southern Natural Gas Co. (Southern) filed in Docket No. CP72-52 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service as of December 31, 1972, to Mississippi Chemical Corp. (Mississippi) and certain facilities that provide that service as more fully set forth in the application.

Notice of filing was issued on September 15, 1971, and published in the FEDERAL REGISTER on September 22, 1971, 36 Fed. Reg. 18815. A petition requesting leave to intervene was timely filed by Mississippi.

In support of its application, Southern states that, due to the severe natural gas shortage, abandonment is necessary. In its petition, Mississippi counters that Southern's proposal will result in "substantial economic loss to Mississippi and economic hardship to its stockholders-patrons" and, consequently, requests the Commission to conduct a full hearing on Southern's proposal. We believe that an evidentiary record should be fully developed to decide the public convenience and necessity issues presented in Southern's application. Accordingly, we shall set this matter for hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing to determine whether the public convenience and necessity require the proposed abandonment.

(2) The participation of Mississippi Chemical Corp. in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing on July 31, 1972, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, to determine whether the public convenience and necessity require the proposed abandonment.

(B) On or before July 21, 1972, Southern Natural Gas Co. shall prepare and file with the Commission and serve on all parties, including staff, testimony and exhibits in support of its proposed abandonment. Similarly and on the same date, Mississippi Chemical Corp. shall serve its direct presentation regarding the impact, alleged in its petition, of such an abandonment.

(C) Mississippi is hereby permitted to become an intervener in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of said intervener shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene: *And provided, further*, That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) A Presiding Examiner to be designated by the Chief Examiner for the purpose [see Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10937 Filed 7-17-72;8:46 am]

[Docket Nos. CP68-248, etc.]

**TENNESSEE GAS PIPELINE CO. ET AL.,
DOCKET NO. CP68-249, DOCKET
NO. CP68-246**

Order Providing for Hearing, Consolidating Proceedings, Granting Interventions, Denying Motions and Establishing Procedures

JULY 11, 1972.

On November 3, 1971, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee) filed in Docket No. CP 68-248, and Midwestern Gas Transmission Co. (Midwestern) filed in Docket No. CP

68-249, motions to amend Commission's order issued May 24, 1968 pursuant to section 7(c) of the Natural Gas Act (39 FPC 862). Applicants seek authorization for increased system capacity of 70,000 Mcf per day to offset scheduled termination of a transportation service presently rendered by Trunkline Gas Co. (Trunkline) as authorized by the Commission in Docket No. CP68-246. Tennessee requests permission to construct 64.8 miles of 36-inch pipeline looping four segments of its Delta Portland line in Mississippi, Alabama, and Tennessee. Midwestern, an affiliate and existing customer of Tennessee, requests permission to construct additional 4,500 compressor horsepower at compressor station 2,105 in Ohio County, Ky., through upgrading an existing turbine centrifugal unit from 7,500 horsepower to 12,050 horsepower.

The order of May 24, 1968, as amended, authorized, inter alia, the construction and operation of certain facilities by Tennessee for sale and delivery of a maximum daily volume of 600,780 Mcf of natural gas to Midwestern at two delivery points, one near Portland, Tenn., and the other at the interconnection between the systems of Trunkline and Tennessee near Potomac, Ill. Also, said order authorized, inter alia, the construction and operation of certain facilities by Midwestern for the receipt of said gas at the above mentioned delivery points.

In support of their motions, applicants state that deliveries through the Potomac delivery point by Trunkline will be phased out effective November 1, 1972, and the proposed facilities and modification of the existing gas turbine compressor unit will permit the Potomac deliveries to be made and received at the Portland delivery point. The estimated cost of the facilities proposed by Tennessee is \$19,670,500, which cost applicant states will be financed from operating capital and by use of its revolving credit. The estimated cost of Midwestern's proposed modification is \$194,790. Trunkline, by letter dated April 7, 1972, has indicated a willingness to continue the present transportation service on a year-to-year basis.

Notice of these motions to amend by Tennessee and Midwestern were issued on November 15, 1971, and November 16, 1971, respectively, fixing December 6, 1971 as the final date for the filing of protests or petitions to intervene.

Petitions to intervene in Docket No. CP 68-248 were filed by the following customers of Tennessee none of whom seek a formal hearing:

Columbia Gas Transmission Corp.
Consolidated Gas Supply Co.¹
The Berkshire Gas Co.²

¹ Also filed to intervene in Docket No. CP 68-249.

² The Berkshire Gas Co.; Blackstone Co., Central Massachusetts Gas Co.; Concord Natural Gas Co.; The Connecticut Gas Co.; Fitchburg Gas and Electric Light Co.; Gas Service, Inc.; Granite State Gas Transmission, Inc.; The Greenwich Gas Co.; The Hartford Electric Light Co.; Haverhill Gas Co.; City of Holyoke, Massachusetts; Massachu-

Additionally, a timely petition to intervene in Docket No. CP68-248 was filed by Valley Gas Co. (Valley).³ Valley is a distributor of natural gas and states that it obtains its entire supply from Tennessee. Valley requests that a formal hearing be held on the proposal in Docket No. CP68-248 in that its interest in Tennessee's rates and services will be directly affected by the Commission's action herein. Valley further avers that by this proposal Tennessee is following a policy of "undue preference to its affiliates and its larger customers with respect to gas supply, and is unduly discriminating against Valley Gas Co."⁴

The facilities proposed by Midwestern in Docket No. CP68-249 are dependent upon and interrelated with the facilities proposed by Tennessee in Docket No. CP68-248. Thus, both proposals should be disposed of on a consolidated record. Additionally, and aside from the issues raised by Valley, the necessity of undertaking the proposed construction at this time is placed in issue by Trunkline's stated willingness and capability to continue rendering the transportation service. We therefore believe that a full evidentiary record is desirable before disposing of the instant proposals. As a consequence we shall deny Tennessee's request for phasing this proceeding and shall order that a formal hearing be held.

In order to establish an adequate record and in the event the public interest requires a continuation of the transportation service being rendered by Trunkline, we shall also consolidate into this proceeding Docket No. CP68-246. Thus, evidence will be adduced as to Trunkline's willingness and capability to continue said service.

The Commission finds:

(1) Good cause exists to permit all of the above-named petitioners to intervene in the instant proceeding.

(2) Good cause exists for the Commission to enter upon a hearing concerning the above-described motions to amend filed by Tennessee and Midwestern and that those proceedings be consolidated for purposes of hearing and decision.

(3) Good cause exists to consolidate with (2) above the proceedings in Trunkline Gas Co., Docket No. CP68-246.

The Commission orders:

(A) The above-named petitioners are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters

sets Gas and Electric Department; Lawrence Gas Co.; Lowell Gas Co.; Lynn Gas Co.; North Shore Gas Co.; Northampton Gas Light Co.; The Southern Connecticut Gas Co.; Springfield Gas Light Co.; Wachusett Gas Co.; City of Westfield Gas and Electric Light Department; Worcester Gas Light Co.

³ Northern Illinois Gas Co., an intervenor in the earlier proceedings in this docket, filed an answer in opposition to Valley's intervention.

⁴ Tennessee filed an answer in opposition to Valley's request for hearing.

affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further*. That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding. All parties heretofore permitted to intervene in the proceedings in Dockets Nos. CP68-248, CP68-249, and CP68-246 are deemed to be intervenors herein.

(B) The above-designated matters in Dockets Nos. CP68-248, CP68-249, and CP68-246 are hereby consolidated for purposes of hearing and disposition.

(C) The request by Tennessee Gas Pipeline Co. to divide these proceedings into two phases is hereby denied.

(D) The direct cases of Tennessee Gas Pipeline Co. and Midwestern Gas Transmission Co. shall be filed and served on all parties, the Presiding Examiner and the Commission's staff on or before July 31, 1972. Additionally, on or before the same date, Trunkline Gas Co. shall similarly serve its evidence regarding its willingness and capability to continue the transportation service referred to above.

(E) Pursuant to the authority of the Natural Gas Act, particularly sections 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing August 15, 1972, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the issues raised by the proposals of Tennessee and Midwestern in the requested amendments to the Commission's order issued May 24, 1968 (39 FPC 862).

(F) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR, 315(d)), shall preside at the hearing in this proceeding, and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10938 Filed 7-17-72;8:48 am]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CITY CORP.

Order Approving Acquisition of Bank

First National City Corp., New York, N.Y., 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 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The National Exchange Bank of Castleton-on-Hudson, Castleton-on-Hudson, N.Y. (Bank). The bank into

which Bank is to be merged has no significance except as a means to acquire all of the shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the largest banking organization in New York in terms of domestic deposits, controls three subsidiary banks¹ with aggregate deposits of approximately \$13.8 billion, representing 14.7 percent of the total deposits in commercial banks in the State.² Consummation of the proposal would not significantly increase Applicant's share of deposits in the State.

Bank, with deposits of \$12.3 million, operates four offices in Rensselaer County, which is part of the Albany banking market. Bank is the 12th largest of 14 banks in that market, controlling 1.1 percent of deposits therein. Applicant's nearest existing subsidiary bank is 100 miles from Bank. No significant existing or potential competition would be foreclosed by consummation of this proposal.

In addition, the Albany banking market is concentrated, with three of 14 banks controlling over 56 percent of deposits. Bank is presently affiliated with the largest bank in the market and applicant's acquisition of Bank should result in disaffiliation. Accordingly, consummation of the proposal will likely have a procompetitive effect, since Bank, with applicant's support, should compete more aggressively with the larger institutions.

Considerations related to the financial and managerial resources of applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval. Although there is no evidence that the banking needs of the communities to be served are not being adequately met at present, applicant proposes to provide, through Bank, another competitive source of specialized banking services. Convenience and needs considerations are consistent with approval. 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 sum-

marized above.³ The approval herein neither provides authority to applicant to continue in the nonbank activities nor to retain nonbank shares nor requires the applicant to modify or terminate said activities or holdings. However, consummation of the proposal herein is subject to the continuing authority of the Board to require modification or termination of such activities or holdings (within a period no shorter than 2 years), if the Board determines that the continued combination of banking and nonbanking interests is likely to have an adverse effect on the public interest. 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 New York pursuant to delegated authority.

By order of the Board of Governors,⁴
effective July 7, 1972.

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

[FR Doc.72-10975 Filed 7-17-72;8:48 am]

PROVIDENT NATIONAL CORP.

Proposed Acquisition of Lease Financing Corporation

Provident National Corp., Philadelphia, Pa., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Lease Financing Corp., Wynnewood, Pa. Notice of the application was published on May 18, 1972, in the Philadelphia Inquirer, a newspaper circulated in Philadelphia, Pa., and on May 22, 1972, in the Wall Street Journal, a newspaper circulated in New York, N.Y.

Applicant states that the proposed subsidiary would engage in the activities of leasing personal property and acting as agent, broker, or adviser in leasing such property. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse

¹ On Apr. 19, 1972, the Board of Governors announced its approval of applicant's plan to acquire a fourth bank, the successor by merger to State Bank on Honeoye Falls, Honeoye Falls, N.Y., with deposits of \$7.4 million.

² Unless otherwise noted, deposit data are as of Dec. 31, 1971, market data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions through Apr. 7, 1972.

³ Dissenting Statement of Governor Brimmer filed as part of original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and to the Federal Reserve Bank of New York.

⁴ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Sheehan, and Bucher. Voting against this action: Governor Brimmer. Absent and not voting: Governor Daane.

effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 11, 1972.

Board of Governors of the Federal Reserve System, July 11, 1972.

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

[FR Doc.72-10949 Filed 7-17-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 32]

ASSIGNMENT OF HEARINGS

JULY 13, 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.

MC-F-11393, E. L. Murphy Trucking Co.—control and merge—Dryer Transport, now assigned July 17, 1972, at Minneapolis, Minn.; hearing is postponed indefinitely. FD 26835, Cadillac & Lake City Railway Co. reorganization, now assigned July 17, 1972, at Cadillac, Mich.; hearing is postponed indefinitely.

MC 1334 Sub 10, Riteway Transport, Inc., now assigned July 31, 1972; hearing will be held in Room 1010, Federal Building, 230 North First Avenue, Phoenix, Ariz.

MC 123639 Sub 139, J. B. Montgomery, Inc., continued August 8, 1972, at Denver, Colo., in Room 1430, Federal Building, 1961 Stout Street, Denver, Colo.

MC 117940 Sub 66, Nationwide Carriers, Inc., now assigned August 8, 1972, at New York, N.Y.; hearing is canceled.

MC-135960, Jacob Sackett, DBA Fleetwood Ski & Sports Club, now assigned July 27, 1972, at Chicago, Ill., is postponed indefinitely.

MC 106051 Sub 44, Old Colony Transportation Co., Inc., now assigned August 7, 1972, at Albany, N.Y.; hearing is postponed to September 25, 1972, at Albany, N.Y., in a hearing room to be later designated.

MC 136326, Florida Assembly and Distribution, Inc., now assigned August 7, 1972, at Tallahassee, Fla., is postponed to September 25, 1972, at Miami, Fla., in a hearing room to be later designated.

MC-C-7499, Manhattan Transit Co., Consolidated Terminal and Travel Bureau, Inc., and National Tour Brokers Assoc.—Petition for declaratory order, now assigned July 31, 1972, at New York, N.Y., is postponed indefinitely.

MC 78400 Sub 27, Beaufort Transfer Co., now assigned July 19, 1972, at Jefferson City, Mo., hearing is postponed to September 25, 1972, at Jefferson City, Mo., in a hearing room to be later designated.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11007 Filed 7-17-72;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 13, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42475—*Barley, corn, grain sorghums, and soybeans to Chicago, Ill.* Filed by Illinois Central Railroad Co., (No. 72-1), for interested rail carriers. Rates on barley, corn, grain sorghums, and soybeans, in carloads, as described in the application, from Illinois Central Railroad stations in Illinois and Iowa, to Chicago, Ill., via Illinois Central Railroad direct.

Grounds for relief—Market and motortruck competition.

Tariffs—Supplements 10 and 20 to Illinois Central Railroad Co. tariffs I.C.C. A-12152 and A-12146, respectively. Rates are published to become effective on August 12, 1972.

FSA No. 42476—*Chlorine from Memphis, Tenn.* Filed by M. B. Hart, Jr., agent (No. A6315), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Memphis, Tenn., to Naheola, Ala.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 358 to Southern Freight Association, agent, tariff I.C.C. S-484. Rates are published to become effective on August 17, 1972.

FSA No. 42477—*General commodities between ports in Japan and Korea and rail stations and water carrier terminals on the U.S. Atlantic and Gulf Seaboard.* Filed by Mitsui O. S. K. Lines, Ltd. (No. 1), for itself and interested rail carriers. Rates on general commodities, between ports in Japan and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf seaboard, on the other.

Grounds for relief—Water competition.

Tariffs—Rates as to which relief is requested, are to be published, filed, and become effective as soon as the following tariffs are compiled and completed: Mitsui Intermodal Tariffs Nos. 1 and 2, I.C.C. Nos. 1 and 2.

FSA No. 42478—*General commodities between ports in Japan and Korea and rail stations and water carrier terminals on the U.S. Atlantic and Gulf Seaboard.* Filed by Pacific Far East Line, Inc. (No. 1), for itself and interested rail carriers. Rates on general commodities, between ports in Japan and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf seaboard, on the other.

Grounds for relief—Water competition.

Tariffs—Rates as to which relief is requested, are to be published, filed, and become effective as soon as the following tariffs are compiled and completed: Pacific Far East Line, Inc., Intermodal Tariffs Nos. 1 and 2, I.C.C. Nos. 1 and 2.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11008 Filed 7-17-72;8:50 am]

[Notice 92]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73487. By order of July 11, 1972, the Motor Carrier Board on reconsideration approved the transfer to E. J. Persons, Ltd., Sweetburg, Cowansville, Quebec, Canada, of the operating rights in Certificate No. MC-124633 (Sub-No. 1), issued June 19, 1967, to Leo Boucher, Coaticook, Quebec, Canada, authorizing the transportation of rough lumber between ports of entry on the United States-Canada boundary line at or near

Ogdensburg and Champlain, N.Y., and Norton Mills, Derby Line, and Richford, Vt., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Registered practitioner for applicants.

No. MC-FC-73750. By order of July 11, 1972, the Motor Carrier Board approved the transfer to Rama-Ski & Golf Tours, Inc., doing business as Holiday Ski Tours, Brooklyn, N.Y., of License No. MC-12571, issued June 4, 1971, to ANFR, Ltd., doing business as Bachelors Fore, Merrick, Long Island, N.Y., authorizing operations as a broker at New York, N.Y., in connection with the transportation of passengers and their baggage, in round trip, all-expense tours, during the season extending from November 1 to April 15, inclusive, of each year, beginning and ending at New York, N.Y., and extending to points in New York, Massachusetts, and Vermont. Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY 11021. Attorney for applicants.

No. MC-FC-73772. By order of July 11, 1972, the Motor Carrier Board approved the transfer of Giroux's Express, Inc., Braintree, Mass., of Certificate of Registration No. MC-58712 (Sub-No. 1), issued April 7, 1964, to Herbert C. Giroux, Jr., doing business as Giroux's Express, Braintree, Mass., evidencing a right to engage in transportation in interstate or foreign commerce wholly within the State of Massachusetts. Robert B. Milgroom, First National Bank Building, 100 Federal Street, 34th Floor, Boston, MA 02110. Attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11009 Filed 7-17-72; 8:50 am]

[Notice 97]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 12, 1972.

The following are notices of filing of applications¹ for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service

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.

has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52704 (Sub-No. 91 TA), filed June 29, 1972. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer "H," Opelika Highway, Lafayette, AL 36862. 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: *Foodstuffs*, prepared or canned, other than frozen (except in bulk), from Lafayette and New Iberia, La., to points in Maryland, Virginia, and the District of Columbia, for 180 days. Supporting shipper: B.F. Trappey's Sons, Inc., Locker Drawer 400, New Iberia, La. 70560. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 87617 (Sub-No. 2 TA), filed June 26, 1972. Applicant: HARRY BLOCK TRUCKING COMPANY, INC., 5700 48th Street, Maspeth, NY 11378. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Newark, N.J., to points in Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties, N.Y., and Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., restricted to shipments having a prior movement by rail or motor carrier, returned, rejected, refused, or reconsigned shipments on return, for 180 days. Supporting shippers: Keller Manufacturing Co., Inc., Corydon, Ind. 47112; Jasper Pool Car Service, Post Office Box 549, Jasper, IN 47546; Webb Furniture Corp., Post Office Box 660, Galax, VA 24333; American Drew, Inc., Post Office Box 489, North Wilkesboro, NC 28659; Drexel Enterprises, Drexel, N.C. 28619; Silver Craft Furniture Co., 1140 Bedford Street, High Point, NC 27261; Forest Products, Post Office Box 1157, Morristown, TN 37814; Child Craft Division of Smith Cabinet Manufacturing Corp., Salem, Ind. 47167. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 95876 (Sub-No. 126 TA), filed June 27, 1972. Applicant: ANDERSON TRUCKING SERVICE, INC., Post Office Box 1377, 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Harold E. Anderson (same address as above). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing slabs, tile, and panels, and related materials, parts, supplies, and accessories*, from Cornell, Wis., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia, *damaged and rejected shipments on return*, for 180 days. Supporting shipper: Fireproof Products, Inc., Cornell, Wis. 54732. Send protests to: District Supervisor Allen N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 103051 (Sub-No. 255 TA), filed June 30, 1972. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 90408, Nashville, TN 37209. Applicant's representative: William G. North (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and animal fats*, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Maryland, for 180 days. Supporting shipper: Swift Edible Oil Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 110908 (Sub-No. 2 TA), filed June 27, 1972. Applicant: BARBOURSVILLE TRANSFER, INC., Post Office Box 114, Barboursville, WV 25504. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, moving on flat bed equipment, on commercial bills of lading, from Barboursville, W. Va., to the construction site of the Weirton Steel Co. plant on Brown's Island, near Weirton, W. Va., for 180 days. Supporting shipper: Barboursville Clay Manufacturing Co., Charleston, W. Va. Attention: H. W. Kelley, Secretary Treasurer. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 111170 (Sub-No. 190 TA), filed June 29, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid aluminum sulphate*, in bulk, from Pine Bluff, Ark., to Tulsa, Okla. Supporting shipper: Allied Chemical Corp., Post Office Box 1139R, Morristown, NJ 07960. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 114265 (Sub-No. 15 TA) (Correction), filed June 1, 1972, published in the FEDERAL REGISTER issue of June 20, 1972, corrected and republished in part as corrected this issue. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, ID 83705. Applicant's representative: Raymond D. Givens, Post Office Box 964, Boise, ID 83701.

NOTE: The purpose of this partial republication is to include the destination point to Lincoln, Nebr., which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 114457 (Sub-No. 130 TA), filed June 30, 1972. Applicant: DART TRANSPORT COMPANY, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* manufactured and/or dealt in by wholesale and retail grocery houses, from Galesburg, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Tennessee, and Wisconsin, for 180 days. Supporting shipper: United Facilities, Inc., Peoria, Ill. 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 123652 (Sub-No. 7 TA), filed June 30, 1972. Applicant: LARSON TRANSFER & STORAGE CO., INC., 9450 Bloomington Freeway, Minneapolis, MN 55431. Applicant's representative: William D. Larson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines*, from New Holstein and Graffton, Wis., to Windom, Minn., via Minneapolis, Minn., for stopping in transit to partially unload in connection with applicant's regularly authorized service from the above-described origin points in Windom, Minn., for 150 days. Supporting shipper: The Toro Co., 8111 Lyndale Avenue South, Minneapolis, MN 55420. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 133494 (Sub-No. 5 TA), filed June 30, 1972. Applicant: E. W. BELCHER, doing business as BELCHER TRUCKING COMPANY, Route 1, Box 402, Denton, TX 76201. Applicant's representative: William D. Lynch, Post Office Box 912, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* (fish meal), in bulk, from Holmwood, Cameron, Morgan City, Abbeville, and Dulac, La.; Port Arthur, Galveston, Houston, Sabine Pass, and Freeport, Tex.; to points in Arkansas on and south of U.S.

Highways 64 and U.S. 67-167 from Fort Smith, Ark., to Memphis, Tenn., Searcy, Ark., and points in Texas, for 180 days. Supporting shippers: J. Paul Smith, Co., 518 Fort Worth Club Building, Fort Worth, Tex. 76102; Robert N. Palm, General Manager, P. T. Poultry Growers, Inc., Route 1, Box 114, Nacogdoches, Tex. 75961. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 136280 (Sub-No. 1 TA), filed June 28, 1972. Applicant: R. M. MADDOCK TRUCKING, 339 West 168th Street, Gardena, CA 90278. Applicant's representative: R. M. Maddock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Corrugated boxes, KDF* (b) *roofing and building materials* (a) from Vernon, Compton, and Torrance, Calif., to points in the counties of Cochise, Maricopa, Pinal, Yuma, and Santa Cruz, Ariz.; (b) from City of Commerce, Calif., to points in the counties of Maricopa, Pima, and Yuma, Ariz.; and (a) with *return shipments of pallets and rejected boxes*, from points in the counties of Cochise, Maricopa, Pinal, Yuma, and Santa Cruz, Ariz., to Vernon, Compton, and Torrance, Calif., for 180 days. Supporting shippers: Boise Cascade Corp., General Offices, Post Office Box 200, Boise, Idaho 83701.; Western Kraft Corp., 19615 South Susana Road, Compton, CA; Certain-Teed Products Corp., Building Materials Division, 1014 Chesley Avenue, Richmond, CA 94804. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136426 (Sub-No. 1 TA), filed June 29, 1972. Applicant: LESCO, INC., 3900 Dahlman Avenue, Omaha, NE 68107. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unprocessed edible fats*, in containers, from points in Iowa and Kansas, to Waterloo, Nebr., under contract with Midwest Animal Products, Inc., for 180 days. Supporting shipper: Midwest Animal Products, Inc., 3900 Dahlman Avenue, Omaha, NE 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Building, 106 South 15th Street, Omaha, NE 68102.

No. MC 136823 (Sub-No. 1 TA), filed June 30, 1972. Applicant: ROBERT L. MAXWELL, doing business as 4 M COMPANY, 967 Calimesa Boulevard, Calimesa, CA 92320. Applicant's representative: Ernest D. Salm, 3846 Evans Boulevard, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular houses and buildings*, from Saugus, Calif., to Dixie Deer Estates, Utah, located 23 miles north of

St. George, Utah, for 180 days. Supporting shipper: Bivins Construction Co., Inc., 620 South 11th Street, Las Vegas, NV 89101. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11010 Filed 7-17-72;8:50 am]

[ICC Order 71, Amdt. 2; R.S.O. 094]

CERTAIN RAILROADS OPERATING IN CERTAIN STATES

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 71 (Railroads operating in the States of Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 71 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 15, 1972, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 12, 1972.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAILER,
Agent.

[FR Doc.72-11011 Filed 7-17-72;8:50 am]

[35598]

NORTH CAROLINA INTRASTATE FREIGHT RATES AND CHARGES—1972

Order Instituting Investigation

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 30th day of June, 1972.

By petition filed April 3, 1972, Carolina, Clinchfield and Ohio Railway, Louisville and Nashville Railroad Co., Norfolk and Western Railway Co., Norfolk Southern Railway Co., Seaboard Coast Line Railroad Co., and Southern Railway Co., common carriers by railroad operating in the State of North Carolina, state that the North Carolina

intrastate rates and charges do not include the emergency surcharge of 2.5 percent applicable on interstate rates and charges as authorized by order of this Commission dated February 1, 1972, in Ex Parte No. 281, Increased Freight Rates, 1972, nor the selective increases proposed in that proceeding by the carriers to become effective on May 1, 1972, and suspended; a reply to the petition with a request to intervene was filed on April 24, 1972, by the North Carolina Utilities Commission, and a reply to the petition was filed on April 26, 1972, by Weyerhaeuser Co.; a motion to dismiss the petition was filed on April 24, 1972, by the North Carolina Utilities Commission; and a reply to the motion was filed on May 15, 1972, by the petitioners; and

It appearing, that the petitioners allege the increases in their operating costs supporting their need for increasing their interstate rates and charges are equally applicable to their intrastate State operations in North Carolina; that they will continue to be irreparably damaged until the same increases as are applicable on interstate traffic can be applied also on North Carolina intrastate traffic; that the North Carolina intrastate rates and charges are abnormally low and traffic moving thereunder fails to produce its fair share of earnings sufficient to enable the petitioners to provide adequate and efficient transportation service consistent with the Interstate Commerce Act and the National Transportation Policy; that the burden cast on interstate commerce is undue in and to the extent that the present North Carolina intrastate rates and charges are less than they would be if increased to the same extent as the interstate rates and charges under the above mentioned increase proceedings; that the present North Carolina intrastate rates and charges give undue and unreasonable advantage and preference to intrastate shippers and subject interstate shippers of the same commodities to unreasonable prejudice and disadvantage; that conditions incident to the intrastate transportation of rail traffic in North Carolina are not more favorable than those incident to the interstate transportation of the same commodities from, to, or through North Carolina; that the establishment of the increase on intrastate rates and charges as sought in the petition will not result in unreasonable rates and charges, or in rates and charges that are unreasonable in relation to the interstate rates and charges, or in rates and charges that exceed maximum reasonable rates and charges; and establishment of increases in rates and charges as sought in the petition will increase by substantial amounts the revenues of the petitioners vitally needed to improve earnings and cash flow and to offset increased operating costs, enabling the petitioners to more nearly provide the type of service demanded by the shipping public; thus, petitioners request that the Commission

institute an investigation of the North Carolina intrastate rates and charges, under sections 13 and 15a(2) of the Interstate Commerce Act; that all railroads operating in the State of North Carolina be made respondents; that the Commission set the proceeding for early hearing and that due to the special expedition requirements of section 13(4) of the Act, the Commission omit a recommended report and order and enter an order removing the undue and unreasonable advantage, preference, and prejudice by prescribing for North Carolina intrastate rates and charges the same respective increases as are maintained by the railroads in their interstate rates between points in North Carolina and between points in North Carolina and adjoining States under the above mentioned increase proceedings;

It further appearing, that both protestants urge that the petition is premature in that the increases authorized in Ex Parte No. 281, Increased Freight Rates, 1972, have not been made permanent;

It further appearing, that the North Carolina Utilities Commission, the State Commission with authority to approve and fix North Carolina intrastate rates in its reply to the petition also denies most of the petitioners' allegations; urges that another investigation is not proper since the intrastate rates and charges are being considered in two other proceedings, Docket No. 35203 (Sub-No. 1), Intrastate Freight Rates and Charges 1969, 339 ICC 670, now on review in the U.S. District Court for the Eastern District of North Carolina in State of North Carolina v. Interstate Commerce Commission, Civil Action No. 2872, and Docket No. 35350, North Carolina Intrastate Rail Freight and Charges, 1970, now pending with the Interstate Commerce Commission; argues that the petitioners have not afforded the North Carolina Utilities Commission an opportunity to consider the intrastate increases which petitioners seek, and their attempt to invoke sections 13 and 15 of the Act for the purpose of securing increases in intrastate rates and charges is in violation of the Constitution of the United States and the amendments thereto reserving to the States the powers to regulate intrastate commerce, so long as such regulation does not interfere with interstate commerce and that proceedings to determine if intrastate rates and charges are an undue burden on interstate commerce should not lie until after the issues have been presented to the States for lawful consideration; argues that the petitioners do not allege specific instances of undue advantage, preference, or prejudice, as between persons or localities in intrastate commerce on the one hand and interstate commerce, on the other, so as to confer jurisdiction on the Interstate Commerce Commission under section 13(4) of the Act; and if the petition is not denied, it requests that the

petition be set for formal hearing at Raleigh, N.C., and that the request of the petitioners for omission of established hearing rules for the special expedition of the proceeding be denied;

It further appearing, That the North Carolina Utilities Commission moves to dismiss the petition as presented as lacking legal sufficiency on its face, and in support of the motion relies on arguments presented in the reply mentioned above, and in addition claims that the petition fails to show any action was taken by the North Carolina Utilities Commission to place the present North Carolina intrastate rail rates and charges into effect, or that the intrastate rates and charges assailed in the proceeding were "made or imposed by authority of any State," as required by sections 13(3), 13(4), and 15a(2) of the Act;

And it further appearing, that there have been brought in issue by the pleadings filed in this proceeding matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of North Carolina, which do not include increases maintained by the petitioners on similar traffic moving in interstate or foreign commerce; therefore,

It is ordered, That the State commission's motion be, and it is hereby denied for the reasons that the pleadings, petition, replies, and motion filed in the proceeding at this time establish that the present intrastate rates and charges were made or imposed by authority of the State of North Carolina within the purview of sections 13(3) and 13(4) of the Act, and that other matters raised in the motion are properly for determination in an investigation proceeding.

It is further ordered, That the petition for an investigation be and it is hereby granted, but that the request for omission of a report and recommended order be denied at this time.

It is further ordered, That an investigation be, and it is hereby, instituted under sections 13 and 15a(2) of the Interstate Commerce Act to determine whether the intrastate rates and charges of the petitioning carriers by railroad, or any of them, operating in the State of North Carolina, for the intrastate transportation of property, made or imposed by the State of North Carolina, as previously indicated cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those authorized on interstate traffic by the Commission in Ex Parte No. 281, Increased Freight Rates, 1972, and the increases the respondents in Ex Parte No. 281, Increased Freight Rates, 1972, proposed to establish effective May 1, 1972, and which were suspended, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce on the one hand, and those in interstate or foreign commerce, on the other, or any

undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges should be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist. Furthermore, the investigation shall determine whether the adjustment sought is in conformance with the requirements of the Price Commission, and whether the action considered herein significantly affects the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is further ordered, That all carriers by railroad operating within the State of North Carolina, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding.

It is further ordered, That all persons who wish actively to participate in this proceeding, and to file and to receive copies of pleadings, shall make known that fact by notifying this Commission in writing within 30 days after publication in the FEDERAL REGISTER. Although individual participation is not precluded, to conserve time and avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. The Commission desires

participation only of those who intend to take an active part in the proceeding.

It is further ordered, That a copy of this order be served upon each of the said petitioners, and upon George Katsafouros, Weyerhaeuser Co., Tacoma, Wash.; and that the State of North Carolina shall be served by sending copies of this order and the said petition by certified mail to the Governor of North Carolina, Raleigh, N.C., and the North Carolina Utilities Commission,¹ Raleigh, N.C.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein. Interested persons shall be afforded the opportunity to inspect pleadings at the Office of the Secretary of the Commission in Washington, D.C.

And it is further ordered, That this proceeding be assigned for hearing as may hereafter be designated.

By the Commission Division 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-11012 Filed 7-17-72; 8:50 am]

¹A copy of the order will be served on Edward B. Hipp, Commission Attorney, North Carolina Utilities Commission, Post Office Box 991, Raleigh, NC 27602, who has already submitted pleadings for this party.

DEPARTMENT OF COMMERCE

Office of the Secretary

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Notice of Public Meeting

At 10 a.m., July 26, 1972, the Exporters' Textile Advisory Committee will meet in Room 4833 of the Main Building of the Commerce Department in Washington, D.C. The meeting will be open to public observation but not public participation, with limited seating facilities available.

The Committee is intended to facilitate consultation between Government officials and businessmen concerning ways of increasing U.S. exports of textile and apparel products. The public information officer is:

Judith McConahy, Committee Secretary,
Office of Textiles, U.S. Department of Commerce.

The agenda for this meeting is:

1. Review of Export Data.
2. Export-Import Bank Assistance for Textile Exports.
3. Trade Mission Plans.
4. Other Business.

A roster of Committee members may be obtained from the public information officer.

STANLEY NEHMER,
Deputy Assistant Secretary,
for Resources.

[FR Doc.72-11187 Filed 7-17-72; 12:25 pm]

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federad register

TUESDAY, JULY 18, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 138

PART II



DEPARTMENT OF LABOR

Office of the Secretary



Work Incentive Program

Procedures for Administrative Hearings
and Appeals

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Correction

In F.R. Doc. 72-9275 appearing at page 12204 in the issue for Tuesday, June 20, 1972, § 56.1(d) should read as follows:

(d) "Appraisal" means the interview of a registrant by WIN staff and Separate Administrative Unit staff to determine employability potential and suitability for participation in the appropriate WIN service level.

PART 57—ADMINISTRATIVE HEARINGS AND APPEALS UNDER THE WORK INCENTIVE PROGRAM

Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new Part 57 to implement title IV of the Social Security Act as amended by Public Law 92-223, approved December 28, 1971. The new part sets forth the regulations of the Secretary of Labor and of the Secretary of Health, Education, and Welfare relating to administrative hearings and appeals procedures and requirements for disputes arising out of an individual's refusal or failure to accept employment or to participate in a Work Incentive program and to the conditions and procedures for review of registration determinations under section 402(a)(19)(A) of the Act. It is the policy of the Departments that rules relating to public property, loans, grants, benefits, or contracts shall be published notwithstanding the provisions of 5 U.S.C. sec. 553. Compliance with such requirements would involve a delay in implementing the hearings and appeals procedures pursuant to the Act which are effective July 1, 1972. Under the circumstances, we find that such delay would be impracticable and contrary to the public interest. Accordingly, the new Part 57 shall be effective upon publication in the FEDERAL REGISTER (7-18-72).

In accordance with the spirit of the above-mentioned public policy, interested parties may submit written comments, suggestions, data, or arguments to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210, within 30 days of the publication of the regulations contained in this part. Comments received will be available for public inspection in room 4424 of the Department of Labor's offices on Monday through Friday of each week from 9:00 a.m. to 5:30 p.m. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until it is revised, however, it shall remain effective, thus permitting the public business to proceed expeditiously.

Part 57 reading as follows is hereby added:

Sec. 57.0	Definitions.
57.1	Purpose and scope.
57.2	Notice of proposed termination of registrants/participants from the program or of other action.
57.3	Request for hearing.
57.4	Hearing procedures.
57.5	Conduct of hearings.
57.6	Decisions of the hearing officer.
57.7	Appeal from hearing officer's decision to State appellate body.
57.8	Appeal from hearing officer's decision to National Review Panel.
57.9	National Review Panel.
57.10	Nontermination protests.
57.11	Finality of decisions.
57.12	Separation or reinstatement.
57.13	Posttermination reacceptance.
57.14	Representation.

AUTHORITY: The provisions of this Part 57 are issued under 85 Stat. 803, 808, 42 U.S.C. §§ 602 and 639, unless otherwise noted.

§ 57.0 Definitions.

As used in this part and in agreements and contracts entered into pursuant to this part:

(a) "Act" means of title IV of the Social Security Act as amended by Public Law 92-223, December 28, 1971.

(b) "AFDC" (Aid to Families with Dependent Children) means a program authorized by title IV of the Social Security Act to provide financial assistance and social services to needy families with children.

(c) "Appraisal" means the interview of a registrant by WIN staff and Separate Administrative Unit staff to determine employability potential and suitability for participation in the appropriate WIN service level.

(d) "Certification" as used in § 57.10 means a written statement by the Separate Administrative Unit that requested self-support services are provided or arranged for a specific participant and that the individual is ready for employment or training or that no self-support services are needed and that the individual is at that time ready for employment or training.

(e) "DOL" means the U.S. Department of Labor.

(f) "Exempt" means an AFDC recipient who is not legally required to register for employment or training under the WIN program.

(g) "IMU" (Income Maintenance Unit) means the office where the applicant applies for AFDC benefits.

(h) "Job entry period" means the status of WIN participants who enter permanent, unsubsidized full-time employment. This status shall not exceed 90 days.

(i) "Manpower services" means those services provided by the WIN project staff designed to result in the training or employment of participants.

(j) "Participant" means a registrant who has been appraised and for whom an employability plan has been initiated by local WIN project and Separate Administrative Unit staff.

(k) "RMA" means Regional Manpower Administrator for the U.S. Department of Labor.

(l) "Registrant" means an AFDC recipient who has registered for manpower

services, training and employment as provided by the Act.

(m) "Registrant pool" means the entire group of registrants.

(n) "Registration" means the process whereby an AFDC applicant or recipient signs a completed registration card.

(o) "SAU" means Separate Administrative Unit of the social service agency established pursuant to section 402(a)(19)(G) of the Social Security Act, as amended, to administer the WIN program for that agency.

(p) "Secretary" means the Secretary of Labor.

(q) "State appellate body" means the body provided by the State WIN sponsor or State welfare agency to review decisions of the hearing officer.

(r) "State hearing officer" means the hearing officer provided by the State WIN sponsor to hear and decide disputes arising out of (1) registrants/participants' refusal or failure to accept employment or to participate in a work incentive program without good cause and (2) of exemption redeterminations of previously registered individuals.

(s) State welfare hearing officer" means the hearing officer provided by the State welfare agency, as agent of DOL, to hear and decide disputes arising out of initial registration and nonexemption determinations under section 402(a)(19)(A) of the Act.

(t) "WIN" means the Work Incentive program.

(u) "WIN sponsor" means the State Employment Service or other public or nonprofit private agency with which the RMA contracts to administer the WIN program at the State or local level.

§ 57.1 Purpose and scope.

This part sets forth the policies, rules, and regulations for administrative hearings and appeals procedures and requirements relating to disputes arising out of a registrant's/participant's refusal or failure to accept employment or to participate in a work incentive program without good cause and of exemption redeterminations of previously registered individuals. It also sets forth the conditions, procedures, and requirements relating to appeals from State welfare hearing officers' and State appellate bodies' decisions arising out of disputes under the registration requirements of section 402(a)(19)(A) of the Act. This part does not apply to initial exemption or non-exemption determinations made by local welfare agencies, as agents of the RMA, under § 56.4 of this subtitle. Hearings and appeals procedures, except as otherwise provided by this part, are governed by the State welfare agency's usual fair hearing procedures pursuant to 45 CFR 205.10.

§ 57.2 Notice of proposed termination of registrants/participants from the program or of other action.

(a) All efforts toward a resolution of disputes between the WIN staff and the registrant/participant because of his failure to accept employment or participate in the WIN program without good cause, or because of a claim of

exemption on the ground of a change of status, must be exhausted prior to the issuance of a notice of proposed termination from the WIN program or of a denial of a claim of exemption. If the dispute is not resolved, a notice of proposed termination or other determination shall be given to the registrant/participant personally or sent to him by certified mail.

(b) The notice of proposed termination or of a denial of a claim of exemption shall include—

(1) The reasons, in detail, for the action;

(2) An explanation of the significance of refusal to participate "without good cause";

(3) Notification of his right to request a hearing before a State hearing officer within seven (7) calendar days after the receipt of the notice;

(4) Instructions and required forms for requesting a hearing by a State hearing officer;

(5) An offer to assist him in preparing his request for a hearing; and

(6) An offer of an opportunity to discuss the proposed action with the WIN project supervisor prior to the expiration of the time period prescribed for filing a request for a hearing.

(c) Where written notification is mailed to the registrant/participant, he shall be informed of the proposed termination by a WIN staff member in person or by phone if at all possible.

(d) The requirements of this section do not apply to terminations where the registrant/participant (1) has successfully completed the job entry period and is regularly employed, (2) is being returned to welfare as exempt, or (3) is leaving welfare for other reasons.

§ 57.3 Request for hearing.

(a) Any registrant or participant who disagrees with a determination proposing to terminate him from the WIN program or who disagrees with a WIN project staff denial of a claim of exemption based on a change of status may, within seven (7) calendar days after the receipt of the notice of proposed termination or of the denial of a claim of exemption, request a hearing with the State hearing officer. Hearing rules of practice shall be published by the respective State agency providing the hearing and be made available to the registrant/participant requesting a hearing. The request for a hearing may be made orally or in writing by the registrant/participant or his duly authorized representative to the WIN project staff. Where the request is oral, the WIN project staff shall prepare the required forms on behalf of the registrant/participant. All forms whether completed by the WIN project staff or by the registrant/participant shall be forwarded together with the case record to the State hearing agency before the close of the next business day after receipt. Copies of such requests shall also be sent to the RMA. In each case the WIN project supervisor shall certify that the request was forwarded within the prescribed time period or provide a de-

tailed report of the circumstances of the delay where the request was not forwarded within the prescribed time period.

(b) State agency hearing rules of practice shall conform to standards prescribed by the Secretary and shall be submitted to the appropriate RMA for review and approval prior to publication.

§ 57.4 Hearing procedures.

(a) The hearing shall be conducted by a State hearing officer and shall include the registrant/participant; his duly authorized representative, and witnesses on his behalf, if any; and where appropriate, members of the WIN project and SAU staff and witnesses, if any. A member of of the WIN project staff shall have the primary responsibility for presenting the case before the hearing officer.

(b) Before the close of the next business day after receipt of the request by the State hearing agency, a notice of the hearing stating the date and place of the hearing and the issues to be heard, and a copy of the rules of practice shall be sent by certified mail to the registrant/participant and to other parties in interest. All hearings shall be held within seven (7) working days of the mailing of the notice of the hearing, but in no event shall a hearing be held less than seven (7) calendar days after the mailing of the notice.

(c) The hearing officer may at his discretion reschedule or approve a request for rescheduling a hearing.

§ 57.5 Conduct of hearings.

(a) All hearings shall be conducted with full regard to the requirements of due process of law to assure a fair and impartial hearing. The hearing officer shall—

(1) Administer oaths and affirmations;

(2) Issue subpoenas authorized by law;

(3) Rule on offers of proof and receive relevant evidence;

(4) Regulate the course of the hearing; and

(5) Take any other action necessary to insure an orderly hearing, including disqualification of a representative for improper conduct at the hearing.

(b) The testimony at the hearing shall be mechanically recorded. It shall be transcribed only as needed or when the hearing officer's decision is to be reviewed by an appellate body.

(c) The registrant/participant, and/or his representative, as well as the designated WIN project-SAU representative, shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(d) The hearing officer may participate in eliciting testimony of witnesses.

(e) The hearing officer shall receive and make part of the record documentary evidence offered by any party and accepted at the hearing and copies thereof shall be made available to other parties at the hearing at their request.

(f) The case record, or any portion thereof, shall be made available for inspection and copying by any party in

interest at, prior, or subsequent to the hearing upon his request.

(g) The hearing officer shall, if feasible, resolve the dispute at any time prior to the conclusion of the hearing.

§ 57.6 Decisions of the hearing officer.

(a) The hearing officer may rule in any of the following ways—

(1) That the registrant/participant has failed or refused to participate without good cause; or

(2) That the registrant/participant should be returned to the registrant pool without prejudice because he lacks the capacity to benefit from training or other manpower services; or

(3) That good cause has been shown for failure or refusal to participate and the participant should be retained in the program; or

(4) That the registrant/participant is exempt from the registration requirement and that he should be removed from the registration roll; or

(5) That the request for a hearing is dismissed because—

(i) It was filed untimely;

(ii) It has been withdrawn in writing by the registrant/participant or his duly authorized representative;

(iii) The registrant/participant has failed to appear at the hearing without good cause; or

(iv) That reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing.

In cases involving novel questions of law or policy, the hearing officer may, within 5 days after issuance of his written decision, certify the case for review and decision to the State appellate body or to the National Review Panel where the State did not provide for a State appellate procedure.

(b) The hearing officer shall, if possible, render an oral decision at the conclusion of the hearing. On the basis of the record compiled at the hearing, he shall, within three (3) working days of the close of the hearing prepare a written decision stating his findings and conclusion. Copies of the decision shall be served by certified mail on the registrant/participant, the appropriate WIN project staff and SAU, the RMA, and the local IMU where appropriate. The case record shall be returned to the WIN project staff. Instructions for appealing an adverse decision to the appropriate appellate body shall be attached to the registrant's/participant's copy.

§ 57.7 Appeal from hearing officer's decision to State appellate body.

(a) Where the State provides for an appellate procedure, a registrant/participant, or the WIN project sponsor, or the State welfare agency, who disagrees with a decision of the State hearing officer may, within 15 days after the hearing officer's written

decision, request a review of such decision by the State appellate body.

(b) Each State appellate body shall develop its rules of practice and shall submit them to the RMA for review and approval. After approval, such rules shall be published. In all cases, the individual, whether he is the appellant or the appellee, shall be furnished a copy of the rules of practice along with the notification of the receipt of the request for review.

(c) The State appellate body shall consider and decide appeals filed within the time period prescribed by paragraph (a) of this section. It shall within 30 days after receipt of the request for review prepare a written decision either affirming or reversing the hearing officer's decision or it may remand the case for further development of the evidence. The decision shall be based on its review of the hearing record and any additional evidence submitted or obtained in connection with its consideration of the appeal. The decision shall state the findings and reasons for the conclusion reached. Copies of the decision shall be served by certified mail on the registrant/participant, the appropriate WIN project staff and SAU, the RMA, the National Review Panel, and the local IMU where appropriate. Instructions for appealing an adverse decision to the National Review Panel and the conditions under which the National Review Panel will consider an appeal shall be attached to the registrant's/participant's copy of the decision.

(d) A State appellate body may, in appeals involving novel questions of law or policy, certify the case within 5 days after its decision to the National Review Panel for review and decision.

§ 57.8 Appeals from hearing officer's decision to National Review Panel.

If the State does not provide for an appellate procedure either from a decision of a State hearing officer arising out of a dispute on the refusal or failure to participate without good cause or on exemption redeterminations, or from a decision of a State welfare hearing officer arising out of a dispute on an initial exemption determination, an aggrieved individual or the WIN project sponsor or the State welfare agency who disagrees with a decision of the State hearing officer or the State welfare hearing officer may, within 15 days after the hearing officer's written decision, as a matter of absolute right, request a review of such decision by the National Review Panel.

§ 57.9 National Review Panel.

(a) The National Review Panel shall be composed of the DOL Chief Hearing Examiner and eight (8) hearing examiners appointed pursuant to Administrative Procedure Act requirements and designated by the Chief Hearing Examiner to serve as members of the panel. The panel shall be located in Washington, D.C., but it may, in its discretion, sit anywhere in the United States, Guam, Puerto Rico, or the Virgin Islands. In considering the appeals

before it, it may sit in panels composed of three members. The DOL Chief Hearing Examiner also may designate any qualified APA hearing examiner employed by DOL to review or hear a particular appeals case and to submit his findings and recommendations to the National Review Panel or any duly designated panel thereof.

(b) The panel shall publish its rules of practice and provide the appellant and any party in interest with a copy of such rules with its notification of the acceptance of the appeal.

(c) The panel has jurisdiction to—

(1) Consider and decide appeals filed by aggrieved individuals, or by WIN project sponsors or State welfare agencies, from State hearing officers' decisions or State welfare hearing officers' decisions where the State did not provide for an appellate procedure;

(2) Consider and decide cases wherein, in the exercise of its discretion, it accepted certification of the case to it by the State appellate body, or in the absence of a State appellate body, by the State hearing officer or by the State welfare hearing officer, because they involve novel questions of law or policy;

(3) Consider and decide cases which it, on its own motion, requested a State appellate body or, in the absence of a State appellate body, the State hearing officer or the State welfare hearing officer after he had issued his decision, to certify to it;

(4) At its discretion, consider and decide appeals filed by aggrieved individuals, or by the WIN project sponsors, or the State welfare agencies, from State appellate bodies' decisions;

(5) Monitor the consistency, legal sufficiency, and quality of cases handled by State adjudicative bodies in cases arising out of the registration and exemption requirements under § 56.4, of this subtitle, of exemption redeterminations of registrants/participants, and of refusal or failure to accept employment or participate in the WIN program without good cause.

(d) Applications for review must be filed within 15 days of the date of the written decision from which the appeal is taken. Applications for review for persons residing in the Commonwealth of Puerto Rico, the Virgin Islands, or Guam shall be filed within 30 days of the date of an appealable decision.

(e) The panel may hold additional hearings where it deems necessary, in the interest of justice, to do so.

(f) In cases involving accepted appeals under paragraph (c) of this section, the panel shall, as expeditiously as possible prepare a written decision setting forth its findings, the reasons for the conclusion, and an appropriate order. The decision shall be based on the hearing record and any additional evidence submitted or obtained. The decision may consist of affirmance, reversal, remand for further development of the evidence, or other appropriate action. Copies of the decision shall be sent by certified mail to appropriate parties in interest. In cases where in the exercise of its discretion the panel denied the request

for review, the appellant and parties in interest shall be notified by certified mail of such denial within 15 days of the receipt of the request.

§ 57.10 Nontermination protests.

An individual may accept either registration, appraisal, certification or referral to employment or training without prejudicing his right to protest these actions. Such protest shall be handled in the same manner as if he had, in fact, refused to participate in the WIN project.

§ 57.11 Finality of decisions.

(a) The notice of proposed termination or denial of a claim of exemption based on a change of status, or subsequent decision of the WIN project supervisor, shall be the final decision of the Secretary if the registrant/participant does not request a hearing within the prescribed time period or the request for a hearing is dismissed. Where a hearing is held and a request for a review of the hearing officer's decision is not filed within the prescribed time period, the written decision of the hearing officer shall be the final decision of the Secretary. Where the hearing officer's decision was reviewed by a State appellate body, or by the National Review Panel where the State did not provide for an appellate procedure, the decision based on such review shall be the final decision of the Secretary except in those cases where the National Review Panel has granted certiorari to review the decision of the State appellate body or on its own motion requested certification to it of a particular case for review. The National Review Panel is the highest level of administrative appeal and its decision shall be the final decision of the Secretary in all cases considered and reviewed by it.

(b) Final decisions of the Secretary shall be binding on all affected parties as to the subject matter reviewed and shall not be subject to review by any other Federal or State agency or hearing officer.

§ 57.12 Separation or reinstatement.

(a) WIN benefits under Part C of the Act shall cease and the 60-day counseling period by SAU shall commence to run on the fifth business day after—

(1) The expiration of the prescribed time period for filing a request for a hearing by a State hearing officer from a notice of proposed termination or the date the request for a hearing is dismissed;

(2) If a hearing has been held, the date of the hearing officer's written decision finding that the participant has refused or failed to accept employment or participate in a WIN program activity without good cause; or

(3) The State appellate body or the National Review Panel, upon appeal by the State WIN sponsor or State welfare agency, renders a decision adverse to the registrant/participant.

The SAU staff shall immediately be notified by the WIN project staff of all of the foregoing actions.

(b) Where a State hearing officer's adverse decision is reversed on appellate review, the participant shall be paid such retroactive benefits as may be applicable and where appropriate he shall be reinstated in the program activity.

§ 57.13 Post-termination reacceptance.

(a) A participant certified to the WIN program pursuant to § 56.5(c) of this subtitle who was found to refuse or fail to accept employment or to participate in a WIN program without good cause shall be entitled to only one 60-day counseling period by the SAU unless unusual circumstances warrant another period of counseling. At any time during this period, he may be reaccepted in the WIN program if he agrees to comply with program requirements.

(b) Individuals whose AFDC benefits were terminated on the basis of a "without good cause" determination may, upon application, again register for manpower

services provided 90 days have elapsed since the termination of their AFDC benefits and they have given evidence to the WIN project staff of willingness to participate.

(c) Individuals who had been reaccepted into the WIN program after termination for good cause and who subsequently are terminated for refusal or failure to accept employment or participate without good cause shall not be registered for manpower services or reaccepted in the WIN program unless he has given satisfactory evidence to the WIN project staff of willingness to participate and six (6) months have elapsed since the effective date of the latest termination action.

(d) Reacceptance in the WIN program may be denied where the termination action was the result of the participant's disruptive behavior or of criminal or other activities which presented a hazard to the staff or other participants.

Reacceptance may also be denied where the WIN project staff determines that the individual's 60-day counseling had not been successful and that his readmission would be disruptive to the orderly administration of the activity.

§ 57.14 Representation.

An individual may represent himself or be represented upon satisfactory proof of authorization, by legal counsel or by other spokesman of his choice in any proceeding arising out of section 402(a) (19) (A) or Part C of the Act.

Signed at Washington, D.C., this 13th day of July 1972.

J. D. HODGSON,
Secretary of Labor.

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

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PART III



PAY BOARD

■

**Prenotification and reporting
requirements and stabilization
of wages and salaries**

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

PART 201—STABILIZATION OF WAGES AND SALARIES

Retrospective Increases

The purpose of the amendments set forth below is to correct and clarify the amendments relating to retroactive increases, 37 F.R. 12498 (1972), and, because of concern relating to the \$3 rate with respect to the catch-up exception and the method of calculating this rate, to clarify the amendments relating to the catch-up exception, 37 F.R. 12962 (1972). Other amendments relate to recent decisions made by the Pay Board with respect to State and local governments. Since such amendments are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11,640, as amended, the Board finds that the time for submission of written comments by interested persons in accordance with the usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days. As previously announced by the Board, 37 F.R. 7557 (1972), comments on Pay Board regulations will be solicited and public hearings will be held upon recodification of the regulations. The substance of the amendments set forth below will be included in such recodification as a notice of proposed rule making.

(Economic Stabilization Act of 1970, as amended (Public Law 92-210, 85 Stat. 743), Executive Order No. 11,640, 37 F.R. 6175 (1972), as amended, and Cost of Living Council Order No. 3, 36 F.R. 20202 (1971), as amended)

Effective date. These amendments are effective on and after November 14, 1971.

GEORGE H. BOLDT,
Chairman.

PARAGRAPH 1. Section 201.3 is amended by revising the definition of "appropriate employee unit" to read as follows:

§ 201.3 Definitions.

"Appropriate employee unit" includes a group composed of all employees in a bargaining unit or in a recognized employee category. Such bargaining unit or employee category may exist in a plant or other establishment or in a department thereof, or in a company, or in an industry, or in a governmental unit or in an agency or instrumentality thereof, and shall be determined so as to preserve, as nearly as possible, contractual or historical wage and salary relationships.

PAR. 2. Section 201.11 is amended by revising the introductory material and subdivisions (i) through (iii) in paragraph (a) (3), by revising paragraph

(a) (6), and by revising paragraph (d) to read as follows:

§ 201.11 Criteria for exceptions.

(a) *In general.* * * *

(3) *Catchup increases.* Subject to the provisions of this subparagraph, the maximum permissible annual aggregate wage and salary increase with respect to an appropriate employee unit shall not exceed 7 percent for the control year in which such exception is claimed. Except as provided in subdivision (iii) (c) of this subparagraph, this exception may be claimed only for catchup increases pursuant to a successor employment contract entered into or a pay practice established prior to November 14, 1972.

(i) *Employment contracts.* If the sum of the annual percentage of increases, computed pursuant to subdivision (iv) of this subparagraph with respect to a prior succeeded employment contract, is less than the sum of a percentage increase of 7 percent per year for each year of such prior succeeded contract, the difference between such two sums may be added to 5.5 percent to determine the maximum permissible annual aggregate wage and salary increase for the appropriate control year under the successor contract.

(ii) *Pay practices.* If the sum of the annual percentage of increases, computed pursuant to subdivision (iv) of this subparagraph with respect to a pay practice, is less, in the preceding 3 years, than the sum of a percentage increase of 7 percent per year for each of such preceding 3 years, the difference between such two sums may be added to 5.5 percent to determine the maximum permissible annual aggregate wage and salary increase for the appropriate control year under a pay practice.

(iii) *Special rules—(a) Limitation.* Except as provided in (b) of subparagraph (3) (iii), of this paragraph, the exceptions provided in subdivisions (i) and (ii) of this subparagraph may be claimed with respect to the appropriate control year under a successor employment contract that succeeds a contract expiring on or after July 1, 1972, or under a pay practice established on or after July 1, 1972, only if the average straight time hourly rate determined at the expiration of the prior succeeded contract or immediately prior to the establishment of the pay practice for which the exception is claimed is \$3 or less. The average straight time hourly rate shall be determined pursuant to § 201.55. If a successor contract succeeds a contract expiring on or before June 30, 1972, and is entered into on or after July 1, 1972, the exception provided under subdivision (i) of this subparagraph may be claimed without regard to the \$3 limitation.

(b) *Certain pay practices.* The limitation set forth in subdivision (a) of subparagraph (3) (iii) of this paragraph shall not apply to a pay practice established by an employer which is a State or local governmental unit or an instrumentality thereof, if—

(1) Such pay practice next succeeds a pay practice which expired prior to July 1, 1972, and

(2) Such employer was prevented by the law of the jurisdiction from establishing such successor pay practice prior to July 1, 1972.

(c) *Waiver of cutoff date.* A catch-up exception may be claimed by an employer which is a State or local governmental unit or an instrumentality thereof with respect to a pay practice which next succeeds a pay practice expiring prior to July 1, 1972, even if such successor pay practice is not established prior to November 14, 1972.

(6) *Governmental wage determinations.* In any case to which the provisions of § 201.57(f) (relating to exclusions from adjustment computations with respect to Federal agency wage determinations and State and local prevailing wage laws) apply, the Pay Board (or its delegate) may grant an exception to the general wage and salary standard in order to permit an increase for those employees in the same appropriate employee unit who work at the same site, plant, or location who have not received an increase pursuant to such section sufficient to maintain average historical wage and salary differentials among jobs, job classifications, or positions. The average historical wage and salary differential shall be determined over the preceding 3 years and must be consistent with prior practice during such period. Such differential must have been in effect within the unit for at least 3 years. In the event that such unit has been in existence for less than 3 years or if the average historical wage and salary differential is not representative because of corrections made in such differentials to end inequities Board reviews new contracts and pay Board (or its delegate) may determine the average historical wage and salary differential by reference to the period of the unit's existence or by reference to the differential existing after any such corrections.

(d) *Additional criteria.* When the Board reviews new contracts and pay practices, and in its development of additional criteria for exceptions, it shall consider such factors as on-going collective bargaining and pay practices, the equitable position of the employees involved and such other factors as are necessary to foster economic growth, to promote improvement in the quality of governmental service, and to prevent gross inequities, hardships, serious market disruptions, domestic shortages of raw materials, localized shortages of labor, and windfall profits.

PAR. 3. Section 201.18 is amended by revising subparagraphs (2) and (3) of paragraph (a) and by revising subparagraphs (3) and (4) of paragraph (d) to read as follows:

§ 201.18 Increases in wages and salaries scheduled after November 13, 1971, for services rendered in certain periods on or before such date.

(a) *In general.* * * *

(2) *Successor agreement, schedule, or practice adopted after November 13,*

1971. Such employment contract or pay practice was followed by a successor contract or by a successor pay practice after November 13, 1971,

(3) *Retroactivity prior to August 15, 1971. Retroactivity—*

(i) Had been agreed to by the parties prior to August 15, 1971, or had been provided for in the immediately preceding two employment contracts (including the prior succeeded contract) terminating prior to August 15, 1971, or

(ii) Was provided for by the employer in the immediately preceding two pay practices (including the prior succeeded pay practice) terminating prior to August 15, 1971, and

(d) *Procedures for payment.* * * *

(3) *Category II pay adjustment.* In the case of a Category II pay adjustment (as defined in § 101.23 of this title), the employer shall determine that the requirements of this section have been fulfilled and within 10 days of making such adjustment shall report the adjustment (and any subsequent adjustments for the control year) to the Board. Such report shall include a certification that the requirements of this section have been fulfilled.

(4) *Category III pay adjustment.* In the case of a Category III pay adjustment (as defined in § 101.25 of this title) the employer shall determine that the requirements of this section have been fulfilled and within 10 days of making such adjustment shall report the adjustment (and any subsequent adjustments for the control year) to the appropriate district director of Internal Revenue if the total of such adjustments exceeds the general and wage salary standard. Such report shall include a certification that the requirements of this section have been fulfilled.

PAR. 4. Section 201.57 is amended by revising paragraph (f) as follows:

§ 201.57 Exclusions from adjustment computations.

(f) *Governmental wage determinations—*(1) *Federal agency wage determinations.* That portion of any increase in wages and salaries required to be paid as a result of wage determinations made by any agency in the executive branch of the Federal government pursuant to law for work (i) performed under contract with, or to be performed with financial assistance from the United States or the District of Columbia, or any agency or instrumentality thereof, or (ii) performed by aliens who are immigrants or who have been temporarily admitted to the United States pursuant to the Immigration and Nationality Act, 66 Stat. 166, as amended, which, with respect to an appropriate employee unit, would (except for the application of this subparagraph) cause the total of wage and salary increases to exceed the maximum permissible annual aggregate wage and salary increase.

(2) *State and local prevailing wage laws.* That portion of any increase in

wages and salaries required to be paid pursuant to the terms of (or under an order issued pursuant to the terms of) a prevailing wage law of a State or local government for work performed under contract with, or to be performed with financial assistance from a State or any agency, instrumentality, or subdivision of a State, which, with respect to an appropriate employee unit, would (except for the application of this subparagraph) cause the total of wage and salary increases to exceed the maximum permissible annual aggregate wage and salary increase.

PAR. 5. Part 201 is amended by deleting Appendices B through D.

[FR Doc.72-11174 Filed 7-17-72;11:40 am]

PART 201—STABILIZATION OF WAGES AND SALARIES

Subpart E—Nonunion Construction

The purpose of the amendments set forth below is to incorporate the provisions of a Pay Board resolution regarding nonunion construction pay increases, announced in Pay Board News Release PB-97, dated June 9, 1972. The resolution and these amendments provide treatment for nonunion construction increases in a local labor market area where basic wage rates for substantially similar work covered by collective bargaining agreements have been approved by the Construction Industry Stabilization Committee.

Since such amendments are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11,640, as amended, the Board finds that the time for submission of written comments by interested persons in accordance with the usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days. As previously announced by the Board, 37 F.R. 7557 (1972), comments on Pay Board regulations will be solicited and public hearings will be held upon recodification of the regulations. The substance of the amendments set forth below will be included in such recodification as a notice of proposed rule making.

Effective date. These amendments are effective on and after November 14, 1971. To the extent that any employer of included nonunion construction employees (§ 201.84) has granted in good faith, wage and salary increases which are in excess of the maximum permissible annual aggregate wage and salary increase determined pursuant to § 201.85(c), but which are within the maximum permissible annual aggregate wage and salary increase within the meaning of that term in § 201.3, prior to July 18, 1972, the granting of such excess increases shall not be considered a violation within the meaning of § 201.17.

GEORGE H. BOLDT,
Chairman of the Pay Board.

Part 201 is amended by adding immediately after Subpart D and before the appendices a new Subpart E to read as follows:

Subpart E—Nonunion Construction

- Sec. 201.81 Scope.
- 201.82 Definitions.
- 201.83 Excluded nonunion construction employees.
- 201.84 Included nonunion construction employees.
- 201.85 Computational rules.
- 201.86 Reporting requirements.

AUTHORITY: The provisions of this subpart E issued under the Economic Stabilization Act of 1970, as amended (Public Law 92-210, 85 Stat. 743), Executive Order No. 11,640, 37 F.R. 1213 (1972) as amended by Executive Order No. 11,650, 37 F.R. 6175 (1972), and Cost of Living Council Order No. 3, 36 F.R. 20202 (1971), as amended.

Subpart E—Nonunion Construction

§ 201.81 Scope.

(a) *Purpose.* The purpose of this subpart is to provide rules and standards for the stabilization of wages and salaries payable to certain employees engaged in construction who are not covered by the terms of a collective bargaining agreement. Such employees are hereinafter referred to as nonunion construction employees.

(b) *Conflict with other provisions.* To the extent that any provision of this chapter is inconsistent with the provisions of this subpart, the provisions of this subpart shall control.

§ 201.82 Definitions.

For purposes of this subpart, the term—

(a) "Appropriate employee unit" means the same as under § 201.3, except that such unit shall be restricted to nonunion construction employees who work at a jobsite in a particular craft (or similar classification) and in a local labor market area where union construction employees in such craft have received an approved union increase.

(b) "Approved union increase" means the total amount of increases (determined pursuant to § 201.85) in the basic wage rate approved on or after March 29, 1971, by the Construction Industry Stabilization Committee for members of a particular craft engaged in construction as union construction employees at jobsites in a local labor market area. Such term does not include increases approved by such Committee with respect to employer contributions to qualified benefit plans within the meaning of § 201.58(b).

(c) "Basic wage rate" means the highest straight-time hourly rate plus benefits (excluding employer contributions to qualified benefit plans as defined in § 201.58(b)) approved for payment to union construction employees in a local labor market area by the Construction Industry Stabilization Committee. Such rate shall be expressed in dollars and cents.

(d) "Construction" means that work defined by section 11(a) of Executive Order No. 11,588, 36 F.R. 6339 (1971).

(e) "Construction Industry Stabilization Committee" means the committee established pursuant to section 1 of Executive Order No. 11,588, as amended.

(f) "Control year" means the 12-month period beginning on November 14,

1971, and ending on November 13, 1972.

(g) "Craft" means a classification of mechanic or laborer engaged in construction at a job site.

(h) "Local labor market area" means the geographical area in the United States within which labor is normally recruited for work at a construction job site. Such area may include, e.g., a city, county, town, or other civil subdivision of the State in which the work is to be performed.

(i) "Maximum permissible annual aggregate wage and salary increase" means the increase determined pursuant to § 201.85 or an increase approved by the Pay Board pursuant to § 201.84(d).

(j) "Pre-freeze increase" means, with respect to an appropriate employee unit, the increase (expressed in dollars and cents) in the base compensation rate excluding employer contributions to qualified benefit plans (as defined in § 201.58(b)) for the period beginning on March 29, 1971, and ending on August 14, 1971.

(k) "Union construction employees" means members of a particular craft engaged in construction at a job site who are covered by the terms of a collective bargaining agreement.

(l) "Wages and salaries" means the same as under § 201.3.

§ 201.83 Excluded nonunion construction employees.

(a) *Off-site employees.* If employees of an employer who employs nonunion construction employees are not engaged in construction at the job site (e.g., office personnel, officers of the employer corporation, salaried supervisors or superintendents, etc.) such employees are excluded from the coverage of §§ 201.84 through 201.86 and are therefore subject to the standard, criteria for exceptions and other provisions of this part. See Subparts A, B, C, and D of this part. Thus, such employees may not be included in an appropriate employee unit subject to the provisions of §§ 201.84 through 201.86.

(b) *On-site employees.* If nonunion construction employees of a particular craft are engaged in construction at the job site, but union construction employees of the particular craft are not working in the same local labor market area, such nonunion construction employees are excluded from the coverage of §§ 201.84 through 201.86 and are therefore subject to the standard, criteria for exceptions, and other provisions of this part. See Subparts A, B, C, and D of this part. Thus, such employees may not be included in an appropriate employee unit subject to the provisions of §§ 201.84 through 201.86.

§ 201.84 Included nonunion construction employees.

(a) *General rule.* Nonunion construction employees in a particular craft working at a job site in a local labor market area may be granted a wage and salary increase (expressed in dollars and cents) that exceeds the standard, if union construction employees perform the same or substantially similar work at job sites

in the same local labor market area. Notwithstanding the preceding sentence, except as provided in paragraph (d) of this section, no wage and salary increase for the control year may be granted to such nonunion construction employees in excess of the maximum permissible annual aggregate wage and salary increase determined pursuant to § 201.85(c).

(b) *Special rule.* Except as provided in paragraph (d) of this section, if an employer of nonunion construction employees enters a local labor market area for the first time, and union construction employees in a particular craft are subject to a basic wage rate for such area, such nonunion construction employees, performing the same or substantially similar work at a construction site in such area, may not be paid by such employer at a rate which exceeds the basic wage rate with respect to such craft in such area.

(c) *Fringe benefits*—(1) *Included benefits.* A wage and salary increase granted pursuant to paragraph (a) of this section, or a basic wage rate paid pursuant to paragraph (b) of this section, shall include increases or amounts, as appropriate, attributable to the secondary effect of increases in the straight-time hourly rate as part of such wage and salary increase or basic wage rate.

(2) *Qualified benefits.* Any wage and salary increase in employer contributions to a qualified benefit plan (as defined in § 201.58(b)), which is granted to nonunion construction employees subject to the provisions of paragraph (a) or (b) of this section, shall be subject to the qualified benefits standard and other appropriate rules in this part.

(d) *Essential employees.* An exception may be granted to an employer of nonunion construction employees who is unable to recruit or retain employees of a particular craft essential to the efficient operation of such employer's business. Thus, nonunion construction employees otherwise subject to the provisions of this section may be granted a wage and salary increase in excess of the maximum permissible annual aggregate wage and salary increase or, if appropriate, may be paid at a rate in excess of the basic wage rate for the local labor market area, if the payment of such excess has received prior approval of the Pay Board. A request for such exception shall be submitted on forms prescribed by the Pay Board and shall provide, in sufficient detail, evidence to support the grant of such exception.

§ 201.85 Computational rules.

(a) *In general.* The purpose of this section is to prescribe the method for determining the maximum permissible annual aggregate wage and salary increase payable in the control year with respect to an appropriate employee unit of included nonunion construction employees (§ 201.84). This section also prescribes the method of determining the percentage relationship of such increase to the standard and the method of determining approved union increases.

Any request for an exception pursuant to § 201.84(d) shall include the computations prescribed in this section.

(b) *Approved union increase.* The approved union increase shall be determined by computing an amount (expressed in dollars and cents per hour) equal to the excess, if any, of—

(1) The approved basic wage rate being paid to union construction employees working in a particular craft in a local labor market area on the date proposed for payment of increases to included nonunion construction employees (§ 201.84), over

(2) The highest straight-time hourly rate plus benefits (excluding employer contributions to qualified benefit plans as defined in § 201.58(b)) for such union construction employees in effect on March 28, 1971.

(c) *Maximum permissible annual aggregate wage and salary increase.* The maximum permissible annual aggregate wage and salary increase shall be determined by computing an amount (expressed in dollars and cents per hour) equal to the excess if any, of—

(1) The approved union increase determined as of the date proposed for payment of increases to included nonunion construction employees (§ 201.84), over

(2) The prefreeze increase paid to such nonunion construction employees.

(d) *Percentage relationship to standard.* For purposes of § 201.86, a percentage shall be determined by dividing the maximum permissible annual aggregate wage and salary increase with respect to the appropriate employee unit for the control year, by the base compensation rate excluding employer contributions to qualified benefit plans as defined in § 201.58(b) in effect for such unit on the base date (November 13, 1971).

§ 201.86 Reporting requirements.

(a) In addition to the requirements of Part 202 of this chapter, wage and salary increases granted pursuant to § 201.84(a) shall be reported to the Pay Board by the employer on forms prescribed by the Board within 14 days after such increases have been put into effect, if such increases are in excess of the standard (§ 201.85(d)).

(b) An employer of included nonunion construction employees, who first enters a local labor market area and pays a basic rate pursuant to § 201.84(b), shall submit a report to the Pay Board, on forms prescribed by the Board, within 14 days after such payment.

(c) Wage and salary increases excluded from the coverage of this subpart by § 201.84(c) (2) shall be subject to the applicable provisions of Part 202 of this chapter.

[FR Doc.71-11173 Filed 7-17-72; 11:40 am]

PART 202—PRENOTIFICATION AND REPORTING

The purpose of the amendments set forth below is to clarify existing Pay Board regulations which were published on December 31, 1971, 36 F.R. 25429

(1971). Since such amendments are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11,640, as amended, the Board finds that the time for submission of written comments by interested persons in accordance with the usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days. As previously announced by the Board (37 F.R. 7557, April 15, 1972), comments on Pay Board regulations will be solicited and public hearings will be held upon recodification of the regulations. The substance of the amendments set forth below will be included in such recodification as a notice of proposed rule making.

Effective date. These amendments are effective on and after November 14, 1971.

GEORGE H. BOLDT,
Chairman of the Pay Board.

Part 202 is amended to read as follows:

Subpart A—Introduction

- Sec.
- 202.1 Purpose.
- 202.2 Classification and reclassification.
- 202.3 Definitions.

Subpart B—Category I Pay Adjustments

- 202.10 Prenotification and reporting requirements.

Subpart C—Category II Pay Adjustments

- 202.20 Prenotification and reporting requirements.

Subpart D—Category III Pay Adjustments

- 202.30 Prenotification and reporting requirements.

AUTHORITY: The provisions of this Part 202 issued under Economic Stabilization Act of 1970, as amended; Public Law 92-210, 85 Stat. 743; Executive Order No. 11640, 37 F.R. 1213 (1972), as amended by Executive Order No. 11660, 37 F.R. 6175 (1972); and Cost of Living Council Order No. 3, 36 F.R. 20202 (1972), as amended.

Subpart A—Introduction

§ 202.1 Purpose.

The purpose of the regulations in this part is to establish rules for prenotification and reporting with respect to wage and salary payments made (or proposed to be made) to employees on or after November 14, 1971. These rules are designed to provide an orderly system for compliance with the objectives of the Pay Board and the Cost of Living Council in stabilizing wages and salaries. All persons are required by law to comply with the provisions of the Economic Stabilization Act of 1970, as amended, and all Executive orders, regulations (including this regulation), circulars, and orders issued thereunder, and all persons are expected to comply voluntarily with such law, orders, and regulations. The interpretation of the regulations in this part is to be made in good faith and in a manner consistent with the policy of the Economic Stabilization Act of 1970, as amended.

§ 202.2 Classification and reclassification.

(a) For purposes of the regulations in this chapter—

(1) *Category I.* A Category I pay adjustment means a pay adjustment which—

(i) Applies to or affects an appropriate employee unit containing 5,000 or more employees; or

(ii) Applies to or affects any number of employees who are engaged in construction and is pursuant to a collective bargaining agreement.

(2) *Category II.* A Category II pay adjustment means a pay adjustment which applies to or affects an appropriate employee unit containing more than 999 and fewer than 5,000 employees and which is not defined as a Category I pay adjustment within the meaning of subparagraph (1) (ii) of this paragraph.

(3) *Category III.* A Category III pay adjustment means a pay adjustment which applies to or affects an appropriate employee unit containing fewer than 1,000 employees and which is not defined as a Category I pay adjustment within the meaning of subparagraph (1) (ii) of this paragraph.

(b) Reclassification of pay adjustments: For provisions with respect to reclassification of pay adjustments, see § 101.29 of this title.

§ 202.3 Definitions.

For purposes of this part, the term—
“Appropriate employee unit” or “unit” means a group of employees as defined in § 201.3, or, if appropriate, § 201.82(a) of this chapter.

“Construction” means that work defined by section 11(a) of Executive Order No. 11588, 36 F.R. 6339 (1971).

“Control year” means, with respect to an appropriate employee unit, the period of time determined pursuant to § 201.53, or, if appropriate, § 201.82(f) of this chapter.

“Fiscal year” means an employer’s customary fiscal accounting period.

“General wage and salary standard” means the standard defined in § 201.10 of this chapter.

“Pay adjustment” means a change in wages and salaries as defined in § 201.3 of this chapter.

“Pay Board” or “Board” means the Pay Board established pursuant to Executive Order No. 11640, 37 F.R. 1213 (1972), as amended.

“Prenotification” means notice submitted to the Pay Board, relating to a proposed pay adjustment, on forms and pursuant to instructions prescribed by the Board.

“Report” means notice submitted to the Pay Board or its delegate, relating to a pay adjustment put into effect, on forms and pursuant to instructions prescribed by the Board.

Subpart B—Category I Pay Adjustments

§ 202.10 Prenotification and reporting requirements.

(a) *General rule.* Except as provided in paragraph (b) of this section, a Category I pay adjustment shall not be put into effect unless prenotification of such proposed pay adjustment has been submitted to the Pay Board and the Pay Board has approved such proposed pay adjustment. Generally, prenotification

shall be submitted not less than 60 days prior to the effective date of such proposed pay adjustment, or as soon thereafter as the amount and timing of such proposed pay adjustment have been determined.

(b) *Special rules—*(1) *State and local governments.* Prenotification of a Category I pay adjustment which applies to or affects the employees of a State or local government and which does not exceed the general wage and salary standard need not be submitted to the Pay Board. A report of such a pay adjustment shall be made to the Pay Board within 10 days after the pay adjustment is put into effect, unless the employer has certified to the Pay Board at the beginning of the fiscal year in which the pay adjustment is effective, and each 6 months thereafter, that all pay adjustments made by the employer are not in excess of the general wage and salary standard for the appropriate control year.

(2) *Existing contracts and pay practices previously set forth.* Category I pay adjustments made pursuant to the terms of employment contracts and pay practices previously set forth which existed prior to November 14, 1971, are subject to the prenotification requirements of § 201.14 of this chapter and may be implemented only in accordance with the procedures prescribed therein. Except as provided in § 201.14, such Category I pay adjustments may be put into effect without prior approval of the Pay Board.

(3) *Retroactivity.* A Category I pay adjustment which is within the provisions of § 201.13, § 201.15, or § 201.18 of this chapter is subject to the prenotification and reporting requirements of the applicable section and may be implemented only in accordance with the procedures prescribed therein.

(4) *Construction contracts.* A Category I pay adjustment which applies to or affects employees who are engaged in construction and which is determined pursuant to a collective bargaining agreement shall not be put into effect unless prenotification of such proposed pay adjustment has been submitted to the Construction Industry Stabilization Committee and the Construction Industry Stabilization Committee has approved such proposed pay adjustment.

(5) *Executive and variable compensation.* A Category I pay adjustment which is within the provisions of Subpart D of Part 201 of this chapter is subject to the prenotification and reporting requirements of such subpart and may be implemented only in accordance with the procedures prescribed therein. An application for an exception to the provisions of such subpart shall be submitted to the Pay Board in accordance with the procedures set forth in Part 205 of this chapter.

(6) *Individual increases.* Prenotification of proposed Category I pay adjustments affecting individual employees within an appropriate employee unit during a control year (e.g., through operation of a merit plan, whether or not “qualified” under § 201.11(a)(5) of this chapter, which provides for individual increases on a random or variable

timing basis) shall be submitted to the Pay Board—

(i) with respect to such pay adjustments during the first half of such control year, not less than 60 days prior to the beginning of such control year, or as soon thereafter as the amount and timing of such proposed pay adjustments have been determined, and

(ii) with respect to such pay adjustments during the second half of such control year, not less than 60 days prior to the midpoint of such control year, or as soon thereafter as the amount and timing of such proposed pay adjustments have been determined.

(c) *Monitoring and spot checks.* Category I pay adjustments shall be subject to monitoring and spot checks after being put into effect.

Subpart C—Category II Pay Adjustments

§ 202.20 Prenotification and reporting requirements.

(a) *General rule.* Except as provided in paragraph (b) of this section, a Category II pay adjustment which does not exceed the general wage and salary standard, or which is subject to the provisions of § 201.14 of this chapter (i.e., pursuant to the terms of an employment contract or pay practice previously set forth which existed prior to November 14, 1971), or which is within the provisions of § 201.11(a) (3), (4), or (5) of this chapter may be put into effect without prior approval of the Pay Board. Except as provided in paragraph (b) of this section, a report of such a Category II pay adjustment shall be made to the Pay Board within 10 days after the pay adjustment is put into effect.

(b) *Special rules—(1) State and local governments.* A Category II pay adjustment which applies to or affects the employees of a State or local government and which does not exceed the general wage and salary standard need not be reported to the Pay Board, provided that the employer has certified to the Pay Board, at the beginning of the fiscal year in which the pay adjustment is effective, and each 6 months thereafter, that all pay adjustments made by the employer are not in excess of the general wage and salary standard for the appropriate control year.

(2) *Existing contracts and pay practices previously set forth.* Category II pay adjustments made pursuant to the terms of employment contracts and pay practices previously set forth which existed prior to November 14, 1971 are subject to the prenotification and reporting requirements of § 201.14 of this chapter and may be implemented only in accordance with the procedures prescribed therein. Except as provided in § 201.14 all such pay adjustments may be put into effect without prior approval of the Pay Board.

(3) *Retroactivity.* A Category II pay adjustment which is within the provisions of § 201.13, 201.15, or § 201.18 of this chapter is subject to the prenotification and reporting requirements of the applicable section and may be imple-

mented only in accordance with the procedures prescribed therein.

(4) *Nonunion construction.* Certain Category II pay adjustments which apply to or affect employees engaged in construction and which are not determined pursuant to collective bargaining agreements are subject to the provisions of Subpart E of Part 201 of this chapter. Such pay adjustments are subject to the reporting requirements of such subpart and may be implemented only in accordance with the procedures prescribed therein.

(5) *Executive and variable compensation.* A Category II pay adjustment which is within the provisions of Subpart D of Part 201 of this chapter is subject to the prenotification and reporting requirements of such subpart and may be implemented only in accordance with the procedures prescribed therein. An application for an exception to the provisions of such subpart shall be submitted to the Pay Board in accordance with the procedures set forth in Part 205 of this chapter.

(6) *Individual increases.* Category II pay adjustments which do not require prior approval and which affect individual employees within an appropriate employee unit during a control year (e.g., through operation of a merit plan, whether or not "qualified" under § 201.11 (a) (5) of this chapter, which provides for individual increases on a random or variable timing basis) shall be reported to the Pay Board as follows—

(i) A report of all pay adjustments anticipated, budgeted, or otherwise planned for in the unit during the control year shall be submitted to the Pay Board within 10 days after the first pay adjustment in the unit during the control year has been put into effect. If such pay adjustments are made pursuant to a qualified merit plan for which an exception is claimed pursuant to § 201.11 (a) (5), such report shall include a certification that such qualified merit plan satisfies the requirements of such section.

(ii) A report of all pay adjustments previously put into effect in the unit during the control year, as well as pay adjustments anticipated, budgeted, or otherwise planned for in the unit during the remainder of the control year, shall be submitted to the Pay Board within 10 days after the midpoint of such control year.

(iii) A report of all pay adjustments put into effect in the unit during the control year shall be submitted to the Pay Board within 10 days after the close of such control year.

(7) *Catch-up.* A report of a Category II pay adjustment with respect to which a catch-up exception is claimed under the provisions of § 201.11(a) (3) of this chapter shall include a certification that the conditions of such section are satisfied.

(c) *Prior approval.* A Category II pay adjustment which exceeds the general wage and salary standard, is not within the provisions of § 201.11(a) (3), (4), or (5) or § 201.14 of this chapter, and is not otherwise permissible under the pro-

visions of this chapter, shall not be put into effect without prior approval of the Pay Board. An application for approval of such a proposed Category II pay adjustment shall be submitted to the Pay Board in accordance with the procedures set forth in Part 205 of this chapter.

(d) *Monitoring and spot checks.* Category II pay adjustments shall be subject to monitoring and spot checks after being put into effect.

Subpart D—Category III Pay Adjustments

§ 202.30 Prenotification and reporting requirements.

(a) *General rule.* Except as provided in paragraph (b) of this section, a Category III pay adjustment which does not exceed the general wage and salary standard, or which is subject to the provisions of § 201.14 of this chapter (i.e., pursuant to the terms of an employment contract or pay practice previously set forth which existed prior to November 14, 1971), or which is within the provisions of § 201.11(a) (3), (4), or (5) of this chapter may be put into effect without prior approval of the Pay Board. Except as provided in paragraph (b) of this section, such a Category III pay adjustment is not required to be prenotified or reported to the Pay Board.

(b) *Special rules—(1) Catch-up.* A report of a Category III pay adjustment with respect to which a catch-up exception is claimed under the provisions of § 201.11(a) (3) of this chapter shall be made to the appropriate district director of Internal Revenue within 20 days after the pay adjustment is put into effect. Such report shall include a certification that the conditions of § 201.11(a) (3) are satisfied.

(2) *Retroactivity.* A Category III pay adjustment which is within the provisions of § 201.13, 201.15, or 201.18 of this chapter is subject to the prenotification and reporting requirements of the applicable section and may be implemented only in accordance with the procedures prescribed therein.

(3) *Nonunion construction.* Certain Category III pay adjustments which apply to or affect employees engaged in construction and which are not determined pursuant to collective bargaining agreements are subject to the provisions of Subpart E of Part 201 of this chapter. Such pay adjustments are subject to the reporting requirements of such subpart and may be implemented only in accordance with the procedures prescribed therein.

(4) *Executive and variable compensation.* A Category III pay adjustment which is within the provisions of Subpart D of Part 201 of this chapter is subject to the prenotification and reporting requirements of such subpart and may be implemented only in accordance with the procedures prescribed therein. An application for an exception to the provisions of such subpart shall be submitted to the Pay Board in accordance with the procedures set forth in Part 205 of this chapter.

(5) *Qualified merit plans.* A report of a Category III pay adjustment under a qualified merit plan with respect to which an exception is claimed pursuant to § 201.11(a) (5) of this chapter shall be made to the appropriate district director of Internal Revenue within 20 days after the first increase under such a plan is paid to an employee during a control year. Such report shall include a certification that such qualified merit plan satisfies the requirements of § 201.11(a) (5).

(6) *Cost of living allowance adjustments.* A report of a Category III pay

adjustment put into effect in accordance with the method of calculation set forth at § 201.11(a) (4) of this chapter shall be made to the appropriate district director of Internal Revenue within 20 days after such pay adjustment is put into effect.

(c) *Prior approval.* A Category III pay adjustment which exceeds the general wage and salary standard, is not within the provisions of § 201.11(a) (3), (4), or (5) or § 201.14 of this chapter, and is not otherwise permissible under the provisions of this chapter, shall not

be put into effect without prior approval of the Pay Board or its delegate. An application for approval of such a proposed Category III pay adjustment shall be submitted to the appropriate district director of Internal Revenue in accordance with the procedures set forth in Chapter IV of this title.

(d) *Monitoring and spot checks.* Category III pay adjustments shall be subject to monitoring and spot checks after being put into effect.

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