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List of CFR Parts Affected

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Communications Commission

Section 213.3338 is amended to show that one position of Special Assistant to a Commissioner is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (7-27-72), paragraph (c) is added to § 213.3338 as set out below.

§ 213.3338 Federal Communications Commission.

(c) One Special Assistant to a 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.72-11754 Filed 7-26-72;8:55 am]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 5]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPLICATION AND POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1972 crop year in the following respect:

Subsection 14(b) of the application and policy shown in § 409.25 is amended effective beginning with the 1972 crop year to read as follows:

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by multiplying the amount of insurance for the unit (determined in accordance with subsection 7(c)) by the average percent of damage (determined in accordance with subsection (c) of this section) in excess of 10 percent.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Since the foregoing amendment merely abrogates amendment No. 3

which was not put into effect in view of the wage-price freeze controls instituted by Executive Order 11615 of August 15, 1971 (36 F.R. 15727), and since the foregoing amendment constitutes an action favorable to the insured, the Board of Directors found that it would be unnecessary to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 F.R. 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on June 19, 1972.

[SEAL] LLOYD E. JONES,
Secretary,
Federal Crop Insurance Corporation.

Approved on July 21, 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-11611 Filed 7-26-72;8:47 am]

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

[Valencia Orange Reg. 403]

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

Limitation of Handling

§ 908.702 Valencia Orange Regulation 402.

(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 recommendations 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.

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

insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; 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 promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 25, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 28, 1972, through August 4, 1972, are hereby fixed as follows:

- (i) District 1: 287,000 Cartons;
- (ii) District 2: 336,000 Cartons;
- (iii) District 3: 77,000 Cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: July 26, 1972.

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

[FR Doc.72-11855 Filed 7-26-72;11:45 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages for 1972-73 Crop Year

Pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced

in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the Prune Administrative Committee has unanimously recommended salable and reserve percentages for California dried prunes of 100 percent and 0 percent, respectively. These percentages would be applicable to all prunes received by handlers from producers and dehydrators during the 1972-73 crop year (beginning August 1, 1972).

The Committee's recommendation is based on its estimate of 1972 California dried prunes production at 96,900 tons, natural condition weight, and carry-in of 40,425 tons, natural condition weight. This would result in an estimated supply, processed weight equivalent, of 141,444 tons. The Committee also estimated 1972-73 domestic trade demand at 101,400 tons (processed weight) and foreign trade demand at 25,000 tons (processed weight), leaving a carryout on July 31, 1973, of 15,044 tons. A carryout of 25,000 tons is deemed desirable.

After consideration of the Committee's recommendation and supporting information, and other available information, it is found that to establish the salable and reserve percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable and reserve percentages for prunes for the 1972-73 crop year are established as follows:

§ 993.208 Salable and reserve percentages for prunes for the 1972-73 crop year.

The salable and reserve percentages for the 1972-73 crop year shall be 100 percent and 0 percent, respectively.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making the provisions hereof effective upon publication in the FEDERAL REGISTER and not postponing the effective time until 30 days after such publication (5 U.S.C. 553) in that: (1) The salable and reserve percentages of 68 percent and 32 percent, respectively, made effective for the 1971-72 crop year (36 F.R. 23355) apply (§ 993.55) to prunes received by handlers in the current crop year (1972-73) until salable and reserve percentages are established for that crop year; (2) after such establishment, the adjustments required by § 993.55 will have to be made in the reserve obligations that have accrued up to the time of such establishment; (3) this action fixes the reserve percentage at zero for the 1972-73 crop year and thereby eliminates any reserve obligations that may have accrued prior thereto with respect to the 1972 crop; and (4) this action relieves restrictions on handlers.

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

Dated July 20, 1972 to become effective upon publication in the FEDERAL REGISTER (7-27-72).

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

[FR Doc.72-11681 Filed 7-26-72; 8:53 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 451.4]

PART 1866—FINAL PAYMENT ON LOANS SECURED BY REAL ESTATE

County Office Actions

The introductory paragraphs of section 1866.3(b) (1) and (2) and (c) (1), Title 7, Code of Federal Regulations (36 F.R. 17841) are amended to include direct and insured loans to organizations and to provide for the use of Form FHA 451-31, "Borrower Transaction Record," revised 1-1-72, as well as Forms FHA 451-26, "Transaction Record," and FHA 370-45, "Direct Payment Card." As amended, these paragraphs read as follows:

§ 1866.3 County Office actions.

(b) *Determining amount to be collected.* (1) For: Direct and insured Farm Ownership (FO), Soil and Water (SW), and RE loans to individuals; direct operating-type loans secured by real estate; and direct and insured loans to organizations, the amount to be collected for payment of the account in full will be calculated by the County Supervisor based on the information shown on the latest Form FHA 451-26, "Transaction Record," or Form FHA 451-31, "Borrower Transaction Record," for the borrower. The final payment will be calculated according to the guide available in all FHA offices for preparation of Forms FHA 451-26 or FHA 451-31.

(2) For other Real Estate loans, whether secured by real estate or other property, the County Supervisor will request a Statement of Account from the Finance Office by use of Form FHA 451-10, "Request for Statement of Account." (In an unusual case, where the borrower has the cash or a check on hand and insists on paying the account that day, the County Supervisor will calculate the interest and accept the payment. The County Supervisor will advise the borrower that the payment may or may not be sufficient to pay the loan in full and that he will be notified of the status of his account as soon as the County Supervisor receives the statement from the Finance Office.)

(c) *Delivery of satisfaction, notes, and other documents.* * * *

(1) *Delivery of documents after notes stamped "Paid-in-Full" are received*

from the Finance Office. The Finance Office, upon receipt of Form FHA 451-2, "Summary of Remittances," or Form FHA 370-45, "Direct Payment Card," covering the remittance which paid the account in full, will forward to the County Office the note stamped with a paid-in-full legend for direct loans or insured loans held by the insurance fund. The note will be returned to the borrower immediately, except the note will not be surrendered until 15 days after the date of the final payment when final payment is made in a form other than currency and coin, U.S. Treasury check, cashier's check, certified check, money order, bank draft, or check issued by a responsible institution; however, when the note is needed by FHA in getting releases or satisfactions of security instruments recorded, the note will be held until that has been done. If other indebtedness to FHA is not secured by the mortgage, the County Supervisor will execute the satisfaction or release. When the County Supervisor delivers the stamped note to the borrower, he will also deliver the real estate mortgage and related title papers such as title opinions, title insurance binders, certificates of title, and abstracts which are the property of the borrower. The satisfaction or release will be delivered to the borrower for recording and the recording costs will be paid by the borrower, except when State law requires the mortgagee to record or file satisfactions or release and to pay the recording costs. Any water stock certificates or other intangible securities that are the property of the borrower will be returned to the borrower. Also, any assignments of income will be terminated as provided in the assignment forms.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1089; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 301, 80 Stat. 370, 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)

Dated: July 14, 1972.

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

[FR Doc.72-11683 Filed 7-26-72; 8:54 am]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 8—ASSESSMENTS OF FEES, NATIONAL BANKS, DISTRICT OF COLUMBIA BANKS

Daily Rate for Trust Examinations

The Comptroller of the Currency has determined pursuant to the authority contained in R.S. 5240, as amended, 12 U.S.C. 482; section 3, 47 Stat. 1566, 26

D.C. Code 102, that the present policy of not making an assessment for a temporary examination personnel hired on a temporary basis, should be codified. Since the amendment does not change the current assessment rate, public procedure thereon is unnecessary and contrary to public interest. Accordingly, this amendment will become effective upon publication.

Part 8, Chapter 1, Title 12 of the Code of Federal Regulations, is amended by revising § 8.6 to read as follows:

§ 8.6. Daily rate for trust examinations.

The assessment rate for trust examinations is \$140 a day for the person in charge of the examination and \$80 a day for each of the assisting personnel, except those hired on a temporary basis, for whom no charge will be made. The minimum rate for the examination of a trust department is \$25.

Dated: July 21, 1972.

[SEAL] **WILLIAM B. CAMP,**
Comptroller of the Currency.
[FR Doc.72-11678 Filed 7-26-72;8:53 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WE-28]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Phoenix, Ariz. (Luke AFB) control zone by changing the effective hours of the zone.

Due to lack of qualified personnel and economic reasons including discontinuance of weather observations, the mission of Luke AFB will not be conducted during the hours of 0000 to 0600 local time daily. Since weather observations are a requisite for designation of a control zone, this airspace would no longer qualify as designated controlled airspace during these hours.

Since this action will result in a less restrictive designation of airspace than presently established and will impose no additional burden on any person, notice and public procedure hereon are unnecessary and this amendment may be made effective in less than 30 days.

In consideration of the foregoing in § 71.171 (37 F.R. 2056) the description of the Phoenix, Ariz. (Luke AFB) control zone is amended in part by adding, "This control zone is effective from 0600 to 0000 hours local time daily."

Effective date. This amendment is effective 0901 G.m.t., July 24, 1972.

(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 Los Angeles, Calif., on July 14, 1972.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

[FR Doc.72-11592 Filed 7-26-72;8:45 am]

[Airspace Docket No. 71-AL-11]

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

Alteration of Control Zone and Transition Area

On May 13, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 9637) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Unalakleet, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

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.

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

Within a 5-mile radius of Unalakleet Airport (lat. 63°53'12" N., long. 160°47'42" W.); within 3.5 miles each side of the Unalakleet 225° radial, extending from the VORTAC to 12.5 miles southwest of the VORTAC, and within 3.5 miles each side of the Unalakleet RR. west course, extending from the 5-mile radius zone to 8.5 miles west of the RR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

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

That airspace extending upward from 700 feet above the surface within 4.5 miles north and 9.5 miles south of the Unalakleet RR. west course, extending from the RR. to 24.5 miles west of the RR.; within 4.5 miles southeast and 9.5 miles northwest of the Unalakleet VORTAC 225° radial, extending from the VORTAC to 24.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 7.5 miles north and 9.5 miles south of the Unalakleet VORTAC 110° and 290° radials, extending from 13 miles east of 13 miles west of the VORTAC.

(Secs. 307(a) and 1110 Federal Aviation Act of 1958, 49 U.S.C. 1348(a), and 1510, Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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

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

[FR Doc.72-11591 Filed 7-26-72;8:45 am]

[Airspace Docket No. 72-WA-18]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route

On May 27, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 10744) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate the United States portion of Jet Route J-553 from St. Georges, Quebec (renamed "Beauce" VOR, May 16, 1972), direct to Houlton, Maine; direct to Moncton, New Brunswick.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 14, 1972, as hereinafter set forth.

In § 75.100 (37 F.R. 2382) the following Jet Route is added:

Jet Route No. 553 (From Beauce, Quebec, to Moncton, New Brunswick) (Joins Canadian High Level Airway No. 553). From Beauce, Quebec, via Houlton, Maine; to Moncton, New Brunswick, excluding the portion outside the United States.

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

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

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

[FR Doc.72-11593 Filed 7-26-72;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-203]

PART 22—DRAWBACK

Certain Foreign-Built Aircraft Engines Processed in the United States

On May 19, 1971, notice of proposed rule making to amend the Customs Regulations pertaining to foreign-built jet aircraft engines processed in the United States with imported merchandise was published in the FEDERAL REGISTER (36 F.R. 9071). Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed amendment. Representations submitted pursuant to the notice have been carefully considered.

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession

By a notice of proposed rule making published in the FEDERAL REGISTER of April 28, 1972 (37 F.R. 8530), notification was given that the Secretary of the Interior proposed to amend Part 10 of Title 50 of the Code of Federal Regulations. These amendments specified open hunting seasons and limits for certain migratory game birds.

State wildlife administrators, national conservation organizations, and individuals were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, DC 20240, within 30 days following the date of publication of the notice.

The proposed amendments were adopted and appeared in the FEDERAL REGISTER of July 8, 1972 (37 F.R. 13472).

After analysis of survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife, by State game departments, and by other sources, it is determined that Part 10 shall be further amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. This amendment will permit taking of the designated species within the specified period of time. Since this amendment benefits the public by relieving existing restrictions, it shall become effective upon publication in the FEDERAL REGISTER.

Accordingly, the table of contents in Subpart K is amended to read:

Subpart K—Annual Season, Limit, and Shooting Hour Schedules

10.101–10.104	[Reserved]
10.105	Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.
10.106–10.121	[Reserved]

Section 10.105 is added to read:

§ 10.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Seaducks*. [Reserved]

(b) *Teal*. [Reserved]

(c) *Gallinules*. [Reserved]

(d) *Horicon Zone*. (1) In Wisconsin during the 1972–73 waterfowl season, the kill of Canada geese will be limited to 28,000 birds; 16,000 of which may be taken in the area designated as the Horicon Zone.

(2) The Horicon Zone includes portions of Columbia, Dodge, Fond du Lac, Green Lake, Washington, and Winnebago Counties. It is bounded on the east by U.S. Highway 45 from Oshkosh to Fond du Lac, and then State Highway 175 to Addison; on the south by State Highway 33 from Addison to Beaver Dam, and then U.S. Highway 151 to Columbus; on the west by State Highway 73 from Columbus to its intersection with State Highway 23, east of Princeton; and on the north by State Highway 23 from the intersection with State Highway 73 to Ripon, then State Highway 44 to Oshkosh.

(3) Seasons, limits, and shooting hours for Canada geese:

	Horicon Zone
Daily bag limit.....	1
Possession limit.....	1
Season dates.....	Oct. 12–Oct. 20
Shooting hours: One-half hour before sunrise until sunset.	

(4) Each person hunting Canada geese in the Horicon Zone must have been issued in his name and carry on his person a valid State hunting license, a valid migratory bird hunting stamp (duck stamp), and a valid Horicon Zone Canada goose hunting permit with correspondingly numbered report card and metal Canada goose tag. Hunters less than 10 years of age are not required to have a migratory bird hunting stamp. To be valid, the permit must remain attached to the report card until a Canada goose is reduced to possession. The required permits and tags are nontransferable.

(5) Immediately after a Canada goose is killed and reduced to possession in the Horicon Zone, the tag must be affixed and securely locked through the nostrils of the Canada goose. The goose may not be carried by hand or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag is not valid for reuse.

(6) It is mandatory that each person hunting in the Horicon Zone, report on tag use or nonuse, using the report card provided, within 12 hours after the close of the Canada goose season in the Horicon Zone.

(7) No special permit is required to hunt blue or snow geese anywhere in Wisconsin, including the Horicon Zone.

(8) Application procedure:

(1) Applications will be made available to the public about the middle of August and must be returned no later than September 9, 1972. All applications post-marked after September 9, 1972, will be disqualified, except applications from

The proposed amendment is hereby adopted without change as set forth below:

Part 22 is amended to add a new centerhead and section to read:

FOREIGN-BUILT JET AIRCRAFT ENGINES PROCESSED IN THE UNITED STATES

§ 22.26a Drawback allowance.

(a) Upon the exportation of jet aircraft engines manufactured or produced abroad that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, there shall be refunded, upon satisfactory proof that such imported merchandise has been so used, the duties which have been paid thereon, in amounts not less than \$100.^{1a}

(b) Drawback entries shall be filed on Customs Form 7575-A appropriately modified to show that the entry covers jet aircraft engines processed under section 1313(h), Tariff Act of 1930, as amended. The entry shall show the country in which each engine was manufactured and describe the processing performed thereon in the United States.

(c) Drawback of duties found due shall be refunded in aggregate amounts of not less than \$100 in accordance with the regulations in this part covering manufactured articles except that there shall be no deduction of 1 percent from the amount of the duties paid.

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 1313, 1624)

Since this amendment provides procedures for the claiming of drawback allowed under section 313, Tariff Act of 1930, as amended (19 U.S.C. 1313), as further amended by section 3(a) of Public Law 91-692, approved January 12, 1971, it is desirable to make the amendment effective immediately. Therefore, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553 (d).

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER (7-27-72).

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

Approved: July 18, 1972.

MATTHEW J. MARKS,
Acting Assistant Secretary
of the Treasury.

[FR Doc.72-11663 Filed 7-26-72; 8:52 am]

^{1a} "(h) Upon the exportation of jet aircraft engines manufactured or produced abroad that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, there shall be refunded, upon satisfactory proof that such imported merchandise has been so used, the duties which have been paid thereon, in amounts not less than \$100." (Subsection (h), section 313, Tariff Act of 1930, as amended (19 U.S.C. 1313(h))

persons in the military service on duty outside the State during the regular application period. Applications from military personnel postmarked after September 9, 1972, will be accepted if they are accompanied by a notarized statement attesting to such duty outside the State. All incomplete, illegible, tardy, or duplicate applications will be disqualified. A duplicate application will disqualify all applications by an individual.

(ii) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin conservation department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

(iii) Each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags authorized, successful applicants will be randomly selected. Nonresident applicants will not be discriminated against. If two or more persons wish to hunt together in the Horicon Zone, each must fill out an application form and submit them together in an envelope marked "Group Application." Group applications will be considered in the selection as one application.

(9) Those persons not issued a Horicon Zone permit and tag will not be so notified, but they may hunt Canada geese outside the Horicon Zone during the regular Wisconsin goose season where no special permit is required.

The open hunting season dates and limits for Canada geese in the remainder of Wisconsin will be published at the time the regular waterfowl seasons are published in late August or early September. (16 U.S.C. 703-711)

Effective date: Upon publication in the FEDERAL REGISTER (7-27-72).

E. V. SCHMIDT,
Acting Director, Bureau
of Sport Fisheries and Wildlife.

JULY 24, 1972.

[FR Doc.72-11665 Filed 7-20-72;8:53 am]

SUBCHAPTER C—THE NATIONAL WILDLIFE
REFUGE SYSTEM

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-27-72).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer is permitted on the Ouray National Wildlife Refuge, Utah, for the 1972 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Archery deer season is August 19 through September 4, 1972, inclusive. Rifle deer season is October 21 through October 31, 1972, inclusive.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer killed must be checked out at refuge headquarters before hunters leave the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1972.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JULY 18, 1972.

[FR Doc.72-11650 Filed 7-26-72;8:50 am]

Title 31—MONEY AND
FINANCE: TREASURY

Chapter II—Fiscal Service,
Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

PART 342—OFFERING OF UNITED STATES SAVINGS NOTES

Issue Dates of Bonds and Notes

As set forth below, the tables to Department Circular No. 905, Fifth Revision, dated December 12, 1969, as amended (31 CFR Part 332), are hereby supplemented by the addition of Tables 4-A and 25-A; and Table 1 of Department Circular No. 3-67, Revised, dated June 19, 1968, as amended (31 CFR Part 342), is supplemented by the addition of Table 1-A.

Dated: July 19, 1972.

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

TABLE 4-A

BONDS BEARING ISSUE DATES FROM APRIL 1 THROUGH SEPTEMBER 1, 1933¹

Face value	Issue price (Redemption and maturity value)	\$500	\$1,000	\$5,000	\$10,000	Approximate investment yield (annual percentage rate)			
						(1) Amounts of interest checks for each denomination	(2) From beginning of second extended maturity period to each interest payment date	(3) For half-year period preceding interest payment date	(4) From each interest payment date to second extended maturity
Period of time bond is held after extended maturity date	SECOND EXTENDED MATURITY PERIOD					Percent	Percent	Percent	Percent
½ year..... ² (6/1/73)	\$13.75	\$27.50	\$137.50	\$275.00	5.50	5.50	5.50	5.50	
1 year..... (12/1/73)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
1½ years..... (6/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
2 years..... (12/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
2½ years..... (6/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
3 years..... (12/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
3½ years..... (6/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
4 years..... (12/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
4½ years..... (6/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
5 years..... (12/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
5½ years..... (6/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
6 years..... (12/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
6½ years..... (6/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
7 years..... (12/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
7½ years..... (6/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
8 years..... (12/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
8½ years..... (6/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
9 years..... (12/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
9½ years..... (6/1/82)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	
10 years (second extended maturity) ³ (12/1/82)	13.75	27.50	137.50	275.00	5.50	5.50	5.50	5.50	

¹ This table does not apply if the prevailing rate for Series H bonds being issued at the time second extension begins is different from 5.50 percent.

² Month, day, and year on which interest check is payable on issues of Apr. 1, 1933. For subsequent issue months add the appropriate number of months.

³ 29 years and 8 months after issue date.

⁴ Yield on purchase price from issue date to second extended maturity date on bonds dated: Apr. 1 and May 1, 1933 is 4.02 percent; June 1 through Sept. 1, 1933 is 4.03 percent.

RULES AND REGULATIONS

TABLE 25-A

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1962 THROUGH MAY 1, 1963¹

Face value	Issue price (Redemption and maturity value)	\$500 500	\$1,000 1,000	\$5,000 5,000	\$10,000 10,000	Approximate investment yield (annual percentage rate)		
Period of time bond is held after maturity date		(1) Amounts of interest checks for each denomination				(2) From beginning of extended maturity period to each interest payment date	(3) For half-year period preceding interest payment date	(4) From each interest payment date to extended maturity
		EXTENDED MATURITY PERIOD						
1/2 year	² (6/1/73)	\$13.75	\$27.50	\$137.50	\$275.00	Percent 5.50	Percent 5.50	Percent 5.50
1 year	(12/1/73)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
1 1/2 years	(6/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
2 years	(12/1/74)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
2 1/2 years	(6/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
3 years	(12/1/75)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
3 1/2 years	(6/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
4 years	(12/1/76)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
4 1/2 years	(6/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
5 years	(12/1/77)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
5 1/2 years	(6/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
6 years	(12/1/78)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
6 1/2 years	(6/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
7 years	(12/1/79)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
7 1/2 years	(6/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
8 years	(12/1/80)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
8 1/2 years	(6/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
9 years	(12/1/81)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
9 1/2 years	(6/1/82)	13.75	27.50	137.50	275.00	5.50	5.50	5.50
10 years (extended maturity) ³	(12/1/82)	13.75	27.50	137.50	275.00	4 5.50	5.50	5.50

¹ This table does not apply if the prevailing rate for Series H bonds being issued at the time the extension begins is different from 5.50 percent.
² Month, day, and year on which interest check is payable on issues of Dec. 1, 1962.

For subsequent issue months add the appropriate number of months.
³ 20 years after issue date.
⁴ Yield on purchase price from issue date to extended maturity is 4.71 percent.

TABLE 1-A

NOTES BEARING ISSUE DATES FROM JUNE 1, 1963 THROUGH JUNE 1, 1970¹

Denomination	Issue price	\$25.00 20.25	\$50.00 40.50	\$75.00 60.75	\$100.00 81.00	Approximate investment yield (annual percentage rate)		
Period after original maturity (beginning 4 years 6 months after issue date)		(1) Redemption values during each half-year period (values increase on first day of period shown)				(2) From beginning of extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
		EXTENDED MATURITY PERIOD						
First 1/2 year	² (12/1/72)	\$25.29	\$50.53	\$75.53	\$101.16	percent 5.00	percent 5.54	percent 5.50
1/2 to 1 year	(6/1/73)	25.93	51.83	77.97	103.95	5.54	5.46	5.50
1 to 1 1/2 years	(12/1/73)	26.70	53.40	80.10	106.80	5.50	5.47	5.50
1 1/2 to 2 years	(6/1/74)	27.43	54.86	82.29	109.72	5.49	5.54	5.50
2 to 2 1/2 years	(12/1/74)	28.10	56.38	84.57	112.76	5.50	5.46	5.50
2 1/2 to 3 years	(6/1/75)	28.96	57.92	86.89	115.84	5.49	5.52	5.50
3 to 3 1/2 years	(12/1/75)	29.76	59.52	89.23	119.04	5.50	5.51	5.50
3 1/2 to 4 years	(6/1/76)	30.53	61.16	91.74	122.32	5.50	5.49	5.50
4 to 4 1/2 years	(12/1/76)	31.42	62.84	94.26	125.63	5.50	5.47	5.50
4 1/2 to 5 years	(6/1/77)	32.28	64.56	96.84	129.12	5.50	5.51	5.50
5 to 5 1/2 years	(12/1/77)	33.17	66.34	99.51	132.63	5.50	5.49	5.50
5 1/2 to 6 years	(6/1/78)	34.03	68.16	102.24	136.32	5.50	5.52	5.50
6 to 6 1/2 years	(12/1/78)	35.02	70.04	105.06	140.03	5.50	5.48	5.50
6 1/2 to 7 years	(6/1/79)	35.98	71.96	107.94	143.92	5.50	5.50	5.50
7 to 7 1/2 years	(12/1/79)	36.97	73.94	110.91	147.88	5.50	5.52	5.50
7 1/2 to 8 years	(6/1/80)	37.99	75.98	113.97	151.96	5.50	5.53	5.50
8 to 8 1/2 years	(12/1/80)	39.04	78.08	117.12	156.16	5.50	5.43	5.50
8 1/2 to 9 years	(6/1/81)	40.11	80.22	120.33	160.44	5.50	5.43	5.50
9 to 9 1/2 years	(12/1/81)	41.21	82.42	123.63	164.84	5.50	5.53	5.51
9 1/2 to 10 years	(6/1/82)	42.35	84.70	127.05	169.40	5.50	5.43	5.43
EXTENDED MATURITY VALUE (14 years and 6 months from issue date)	(12/1/82)	43.51	87.02	130.53	174.04	5.50		

¹ This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 5.50 percent.
² Month, day, and year on which issues of June 1, 1963, enter each period. For sub-

sequent issue months add the appropriate number of months.
³ Yield on purchase price from issue date to extended maturity date is 5.31 percent.

[FR Doc.72-11538 Filed 7-26-72; 8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

**Chapter 4—Department of Agriculture
PART 4-7—CONTRACT CLAUSES
Subpart 4-7.52—Service Contracts**

On March 11, 1972, notice of proposed rule making to establish a new subpart to the Agriculture Procurement Regulations (Subpart 4-7.52, Title 41, Chapter 4, Code of Federal Regulations) and to prescribe

new contract clauses for use only in Service Contracts (§§ 4-7.5200 through 4-7.5201-2) was published in the FEDERAL REGISTER (37 F.R. 5255-5256). After consideration of all such relevant matter as was presented by interested persons, the proposal is hereby adopted as an amendment to the Agriculture Procurement Regulations, subject to the following minor changes:

1. To the "Contents of Part 4-7 Contract Clauses," the table of contents for the new Subpart 4-7.52—Service Contracts is added as set forth below.

2. In paragraph (e) of § 4-7.5201-1, a comma should be inserted after the word "Government," where this word first appears in this paragraph.

3. In paragraph (a) of § 4-7.5201-2, in both places where the word "offsite" appears, this word should be hyphenated as follows "off-site."

4. In paragraph (d) of § 4-7.5201-2, the word "reasonable" is changed to read "reasonably."

Effective date. This amendment is effective on publication in the FEDERAL REGISTER (7-27-72).

Signed in Washington, D.C., this 21st day of July 1972.

T. M. BALDAUF,
Director of Plant and Operations.

The new Subpart 4-7.52 reads as follows:

- Subpart 4-7.52—Service Contracts
- Sec.
4-7.5200 Scope of subpart.
4-7.5201 Clauses.
4-7.5201-1 Termination for default; damages for delay; time extensions.
4-7.5201-2 Inspection and acceptance.

AUTHORITY: The provisions of this Part 4-7 issued under 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 4-7.52—Service Contracts

§ 4-7.5200 Scope of subpart.

This subpart sets forth certain clauses for use in departmental service contracts.

§ 4-7.5201 Clauses.

These clauses are contained in AD Form 377: General Provisions (Service Contract). The clauses may also be used in service contracts in place of other "Default" or "Inspection" clauses where the AD Form 377 is not made a part of the contract.

§ 4-7.5201-1 Termination for default; damages for delay; time extensions.

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

(a) If the Contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the Contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor. Whether or not the Contractor's right to proceed with the work is terminated, he and his sureties shall be liable for any damage to the Government resulting from his refusal or failure to complete the work within the specified time.

(b) If fixed and agreed liquidated damages are provided in the contract and if the Government so terminates the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until such reasonable time as may be required for final completion of the work together with any increased costs occasioned the Government in completing the work.

(c) If fixed and agreed liquidated damages are provided in the contract and if the Government does not so terminate the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until the work is completed or accepted.

(d) The Contractor's right to proceed shall not be so terminated nor the Contractor charged with resulting damage if:

(1) The delay in the completion of the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including but not restricted to, acts of God, acts of the public enemy, acts of the Government in either its sovereign or contractual capacity, acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the Contractor and such subcontractors or suppliers; and

(2) The Contractor, within the time specified by the Contracting Officer (10 days from the beginning of the delay unless otherwise specified), notifies the Contracting Officer of the causes of delay.

The Contracting Officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when, in his judgment, the findings of fact justify such an extension. Where the Contractor's right to proceed with all or part of the work is terminated within less than 10 days from the beginning of the delay, the contractor shall have 10 days from the beginning of any such delay (unless the Contracting Officer grants a further period of time before the date of final payment under the contract) to notify the Contracting Officer in writing of the causes of delay. The Contracting Officer shall ascertain the facts and the extent of the delay and when, in his judgment, the findings of fact justify a conclusion that the delay was excusable under the provision of this clause, the rights and obligations of the parties shall be those stated in (e) below. Any findings of fact by the Contracting Officer under the above provisions shall be final and conclusive on the parties, subject only to appeal as provided in the "Disputes" clause of the General Provisions.

(e) If, after notice of termination of the Contractor's right to proceed under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the delay was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, in the foregoing circumstances, this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

(g) As used in paragraph (d) (1) of this clause, the term "Subcontractors or Suppliers" means subcontractors or suppliers at any tier.

§ 4-7.5201-2 Inspection and acceptance.

INSPECTION AND ACCEPTANCE

(a) Except as otherwise provided in this contract, inspection and test by the Government of material and workmanship required by this contract shall be made at reasonable times and at the site of the work, unless the Contracting Officer determines that such inspection or test of material which is to be incorporated in the work shall be made at the place of production, manufacture, or shipment of such material. To the extent specified by the Contracting Officer at the time of determining to make off-site inspection or test, such inspection or test shall be conclusive as to whether the material involved conforms to the contract requirements. Such off-site inspection or test shall not relieve the Contractor of responsibility for damage to or loss of the material prior to acceptance, nor in any way affect the continuing rights of the Government after acceptance of the completed work under the terms of paragraph (e) of this clause, except as hereinabove provided.

(b) The Contractor shall, without charge, replace any material or correct any workmanship found by the Government not to conform to the contract requirements, unless in the public interest the Government consents to accept such material or workmanship with an appropriate adjustment in contract price. The Contractor shall

promptly segregate and remove rejected material from the premises.

(c) If the Contractor does not promptly replace rejected material or correct rejected workmanship, the Government (1) may, by contract or otherwise, replace such material or correct such workmanship and charge the cost thereof to the Contractor, or (2) may terminate the Contractor's right to proceed in accordance with the "Termination for Default—Damages for Delay—Time Extensions" clause of the General Provisions.

(d) The Contractor shall furnish promptly, without additional charge, all facilities, labor, and material reasonably needed for performing such safe and convenient inspection and test as may be required by the Contracting Officer. All inspection and test by the Government shall be performed in such manner as not unnecessarily to delay the work. Special, full size, and performance tests shall be performed as described in this contract. The Contractor shall be charged with any additional cost of inspection when material and workmanship are not ready at the time specified by the Contractor for its inspection.

(e) Unless otherwise provided in this contract, acceptance by the Government shall be made as promptly as practicable after completion and inspection of all work required by this contract. Acceptance shall be final and conclusive except as regards latent defects, fraud, or such gross mistakes as may amount to fraud, or as regards the Government's rights under any warranty or guarantee.

[FR Doc.72-11610 Filed 7-26-72;8:52 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTION, AND CLASSIFICATION OF ECONOMIC UNITS

Wage Increases to Individuals Earning Less Than \$2.75 Per Hour

Section 101.104 of Subpart F is amended to exempt wage increases to any individual whose earnings are less than \$2.75 per hour. This section previously set \$1.90 as the hourly rate below which wage increases were exempt. This provision is intended to implement section 203(d) of the Economic Stabilization Act of 1970, as amended, in which Congress provided that "wage increases to any individual whose earnings are substandard or who is a member of the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor."

A number of considerations have led to action by the Council at this time. A recent decision by the U.S. District Court for the District of Columbia declared that the use of the \$1.90 figure as the exemption level was beyond the authority of the Council. The Council was enjoined from applying that figure to the plaintiffs and intervenors in that case. That decision has created considerable uncertainty as to the continued application of that figure and it is desirable that

a new figure be established to permit the Pay Board to continue to function. The new \$2.75 figure will provide certainty and permit the program to continue.

In addition, the Council believes that an adjustment of the \$1.90 figure is appropriate at this time in view of expected changes in Federal and State minimum wage legislation, changes in economic data, and other considerations.

The selection of the figure of \$2.75 was based on the "lower budget" estimate developed by the Bureau of Labor Statistics (BLS) and referred to in some of the legislative history associated with the Economic Stabilization Act Amendments of 1971.

The "lower budget" estimate available to the Council at the time of its \$1.90 decision was \$6,960, which was applicable for the spring of 1970. This estimate was developed for an urban family of four, headed by a wage earner aged 35 to 54.

Since the Council's earlier decision, the BLS updated its "lower budget" estimates to income levels required in autumn, 1971. The adjustments up dating the "lower budget" estimate took into account changes in consumer prices and other factors that had occurred between spring, 1970 and autumn, 1971. The "lower budget" estimate established by BLS for autumn, 1971 was \$7,214.

Certain adjustments were required to translate the BLS "lower budget" figure for autumn, 1971 into an hourly wage level applicable to 1972. These adjustments included an allowance for cost of living increases that have occurred since autumn, 1971 and after the Council's previous decision. A number of additional and alternative adjustments were considered in arriving at the Council's decision establishing the new hourly wage exemption level at \$2.75. These adjustments utilized data from census surveys concerning income and earnings of families with income below the BLS "lower budget" level.

The exemption level of \$2.75 was an estimate of the hourly wage rate at least sufficient to raise the income of the average family earning less than the BLS "lower budget" level to the "lower budget" level estimate for a family of four in 1972. This hourly wage rate was obtained by estimating, on the basis of census statistics for families with incomes below the "lower budget" level, the amount of earnings of the family head that would be necessary to raise the income of the average family in this low income range to the BLS "lower budget" standard.

A number of alternative computations were made and the Council's decision, an hourly wage level of \$2.75, was at the high end of the range of wage estimates obtained through these adjustments.

This amendment shall be effective as of July 15, 1972. The reasons for making this regulation effective as of that date are as follows. First, to make the regulation effective as of an earlier date would seriously hamper the achievement of the anti-inflation goals of the Eco-

omic Stabilization Act and the economic stabilization program. It would be extremely difficult, if not impossible, to open up past Pay Board decisions and alter Pay Board regulations on a retroactive basis or to offset a retroactive change in the exemption level for low wage earners in an equitable manner by changing Pay Board policies and regulations in the future. Further, a retroactive change in the exemption for low wage earners would create substantial inequities both for many employers and many employees. Finally, it should be noted that the Pay Board has, in making its decisions in the past, considered the issue of low wages at levels in excess of \$1.90 per hour on a case-by-case basis.

Because the purpose of this amendment is to amend and modify Part 101 to provide immediate guidance and information as to a Cost of Living Council decision the Council finds that publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit written comments regarding the above amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507. (Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 700; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order No. 11640, as amended)

DONALD RUMSFELD,
Director, Cost of Living Council.

1. Subpart F is amended in § 101.104 to read as follows:

§ 101.104 Wage increases to those individuals earning less than \$2.75 per hour.

Notwithstanding any other provisions of this title, this title shall be implemented in such a manner that wage increases after July 14, 1972, to any individual who is earning less than \$2.75 per hour shall not be limited in any manner until such time as the earnings of such individual are no longer less than \$2.75 per hour.

[FR Doc.72-11803 Filed 7-26-72;8:55 am]

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Delegation of Certain Exceptions Authority to District Directors of Internal Revenue in Price Cases

The purpose of this amendment is to revise the current delegation of authority to District Directors of Internal Revenue to grant or deny exceptions in certain price cases.

Section 300.507 currently limits this delegation of authority to cases which involve price category III firms (those with annual sales or revenues of less than \$50 million), and does not apply to providers of health services or public utilities, or to cases involving productivity matters under § 300.11a.

The District Offices now have the capability of handling a broader range of exceptions cases, at places more convenient to persons making requests for exceptions. Because of this increased capability and the Price Commission's desire to provide more convenient and expeditious service on exception requests, the revised section provides for the delegation of authority concerning exceptions to District Directors with respect to all health providers covered by §§ 300.18 and 300.19, as well as those for price category III firms, including those involving productivity matters. It does not extend to cases involving public utilities.

This amendment has been approved by the Secretary of the Treasury pursuant to § 300.511.

Because of the purpose of this amendment is to provide immediate guidance and information as to the rules governing exceptions for the price and rent sta-

bilization programs, and procedures with respect thereto, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 789, Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, § 300.507 of Title 6 of the Code of Federal Regulations is amended to read as follows, effective July 26, 1972:

§ 300.507 Exceptions: Authority of District Directors of Internal Revenue in certain cases.

There is hereby delegated to each District Director of Internal Revenue the

authority to consider, and grant or deny, in whole or in part, any request for an exception from—

(a) Any provider of health services subject to § 300.18 or § 300.19; and

(b) Any price category III firm (as defined in § 101.15 of this chapter) except a public utility subject to § 300.16 or § 300.16a.

Issued in Washington, D.C. on July 25, 1972.

[SEAL] W. DAVID SLAWSON,
General Counsel,
Price Commission.

Delegation approved: July 20, 1972.

GEORGE P. SCHULTZ,
Secretary of the Treasury.

[FR Doc.72-11804 Filed 7-26-72;8:55 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of the Comptroller of the
Currency

[12 CFR Part 11]

SECURITIES ACT DISCLOSURE RULES

Exemption of Dispositions of Securities of National Banks Pursuant to Cer- tain Mergers and Consolidations

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in section 12(l) (15 U.S.C. 78—(l)) of the Securities Exchange Act of 1934, as amended, (Act) is considering the adoption of an amendment to Part 11 of the Regulations of the Comptroller of the Currency relating to insiders' securities, transactions and reports.

The proposed amendment would exempt dispositions of securities of national banks pursuant to certain mergers and consolidations from section 16(b) of the Act (short swing profit prohibition). Under the statutory authority to exempt transactions not comprehended within the purpose of section 16(b), the amendment would exempt the disposition of national bank stock given in exchange for holding company stock as part of the formation of a bank holding company by means of the merger of an existing national bank with an interim bank. The amendment exempts transactions similar to those exempted under Rule 16b-7 of the Securities and Exchange Commission.

Persons desiring to comment on this amendment should do so in writing no later than 30 days after publication of this notice. Comments should be addressed to Robert Bloom, Chief Counsel, Main Treasury Building, Washington, D.C. 20220.

It is proposed that § 11.6, "Insiders' securities transactions and reports under section 16 of the Act, be amended by adding the following paragraph:

§ 11.6 "Insiders' securities transactions and reports under section 16 of the Act.

(r) *Exemption from section 16(b) of dispositions of equity securities pursuant to certain mergers or consolidations incident to formation of a bank holding company.* (1) There shall be exempt from the provisions of section 16(b), as not comprehended within the purpose of that section, the disposition of any equity security, pursuant to a merger or consolidation, of a national bank which, prior to said merger or consolidation, held over 85 percent of the combined assets of all the companies undergoing merger or consolidation, computed according to their book

values prior to the merger or consolidation, as determined by reference to their most recent available financial statements for a 12-month period prior to the merger or consolidation, if, in such merger or consolidation, there are issued, in exchange for such equity securities of such bank, equity securities of a bank holding company as defined in the Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841.

(2) Notwithstanding the foregoing, if an officer, director, or stockholder shall make any purchase (other than a purchase exempted by this rule or any other rule under section 16(b) of the Act) of an equity security of any company involved in the merger or consolidation and any sale (other than a sale exempted by this rule or any other rule under section 16(b) of the Act) of an equity security in any other company involved in the merger or consolidation within any period of less than 6 months during which the merger or consolidation took place, the exemption provided by this rule shall be unavailable to such officer, director, or stockholder to the extent of such purchase and sale.

Dated: July 24, 1972.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.72-11677 Filed 7-26-72;8:54 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Parts 5, 7]

ACADIA NATIONAL PARK, MAINE

Revocation of Proposal Concerning Operation of Passenger-Carrying Motor Vehicles

There was published at page 19976 of the FEDERAL REGISTER of October 14, 1971 (36 F.R. 19976), a proposal of rule making to amend § 5.4 and add § 7.82 of Title 36 to the Code of Federal Regulations. The entire proposal is hereby withdrawn.

The purpose of the proposal was to prohibit operation of commercial passenger-carrying motor vehicles in Acadia National Park, except under contract or permit from the Secretary of the Interior or his authorized representative, or in accordance with the proposed special regulations in § 7.82. The effect of the proposed special regulations in § 7.82 was to permit entrance of certain infrequent and nonscheduled tours provided that the point of origin of such tours was outside Hancock County, Maine.

Upon reexamination of the proposal it has been determined that the restric-

tions therein are unnecessary for proper management of the park at this time. Therefore the proposal of rule making is withdrawn.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.72-11648 Filed 7-26-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Proposed Handling Limitations

Consideration is being given to the following proposal submitted by the Florida Lime Administrative Committee, established under the amended marketing agreement and Order No. 911, as amended (7 CFR Part 911; 37 F.R. 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal reflects the committee's current appraisal of present and prospective marketing conditions for limes. Seasonally heavy shipments of limes are now in progress. The committee recently completed research designed to develop an acceptable range of sizes of containers for marketing limes. The research, conducted in cooperation with handlers of Florida limes, indicated there is a need to amend § 911.328 Lime Regulation 26 (Container Regulation; 33 F.R. 17308), of the marketing agreement and order, to provide two additional sizes of containers for handling specified weights of limes. The Florida Lime Administrative Committee, on July 12, 1972, unanimously recommended the proposal to amend the aforesaid regulation to provide two additional containers designed to contain 40 pounds and 20 pounds net weight of limes, respectively. Both new containers have larger width and slightly smaller depth dimensions and a different style of construction than the currently authorized containers. The larger volume handlers report the 13½x16½x9 inches and the 13½x16½x5 inches containers are faster and less costly to set up in their packing operations, and they are more efficient in utilization of pallet surface area. The smaller volume handlers report that the currently authorized containers are satisfactory in their packing and handling operations, and they wish to retain the authority to use such containers. Thus, the committee proposes that Lime Regulation 26, be amended as follows:

1. It is proposed that the provisions of paragraph (a) (3) following subdivision (ii) thereof of § 911.328 (Lime Regulation 26; 33 F.R. 17308) be amended by adding new subdivisions (iii) and (vi) and by renumbering subdivisions (iii), (iv), (v), (vi), and (vii) as subdivisions (iv), (v), (vii), (viii), and (ix), respectively, to read as follows:

§ 911.328 Lime Regulation 26.

(a) Order. * * *

(3) * * *

(iii) Containers with inside dimensions of 13½x16½x9 inches: *Provided*, That any such container shall contain less than 40 pounds nor more than 42 pounds net weight of limes.

(vi) Containers with inside dimensions of 13½x16½x5 inches: *Provided*, That any such container shall contain not less than 20 pounds nor more than 22 pounds net weight of limes.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal may do so, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 15th day after publication thereof in the FEDERAL REGISTER. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 21, 1972.

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

[FR Doc.72-11613 Filed 7-26-72;8:47 am]

[7 CFR Part 919]

PEACHES GROWN IN MESA COUNTY, COLO.

Proposed Handling Limitations

Consideration is being given to the following proposal, which would limit the handling of peaches by establishing regulations recommended by the Administrative Committee, established pursuant to the marketing agreement and Order No. 919 (7 CFR Part 919), regulating the handling of peaches grown in the county of Mesa in the State of Colorado. This program is 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 in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public

inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of peaches are currently being made subject to grade and size limitations which became effective July 17, 1972 (37 F.R. 14216). The grade and size requirements specified herein are the same as those in effect during the period July 17, through August 16, 1972. The committee reported that the continuation of such regulation as herein specified is necessary to prevent the handling, on and after August 17, 1971, or 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.

Such proposal reads as follows:

§ 919.313 Peach Regulation 12.

(a) Order. During the period August 17, through September 30, 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 2½ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2½ inches in diameter (1) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2½ 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 2½ 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).

Dated: July 24, 1972.

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

[FR Doc.72-11682 Filed 7-26-72;8:53 am]

[7 CFR Part 927]

CERTAIN VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Proposed Handling Limitations

Consideration is being given to the following proposal submitted by the Con-

trol Committee established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), which regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nells, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is to regulate the handling of fresh pears of the Beurre D'Anjou and Winter Nells varieties by limiting shipments of such pears to those meeting the size and grade requirements hereinafter specified. The specifications applicable to Beurre D'Anjou variety would permit the handling of such pears bearing limited damage from skin punctures, however, this factor which limits market desirability would be beneficially offset by the accompanying requirement that any such pears thus affected be of the specified higher grade and larger size. The regulation was recommended by the Control Committee and reflects its appraisal of the winter pear crop and the current and prospective market conditions.

The proposed regulation is as follows:

§ 927.311 Pear Regulation 11.

(a) Order: During the period August 7, 1972, through June 30, 1973, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(1) Beurre D'Anjou pears, except such pears grown in Medford District, shall be of a size not smaller than 195 size and shall grade at least U.S. No. 1: *Provided*, That pears of such variety which grade at least U.S. No. 2 and are of a size not smaller than 180 size may be shipped except that such pears which fail to meet the U.S. No. 2 grade requirements only because of serious damage, but not very serious damage, caused by frost injury, healed hail marks, russetting, or limb rubs may be shipped if they are of a size not smaller than 135 size and the shape of each pear is such that it will cut at least one good half: *And provided further*, That pears of such variety which bear unhealed skin punctures not exceeding ⅛ of an inch in diameter may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than the 135 size;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1972, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° F. or less;

(3) Winter Nells pears, except such pears grown in Medford District, shall be of a size not smaller than 195 size and shall grade at least U.S. No. 2.

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5

pounds, without regard to the inspection requirements of § 927.60(a), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. He shall report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination;

(2) On the basis of such individual reports the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nells, Comice, and other similar varieties (§§ 51.1300-51.1323 of this title); "135 size," "180 size," and "195 size," shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said U.S. Standards, 135, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pears; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: July 21, 1972.

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

[FR Doc.72-11612 Filed 7-26-72; 8:47 am]

Rural Electrification Administration
[7 CFR Part 1701]

POWER SUPPLY BORROWERS

Long-Range System and Financial Planning

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue new REA Bulletin 105-7, Long-Range System and Financial Planning—Power Supply Borrowers, to set forth policy and general recommendations for its power supply borrowers with respect to the preparation of long-range system and financial plans for meeting

their power supply obligations and requirements for new loans. On issuance of the new bulletin, Appendix A to Part 1701 will be revised accordingly.

Persons interested in the provisions of revised Bulletin 105-7, may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than thirty (30) days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the bulletin and related forms and instructions may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The text of the proposed Bulletin 105-7 is as follows:

REA BULLETIN 105-7

SUBJECT: Long-Range System and Financial Planning—Power Supply Borrowers.

I. Purpose. To provide guidelines to REA power supply borrowers for use in developing long-range system and financial plans for meeting power supply obligations to their member systems.

II. Policy. A. All power supply borrowers should develop long-range system and financial plans for meeting their power supply obligations, and for maintaining a sound financial position. These plans should be kept up to date through revision as shown to be necessary by periodic reviews of operating results and constant monitoring of system performance.

B. The development and maintenance of the long-range system plans as set forth in this bulletin should include, as part of their preparation and review, consideration of the impact of the planned facilities on the environment.

III. General. A. The primary purpose of this bulletin is to urge power supply borrowers to give a high priority in their management activities to comprehensive system and financial planning. Effective plans provide directors and management with continuing guidance essential to the successful development and operation of the system. Such planning will provide a determination and a timetable as to:

1. What should be done to assure the member systems an adequate and reliable source of power at the lowest practicable cost consistent with sound environmental considerations, and with prudent management, operations and fiscal control, and estimates of when the various actions and system additions and improvements will be required.

2. Projected estimates of capital requirements.

3. The revenues required from year to year to support the system and to maintain a financially sound power supply enterprise.

B. A well-prepared up-to-date study tailored to fit the individual needs of the borrower based on: (1) existing and proposed facilities; (2) present and proposed power supply arrangements; and, (3) the financing arrangements, will also provide the information needed for REA and the supplemental lender when considering the borrower's needs for capital. It will also provide supporting detail for proposed changes in wholesale rates. Where the study is to be used in support of a loan application or a reclassification of funds previously loaned, there

should be compliance with the provisions of REA Bulletins 20-6, Loans for Generation and Transmission; 111-3, Power Supply Surveys; and 20-21, National Environmental Policy Act.

C. System and financial planning should be a continuing activity of management. Both should be kept current through regular monitoring of system performance, reviewing operating results and comparing them with the planning estimates, and through modification of the plans, if required because of changed conditions or circumstances.

D. System and financial planning are basic to good management. Increasing demands for electric power, more stringent standards for protecting the environment, the need to assure service reliability, increasing costs and the need for large amounts of capital make planning essential. With increasing lead time required to plan, obtain financing, and construct new facilities, the borrower will not be able to supply the power requirements of its member systems adequately and reliably without developing, reviewing and revising, as required, the type of planning described herein.

E. Plans will include estimating the requirements for and timing of capital investments for implementing the system plans. They will include estimates of revenue requirements not only for meeting the annual costs in operating the system and making all loan repayments as scheduled, but also for margins sufficient to achieve an equity position consistent with the long-range financial goals of the borrower.

F. System studies and financial plans should be prepared for periods consistent with the needs of the borrower. Detailed financial and system planning beyond 10 years should only be considered when necessary to justify the utilization of major new facilities, but basic plant projections may be desirable for a longer period. Longer studies should be concerned primarily with power supply needs and the location of basic facilities, while annual or biannual revisions will provide more details as a basis for work plans. Carefully considered assumptions will have to be made as to the escalation of capital and operating costs, and other conditions and circumstances where this detail is necessary.

G. Management, key staff people and consultants, as required, should prepare the study under the direction of the general manager. The general manager should be in agreement with the plans as developed and with the assumptions, criteria and basic data upon which they are based. Such plans should be prepared so as to represent a practical basis for implementing, operating and construction programs.

H. Up-to-date financial and system studies may be a major requisite to the consideration of loan applications. Borrowers will be expected to maintain their studies in a current status as a source of pertinent investment and cost information for loan needs and feasibility studies. Emphasis is placed on the need for borrowers to make and use such studies as a part of their ongoing management programs rather than purely as a part of getting a loan. Borrowers may be required to update their studies before loan studies can be initiated.

I. The attached appendixes provide guidelines for the development of such a study. The formats attached should be changed as required to fit the borrower's power supply plan, its financial arrangements, and such other information as may be required by a supplemental lender.

Dated: July 24, 1972.

DAVID A. HAMIL,
Administrator.

[FR Doc.72-11684 Filed 7-26-72; 8:54 am]

**DEPARTMENT OF
TRANSPORTATION**

Federal Aviation Administration

I 14 CFR Part 71 I

[Airspace Docket No. 71-SO-75]

CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a control area east of the Florida Peninsula.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

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

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

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

The airspace action proposed in this docket would designate as a control area that airspace north of lat. 27°00'00" N., bounded on the east by Control 1151 and on the west by Control 1150, excluding the airspace below 2,000 feet MSL. The proposed control area is needed to provide controlled airspace for radar vectoring and control of air traffic en route to and departing from the south Florida terminal areas.

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

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

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

[FR Doc. 72-11589 Filed 7-26-72; 8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 72-WA-36]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area on the Strait of Juan De Fuca along the United States and Canadian boundary.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. All communications received within 30 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

The airspace action proposed in this docket would designate a restricted area bounded by a line beginning at lat. 48°14'30" N., long. 123°42'09" W.; to lat. 48°10'30" N., long. 123°42'00" W.; thence one-half mile N. of and parallel to the N. coast of Washington to lat. 48°18'35" N., long. 124°25'00" W.; to lat. 48°24'30" N., long. 124°25'00" W.; thence along the United States-Canadian border to the point of beginning.

The proposed restricted area is needed to provide protected airspace for anti-submarine warfare (ASW) training which will include the air dropping of sono-buoys, signals, underwater sound, and marine smoke markers from altitudes between 500 and 2,000 feet MSL. The area would be established as a joint-use restricted area to be activated approximately 3 days per week for approximately 5 hours each day.

This amendment is proposed under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc. 72-11590 Filed 7-26-72; 8:45 am]

**National Highway Traffic Safety
Administration**

[49 CFR Part 571]

[Docket No. 72-1; Notice 1]

AUTOMATIC BRAKING SYSTEMS

**Advance Notice of Proposed Rule
Making**

This is an advance notice of proposed rule making, requesting comments on the subject of automatic braking systems. No rule on this subject will be issued without a further notice of proposed rule making and opportunity to comment.

The National Highway Traffic Safety Administration is investigating the feasibility of a Federal motor vehicle safety standard concerning automatic and semi-automatic means of augmenting the driver's ability to avoid collisions by decelerating the vehicle at appropriate times. A fully automatic system would reduce engine power output and apply the brakes as hard as necessary without locking the wheels and without effort on the part of the driver. A semi-automatic system would sense a hazard and inform the driver of the need to take action by a warning such as a light or a noise. Ideally, such systems would overcome human errors in failing to apply the

brakes or otherwise avoid an obstacle, without depriving the driver of his ability to stop the vehicle at will. Automatic braking systems also offer a potential solution to safety problems associated with driving in fog and other conditions of reduced visibility. It is recognized that even when a crash is not completely avoided, a significant slowing down of the vehicle prior to impact can improve chances for survivability.

The technology of automatic braking systems has been tested in various prototype configurations. The NHTSA needs to obtain further information on practicability of mass production installations, and their effectiveness in the total highway traffic system when installations in the vehicle population approach 100 percent. Interactions between the vehicle, the highway, and the driver, as well as interactions with other vehicles (both with and without similar equipment), must be considered before introducing an innovation of this nature into the Nation's highway transportation system. Other desired characteristics of automatic braking systems are reliable performance, low initial cost, and economy of operation over the useful life of the vehicle. Reliable performance means achieving a high probability of actuation when there is a hazardous obstacle in the vehicle's path, and that the system not activate when there is no hazardous obstacle. Particular care must be taken to design such systems to fail safe and permit normal braking in the event of malfunction.

A number of potentially suitable controller systems have been based on radar-type sensors. With regard to radar units, data are sought relevant to the special problems of the beam width and range, frequency interference and control, extraneous signals, combinations of active and passive functional elements, compatibility with police radar, and health hazards. The interest of this agency, however, is not limited to any one type of system. It is contemplated that the most cost-effective automatic braking systems may share components with other safety systems such as anti-lock brake, air bag deployment, or automatic vehicle speed controls. Regardless of the type of sensing method used, it is important that the vehicle be capable of stopping on a wide variety of road surfaces without affecting normal vehicle lateral response or driver control during normal handling and evasive steering maneuvers.

The NHTSA particularly invites the submission of technical data, test procedures, and other information applicable to the following subjects:

1. System performance capabilities at various speeds and under various traffic conditions.

2. System limitations and methods of minimizing the adverse effects of such limitations, including the desirability of providing a means for deactivating the system for special driving conditions.

3. System interface with the driver including the effects of changes in the driver's task.

4. Performance of vehicles with automatic braking systems following vehicles with such systems.

5. Two-lane opposing traffic roadways.

6. Fixed obstacles close to but not on the roadway.

7. Sharp turns in the roadway.

8. Pedestrians.

9. Cost of ownership including periodic inspection and maintenance.

10. Possible effective dates, including phasing in of the effective dates.

11. Research performed or planned.

12. Research recommended for the Federal Government.

Interested persons are invited to submit written data, views, and arguments concerning the proposed standard. Comments should refer to the docket number and notice number and be submitted to the Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20950. It is requested but not required that 10 copies be submitted. All comments received before the close of business on January 21, 1973 will be considered and will be available for examination in the docket room at the above address both before and after the closing date. To the extent possible, comments filed after the closing date will be considered by the Administration. However, the rule-making action may proceed at any time after the date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date and it is recommended that interested persons continue to examine the docket for new material.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on July 21, 1972.

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

[FR Doc.72-11670 Filed 7-26-72;8:54 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

SHIPMENTS OF ECONOMIC POISONS FOR EXPERIMENTAL USE

Issuance of Permits

Notice is hereby given that § 162.17 of Chapter I of Title 40 of the Code of Federal Regulations, issued pursuant to section 7.a.(4) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135d), is proposed to be revised to read as set forth below.

Any person may file written comments on this proposal within 60 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be filed in duplicate and addressed to the Pesticides Regulation Division, Environmental Protection Agency, Room 2134, South Agriculture Building, 14th and Independence Avenue SW., Washington, D.C. 20250, with the reference DLB-FR 162.17. All written submissions filed pursuant to this notice will be available for public inspection in the above office during working hours, Monday through Friday.

It is proposed that these rules, if adopted, will govern future issuances of experimental permits under this section. In developing these proposals, this Agency has taken into account prior experience under the existing regulations. These proposed rules are intended to provide for a more realistic approach to the issuance of experimental permits and the conduct of testing programs involving pesticides. The major difference between the existing rules and the proposal is that the proposed rules would provide for two types of permits: (1) limited experimental permit which will be restricted to use under a closely controlled experimental program, and (2) general experimental permit which will provide for more extensive use for purposes of obtaining broader use experience and environmental data prior to considering the issuance of a registration.

The provisions for two phases of the experimental permit will result in the protection of man and the environment in the case of chemicals in the earlier stages of testing for use as a pesticide. The normally developed laboratory data combined with restricted field data obtained under a rigidly controlled experimental permit program, often does not provide for adequate assessment of effects on the environment. This is primarily due to the currently inadequate techniques in extrapolating knowledge developed under research conditions to actual field conditions. The more extensive use under a General Permit would provide for determining how the product will perform under actual use situations.

§ 162.17 Experimental permits.

(a) *Shipments for experimental purposes.* Experimental permits may be issued for shipment of a pesticide product which is to be tested further to determine the scope and limitations of its usefulness, and the effect of its use on man and the environment. Permits will be issued for products for use in experimental programs under the supervision of qualified persons and broad scale testing under normal conditions of use. The Director may require such information and data concerning the product and the proposed testing program which he deems necessary to make determinations on the appropriateness of such proposals. The Director may propose to the applicant an experimental permit in lieu of registration if he determines that this is necessary for the protection of public health and environment.

(b) *Articles for which no permit is required.* (1) A substance or mixture of substances being put through tests, e.g., laboratory screening tests, in which the purpose is to determine its toxicity or other properties, but not intended for preventing, destroying, repelling, or mitigating any pest nor intended for use as a plant regulator, defoliant, or desiccant is not considered to be an economic poison within the meaning of section 2a of the Act. Therefore, no permit under the Act is required for its shipment.

(2) A manufacturer or shipper of an economic poison shipped or delivered for experimental use by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons shall not be subject to the penalty provisions of section 3(a) of the act and the regulations in this part with respect to such economic poisons.

(c) *Experimental pesticide products for which a permit is required.* Pesticide products intended for experimental use which are not exempt under paragraph (b) of this section will require a permit. A manufacturer or shipper of such products for which a permit has been issued pursuant to the provisions of this section, shall otherwise be exempt from the registration and related penalty provisions of the act and regulations under this part.

(d) *Types of experimental permits.* Experimental permits shall be of two types; namely, limited and general. (1) A limited permit shall be issued to cover the shipment of specified quantities of a pesticide product for use in controlled experimental programs by or under supervision of qualified persons to further evaluate (i) its usefulness as a pesticide, (ii) its effects on the public health and the environment, and (iii) to determine any additional limitations or restrictions which should be applied prior to more general use.

(2) A general permit may be issued for increased amounts of a pesticide product for a large-scale program to obtain broader use experience and to further evaluate environmental effects prior to registration. The quantity of a pesticide permitted to be shipped under a general permit may be limited, or if it is determined that the public health and the environment will be protected, unlimited quantities may be permitted. A general permit may follow a limited permit or it may be sought directly if the circumstances warrant, e.g. use on additional crops or sites for pesticides registered for other purposes.

(e) *Requirements prior to issuance.* (1) Prior to the issuance of an experimental permit the applicant will be required to submit the following types of information: (i) Information on the chemistry of the pesticide chemical and of the formulation as the Director may prescribe.

(ii) Results of toxicity tests or other data necessary to determine if the product can be used as directed without causing injury to the user or other persons who may be exposed and without causing other significant adverse effects on the

environment, as the Director may prescribe.

(iii) Results of any previous test on which the claims and directions are based.

(iv) A statement of the complete composition of each pesticide product intended to be covered by the permit. In the case of limited permits, closely allied formulations may be covered under a single permit if the purpose is to determine the most useful formulation.

(v) Proposed quantity of the product to be shipped.

(vi) A statement describing the proposed testing program including designation of the type of pest organisms involved, the crops, animals, or sites on which the pesticide is to be used.

(vii) The proposed dates or period during which the testing program is to be conducted.

(viii) States in which the proposed program will be conducted.

(2) If the proposed pesticide product is to be used in such a manner that residues can reasonably be expected to result in or on food or feed, a permit will not be issued unless:

(i) A permanent or temporary tolerance or exemption from the requirement of a tolerance has been established under the Federal Food, Drug, and Cosmetic Act to cover any residue which may be present, or

(ii) If in the case of a limited permit the conditions of (i) are not met, assurance that the food or feed derived from the experimental program will be destroyed or fed only to laboratory animals for testing purposes or otherwise disposed of in a manner which will protect the public.

(3) No permit will be issued until the applicant submits and the Director approves proposed labeling bearing: (i) the necessary information as prescribed in § 162.6 with the exception of the registration number prescribed in § 162.6(f). (The permit number shall be assigned at the time of issuance which is to be included on finished labeling.)

(ii) In the case of limited permits, the statement "For Experimental Use Only."

(f) *Limitations on permit.* The Director may limit the quantity of a pesticide covered by a permit to a quantity less than requested if he determines the available information on effectiveness, or toxicity or other hazards or based on the proposed program, is insufficient to justify the scope of the proposed use. He may also require other limitations in the permit as he may determine to be necessary for the protection of the public health and the environment.

(g) *Reports on experimental program.* During the period in which a permit is effective, the holder shall submit periodic reports regarding the status of the experimental program. Reports shall be submitted at specified intervals as the Director may prescribe. These reports shall include the following information (except that under a general permit a waiver may be granted for certain of these requirements):

(1) Quantity of the pesticide shipped during reporting period.

(2) Name and address of consignee of each shipment.

(3) A summary of data on effectiveness, phytotoxicity, or other pertinent information regarding usefulness obtained during the permit period.

(4) Any additional data on residues or analytical methods obtained during the reporting period.

(5) Any additional data on toxicity or adverse affects to man, nontarget animals, or the environment obtained during the reporting period.

(6) Such other information and data as the Director may require.

(h) *Sale of pesticide.* Pesticides shipped under a limited permit shall not be offered for general retail sale. If in the case of a general permit, information is available to show that the public health and environment would be protected general retail sale may be permitted.

(i) *Permits for pesticides which are drugs subject to the new-drug requirements of the Federal Food, Drug and Cosmetic Act.* (1) Notwithstanding the provisions of paragraph (b) of this section a permit is hereby issued under section 7.a.(4) of the Act to the manufacturers and shippers of economic poisons for experimental use only, to ship such economic poisons: Provided, (i) that the product is a "new drug" within the meaning of section 201(p) and 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. sec. 321(p) and sec. 355); (ii) that it is subject to, and the manufacturer or shipper complies with, the provisions of section 505(i) of said act (21 U.S.C. sec. 355(i)) and § 130.3 of the regulations (21 CFR 130.3) thereunder; and (iii) that the documents referred to in said § 130.3 shall be made available for inspection upon the request of any duly designated officer or employee of the Environmental Protection Agency at any reasonable time within 2 years after the introduction of the product into interstate commerce.

(2) The permit referred to in the preceding subparagraph shall apply only insofar as the experimental uses are for drug purposes within the meaning of the Federal Food, Drug, and Cosmetic Act. It shall not apply to other experimental uses even though the product may be intended for both drug and nondrug uses.

(j) *Responsibility for monitoring use.* The Director may provide for assistance in monitoring the effects of the testing program if he determines such action is necessary for protection of the public health and the environment. It will be the responsibility of the holder of a permit to report immediately incidents or adverse reaction from use of or exposure to the pesticide covered by an experimental permit. Such report will be referred to the Pesticides Regulation Division, Environmental Protection Agency, Washington, D.C. 20250, or to the Environmental Protection Agency field office or representative assigned to cooperate with the holder in the monitoring of the experimental permit.

(k) *Cancellation of permits.* A permit may be canceled at any time for violation of the terms thereof or if it shall appear to the Director that the permit

should be canceled for the protection of the public health or the environment.

(1) *Duration of permits.* Permits will be effective for a specified period of time, not to exceed 1 year, except that permits may be renewed for additional periods of 1 year if circumstances warrant such renewal.

Done this 20th day of July 1972.

JOHN QUARLES,
Acting Administrator.

[FR Doc.72-11675 Filed 7-26-72;8:54 am]

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

[1 CFR Ch. 1]

DAILY FEDERAL REGISTER

Effective Dates and Time Periods

The Administrative Committee of the Federal Register is considering adding a new provision to its regulations which would result in the appearance of a specific date in documents published in the FEDERAL REGISTER in place of such statements as "effective 30 days after publication in the FEDERAL REGISTER" or "comments must be received within 60 days after publication" and other similar date statements.

The purpose of this requirement would be to eliminate the confusion and the duplication of effort that currently exists in computing pertinent dates based on FEDERAL REGISTER publication. Many people are faced with uncertainty in computing such a date. Questions arise such as:

Where do you start the count?

Do you count intervening Saturdays and Sundays? (After all, Article 1, Section 7, of the Constitution eliminates Sundays in calculating the time the President has for consideration of a bill.)

Is the count the same for comment periods as for effective dates?

What if the count ends on a Saturday, Sunday, or holiday?

Literally thousands of man-hours are expended each year by persons in and out of Government in attempting to determine pertinent dates. The Administrative Committee believes that action should be taken to eliminate the existing confusion and duplication involved in computing these dates.

On the other hand, the Administrative Committee also believes that necessary administrative practices in many agencies preclude the use of specific dates when drafting documents for publication in the FEDERAL REGISTER. Therefore, the committee believes that the solution to this problem lies in encouraging the use of dates certain wherever possible but not in prohibiting the use of date statements such as "effective 30 days after publication in the FEDERAL REGISTER" or "comments must be received within 60 days after publication" in the FEDERAL REGISTER documents. Where the latter types of statements are used, the Federal

Register staff would translate such statements into specific dates prior to publication.

However, before the Federal Register staff could do this, it would be necessary to spell out in the committee's regulations the computation method to be used in making each conversion so that every agency would know in advance how specific dates would be determined.

The most simple computation method would be to count the day after publication as "one" and to count every day thereafter, including intervening Saturdays, Sundays, and holidays, with an adjustment at the end so that the final date would always fall on a Federal workday. Thus, if an effective date or comment period is stated to be 30 days after publication and the 30th day fell on Sunday, July 2, 1972, the Office of the Federal Register would insert July 3, 1972, in the document.

A solution to the above-described problem could have beneficial side results aside from the main benefit of eliminating confusion and wasted hours. For example, the Office of the Federal Register is considering adding several features to the FEDERAL REGISTER that could be of service to FEDERAL REGISTER subscribers. Each daily issue could contain a listing of all regulations (other than those published in that issue) that take effect on that date. Similarly, possibly once a week, a listing could be published of all comment periods that terminate during the following week—and of all public hearings that take place during the following week. Obviously, the introduction of these services would require dates certain.

Another side benefit that could result from a solution to the problem of time periods in FEDERAL REGISTER documents is a similar approach in public laws. The Office of the Federal Register also publishes the slip laws and U.S. Statutes at Large and prepares the annotations and legislative histories that appear in those publications. It is possible that for a statutory provision such as "90 days after approval, the Secretary shall report," a side note could be provided reading, "report required by July 7, 1972."

Interested persons are requested to submit comments and recommendations on this proposal to the Director of the Federal Register, National Archives and Records Service, Washington, D.C. 20408. All comments received by the Office of the Federal Register before August 30, 1972, will be considered.

To carry out this proposal, a new section would be added to Chapter I of Title 1 of the Code of Federal Regulations to read substantially as follows:

§ ----- Effective dates and time periods.

(a) Whenever practicable, each document submitted for publication in the FEDERAL REGISTER should set forth the dates certain. Thus, a document should state "all comments received before July 3, 1972, will be considered" or "this amendment takes effect July 3, 1972," rather than stating a time period measured by a certain number of days after publication in the FEDERAL REGISTER.

Where a document does contain a time period rather than a date certain, the FEDERAL REGISTER staff will insert a date certain to be computed as set forth in paragraph (b) of this section.

(b) Dates certain will be computed by counting the day after the publication day as one, and by counting each succeeding day, including Saturdays, Sundays, and holidays. However, where the final count would fall on a Saturday, Sunday, or holiday, the date certain will be the next succeeding Federal business day.

By order of the Administrative Committee of the Federal Register.

FRED J. EMERY,
Secretary.

[FR Doc.72-11699 Filed 7-26-72;8:55 am]

[1 CFR Ch. 1]

CODE OF FEDERAL REGULATIONS

Staggered Publication

In line with recent proposed changes to the regulations of the Administrative Committee of the Federal Register published at 37 F.R. 6804, April 4, 1972, the committee is considering changing the annual Code of Federal Regulations (CFR) update to a staggered system.

At present, with the one cutoff date of December 31st, production of the entire (CFR approximately 60,000 pages of type) falls on the Government Printing Office during the beginning of each calendar year. During this same period, Congressional work at the Printing Office begins to mount with the result that production of the CFR is delayed. As any subscriber to the CFR knows, it is not unusual to receive a volume in June or July with the imprint "as of January 1." The usefulness of such a volume is seriously diminished by its lateness.

Over the years various methods of improving delivery of the CFR have been tried. One method was to work with the various agencies to establish informal and artificial cutoff dates in advance of the actual cutoff date in order to get a "headstart" on the production of that particular volume of the CFR. Additionally, in the mid-1960's, a large segment of the CFR was converted from letterpress production to offset production at the Printing Office in an attempt to speed delivery. The results of these efforts have been disappointing and it has become increasingly apparent that a new approach must be tried to truly improve the timeliness and thus the usefulness of the CFR.

Under the proposed system each CFR volume would be updated at least once each year, just as before, but in order to spread the typesetting, printing, binding, and delivery operation of the Government Printing Office over a greater period of time, one-fourth (or approximately 15,000 pages, e.g., Titles 1-15) would be updated "as of January 1," one-fourth (e.g., Titles 16-27) "As of April 1," one-fourth (e.g., Titles

28-41) "As of July 1," and the final one-fourth (e.g. Titles 42-50) "As of October 1."

Preliminary estimates from the Printing Office indicate delivery of each quarter's production could be accomplished within 10 weeks of the cutoff date. Thus, no volume of the CFR would be delivered later than 10 weeks after the cutoff date, and the committee is hopeful that most volumes in each quarter's production will be delivered much closer to the cutoff date.

Since the staggered system would spread out the workload sufficiently, it is proposed to have each CFR volume reflect each amendatory document published in the FEDERAL REGISTER on or before the "As of" date, rather than to convert to a cutoff based on "filing" as the committee previously proposed.

The committee recognizes that conversion to the new staggered publication system would require a transition period and that there would undoubtedly be some confusion during this period. However, thereafter each user of a particular CFR volume would know the annual cutoff date for that volume, would know that that date would in most instances remain constant from year to year, and further would know that he could expect his revised volume within weeks rather than months of the cutoff date.

Interested persons are requested to submit comments and recommendations on this proposal to the Director of the Federal Register, National Archives and Records Service, Washington, D.C. 20408. All comments received by the Office of the Federal Register before August 30, 1972, will be considered.

To carry out this proposal, a new section would be added to Chapter I of Title 1 of the Code of Federal Regulations to read substantially as follows:

§ ----- Periodic updating.

(a) *Criteria.* Each book of the Code shall be updated at least once each calendar year. If no change in its contents has occurred during the year, a simple notation to the effect may serve as the supplement for that year. More frequent updating of any unit of the Code may be made whenever the Director of the Federal Register determines that the content of the unit has been substantially superseded or otherwise determines that such action would be consistent with the intent and purpose of the Administrative Committee as stated in § -----.

(b) *Staggered publication.* The Code will be produced over a 12-month period under a staggered publication system to be determined by the Director of the Federal Register.

(c) *Cutoff dates.* Each updated Title of the Code will reflect each amendment to that Title published in the FEDERAL REGISTER on or before the "As of" date. Thus, each Title updated as of July 1 each year will reflect all amendatory

documents appearing in the daily FEDERAL REGISTER on or before July 1.

By order of the Administrative Committee of the Federal Register.

FRED J. EMERY,
Secretary.

[FR Doc.72-11700 Filed 7-26-72;8:55 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Releases IA-323, IC-7265]

"SPECIFIC PERIOD" OVER WHICH ASSET VALUE OF COMPANY OR FUND UNDER MANAGEMENT IS AVERAGED

Proposed Definition

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a rule under the Investment Advisers Act of 1940 (the "Act") (15 U.S.C. 80b-1 et seq.), as amended by the Investment Company Amendments Act of 1970 (the "1970 Act") (Public Law 91-547, 84 Stat. 1432). The proposed rule is designed primarily to make clear that under amended section 205 of the Act, which became effective on December 14, 1971, the "specified period" over which the asset value of the company or fund under management is averaged shall mean the same period over which investment performance is computed. The rule would be adopted pursuant to the authority granted the Commission under sections 205, 206A, and 211 of the Act (15 U.S.C. 80b-5, 80b-6a, 80b-11).

Prior to the amendment of section 205 many investment company performance fee arrangements were unfair to investment companies. Many such fees did not decrease for poor performance; or, if they did, decreases were disproportionate to increases. The amendments to section 205 were designed to align, as nearly as possible, the interests of the adviser and the investment company by correcting imbalance in incentive fee arrangements. Thus, under the section, as amended, all performance fees are prohibited unless compensation under them increases and decreases proportionately with investment performance of the company over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation, or order may specify. The point from which increases and decreases in compensation are measured must be the fee which is paid or earned when the investment performance of the company is equivalent to that of the index.

Section 211 of the Act gives the Commission authority to issue such rules and

regulations as are necessary or appropriate to the exercise of the functions and powers conferred upon it under the Act.

Section 206A of the Act authorizes the Commission by rules and regulations to conditionally or unconditionally exempt any transaction from any provision of the Act or of any rule or regulation thereunder if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

In Investment Company Act Release No. 7113 (Investment Advisers Act Release No. 315) (37 F.R. 7690) the Commission set forth its views on various elements of incentive fee arrangements in order to assist officers and directors of investment companies and their investment advisers in evaluating the fairness of such arrangements in connection with the renewal and adoption of investment company advisory contracts in the future. This was the seventh in the series of interpretative statements and guidelines published by the Commission to assist investment company officers and directors and investment advisers in understanding their responsibilities in connection with the 1970 Act.¹ It was not intended to indicate that the Commission questioned the legality of any existing contract which did not comply with the interpretations announced for the first time in the release.

Included in Release No. 7113 under the heading "Variations in Periods Used For Computing Average Asset Values and Performance" was a discussion of the consequences of using different periods for averaging assets and computing performance under incentive fee arrangements. This aspect of the release was designed to call attention to the difficulties which can arise through the use of different periods for averaging assets and computing performance.

The proposed rule requires that, under a contract containing an incentive fee arrangement, assets should be averaged over the same period performance is computed. An exemption for contracts providing for a "rolling period" is contained in paragraph (c) of the proposal. It would permit the specified period over which the asset value of the company or fund is averaged for computing the "fulcrum fee" to differ from the period over which asset value is averaged for computing the performance related portion of the fee. Under this exemption the fulcrum fee may be computed on the basis of asset values averaged over the most recent subperiod of the rolling period. For example, this exemption would permit a fee structure under which the

¹ Other releases in the series included Investment Company Act Release Nos. 6336 (Feb. 2, 1971); 6392 (Mar. 19, 1971); 6430 (Apr. 2, 1971); 6440 (Apr. 6, 1971); 6506 (May 5, 1971); and 6568 (June 11, 1971) (36 F.R. 3867, 36 F.R. 5840, 36 F.R. 7897, 36 F.R. 8729, 36 F.R. 9130, 36 F.R. 12164).

PROPOSED RULE MAKING

performance related portion of the fee could be based upon a 12 quarter "rolling period" and the "fulcrum fee" could be computed on the basis of the most recent quarter of such rolling period. It would also permit a rolling period of 365 days and daily computation of the performance related portion of the fee and of the fulcrum fee. Of course, as stated in Investment Company Act Release No. 7113, interim payments greater than the minimum fee are not permitted under any incentive arrangements.

Although the proposed rule would permit the fulcrum fee to relate more closely to current assets than the interpretation contained in Investment Company Act Release No. 7113, the rule is consistent with that interpretation. Both would require that the performance portion of the fee be based upon the assets upon which such performance was achieved and that the amount of compensation paid for performance not be influenced unduly by the amount of sales (or redemptions). The proposed rule, if adopted, would be made effective prospectively.

The text of the proposed rule is as follows:

§ 275.205-2 Definition of "specified period" over which the investment performance of the investment company is computed.

(a) For purposes of this § 275.205-2:

(1) "Fulcrum fee" shall mean the fee which is paid or earned when the investment company's performance is equivalent to that of the index or other measure of performance.

(2) "Rolling period" shall mean a period consisting of a specified number of subperiods of definite length in which the most recent subperiod is substituted for the earliest subperiod as time passes.

(b) The specified period over which the asset value of the company or fund under management is averaged shall mean the period over which the investment performance of the company or fund and the investment record of an appropriate index of securities prices or such other measure of investment performance are computed.

(c) Notwithstanding paragraph (b) of this section, the specified period over which the asset value of the company or fund is averaged for the purpose of computing the fulcrum fee may differ from

the period over which the asset value is averaged for computing the performance related portion of the fee, only if

(1) The performance related portion of the fee is computed over a rolling period and the total fee is payable at the end of the subperiod of the rolling period; and

(2) The fulcrum fee is computed on the basis of the asset value averaged over the most recent subperiod or subperiods of the rolling period.

(Secs. 205, 206A, 211; 54 Stat. 852, 84 Stat. 1433, 855; 15 U.S.C. 80b-5, 80b-6a, 80b-11)

All interested persons are invited to submit their written views and comments on the proposed rule to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before August 18, 1972. All communications to the Secretary, in this regard should refer to File No. S7-445, and will be available for public inspection.

By the Commission.

[SEAL]

RONALD F. HUNT,
Secretary.

JULY 13, 1972.

[FR Doc.72-11662 Filed 7-26-72; 8:52 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Aguilar, Ronald T., 700 Helios Street, Metairie, LA, convicted on May 19, 1965, in the U.S. District Court for the Western District of Texas.

Alexander, Joseph, 11657 Ilene Street, Detroit, MI, convicted on March 6, 1940, in the U.S. District Court, Middle District of Georgia.

Andreis, Richard Allan, 1531 Juneau Street, Apt. I, Anchorage, AK, convicted on September 2, 1970, in the District Court of Springfield, Commonwealth of Massachusetts.

Beginski, Benjamin Albert, 121 Liberty Street, Oswego, NY, convicted on September 29, 1961, in the Custer County District Court, State of Montana.

Behnke, Donald F., 1323A Indiana Avenue, Sheboygan, WI, convicted on June 23, 1970, in the Florence County Court, Florence, Wis.

Bereyso, George E., 5021 South Kingshighway, St. Louis, MO, convicted on January 28, 1932, in the Circuit Court of the city of St. Louis, for Criminal Causes, St. Louis, Mo.

Bradley, Oscar, 7317 D. Chaucer, Dallas, TX, convicted on February 11, 1954, U.S. District Court for the Northern District of Texas, Dallas Division.

Cornelius, Danny Lee, 301 Watson, Des Moines, IA, convicted on October 4, 1968, in the Polk County District Court, Des Moines, Iowa.

Craig, James O., 14007 Wayne Plaza North, Seattle, Wash., convicted on September 1, 1930, in the Circuit Court of Livingston County, MO.

Davidson, Marvin Stanley, 2609 Batchelder Street, Brooklyn, NY, convicted on September 28, 1957, in the Criminal Court, Albuquerque, N. Mex.

Fazio, Ralph Anthony, 5414 Southeast Sixth Street, Des Moines, IA, convicted on February 4, 1961, on January 15, 1965, and on or about June 10, 1965, in the Polk County District Court, Des Moines, Iowa.

Harris, Robert Haden, Route 5, Box 308, Charlottesville, VA, convicted on October 27, 1941, in the U.S. District Court, Harrisonburg, Va.

Hatley, Simon Leslie, 9319 Gratiot Avenue, Detroit, MI, convicted on November 7, 1945, in the General Court Martial, Camp Edwards, Mass.

Hazelton, Edson Henry, 218 East Third Street, Winona, MN, convicted on April 23, 1930, in the Third Judicial District Court, Winona County, Minn.

Johnson, Nathaniel, 2102 Pilgrim Street, Detroit, MI, convicted on May 25, 1928, on May 30, 1931, and on May 5, 1932, in the U.S. District Court for the Middle District of Georgia.

King, James Edward, 631 45th Street, Newport News, VA, convicted on December 15, 1960, in the Corporation Court, Newport News, Va.

Lopez, Hector Antonio, 920 East 214th Street, Bronx, NY, convicted on June 11, 1962, in the U.S. District Court, Southern District of New York.

Perise, Richard, 184 Virginia Avenue, Staten Island, NY, convicted on November 10, 1958, in the Supreme Court of the State of New York, County of Richmond.

Pickarts, Ronald M., 5533 North 39th Street, Milwaukee, WI, convicted on August 21, 1953, in the Milwaukee County Municipal Court, Milwaukee County, Wis.; on December 30, 1957, in the U.S. District Court, Southern District of New York; and on October 7, 1958, in the Municipal Court of Racine County, Racine, Wis.

Peitrzak, Chester L. Jr., 1220 Churchill Street, St. Paul, MN, convicted on January 9, 1963, Second Judicial District Court, St. Paul, Ramsey County, Minn.

Rankin, Samuel Joseph III, 1806 Iowa Street, Joplin, MO, convicted on August 26, 1960, in the Putnam County Circuit Court, Fla. Sander, James Roger, Maples Apartment Building, Post Office Box 184, Dyersville, IA, convicted on March 3, 1968, in the District Court of Iowa, in and for Clayton County.

Scott, Donald Duane, Box 898, Halfway, OR, convicted on August 17, 1954, in a General Court Martial, U.S. Naval Air Station, Treasure Island, San Francisco, Calif.

Sherk, Daniel Kenneth, 2506 Army Post Road, Des Moines, IA, convicted on March 18, 1955, in the District Court of Iowa, Black Hawk County.

Shurkey, LaVern Donald, 309 Murphy Street, Bay City, MI, convicted on February 20, 1962, in the U.S. District Court for the Eastern District of Michigan.

Sipple, Dale Richard, 2137 North 147th, Seattle, WA, convicted on September 25, 1953, in the Superior Court of the State of Washington for the County of King, Seattle, Wash.; and on September 28, 1963, in the Superior Court of the State of California, County of Orange.

Tompkins, Richard Paul, 25 Century Street, Somerville, MA, convicted on March 30, 1954, in the Third District Court of Eastern Middlesex, Cambridge, Mass.

Tregurtha, Richard James, 26 Pierce Avenue, Everett, Mass., convicted on July 15, 1969, and on September 13, 1966, in the Malden District Court, State of Massachusetts.

Vincent, Elvin Ray, Route 1, Diamond, MO, convicted on January 4, 1954, in the Circuit Court of Jasper County, Mo.

Warren, Willie Jessie, 1664 Webb, Apartment 34, Detroit, MI, convicted on March 9, 1956, February 11, 1959, and November 9, 1959, in the Detroit Recorder's Court, Detroit, Mich.

Signed at Washington, D.C., this 18th day of July 1972.

[SEAL] REX D. DAVIS,
Acting Director, Bureau of
Alcohol, Tobacco and Fire-
arms.

[FR Doc.72-11679 Filed 7-26-72;8:53 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972-81]

FIRM—CONTROL—BROTHER—SISTER CORPORATIONS

Cost of Living Council Ruling

Facts. Corporation L is in the logging business. L sells its logs to corporation M which operates a lumber mill. A owns 50 percent of the shares of L and 50 percent of the shares of M. B owns 25 percent of the shares of L and M. The remaining 25 percent of the shares of L and M are owned by C. B is the brother of A. C is the son of B. The logging business of L and the milling business of M are mutually interdependent.

Issue. Whether L and M are considered separate firms for the purposes of the Economic Stabilization Regulation?

Ruling. No. Section 101.2 defines firm as follows:

"Firm" means any person, corporation, association, estate, partnership, trust, joint-venture, or sole proprietorship, or any other entity however organized * * *. For purposes of this definition a firm includes any entity listed in the preceding sentence that is part of or is directly or indirectly controlled by the firm. A person will be deemed to control any firm which is controlled directly or indirectly by such person, his spouse, children, grandchildren, or parents. (6 CFR 101.2, 37 F.R. 9457 (1972)).

Cost of Living Council Ruling 1972-55 which interprets the definition of "Firm" indicates that where separate corporate entities are controlled by a single individual, entities may be considered to constitute a single firm for the purposes of the Economic Stabilization Regulations (37 F.R. 11694 (1972)). Cost of Living Council Ruling 1972-51 and Price Commission Ruling 1972-179 state that whether separate entities are considered to be controlled and part of a single firm is a question of fact to be determined from all the facts and circumstances (37 F.R. 10962 (1972)). In the present case, A holds 50 percent of the shares of L and 50 percent of the shares of M. In addition, L and M perform complementary functions in the logging operation which is the business of both entities. Thus, under § 101.2 the firm in the present case includes the entities A, L, and M. Consequently, even though separately incorporated the entities L and M are not considered separate

firms for the purposes of the Economic Stabilization Regulations.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-11603 Filed 7-26-72;8:46 am]

[Cost of Living Council Ruling 1972-82]

FIRM—DEFINITION—FOREIGN AND DOMESTIC ENTITIES

Cost of Living Council Ruling

Facts. H, a U.S. citizen owns 100 percent of the stock of P, a foreign corporation. P is a service organization and sells its service in the foreign country where it is incorporated. P holds 100 percent of the stock of X corporation and 78 percent of the stock of Y corporation. X and Y corporations are domestic corporations. X and Y are service organizations and sell their services in the United States. P, X, and Y sell the same service.

Issue. Whether the domestic entities, X and Y are considered separate firms for the purposes of the Economic Stabilization Regulations?

Ruling. No. Section 101.2 defines firm as follows:

"Firm" means any person, corporation, association, estate, partnership, trust, joint-venture, or sole proprietorship or any other entity however organized * * *. For purposes of this definition, a firm includes any entity listed in the preceding sentence that is part of or is directly or indirectly controlled by the firm. Economic Stabilization Regulation, (6 CFR 101.2, 37 F.R. 9457 (1972)).

Cost of Living Council Ruling 1972-55 which interprets the definition of "Firm" indicates that where separate corporate entities are controlled by a single individual, entities may be considered to constitute a single firm for the purposes of the Economic Stabilization Regulations (37 F.R. 11694 (1972)). In the present case, H is considered to indirectly control X and Y through his control of P. P is considered to control X because it owns 100 percent of the stock of X. Price Commission Ruling 1972-179 and Cost of Living Council Ruling 1972-51 indicate that a person which holds more than 50 percent of the stock of a corporation is considered to control that corporation (37 F.R. 10962 (1972)). P is considered to control Y. Under § 101.2 the firm in the present case includes the entities H, P, X, and Y. Thus, for the purposes of the Economic Stabilization Regulations X and Y may not be considered to be separate firms.

This ruling has been approved by the general counsel of the Cost of Living Council.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-11602 Filed 7-26-72;8:46 am]

[Cost of Living Council Ruling 1972-84]

RAW AGRICULTURAL PRODUCTS—PROCESSING BY GROWER

Cost of Living Council Ruling

Facts. A Company grows certain fruits and combines them for sale as a fruit salad. One ingredient in these fruit salads is oranges, which are peeled and sectioned and combined with the other fruits to make the final product.

Issue. Are the oranges, which are peeled and sectioned for sale in combination with other fruits as a fruit salad, exempt from the price regulations?

Ruling. No. In general, the sale of agricultural products which retain their physical form and have not been processed is exempt (37 F.R. 12961 (1972)). Only the first sale of an agricultural product of a type sold for ultimate consumption in its original physical form is exempt. However, when such a product has been processed before the first sale, even the first sale is controlled. The oranges which have been peeled and sectioned are no longer in their original form. They have been processed, and their sale is no longer exempt from the price regulations.

This ruling has been approved by the general counsel of the Cost of Living Council.

Dated: July 20, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-11599 Filed 7-26-72;8:46 am]

[Cost of Living Council Ruling 1972-85]

RAW AGRICULTURAL PRODUCTS—CONSIGNMENT TO COOPERATIVE

Cost of Living Council Ruling

Facts. The local farmers deposit their products on consignment with the local farmer cooperative association. The cooperative association sells the products, and does not perform any processing with respect to those products.

Issue. Are the sales of farm produce by the farmer cooperative association, which accepts the products on consignment, controlled under the Economic Stabilization Regulations?

Ruling. No. Section 101.32(a) provides that only the first sale by the producer or grower of those agricultural products which are of a type sold for ultimate consumption in their original physical form is exempt from the controls (37 FR 12961 (1972)).

A consignment is not a sale; it is the depositing of goods with another to be sold or disposed of. Since the depositing of produce on consignment with a farmers cooperative association is not a sale, the sale by the co-op is considered to be the first sale and is exempt under the price controls.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: July 20, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-11598 Filed 7-26-72;8:46 am]

[Cost of Living Council Ruling 1972-86]

RAW AGRICULTURAL PRODUCTS—EXEMPTION FOR PRODUCTS

Cost of Living Council Ruling

Facts. A Company is a parent corporation with subsidiary corporations B and C. B Company owns and operates farms and orchards throughout the United States. It sells its produce without any processing, other than crating or bagging, depending on the crop. C Company is a distributor and wholesaler of fresh produce. It buys all of its goods from farms and farm cooperatives and from B Company for resale to stores.

Issue. If a conglomerate has among its subsidiaries both producers and wholesalers of raw agricultural products, should the entire group be considered one entity for purposes of the special rule of Economic Stabilization Regulation § 101.32(a), 37 F.R. 12961 (1972)?

Ruling. No. The exemption provided by the special rule of Economic Stabilization Regulation § 101.32(a), 37 F.R. 12961 (1972), applies to raw agricultural products and does not relate to the business entity involved. Therefore, if some of the subsidiaries are making the first sale of the raw agricultural products, those sales are exempt.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: July 20, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-11597 Filed 7-26-72;8:46 am]

[Cost of Living Council Ruling 1972-87]

RAW AGRICULTURAL PRODUCTS— ORIGINAL PHYSICAL FORM

Cost of Living Council Ruling

Facts. An egg farmer sells his eggs to a dairy company. The dairy does not intend to resell the eggs, but uses them in making ice cream.

Issue. Since the special rule of Economic Stabilization Regulation § 101.32 (a), 73 F.R. 12961 (1972), applies to agricultural products of a type sold for ultimate consumption in their original form, will be above sale to the dairy be exempt even though the eggs will be ultimately consumed in other than their original physical form?

Ruling. Yes. If the product being sold is one which is of a type sold for ultimate consumption in its original physical form, then the first sale is exempt regardless of what the buyer intends to do with it thereafter.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: July 20, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc. 72-11595. Filed 7-26-72; 8:46 am.]

[Cost of Living Council Ruling 1972-88]

RAW AGRICULTURAL PRODUCTS

Cost of Living Council Ruling

Facts. Company A is a wholesaler of raw agricultural products. It purchases these products from farmers and farmer's cooperatives and resells the goods to stores. A Company does not process the products or change their physical form. A had purchased certain products prior to June 29, 1972 and now intends to sell them.

Issue. Will the special rule of Economic Stabilization Regulation § 101.32(a), 37 F.R. 12961 (1972) exempt A's sales of raw agricultural products purchased before June 29, 1972?

Ruling. The exemption applies only to the first sale by a producer or grower of a product that is of a type sold for ultimate consumption in its original physical form. The special rule does not exempt sales of those products by a distributor unless the distributor is also the producer or grower of the product. Coverage of distributors' sales begins on the effective date of the regulation and coverage is not conditioned on the time of purchase of the goods sold.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: July 20, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc. 72-11596 Filed 7-26-72; 8:46 am]

[Cost of Living Council Ruling 1972-83]

DEFINITION OF ANNUAL SALES OR REVENUES

Cost of Living Council Ruling

Facts. X is a real estate management firm which collects over \$75 million annually in rents for clients who own various rental real estate properties, for which X receives 10 percent of the gross rents collected. In addition, X collects over \$30 million in rents on rental properties which it owns and manages in its own behalf.

Issue. What are the "annual sales or revenues" of X?

Ruling. "Annual sales or revenues" means the total gross receipts of a firm during its most recent fiscal year, from whatever source derived, * * *. Economic Stabilization Regulation, 6 CFR 101.2 (1972). However, annual sales or revenues do not include those funds which are collected by a firm pursuant to an agency relationship and which are a liability to the collecting firm. Receipt by the agent is receipt by the principal. (See Rev. Rul. 58-220, 1958-1, C.B. 26.) Accordingly, the annual sales or revenues of X are \$37.5 million (\$7.5 million in commissions and \$30 million from rents collected on its own behalf).

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: July 20, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc. 72-11601 Filed 7-26-72; 8:46 am]

[Cost of Living Council Ruling 1972-90]

SMALL BUSINESS EXEMPTION; FIRM EMPLOYEES

Cost of Living Council Ruling

Facts. Three companies, which are owned and directly controlled by the same individual, have employees, who work for all three companies and are paid by each of the companies for the services rendered to it. For example, one

bookkeeper maintains the books and records of all three companies and is paid a monthly salary by each company.

Issue. In order to determine eligibility for the small business exemption under Economic Stabilization Regulations, 6 CFR 101.51 (1972), how are the number of employees of the three companies determined?

Ruling. Section 101.51 exempts from Economic Stabilization coverage all pay and price adjustments (except rent) for any firm with an average of 60 employees or less. "Firm" as defined in 6 CFR 101.2 (1972), includes one or more corporations controlled directly or indirectly by an individual and certain members of his family.

No distinction is made between casual, part-time, or full-time employees, with all being included for purposes of determining eligibility for the small business exemption. However, since all controlled companies are considered as one firm, an individual employee, who may work for more than one company, is counted only once in arriving at the average number of employees of the companies for exemption purposes.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: July 21, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc. 72-11607 Filed 7-26-72; 8:47 am]

[Cost of Living Council Ruling 1972-91]

SMALL BUSINESS EXEMPTION; PRIOR DENIAL OF EXCEPTION

Cost of Living Council Ruling

Facts. A contract settlement covering 43 employees of a firm was submitted to IRS prior to the effective date of the small business exemption regulations on May 2, 1972, Economic Stabilization Regulations, 6 CFR 101.51 (1972), in support of a request for an exception, which was denied. The firm is a separate and independent business organization, which is not a subsidiary of another corporation, nor do the 43 employees comprise a unit of a larger employee unit. The employer is now exempt under the small business exemption in § 101.51.

Issue. Is the denial of an exception still binding or can the terms of the contract take effect as of May 2, 1972?

Ruling. In order to qualify for the small business exemption under § 101.51, a firm must have an average of 60 or fewer employees as of certain specified dates. The exemption operates prospectively only, according to § 101.51(c). Thus, the firm, as an independent business organization, not controlled by another corporation as a subsidiary and not

a unit of any larger organization and having 60 or less employees, is considered exempt as of May 2, 1972, and the contract may take effect as to wages and other benefits due employees from that day forward.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: July 21, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-11608 Filed 7-26-72;8:47 am]

[Cost of Living Council Ruling 1972-92]

SMALL BUSINESS EXEMPTION— COMPUTATION

Cost of Living Council Ruling

Facts. Company X was established on February 1, 1972. It had 40 employees on March 31, 1972. For the quarter ending on June 30, 1972, Company X will have 75 employees.

Issue. Does Company X permanently lose the small business exemption?

Ruling. Yes. Economic Stabilization Regulations, 6 CFR 101.51(b)(2)(vi) (1972), states that any firm coming into existence on or after January 1, 1972, will be deemed to have lost the small business exemption if it has an average of more than 60 employees in any calendar quarter in its first four calendar quarters after March 31, 1972. The average number of employees for firms coming into existence on or after January 1, 1972, for the first calendar quarter after March 31, 1972, is computed as follows:

* * * the average number of employees shall be deemed to be 60 or fewer until such time as the number of employees in the first calendar quarter after March 31, 1972, exceeds 60. (Economic Stabilization Regulations, 6 CFR 101.51(b)(3)(1) (1972)).

Ruling. Hence, if the number of employees exceeds 60 when computing the average number of employees for the first calendar quarter after March 31, 1972, the firm will lose the small business exemption.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: July 21, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-11608 Filed 7-26-72;8:47 am]

[Pay Board Ruling 1972-62]

STOCK OPTION PLANS

Pay Board Ruling

Facts. Corporation A has a 5-year stock option plan in existence, expiring June 30, 1973, which meets the conditions of Economic Stabilization Regulations, 6 CFR 201.76(b) (1972). The original authorization under such plan was 100,000 shares. During the first 3 fiscal years of the employer during which the plan operated, all of the authorized shares were granted to the employees in the plan unit.

Issue. Must Pay Board approval be obtained in order to authorize additional shares under the existing plan?

Ruling. No. The plan may be renewed for a period of years or replenished under Economic Stabilization Regulations, 6 CFR 201.78(b) (1972), which provides for the modification or revision of existing plans or practices. The grant of shares during an employer's fiscal year may not exceed the number allowable under § 201.76(b)(1) with regard to the plan prior to replenishment or renewal, and all other conditions of § 201.76(b)(1) must be met in order to qualify as a modification or revision of an existing plan or practice which does not require Pay Board approval.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: July 21, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-11604 Filed 7-26-72;8:46 am]

[Price Commission Ruling 1972-219]

AVERAGE TRANSACTION RENT— DECREASE IN SERVICES

Price Commission Ruling

Facts. L, a landlord owning an apartment building with 16 apartments, leased four of them in 1970 for \$120 per month, including electricity. Three of the lessees of the units entered into new leases early in 1971 (before May 15, 1971), with terms of \$112.50 per month plus electricity. On August 4, 1971, a lease was entered into with the fourth tenant at a monthly rental of \$117.50 per month plus electricity.

Issue. For purposes of computing the average transaction rent, how is the August 4, 1971, transaction treated in light of the other three transactions which occurred during the early months of 1971?

Ruling. On their face, the facts seemingly show a decrease in the rent payable. Rent is defined by Economic Stabilization Regulation § 301.3(a), 6 CFR

301.3(a), as "any price for the use of a residence." This section includes in the definition any charge paid by the lessee for any service in connection with the residence. The question now becomes whether the payment by the tenant for his use of electricity, where it was previously included in the monthly rent, is an increase in the rent as defined?

Economic Stabilization Regulation § 101.2, 6 CFR 101.2, defines a "price adjustment" as including a decrease in quality of substantially same services. Applied to our facts and depending upon the average monthly electric bill for each apartment, there could be an overall rental increase. Assuming the average electric bill is \$7.50 per month for each apartment, the tenant would now be paying \$125 (117.50+7.50) where he previously paid \$120. Thus the decrease in service results in an increase in the price of the apartment even though the amount labeled as "rent" is less than what was previously being paid.

In determining a base rent for those apartments leased early in 1971, Economic Stabilization Regulation § 301.203(b), 6 CFR 301.203(b) applies in conjunction with Economic Stabilization Regulation § 301.206, 6 CFR 301.206. This section requires a determination of the percentage increase between the lease of August 4, 1971 and the prior year. In computing the average transaction rent under the latter section, the monthly rent charged for the apartments rented early in 1971 (\$112.50) is multiplied by a fraction, the numerator of which is the eligible transaction's monthly rent (§ 301.206(b)(3)(1)) and the denominator of which is the rent for the rent payment interval immediately preceding the date of possession for each of the eligible transactions. On our facts, the eligible transaction is the August 4, 1971 lease and the numerator of the fraction would be \$117.50. In arriving at a figure for the denominator, the rental figure must be adjusted to reflect the net amount exclusive of electricity.

Even though the tenant has to pay his own electricity bill, it is clear that the landlord is still absorbing some of this cost by the reduction of the rental figure.

Therefore, the difference between the old rent (\$120) and the new rent (\$117.50) is subtracted from the electric bill (\$7.50) giving us the net amount (\$5) attributed to the tenant. This amount (\$5) is subtracted from the old rent (\$120) and the resultant figure (\$115) is the denominator. This figure represents the rental payment, exclusive of electricity, for the rent payment interval immediately preceding the date of possession.

The resultant percentage, 102.1 percent, is then multiplied by the rent for the most recent rent payment interval preceding, May 15, 1971, which is the \$112.50. The base rent for the apartments rented in early 1971 is \$112.50 × 102.1 which equals \$114.86.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: July 20, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-11600 Filed 7-26-72;8:46 am]

DEPARTMENT OF DEFENSE

Department of the Army CIVIL WORKS PROJECTS

Proposed Guidelines for Assessment of Social, Economic, and Environmental Effects

JULY 10, 1972.

1. In compliance with section 122 of the River and Harbor and Flood Control Act of 1970 (Public Law 91-611; 84 Stat. 1818), the Department of the Army, Corps of Engineers has prepared Proposed Guidelines for the Assessment of Social, Economic, and Environmental Effects of Civil Works Projects. The text of the Proposed Guidelines is published in this volume of the FEDERAL REGISTER as part of this notice.

2. Notice is hereby given by the Department of the Army of a period of public review and written comment of the proposed guidelines commencing as of the date of this publication and terminating 60 days thereafter.

3. The purpose of this public review is to obtain the views of concerned Federal and State authorities and the general public on the guidelines prior to promulgation by the Secretary of the Army.

4. Written views and comments should be addressed to Office, Chief of Engineers, Attention: DAEN-CWR-L, 1000 Independence Avenue SW., Forrester Building, Department of the Army, Washington, DC 20314. Copies of the proposed guidelines may also be obtained from this address.

5. Text of the Proposed Guidelines for Assessment of Social, Economic, and Environmental Effects of Civil Works Projects is as set forth below.

Dated: July 14, 1972.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PROPOSED GUIDELINES FOR ASSESSMENT OF SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS OF CIVIL WORKS PROJECTS

INTRODUCTION

JUNE 30, 1972.

These proposed guidelines have been prepared to comply with the directive of Congress in section 122 of the River and Harbor and Flood Control Act of 1970 (Public Law 91-611).¹ They are designed to ensure that all

significant adverse effects of recommended actions are fully considered. Reporting of effects will use the guidelines to:

1. Identify and evaluate in a systematic way all significant project effects, particularly the adverse effects specified in section 122;
2. Consider fully the feasibility and cost of eliminating or minimizing adverse effects;
3. Make decisions and project recommendations in the overall public interest based on a balanced consideration of the monetary benefits and costs, the degree that public needs are satisfied, and the extent of other beneficial² and adverse effects.

These guidelines will be promulgated in final form in September, 1972. They will be applied by all elements of the Corps of Engineers having Civil Works responsibilities in reports on projects authorized under continuing authorities and in survey reports submitted to Congress after promulgation. They will be applied in the General Design Memoranda of all projects authorized in the River and Harbor and Flood Control Act of 1970 and in subsequent authorizations if not already applied in the survey report.

GUIDELINES

Effect assessment parallels and is concurrent with project formulation, the process by which alternative means are developed to meet objectives based on expressed needs. Each alternative may produce certain effects that are neither within the formulation of objectives nor included in the benefit-cost analysis. These effects, both beneficial and adverse, are the subject of these guidelines.

Effect (Impact) assessment consists of the following steps: identification of project-caused economic, social, and environmental effects; quantitative and qualitative description of the effects; evaluation to determine their significance and whether they are beneficial or adverse; and consideration of measures to be taken in the event of significant project effects judged to be adverse.

The summarized sequence of tasks that should be used to complete these steps is:

1. Assemble a profile of the project area to show existing conditions;
2. Extend the profile to make a projection of "without project" conditions through the economic life of the project;
3. Make "with project" projections, identifying causative factors and tracing their effects for each alternative;
4. Select the effects that are considered to be significant;
5. Describe and display each significant effect;
6. Evaluate adverse effects;
7. Consider project modifications to eliminate or mitigate adverse effects;
8. Seek evaluation from other sources;
9. Select the final plan;
10. Use the effect assessment in the Environmental Impact Statement;
11. Prepare a Statement of Findings.

This sequence is discussed in more detail in the paragraphs that follow.

EFFECT ASSESSMENT

Assemble a profile. Portray existing conditions by a profile describing the relevant economic, social, and environmental character of the area. A preliminary profile should be made early in the process. It should be made more precise and focused as alternatives become more detailed.

Where information necessary for assembly of a profile is not readily available, judgment is of critical importance in gathering what

¹ "Beneficial" effects are not mentioned in section 122, but have been included to permit assessment of the full range of significant effects.

is needed, as too much data too soon is as troublesome as too little too late. The boundary areas for the profile will vary depending upon whether the focus is local or regional and whether the area is defined by political jurisdiction, by hydrologic unit, or by the population socially, economically, or environmentally affected by the project. Information on significant matters of concern in the area should be gathered so that the completed profile provides a clear understanding of the conditions, problems, and needs of the region and of the requirement for the proposed Federal action.

Make a projection of "without project" conditions. Extend the profile of existing conditions to portray future conditions without the project or other action. The projection should extend sufficiently far into the future to include the economic life of all alternatives considered.

Projection of social, economic, and environmental conditions should yield pertinent information about the needs and problems of the region in the future and will provide a basis or baseline for the comparison of the effects of alternative project plans. It may suggest issues of importance to be addressed in designing alternative "with project" plans.

Make "with project" projections, identifying causative factors and tracing their effects for each alternative. Make projections of the "with project" conditions for each alternative being considered, including preconstruction, construction, and operation periods through the economic life of the alternative if it is a structural alternative. Identify the causative factors and their likely effects concurrently with the formulation of alternative plans. Make a systematic list of project-related causative factors (see Appendix B) likely to produce significant social, economic, and environmental effects (see Appendix C). The causative factors and effect elements should be set forth in sufficient detail for each alternative to ensure that all significant interactive relationships are considered. Once these causative factors are listed, the general effects resulting from them should be determined. The effects regarded as significant should be classified into social, environmental, and economic categories. This is the basic framework for the analysis of the effects of each alternative. Assessments initially should be concentrated on scope rather than on depth. Refinements should await later stages of plan formulation. Effect assessment at any stage should not be carried to greater detail than the alternative it addresses.

Select the effects that are considered significant. Examine causative factors and the effects they produce for each alternative. Select effects which appear significant in view of the problems and characteristics of the region as projected for the "with" and "without" project conditions.

While the determination of "significance" is a step in evaluation, it is necessary from the earliest possible stage to eliminate from further consideration those effects having no material bearing on the decisionmaking process.

In the process of formulation, adjustments may be made in the alternative plans that avoid or reduce recognized adverse effects. In such cases, only residual adverse effects should be identified for analysis in the concurrent assessment process.

Describe and display all significant effects. Describe the effects of the various alternative plans in quantitative terms to the extent possible. Where this cannot be done, description of the effects should be in qualitative terms. The effects should be described objectively and tentatively designated as beneficial or adverse. Identified beneficial effects should be displayed and included to the extent possible in the benefit evaluation

¹ Shown in Appendix A.

section of the survey report. Beneficial effects of one kind, however, cannot be considered to cancel out an adverse effect of another kind. Display the effects of each alternative plan in plain and simple terms so that the differences among alternatives are clearly shown. Since the display is to be used in consulting with State and Federal agencies and public groups with expertise of particular interest, the effects should be set forth in a form that is easily understood, interpreted, and evaluated. Such a display will provide one of the bases for assessing alternative plans, selecting a recommended plan, and assisting in public participation.

Evaluate adverse effects. Place values on the significant adverse effects in monetary terms where applicable, quantitatively where possible, and qualitatively in any event. The assumptions or criteria on which a judgment is based should be made clear. Parts of the public may view any single effect quite differently. Significant adverse effects must be sufficiently well portrayed as to facilitate the weighing of need and type of project modification, if any. Public policy, community preference, magnitude, and degree of severity are factors to be considered. The interaction or system aspects of the social, economic, and environmental factors must also be considered along with the evaluation of individual effects. A comparison of an adverse effect and a particular project benefit may also be appropriate. While no single method for determining relative value is generally accepted, many techniques are available to assist in the analysis and display. Effects not significant, not relevant, or that are adequately incorporated in the project formulation/justification process should not be brought into the effect evaluation calculus. An evaluation cannot be considered confirmed without exposure to and reaction from other agencies and the public.

Consider project modifications to eliminate or minimize adverse effects. For each adverse effect, investigate the possibility of measures to:

1. Eliminate the effect completely;
2. Mitigate by minimizing or reducing it to a more acceptable level of intensity; or by compensating for it by including a counterbalancing positive effect.

The costs of such measures, as well as any costs of reduced-project performance, provide further bases for comparing alternatives and for deciding how or whether to modify them or to accept the adverse effects.

If effect assessment has not proceeded in step with the formulation of alternatives, the possibility always exists that an identified adverse effect may be of such magnitude or character that it cannot be accepted, in the best overall public interest, or be corrected by a project modification. In such a case, one or more new alternatives must be formulated to avoid an identified adverse consequence.

Through routine feedback from assessment, formulation of alternatives should consider identified adverse effects and, where applicable, include provisions that would obviate subsequent modification.

Seek evaluation from other sources. Effect assessment procedures require a variety of information sources and continuous feedback. Consultation with a wide range of interests tests the adequacy of identification of effects, their designation as beneficial or adverse, evaluation, and commentary on measures considered for project modification. Response should be solicited to ensure that effects have not been overlooked or that the significance of effects has not been misjudged. Informal exchanges with Federal, State, and private groups should be sought throughout the planning process. More formal discussion occurs in the course of initial, formulation and late-stage public meet-

ings. For survey report investigations, known effects and the possibilities for project modifications to overcome adverse effects of alternatives will be introduced at the initial public meeting, discussed in general terms in the formulation-stage public meeting, and detailed at the late-stage public meeting. For continuing authority reports and Phase I General Design Memoranda, effect assessment will be tailored to the public participation requirements of existing regulations.

Select the final plan. More detailed assessment will be applied to the alternatives, including the tentatively selected proposal, by the time they are presented in the late-stage public meeting. At this meeting, formal presentation of the significant alternatives and measures to overcome adverse effects will be made and the degree of public acceptance gaged. While assessment and appraisal from all sources influence the alternative selected, the burden of judgment and defense ultimately rests with the reporting officer. The reporting officer should recommend the alternative that is in the best overall public interest, considering the objectives of the project, its benefits and costs, and its social, economic, and environmental effects, including costs of treating adverse effects.

Use effect assessment in the Environmental Impact Statement. The requirements of section 122 supplement the requirements of Public Law 91-190 (NEPA). The effect assessment for environmental effects should be used as input for the Environmental Impact Statement.

Prepare a Statement of Findings. Include a summary of the completed effect assessment in the report immediately before the statement of findings. The statement of findings presents the rationale of the reporting officer for his recommendations and conclusions. It also documents the consideration given to meeting water and related land resource needs and the basis for conclusions in accordance with the "best overall public interest."

APPENDIX A

SECTION 122—PUBLIC LAW 91-611

"Not later than July 1, 1972, the Secretary of the Army, acting through the Chief of Engineers, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for flood control, navigation, and associated purposes, and the cost of eliminating or minimizing such adverse effects and the following:

- "1. Air, noise and water pollution;
- "2. Destruction or disruption of man-made and natural resources, esthetic values, community cohesion and the availability of public facilities and services;
- "3. Adverse employment effects and tax and property value losses;
- "4. Injurious displacement of people, businesses and farms; and
- "5. Disruption of desirable community and regional growth.

"Such guidelines shall apply to all projects authorized in this Act, and proposed projects after the issuance of such guidelines."

Source: River and Harbor and Flood Control Act of 1970 (Public Law 91-611; 84 Stat. 1818).

APPENDIX B

SAMPLE CAUSATIVE FACTORS

In order to identify and evaluate the effects of a project, describe aspects of the

project in terms of factors likely to produce significant effects. Evaluation of effects should not be carried out in greater detail than the project alternative being considered. The list below is illustrative. It is not to be considered complete or limiting.

Input Factors

Natural Resources.

Water.

Land.

Resources Products.

Gravel.

Sand.

Coal.

Timber.

Crushed Rock.

Wildlife and Fish.

Aesthetics.

Energy Resources.

Capital.

Labor.

Systemic Factors

Physical Alterations.

Channelization.

Excavation.

Dredging.

Draining.

Structures.

Dam/Lake.

Levee.

Jetty.

Channel.

Barrier.

Road and Utility Relocation.

Institutional.

Acquisition.

Easements.

Relocation.

Operation and Maintenance Factors

Equipment Service.

Resource Management.

Harvesting.

Planting.

Buffer Zone Maintenance.

Grazing.

Fencing.

Maintenance.

Recreational areas.

Water Quality Protection.

Dredging Operations.

Navigation Controls.

Reservoir Controls and Procedures.

Output Factors

Hydro-power.

Flood Control.

Navigation.

Water Supply.

Recreation.

Irrigation.

Fish and Wildlife.

Water Quality.

Shoreline Protection.

(EXAMPLE: A project alternative requiring a dam may need a great deal of sand for concrete. Sand, therefore, can be considered an input factor. The employment effects of hiring people to excavate and transport sand, the environmental effect of excavation, and the transportation effects of increased heavy traffic on roads leading to the project all need to be considered since they are all effects resulting from the one causative factor—sand. Similarly, the environmental, social, economic effects caused by construction of the dam should be identified and assessed, as should the effects caused by operation and maintenance of the dam and its post-construction outputs.)

APPENDIX C

SAMPLE PROJECT EFFECTS

All significant effects of project should be identified and assessed. In some cases, a causative factor may result in only one significant effect. In other cases, the significant

effects of a causative factor will be numerous and may require consideration in all three effect categories. (Example: a causative factor such as dredging may result in turbidity in the water for a brief period. This should be considered a predominantly environmental effect. Yet, because of the turbid water, a textile factory downstream may have to close down for a few days. This is an economic effect, and should be considered as a result of dredging even though it is a lesser effect than the environmental one. The increased turbidity may also have the effect of reducing water recreation temporarily. This is a social effect of dredging.) Judgment must be used as to the limits of tracing out effects. Generally, the degree of detail involved in assessment should be no greater than that of the plan it addresses.

An asterisk denotes items specifically mentioned in section 122. These must be identified and evaluated. If they are considered to be not significant, that should also be noted. Other effects should be identified and evaluated only if they are considered to be significant. The list below is an illustrative one. It is not to be considered complete or limiting.

Social Effects

- *Noise
 - Population, e.g.
 - Mobility
 - Density
 - *Displacement of people
- *Esthetic values
 - Housing
 - Archeologic remains
 - Historic Structures
 - Transportation
 - Education opportunities
 - Leisure opportunities (recreation, active and passive)
 - Cultural opportunities
- *Community cohesion
- *(Desirable) community growth
- Institutional relationships
- Health

Economic Effects

- National Economic Development
- Local government finance, e.g.
 - *Tax revenues
 - *Property values
- Land use
 - *Public facilities
- *Public services
 - Local/regional activity, e.g.
 - *(Desirable) regional growth
 - Relocation
 - Real income distribution
- *Employment/labor force
- *Business and industrial activity
 - Agricultural activity
 - *Displacement of farms
 - Food supply
 - National defense

Environmental Factors

- *Man-made resources
- *Natural resources
 - Pollution aspects
 - *Air
 - CO
 - Sulphur oxides
 - Hydrocarbons
 - Particulates
 - Photochemicals
 - *Water
 - Pathogenic agents
 - Nutrients N and P
 - Pesticides, herbicides, rodenticides
 - Organic materials
 - Solids, dissolved and suspended
 - Land
 - Soils
 - Animal and plant.
 - Birds
 - Mammals
 - Amphibians

Environmental Factors—Continued

- Fish, sport and commercial
 - Shellfish
 - Insects
 - Microfauna
 - Trees, shrubs
 - Productive plants
 - Microflora
- Ecosystems
 - Habitats
 - Food chains
 - Productivity
 - Diversity
 - Stability
- Physical and Hydrologic aspects
 - Erosion
 - Erosion and sedimentation effects
 - Compaction and subsidence
 - Slope stability
 - Groundwater regime alteration
 - Surface flow effects
 - Micrometeorological effects
 - Physiologic changes (e.g., wetlands destruction)

[FR Doc.72-11616 Filed 7-26-72;3:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ENVIRONMENTAL STATEMENTS

Issuance of Revised Bureau Directives

JUNE 8, 1972.

Notice is hereby given of the publication of procedures of the Bureau of Land Management to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970); section 2(f) of Executive Order 11514 (March 5, 1970); the guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); Office of Management and Budget Bulletin No. 72-6 (September 14, 1971); and Departmental Manual 516.2 (36 F.R. 19343, October 2, 1971).

Set forth below is BLM Manual Section 1792 entitled "Environmental Statements" which contains procedures for the preparation of environmental statements. The numbering system used is that of the Bureau directives system. Included in this Manual Section, but not published in this notice, are various illustrations containing formats and reporting forms.

The Bureau invites comments and suggestions regarding these procedures. Since the procedures will be revised periodically there is no deadline for Bureau receipt of comments. Comments and requests for copies of the full text of BLM Manual Section 1792 should be addressed to the Director (200), Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

BURTON W. SILCOCK,
Director.

1792—ENVIRONMENTAL STATEMENTS

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 - .01 *Purpose.* To provide direction for the identification of major Bureau actions significantly affecting the quality of the human environment, and for the preparation and review of environmental statements.
 - .02 *Objectives.*
 - A. To meet statutory goals and requirements of the Council on Environmental Quality and the Department for the preparation and review of environmental statements.
 - B. To identify the procedures required for preparation and review of environmental statements.
 - .03 *Authority.*
 - A. *General*
 1. National Environmental Policy Act of 1969, section 102(2)(C) (Public Law 91-190, 83 Stat. 852, Jan. 1, 1970).
 2. Executive Order 11614, Protection and Enhancement of Environmental Quality, section 2(f) (Mar. 5, 1970).
 3. Guidelines of the Council on Environmental Quality (36 F.R. 7724, Apr. 23, 1971).
 4. Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7).
 5. Departmental Manual 516.1-3.
 - B. *Delegations.* (See Departmental Manual 235 and Bureau Order 701.)
 - .04 *Responsibilities.*
 - A. *The Director:*
 1. Assures Bureau compliance with requirements of the National Environmental Policy Act of 1969, including the preparation and review of environmental statements.
 2. Reviews recommendations to prepare statements on major Bureau actions significantly affecting environmental quality, and designates Bureau officials responsible for their preparation.
 - B. *The Assistant Director, legislation and plans:*
 1. Coordinates development of policies, procedures, and standards for the identification of major Bureau actions significantly affecting environmental quality.
 2. Develops Bureau policy, procedures, and standards, and coordinates implementation of the Bureau's system for the preparation and review of environmental statements.
 3. Coordinates the determination of major Bureau actions significantly affecting environmental quality for which a statement is to be prepared and the designation of Bureau officials responsible for their preparation.
 4. Provides liaison with the Assistant Secretary, Program Policy and Solicitor regarding the determination of statements to be prepared and review of statements.
 5. Provides liaison with the Legislative Counsel regarding statements for legislative proposals and reports.
 6. Coordinates Bureau review of environmental statements prepared by other Federal agencies.
 7. Maintains a list of all environmental statements prepared by Bureau officials.
 8. Maintains records for all environmental statements prepared by other Federal agencies for which Bureau review is coordinated by the Washington office.
 9. Provides for bureauwide training on procedures for the preparation and review of environmental statements.
 - C. All assistant directors, within their areas of responsibility and within the requirements of Bureau systems:

1. Develop policies and standards for the identification of major Bureau actions significantly affecting environmental quality, and for the preparation and review of environmental statements.

2. In specific cases, recommend the preparation of Bureau environmental statements and assignment of responsibility for preparation.

3. Assist in the preparation and review of Bureau environmental statements.

4. Develop procedures for continuing evaluation of environmental impacts.

5. Maintain records for all Bureau environmental statements prepared under their supervision.

6. Review environmental statements prepared by other Federal agencies.

7. Provide for professional training required for effective analysis of environmental impacts.

- D. *State Directors, Service Center Directors, BLM Director—Boise Interagency Fire Center (BIFC), and Manager, Outer Continental Shelf office (OCS), within their areas of responsibility:*
 1. Make environmental analyses of Bureau actions and, in cases where they believe an action may be a major action significantly affecting environmental quality, recommend preparation of an environmental statement.
 2. Prepare Bureau environmental statements when authorized by the Director.
 3. Review environmental statements prepared by other Bureau officials and by other Federal Agencies.
 4. Maintain records for all environmental statements prepared under their supervision, and for all environmental statements prepared by other Federal Agencies which receive Bureau review under their supervision.

- .05 *Definitions.*
 - A. *Environment:* The totality of conditions and influences, both natural and man-made, which surround and affect all organisms, including man.
 - B. *Environmental Impact:* The effects of natural and manmade processes upon the condition of basic resources such as air, water, soil, flora and fauna, and land forms, and upon ecological systems.
 - C. *Environmental Analysis:* A documented analysis of the possible environmental impacts of a Bureau action, and all reasonable alternatives, which is made during formulation of the action to determine whether adverse impacts can be modified and whether a statement should be prepared. (See .15 and .22C below.)
 - D. *Environmental Statement:* A document analyzing in detail:
 - The environmental impact of the proposed action;
 - Any adverse environmental effects which cannot be avoided should the proposal be implemented;
 - Alternatives to the proposed action;
 - The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
 - Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

1. *Draft Environmental Statement or "Draft Statement":* A statement analyzing the best information available regarding the possible environmental impacts of an action and all reasonable alternatives. After the draft statement has been approved by the Director and the Office of the Secretary, it is formally circulated to Federal, State, and local agencies and to other interested parties for review and comment. (See .22; 23A, Steps 5-12 and .23B, Steps 5-12 below.)

2. *Final Environmental Statement or "Final Statement":* a revised, completed environ-

mental statement which incorporates review comments from agencies, other organizations and experts; summarizes public response; and discusses any unresolved issues. (See .23A, Steps 13-20 and .23B, Steps 13-20 below.)

- E. *Complete Statement Record:* A complete record of the approved draft and final statements, all hearings, and all written comments received, including all official comments not attached to the final statement for public distribution. (See .32 below.)

- .06 *Policy.* An environmental analysis will be made for every Bureau action which may affect the quality of the environment. An environmental statement will be prepared for submission to the Council on Environmental Quality for every major Bureau action which, based on Bureau analysis or other information, may have a significant impact on the quality of the environment. If the environmental impact of a proposed action is highly controversial, an environmental statement will be prepared. Environmental statements will also be made on all legislation proposed by the Bureau which may have significant impacts on the quality of the environment and, as assigned by the legislative counsel, on favorable reports on bills principally concerning the Bureau which may have significant impacts. All draft and final statements, and all comments on draft statements, will be readily available to the public as provided by the Freedom of Information Act (5 U.S.C. section 552).

- .07 *Scope.*
 - A. *Bureau Responsibility for Statements.* The Bureau is responsible for preparation of environmental statements needed for major Bureau actions significantly affecting environmental quality in cases where the Bureau has the primary authority or responsibility for committing the Federal Government to a course of action.
 - B. *Preparation of Bureau Statements for Legislative Proposals and Reports.* Bureau statements for legislative proposals and reports are prepared in accordance with the provisions of this manual section, except as modified by 516 DM 2.9D and Office of Management and Budget (OMB) Bulletin 72-6 (516 DM 2, Appendix B). Consult the Director (210).
 - C. *Preparation of Bureau Statements on Public Land Development Roads and Trails.* For Bureau statements on Public Land Development Roads and Trails, the provisions of this manual section apply except as modified by Federal Highway Administration (FHWA) procedures. Consult the Director (430).
 - D. *Bureau Responsibility in Preparing Statements with Other Agencies.* The Bureau will participate in the preparation of statements with other Federal Agencies in any case where the Bureau shares authority or responsibility for the action, or where the Department requests Bureau participation. The agency with lead responsibility will be identified by all involved agencies in consultation together, unless designated by the Office of the Secretary. The Bureau will seek to be the agency with lead responsibility for all actions where the Bureau has primary authority or responsibility for committing the Federal Government to a course of action. When the Bureau has lead responsibility, the provisions of this manual section apply.
 - E. *Bureau Lead Responsibility for Statements Prepared by Departmental Task Forces.* In cases where the Bureau is assigned lead responsibility in a departmental task force for the preparation of a statement, the provisions of this manual section apply unless the Department provides other instructions.
 - F. *Compliance with Effective Date of the National Environmental Policy Act (January 1, 1970).*

1. *Actions Initiated after January 1, 1970.* All major Bureau actions significantly affecting environmental quality which were initiated after the effective date of the National Environmental Policy Act are subject to the provisions of this manual section.

2. *Actions Initiated before January 1, 1970.* The provisions of this Manual Section apply to continuing major Bureau actions significantly affecting environmental quality even though they arise from projects or programs initiated prior to the effective date of the Act. Every ongoing or uncompleted program or project of the Bureau which was authorized prior to January 1, 1970, shall be re-considered, using Bureau procedures for environmental analysis, to determine whether it is a major Bureau action significantly affecting environmental quality. If it is determined that all or part of a continuing project may be a major Bureau action with significant environmental impacts, advice as to the continuance of the project shall be sought from the Director at the same time the question of preparation of an environmental statement is under consideration. Temporary suspension of actions may be desirable in individual cases.

3. *All Continuing Actions.* It is important in all continuing actions that account be taken of environmental impacts not fully evaluated at the outset of the project or program. An environmental analysis of these actions is generally made during preparation of Annual Work Plan submissions, and during examinations prior to the issuance of leases, permits, licenses, and other entitlements of use. Whether or not an environmental statement is required, all continuing actions of the Bureau will be modified to minimize adverse environmental impacts.

G. *Bureau Review of Statements Prepared by Other Federal Agencies.* (Reserved)

H. *Bureau Lead Responsibility for Departmental Review of Statements Prepared by Other Federal Agencies.* (Reserved)

1. *Identification of Bureau Actions Requiring Statements.*

11 *Types of Actions.* The types of actions described in 516 DM 2.5A indicate the range of actions which may require statements, and are not meant to exclude other actions with potential environmental impacts. Some Bureau actions may fall into more than one of the categories below.

A. Recommendations or favorable reports to the Congress relating to legislation, including appropriations. (See 516 DM 2.9D.)

B. Projects, programs, and continuing activities, including research:

1. Directly undertaken by the Bureau;
2. Supported in whole or in part through Bureau contracts;
3. Involving a Bureau lease, permit, license, or other entitlement of use.

C. Recommendations or adoption of policies, standards, procedures, regulations, and plans which affect the environment.

D. Actions relating to natural or cultural resources:

1. Acquisition or disposal;
2. Regulation, permission, prohibition, or other institutional control of their use;
3. Their operational or physical management;
4. Construction or operation of various structures to manage them; and
5. Recommendations of comprehensive, program, or project plans for their management.

12 *Scope of Actions.*

A. When the preparation of an environmental statement is being considered, the Director, in consultation with appropriate Bureau officials and staff, the Assistant Secretary, Public Land Management, the Assistant Secretary, Program Policy, and the Solicitor, determines the scope of action and stage

in time most appropriate for preparation of the statement, with the view toward:

- Earliest possible meaningful consideration of potential impact;
- Comprehensive coverage of the potential impact;
- Avoiding irreversible decisions with adverse effects; and
- Adequate public notice.

B. The Bureau will prepare a number of environmental statements which analyze Bureauwide programs, including policies, systems and practices within those programs. In addition, a statement may be prepared for an individual action if the action deviates substantially from actions described in the appropriate Bureauwide statement, if the action is highly controversial, or if the appropriate Bureauwide statement does not provide sufficient detail to fully analyze significant environmental impacts of the action under consideration. For such actions, it may be decided to prepare an environmental statement at any of the following stages:

1. During analysis of certain actions recommended in the management framework plan of the Bureau planning system;
2. During formulation of activity plans;
3. During formulation of program packages;

4. During Annual Work Plan formulation of a project, or of a group of projects which appear to have cumulative or similar environmental impacts in an area with relatively homogeneous environmental characteristics;

5. Prior to undertaking an individual action, on Bureau motion or in response to an application;

6. Prior to undertaking or approving a research or experimental study; or

7. During preparation of legislative proposals or reports (See .07B).

13 *Annual Budget Estimates.* The annual budget estimates submitted to the Office of Management and Budget will be accompanied by a summary list, prepared by the Washington Office, of those specific actions covered by the estimates which, in accordance with Bureau procedures, require the preparation of a statement. (See 516 DM 2.9E and OMB Bulletin 72-6 (Appendix B of 516 DM 2).)

14 *General Guidance.* 2.9E and OMB Bulletin 72-6 (Appendix B of the Action. The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of the action, and of further actions contemplated. Such actions may be localized in their impact, but of the environment or its uniqueness may be significantly affected, a statement may be required.

1. *Cumulative Program Impacts.* The effect of many Bureau decisions about a project or complex of projects can be individually limited but cumulatively considerable. Cumulative effects can occur when one or more agencies over a period of years put into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several government agencies individually make decisions about partial aspects of an action.

2. *Regional Impacts.* The environmental impact of a Bureau action, combined with the impacts of other actions to be taken in a broader regional context, including actions of other government agencies, may have a significant cumulative effect which should be analyzed.

B. *Examples of Impacts.* Most Bureau actions have, to a greater or lesser degree, some

of the impacts, both beneficial and adverse, that are listed below. These are some of the areas to consider as part of the process of determining whether the impacts of an action are significant enough to require preparation of a statement.

1. Alters ecological interrelationships or the condition of basic resources.
 - Affects air quality or water quality.
 - Takes place on fragile or unstable soils, or on steep slopes.
 - Affects rare or unique wildlife, vegetation, geologic or other land features.
 - Alters natural ecosystems.
2. Has direct or indirect effect on human well-being.
 - Occurs in or adjacent to national parks, monuments, historical areas, wilderness areas or wildlife refuges. (See DM 600.1.)
 - Occurs in or adjacent to wild rivers, recreation sites, or other scenic areas.
 - Effects improvement or causes long-term damage to the visual landscape.
 - Alleviates or creates conditions hazardous to public safety or health.
 - Affects existing uses or users.
3. Institutes a marked change in resource use, especially changes with irreversible effects.
 - Introduces a new resource use into a geographic area.
 - Influences possible future alternative uses of the land.
 - Is consistent or in conflict with multiple use recommendations identified and set forth through the planning system.

C. *Highly Controversial Actions.* Any proposed Bureau action likely to be highly controversial for environmental reasons should be forwarded to the Director with a recommendation whether or not a statement should be prepared. (See .15 below.)

15 *Procedures for Identifying Actions Requiring Statements.* For every plan or other proposal for action originating in their respective offices which may affect environmental quality, the District Manager, State Director, Service Center Director, BLM Director—BIFC, or the appropriate assistant director is responsible for assuring that an environmental analysis is prepared during formulation of the action and includes a recommendation whether or not an environmental statement should be prepared. (See Illustration 1.)

A. *Recommendation That a Statement Be Prepared.* At the Washington Office, State Office, and Service Center levels, if the official recommends that a statement be prepared, or if there is a question in his mind (for example, technical or policy questions) whether a statement is needed, the environmental analysis should be forwarded to the Director for review and consultation with the Assistant Secretary, Public Land Management, the Assistant Secretary, Program Policy, and the Solicitor. At the District Office level, if the official recommends that a statement be prepared, or if there is a question in his mind whether a statement is needed, the environmental analysis should be forwarded to the State Director. If the State Director concurs in the recommendation that a statement be prepared, or if there is a question in his mind whether a statement is needed, the State Director forwards the environmental analysis to the Director for review.

1. If the Director determines that a statement is needed, preparation proceeds in accordance with 23 below. If the Director determines that no statement is to be prepared, the environmental analysis and copies of all documents associated with this determination are returned to the official, and made a part of the case or action file. Whether a statement is prepared or not, all such actions, when implemented, should be

monitored continuously and modified if necessary.

2. The purpose of the Director's review is to determine the appropriate course of action under the circumstances. These courses of action include, but are not limited to:

a. Determination that a statement will be prepared, including determination of appropriate organization level for preparation and determination of the scope of action to be covered (see .12 above).

b. Determination that the proposed action will be abandoned, eliminating the need for a statement.

c. Determination that the proposed action will be substantially modified to reduce environmental impacts, which may require a new environmental analysis.

d. Determination that the environmental analysis did not support the recommendation.

B. Recommendation That No Statement be Prepared. At all levels, if the official does not recommend preparation of a statement, the environmental analysis is placed with the case or action file, and is not forwarded to the Director. All such actions, when implemented, should be monitored continuously and modified if necessary. In addition, environmental analyses will be monitored by supervisory offices as part of the Bureau evaluation program.

2 Preparation and Review of Bureau Statements. The following will apply except where the Office of the Secretary provides other instructions.

.21 Responsibility for Preparation.

A. Responsible Bureau Official. When it is decided to prepare an environmental statement, the Director or the Associate Director designates the Bureau official responsible for assuring its preparation. 516 DM 2.4G lists responsibilities of this official. (See also .23 below.) An interdisciplinary team composed of specialists with knowledge in the natural sciences, social sciences, and the environmental design arts is assembled by the official so designated with the approval of the appropriate Assistant Directors, State Directors, Service Center Directors, and Manager OCS Office, and with the approval of the Associate Director, to assist in preparation of the statement.

B. Responsibility of Applicant. Where appropriate, environmental information may be required of applicants for contracts, leases, licenses, or permits and other entitlements of use. Power transmission line project applicants under 43 CFR 2851.2-1(c) (6) must submit information.

This material may be circulated for technical comment as long as its origin is properly identified. It should not be circulated as a draft statement; however, it may be attached to a draft statement. An applicant may be asked to provide environmental information if:

—The applicant can or does employ persons who have expertise in the nature of environmental impacts, e.g., a company employing ecologists, geologists, and other similar professionals.

—The applicant expresses a desire to prepare and submit a draft statement.

—The applicant wishes to facilitate the preparation of a statement.

—The responsible Bureau official believes such information would assist him in analysis.

.22 Content. The action under consideration should be treated in sufficient depth to identify, measure, and analyze the environmental impacts of the action and all reasonable alternatives, and to analyze the degree to which each alternative would mitigate adverse effects. Where responsible sources hold opposing points of view regarding the nature and significance of environmental impacts, their differences should be recognized and analyzed.

The statement should provide descriptions of settings, impacts, processes and other elements adequate to convey a clear word picture to the average concerned reader. Sketches, photos, and maps should be included. Quantification should be favored over general discussion in the descriptive and analytical sections of the statement to the greatest extent possible.

Since other documents provide the decision maker technical and economic information, only technical and economic considerations which relate to environmental impacts should be included in the environmental statement. Conclusions reached in the statement should be analytical in nature; they should not imply a decision on or represent a justification of the proposed action.

The following is based on 516 DM 2.6, which prescribes the content of environmental statements:

A. Cover Sheet. Include the type of statement, a brief but descriptive title, the responsible organization (Bureau of Land Management), date, and signature of the responsible Bureau official (draft) or the Director (final). Formats are provided in Appendix C of 516 DM 2.

B. Summary Sheet. Prepare a one-page summary sheet (in triplicate) in accordance with section 6(e) and Appendix 1 of the CEQ Guidelines (Appendix A of 516 DM 2). Formats are provided in Appendix D of 516 DM 2.

C. Body of Statement. Cover all eight sections listed below.

1. Description of the Proposal. Describe the proposed or recommended action under consideration, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects or proposals. Include information and technical data sufficient to permit assessment of environmental impact by commenting agencies. Provide reference to supporting project or program documents and include one-page maps as necessary.

2. Description of the Environment. Include a comprehensive description of the existing environment without the proposal and the probable future environment without the proposal. Focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Include a description of the present and projected level of economic development, land use, and related cultural factors, where appropriate.

3. The Environmental Impact of the Proposed Action. Describe all environmental impacts of the proposed action which may occur if no mitigating measures are taken. The narrative must make it clear that unmitigated impacts are being discussed. These impacts include direct or indirect changes in the existing environment, whether beneficial or adverse. Wherever possible, these impacts should be quantified. Include the impact not only upon the natural environment, but upon land use and social well-being as well. Provide separate discussion for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Identify unknown or partially understood impacts specifically.

4. Mitigating Measures Included in the Proposed Action. Wherever appropriate, prepare a section on mitigating factors, discussing measures which are proposed to be taken or which are required to be taken to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring. Including environmental clauses and stipulations for contracts, leases, or other documents used for entitlements of use which help mitigate adverse impacts. It is proper to describe mitigating factors which will be imposed by Federal, State, and local

agencies as well as mitigating factors which applicants have firmly agreed to employ.

a. With respect to water quality aspects of proposed actions which have been previously certified by the appropriate State or interstate authority as being in substantial compliance with applicable water quality standards under the provisions of the Federal Water Pollution Control Act, as amended, include reference to that certification. Include the comments of the State or interstate authority that made the certification, and the comments of the Environmental Protection Agency. Such certification does not absolve the Bureau of its responsibility to analyze impacts on water quality; it may be that even though the action meets State and Federal standards, the environmental costs are nonetheless great enough to outweigh the economic and technical benefits of the proposed action.

b. With respect to water and air quality aspects of proposed actions which have been found by the Environmental Protection Agency to meet the requirements of section 4(a)(1) of Executive Order 11507, Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities, include reference to this finding.

5. Any Adverse Effects Which Cannot Be Avoided Should the Proposal Be Implemented. Include a discussion of the unavoidable adverse impacts described under Items 3 and 4 above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected. This section provides an opportunity to systematically identify the environmental impacts; to subtract, to the extent that quantification is possible, the effect of mitigating measures to reduce adverse impacts; and to identify a net residual of adverse effects which cannot be eliminated.

6. The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity. Discuss the local short-term use of the environment involved in the proposed action in relation to its long-term impacts on the productive capacity of the area both for the same use and for a variety of uses. Analyze the cumulative long-term impact of this action combined with the effects of all actions with similar environmental impacts.

Short-term refers to the period of time during which the proposed action and associated restoration take place. Long-term refers to the time period beyond the point in time when the area should have been restored.

7. Any Irreversible and Irrecoverable Commitments of Resources Which Would be Involved in the Proposed Action Should It be Implemented. Discuss, and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, massive erosion, destruction of archeological or historical sites, elimination of endangered species' habitat, and irrevocable changes in land use.

8. Alternatives to the Proposed Action. Describe the possible environmental impacts, both beneficial and adverse, of all reasonable alternatives—alternatives to the action which are technologically feasible and reasonably available, including alternatives which are beyond the existing authority of the Bureau. The alternative of no action must be accounted for. For each alternative, identify the unmitigated environmental impacts (clearly indicate that unmitigated impacts are being discussed); where quantification is possible, subtract the effect of mitigating measures to reduce adverse impacts; and identify a net residual of adverse effects which cannot be avoided, as required under item 5 above, so that a comparison of the

net residual of adverse effects for all reasonable alternatives can be made.

D. Consultation and Coordination with Others.

1. *Consultation and Coordination in the Development of the Proposal and in the Preparation of the Draft Statement.* Describe the public participation efforts of the Bureau and consultations with Federal, State, local, and individual interests in the development of the proposal and the preparation of the draft statement.

2. *Coordination in the Review of the Draft Statement.* Describe the way in which the draft statement is being disseminated and list those organizations and experts from whom comments are being requested. Upon preparation of the final statement expand this section to indicate those organizations and experts from whom comments were received, their disposition, and any unresolved conflicts; and to summarize any public response.

E. Attachments.

1. *Draft Statements.* Normally, draft statements will not have attachments; however, in some cases it may be appropriate to attach environmental assessments, evaluations, or reports prepared by applicants or by Bureau staff. Reports solicited from consultants or from other Federal agencies by the Bureau in order to obtain environmental information for the statement may also be attached; these reports should not be confused with official comments, which are attached only to the final statement.

2. Final Statements.

a. In addition to appropriate environmental assessments, evaluations, or reports identified in 22E1 above, attachments to final statements should include all official comments in written form from:

- Departmental Bureaus and offices with delegated jurisdiction or special environmental expertise;
- Other Federal agencies with jurisdiction by law or special environmental expertise;
- State and local agencies which are authorized to develop and enforce environmental standards;
- Responsible private organizations and associations which represent the opinions of wider groups concerning the proposed action or its environmental impact; and
- Recognized experts.

b. Official comments received from organizations and individuals, other than those identified in 22E2 above, need not be attached to the final statement, but should be retained with the complete statement record. (See .05E and .32 below.)

23 *Sequence of Steps for Preparation of Environmental Statements.* Steps 4, 10 and 18 of A and B below, require approval of the Director/Associate Director. If he denies approval, the environmental statement or memo is returned to the Assistant Director, Legislation and Plans, for action as indicated by the Director/Associate Director.

(The format of 23A and 23B prevents their incorporation in the FEDERAL REGISTER. These sections may be reviewed in the full text copy of BLM Manual 1792.)

24 Number of Copies.

A. Draft Statement.

1. The responsible Bureau official should provide 20 copies of the draft statement for review by the Director. (See 23A, step 5 and 23B, step 5 above.)

2. The coordinating Washington Office office, lead Division Chief or task force chairman should arrange for provision of 15 copies of the draft statement as approved and signed by the Director for transmittal to the CEQ. (See 23A, step 10 and 23B, step 10 above.)

B. Final Statement.

1. The responsible Bureau official should provide 20 copies of the final statement for review by the Director. (See 23A, step 13 and 23B, step 13 above.)

2. The coordinating Washington Office office, lead Division Chief or task force chairman should arrange for provision of 15 copies of the final statement as approved and signed by the Director for transmittal to the CEQ. (See 23A, step 18 and 23B, step 18 above.)

C. *Complete Statement Record.* The responsible Bureau official should assemble two copies of the complete statement record for public inspection. (See .05E above; for distribution, see .32 below.)

25 *Coordination with Other Agencies.* Existing mechanisms for obtaining the views of departmental bureaus and offices and of other Federal, State, and local agencies will be utilized to the maximum extent practicable in the preparation and subsequent review of draft statements.

A. Coordination and Consultation with Departmental Bureaus and Offices, Other Federal and Federal-State Agencies.

1. *Agencies Whose Comments Should be Requested.* Section 7 and Appendix II of the CEQ Guidelines (Appendix A of 616 DM 2) are used to identify those agencies from which comments should be requested. The comments of all agencies with which the Bureau has national or local interagency agreements relating to the action should be requested.

Federal-State agencies are established with authority and funding from both the Federal and State governments to accomplish regional planning and development; e.g., Appalachian Regional Commission, Delaware River Basin Commission.

a. *Informal Consultations.* Working level consultations with all departmental and other Federal and Federal-State agencies which have jurisdiction or special expertise related to a proposed action, including the Environmental Protection Agency, should be established at the earliest possible time. A description of the proposed action, or other portions of the draft statement, may be circulated to obtain informal comments and technical input.

The Environmental Protection Agency shall be consulted on matters related to air or water quality standards, noise control, solid waste disposal, pesticide regulation, radiation criteria, and standards, or other provisions of the authority of EPA.

b. *Official Review.* Draft statements should be sent to the appropriate offices indicated in Appendix III of the CEQ Guidelines. Official review and comments should be requested from EPA even if the action under consideration has been certified by the appropriate State or interstate pollution control authority. (See 22C4a above.) The Bureau official responsible for preparation of a statement should consult with all Federal agencies which submit official comments where this consultation would help to resolve questions or obtain additional information.

2. *Simultaneous Review.* The draft statement may be circulated simultaneously for official review to departmental bureaus and Offices and to other Federal and Federal-State as well as State and local agencies.

3. *Time Limit for Official Comments.* A period of not less than 45 days should be established for reply, after which it may be presumed, unless the agency requests a specific extension of time, that the agency consulted has no comment to make. Where time is a critical factor, time limits of 30 days may be established. A period of 45 days will always be allowed for EPA review.

B. Coordination with State and Local Agencies.

1. *Use of Established Review Procedures.* Where no formal public hearing has been held on the proposed action at which the

appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such review is provided through other established review procedures.

a. *Federal Water Projects.* For Federal water and related land resources plans, projects, and programs, review by State and local governments will be through procedures set forth by the Water Resources Council (section III of policies, standards, and procedures in the formulation, evaluation, and review of plans for use and development of water and related land resources, approved by the President on May 15, 1962, and printed as Senate Document 97, 87th Congress; Handbook for Coordination of Planning Studies and Reports, June 1963).

b. *Direct Federal Development Projects.* For State and local review of direct Bureau development projects as required by OMB Circular No. A-95, review will be through State and regional or metropolitan clearinghouses in accordance with Bureau procedures established pursuant to Circular No. A-95 and 511 DM 5, Intergovernmental Relations. Consult the Director (230).

(1) Direct Bureau development projects may include construction of Federal buildings and installations; other Federal public works; or acquisition, use, or disposal of Federal land and real property.

(2) The Bureau notifies established State, regional and local clearinghouses at the earliest practicable stage in project planning, usually at least 6 months prior to undertaking the project, and always early enough to allow State and local agencies to determine the compatibility of Bureau plans with their own development plans and programs. (See 1785.)

(3) Clearinghouse procedures will be utilized for major construction of buildings and installations, and for major land use changes or new uses. The Bureau has other systems of continuing cooperative relations with State and local governments. The requirements for use of clearinghouses are in addition to, and will not replace, existing procedures for coordination.

c. *Actions Affecting the Cultural or Historic Environment.* For actions affecting the cultural or historic environment, review by State and local agencies will be through procedures set forth by the Advisory Council on Historic Preservation (36 F.R. 3310), and draft statements will reflect consultations with the State Liaison Officer for Historic Preservation and with the State Archaeologist. Consult the Director (370).

(1) National historic landmarks, and landmarks of State or local significance listed in the National Register of Historic Places may be involved; they may be on or near public lands.

(2) If a proposed use or disposal of public land affects an historic landmark, the Bureau consults with the State Liaison Officer appointed under the National Historic Preservation Act of 1966, and with the Regional Director, National Park Service. If the effect is adverse, submit a report to the Director (300) for review and submission to the Advisory Council on Historic Preservation.

d. *Actions Affecting Indian Lands.* For actions having an impact on Indian lands or communities, review by State and local agencies shall also include review by appropriate Indian tribal governing bodies.

2. *Use of Clearinghouses.* Where the procedures under 25B1 above are not appropriate, review and comment by State and local agencies authorized to develop and enforce environmental standards may be obtained by distributing the draft statement to the appropriate State and regional or metropolitan clearinghouses, unless the governor of the State involved has designated some other format for obtaining this review, or

unless the clearinghouses instruct the Bureau to obtain review and comments directly from the State and local agencies.

3. *Time Limit for Review Through Clearinghouses.* Clearinghouse procedures allow State and local agencies 30 days for initial comment with an extension of 30 days upon request.

26 *Public Participation.* Existing procedures for involving the public and its representatives in basic planning for all Bureau activities should be used as much as possible. Effective two-way communications should be developed between the Bureau and the public providing for the exchange of information on environmental conditions and environmental impacts of resource management actions.

Although public meetings and hearings are not required for all environmental statements, the Bureau will follow a policy of assuring that the public has a full opportunity to participate in the process of statement preparation. Mechanisms for assuring public participation include informal consultations, notices, public meetings, and formal public hearings.

A. *Providing Information to the Public.* The public will be provided timely information and material sufficient for an understanding of plans and programs with environmental impact in order to obtain the views of interested parties. This may include a draft environmental statement and/or documents containing input to the draft statement. The public will also be provided information on alternative courses of action.

B. *Public Meetings and Hearings.* For statements requiring public meetings or hearings, the guidance below applies.

1. *With Draft Statement.*

a. If a draft statement is prepared prior to a scheduled hearing, the statement will be made available to the public 15 days, and preferably 30 days, prior to the hearing date.

2. *Without Draft Statement.*

a. No draft statement is needed for a public hearing or meeting if the purpose of the meeting or hearing is to obtain information for preparation of a statement.

b. In some cases, public hearings or meetings may be desirable at two or more stages of the planning for or formulation of a Bureau action, e.g., for both the general and specific plans for a Bureau program. No draft statement is needed for a hearing if the purpose is to elicit comments for preparation of plans and for subsequent environmental analysis.

c. After a draft statement has been made available to the public, additional public hearings and meetings may be scheduled to obtain additional information.

C. *Highly Controversial Actions.* The Bureau will follow a policy of holding public meetings and hearings whenever public concern over the potential environmental impact of an action is high.

D. *Public Hearing Procedures.* Public hearing procedures are provided in 455 DM 1.

E. *Notice of Hearings.*

1. *Notice in "Federal Register."* Notice of all formal public hearings will be published in the FEDERAL REGISTER no less than 30 days before the hearing date. All FEDERAL REGISTER notices relating to hearings dealing with the preparation of an environmental statement will be accompanied by a highlight statement.

a. *With Draft Statement.* The FEDERAL REGISTER notice announcing the availability of a draft statement for public review should include a schedule of all known hearing dates. This notice is cleared by the Assistant Secretary, Program Policy and the Solicitor. (See .23 above and .34A below.)

b. *Without Draft Statement.* If hearings are scheduled before a draft statement is

made available to the public, or if additional hearings are scheduled after the FEDERAL REGISTER notice announcing the availability of a draft statement for public review has already been published, the FEDERAL REGISTER notice announcing the hearing(s) is signed by the Director.

2. *Notice by Letter.* Appropriate Federal, Federal-State, State and local agencies, and other organizations and individuals as appropriate, may also be notified by letter of scheduled public hearings. (See .34B below.)

3. *Press Releases.* Press releases will announce all scheduled public hearings.

a. *With Draft Statement.* The press release announcing the availability of a draft statement for public review should include a schedule of all known hearing dates. This press release is cleared by the Assistant Secretary, Program Policy and the Solicitor, in addition to regular departmental channels. (See .23, .34C and Illustration 5.)

b. *Without Draft Statement.* If hearings are scheduled before a draft statement is made available to the public, or if additional hearings are scheduled after the availability of a draft statement for public review has been announced, the press release is approved by the Director and cleared through regular departmental channels. (See Illustration 5.)

27 *Record of Preparation of Bureau Environmental Statements.* (Reserved)

3 *Availability of Statements and Statement Record for Public Review.*

31 *Draft and Final Statements.* Draft and final statements, as approved by the Director and the Office of the Secretary, including required attachments, will be made available for public inspection at the locations listed below. See .22E; .23A, Steps 12 and 20 and .23B, Steps 12 and 20 above.)

—Departmental Office of Communications (for statements selected by the Director of Communications; otherwise that office will assist the public in locating and inspecting such statements).

—BLM Office of Information, Washington office.

—BLM State Office(s) in State(s) where action is located, or OCS office.

—BLM District Office(s), if local interest is expected.

—State and regional or metropolitan clearinghouses, if desired by those offices.

—A local public meeting place, such as a county courthouse or public library in the immediate vicinity of the action where local interest is expected.

32 *Complete Statement Record.* When the final statement is made available for public inspection, the complete statement record will be made available for public inspection. (See .05E and .24C above.) One copy will be located in the office of the Washington Office Division Chief with primary responsibility, and a second copy in the State office, Service Center, or OCS office with primary involvement. (See .23A, Step 20 and .23B, Step 20 above.)

33 *Cost to Public.* Whenever possible, copies of draft and final statements, including required attachments, will be made available to the public at no cost. In those cases where the cost of reproducing such statements is substantial, as determined by the Director, the public may be charged a fee as provided in 43CFR 2.3.

34 *Notice of Availability.*

A. *Notice in "Federal Register."* Notices of availability of draft and final statements as approved by the Director and the Office of the Secretary, will be sent by the Assistant Secretary, Program Policy to the FEDERAL REGISTER at the time of transmittal of the statement to the CEQ. Formats are provided in Appendix E of DM 516.2. (See .23, 26E1a and .31 above.) All FEDERAL REGISTER notices dealing with the preparation of an environ-

mental statement will be accompanied by a highlight statement.

B. *Notice by Letter.* Appropriate Federal, Federal-State, State and local agencies, and other organizations and individuals as appropriate, may also be notified by letter of the availability of approved draft and final statements. (See .26E2 above.)

C. *Press Releases.* Press releases will announce the availability of all approved draft and final statements. These press releases are cleared by the Assistant Secretary, Program Policy and the Solicitor, in addition to regular departmental channels. (See .23, .26E3a and Illustration 5.)

4 *Implementing the Proposed Action.* It is recognized that the Bureau will probably prepare statements for some actions which are already underway. However, the waiting periods below should be observed for all proposed actions and for individual actions, not yet undertaken, which are part of an ongoing program. Exceptions to these waiting periods should be made only with the approval of the Solicitor, and of the Assistant Secretary, Program Policy after his discussions, on behalf of the Director, with the Council on Environmental Quality as provided in DM 516.2.0C(4). (See also .07F2 above.)

41 *Waiting Period After a Draft Statement is Released.* To the maximum extent practicable, the action under consideration should not be taken sooner than 90 days after a draft statement has been furnished to CEQ, circulated for comment, and made available to the public, whichever is later. (See .34 above.)

42 *Waiting Period After a Final Statement is Released.* To the maximum extent practicable, the action under consideration should not be taken sooner than 30 days after a final statement has been made available to CEQ and the public. If the final statement is filed within the 90-day period indicated above, the two periods may run concurrently to the extent that they overlap.

43 *Calculating the Waiting Period.* Where the date of issuance of a press release announcing the availability of a draft or final statement for public review precedes the publication date of the FEDERAL REGISTER notice of availability, the date of the press release issuance may be used to calculate the 30- or 90-day period which must pass before a proposed action can take place. (See .34 above.)

5 *Review of Statements Prepared by Other Federal Agencies.*

51 *Record of Bureau Comments on Statements Prepared by Other Federal Agencies.* The Washington office, all State Directors, Service Center Directors, and the Manager, OCS office, use Form 1792-2 to record all comments, informal or official, provided to other agencies. (See Illustration 3.)

(Illustrations 1-5 may be reviewed in the full text copy of BLM Manual 1792.)

[FR Doc.72-11667 Filed 7-26-72;8:53 am]

[N-6453]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 20, 1972.

The Forest Service, U.S. Department of Agriculture has filed the above application for the withdrawal of the lands described below, from all forms of appropriation.

The applicant desires to include the lands within the exterior boundaries of the Toiyabe 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 3008, Federal Building, 300 Booth Street, Reno, NV 89502.

The Department's regulations (43 CFR 2351.4(c)), provide that 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.

The authorized officer 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 applicant agency.

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, a public hearing will be held at a convenient time and place, which will be announced.

The public lands involved in the application are:

MOUNT DIABLO MERIDIAN

- T. 12 N., R. 19 E.,
 Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, lot 5.
- T. 13 N., R. 19 E.,
 Sec. 15, SW $\frac{1}{4}$;
 Sec. 21, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 22, NW $\frac{1}{4}$.
- T. 15 N., R. 19 E.,
 Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$, exclusive of patented M.S. 38, SW $\frac{1}{4}$;
 Sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$, exclusive of patented M.S. 38, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$.
- T. 16 N., R. 19 E.,
 Sec. 35, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, that part south of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line.

Aggregating 1,133 acres, more or less.

The privately owned lands involved in the application are:

MOUNT DIABLO MERIDIAN NEVADA

- T. 12 N., R. 19 E.,
 Sec. 4, W $\frac{1}{2}$ of lots 1 and 2 of NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, fractional.

- T. 13 N., R. 19 E.,
 Sec. 4, lots 1 and 2 of NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 16, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 28, E $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 14 N., R. 19 E.,
 Sec. 3, All;
 Sec. 4, lots 1 and 2 of NE $\frac{1}{4}$, lots 1 and 2 of NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 9, E $\frac{1}{2}$;
 Sec. 10, N $\frac{1}{2}$;
 Sec. 16, W $\frac{1}{2}$ E $\frac{1}{2}$.
- T. 15 N., R. 19 E.,
 Sec. 2, lot 1 of NW $\frac{1}{4}$, E $\frac{1}{2}$ of lot 2 of NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Secs. 3, 4, 8, 9, Those portions south and east of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line;
 Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 11, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 14, E $\frac{1}{2}$ NW $\frac{1}{4}$, M.S. 38;
 Sec. 15, lot 1, M.S. 38, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 16, All;
 Sec. 17, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, that portion southeast of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line;
 Sec. 20, SW $\frac{1}{4}$;
 Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 22, NE $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 23, W $\frac{1}{2}$;
 Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 28, SE $\frac{1}{4}$;
 Sec. 29, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 33, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
- T. 16 N., R. 19 E.,
 Sec. 34, SE $\frac{1}{4}$, that portion south and east of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line;
 Sec. 35, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Aggregating 10,985 acres, more or less.

ROLLA E. CHANDLER,
 Chief,

Division of Technical Services.

[FR Doc.72-11649 Filed 7-26-72;8:50 am]

National Park Service

FORT LARNED, KANS.

Establishment of National Historic Site

Notice is given, pursuant to authority contained in the Act of August 31, 1964 (78 Stat. 748; 16 U.S.C. 461, note), that the site and historic remains of old Fort Larned in Kansas, certain adjoining historically significant lands, and nearby remains of the Santa Fe Trail have been acquired, and that all such lands and interests in lands are hereby established as the Fort Larned National Historic Site. The boundaries of the site which encompass portions of secs. 29, 30, 31, and 32 T. 21 S., R. 17 W., Sixth Principal Meridian, County of Pawnee, State of Kansas, including about 6 acres of non-Federal lands, are described as follows:

Beginning at the corner common to secs. 28, 29, 32, and 33;
 Thence southerly along the east line of sec. 32 to the east quarter corner thereof;

Thence westerly along the centerline of said sec. 32 to the SW corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ thereof;

Thence southerly along the east line of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of sec. 32 to the SE corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said sec. 32;

Thence westerly along the south line of said N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the SW corner thereof;

Thence northerly along the west line of said N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the NW corner thereof;

Thence westerly along the south line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of said sec. 32 and the south line of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 31 to the SW corner of said E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence northerly along the west line of said E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the west line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 31 to the NW corner thereof;

Thence northwesterly along a diagonal line to the SW corner of the N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said sec. 31;

Thence northerly along the west line of the said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said sec. 31 and along the west line of the S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ of sec. 30 to a point 330 feet north of the north right-of-way line of U.S. Highway No. 156;

Thence easterly parallel to and 330 feet north of said north right-of-way line to a point on the east line of sec. 29;

Thence southerly along said east line of sec. 29 to the corner common to secs. 28, 29, 32 and 33, said point being the point of beginning;

Excepting therefrom the right-of-way for U.S. Highway No. 155.

Also:

A rectangular tract of land known as the Detached Ruts Area, situated in lots 3 and 4, sec. 19, T. 22 S., R. 17 W., Sixth Principal Meridian, more particularly described as follows:

Beginning at the NW corner of said lot 3;
 Thence easterly along the north line of said lot 3 a distance of 980 feet;

Thence southerly a distance of 1,945 feet to a point, said point being 1,007 feet east of the west line of lot 4;

Thence westerly a distance of 1,007 feet to a point on the west line of lot 4, said point being 1,032 feet south of the NW corner of lot 3;

Thence northerly along the west line of lots 4 and 3 to the point of beginning.

The above described parcels contain a net area aggregating 681.39 acres, more or less.

The areas described above are depicted on map numbered 425-92,000, bearing a date of July 1968, which map is on file and available for public inspection in the administrative office of the Fort Larned National Historic Site and in the offices of the National Park Service, Department of the Interior, Washington, D.C.

Upon acquisition by the United States of the non-Federal lands within the aforesaid boundaries, such lands, without further publication of notice, shall become a part of the Fort Larned National Historic Site.

Dated: July 21, 1972.

GEORGE B. HARTZOG,
 Director, National Park Service.

[FR Doc.72-11666 Filed 7-26-72;8:53 am]

Office of the Secretary

EARL D. DRYER

Appointee's Statement of Financial Interests

JUNE 16, 1972.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Earl D. Dryer.

Name of Employing Agency. Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position. Deputy Director, DEPA Area 10.

The name of the appointee's private employer or employers. Missouri Public Service Co.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on June 16, 1972, as Deputy Director, DEPA Area 10, Defense Electric Power Administration, an officer or director:

Missouri Public Service Co.

MPS Real Estate Corp. (Subsidiary of above)

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Apache Corp.
Essex International, Inc.
Ex-Cell-O Corp.
Florida Gas Co.
Missouri Public Service Co.
Narco Scientific Industries.
North American Mortgage Investors.
Union Oil Company of California.
Wallace Business Forms.
Public Service Co. of New Hampshire.
Pacific Telephone and Telegraph Co.
Virginia Electric and Power Co.
Midwest Bancorporation.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

JULY 7, 1972.

EARL D. DRYER.

[FR Doc.72-11646 Filed 7-26-72;8:50 am]

JOHN R. VOGEL, JR.

Appointee's Statement of Financial Interests

JUNE 16, 1972.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. John R. Vogel, Jr.
Name of employing agency. Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position. Deputy Director, DEPA Area 2.

The name of the appointee's private employer or employers. New York Power Pool.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on June 16, 1972, as Deputy Director, DEPA Area 2, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Central Hudson Gas & Electric Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

JOHN R. VOGEL, JR.

JULY 14, 1972.

[FR Doc.72-11647 Filed 7-26-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELAWARE

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Delaware natural disasters have caused a general need for agricultural credit:

COUNTIES

Kent. New Castle.
Sussex.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of July 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-11680 Filed 7-26-72;8:54 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards
STRUCTURAL GLUED LAMINATED
TIMBER

Circulation for Acceptance of Recommended Standard

The National Bureau of Standards is giving public notice and circulating for public comment the following recommended standard (TS) for a determination of its acceptance to manufacturers, distributors and users: TS 199, "Structural Glued Laminated Timber".

This circulation is being made in accordance with the provisions of § 10.5 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970).

Copies of this recommended standard may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services within 45 days following publication of this notice.

Dated: July 21, 1972.

LAWRENCE M. KUSHNER,
Acting Director.

[FR Doc.72-11674 Filed 7-26-72;8:54 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11935]

CERTAIN ANTIHISTAMINE-SYMPATHOMIMETIC DRUGS FOR ORAL USE
Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Actefed Tablets and Syrup containing triprolidine hydrochloride and pseudoephedrine hydrochloride; Burroughs Wellcome and Co., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 11-936 and NDA 11-935).

2. Dimetapp Elixir containing brompheniramine maleate, phenylephrine

hydrochloride, and phenylpropanolamine hydrochloride; A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220 (NDA 13-087).

3. Dimetapp Extentabs, extended action tablets, containing brompheniramine maleate, phenylephrine hydrochloride, and phenylpropanolamine hydrochloride; A. H. Robins Co., Inc. (NDA 12-436).

4. Benadryl with Ephedrine Sulfate Kapsal containing diphenhydramine hydrochloride and ephedrine sulfate; Parke, Davis and Co., Post Office Box 118 GPO, Joseph Campau at the River, Detroit, Mich. 48232 (NDA 5-845).

5. Pyribenzamine and Ephedrine Tablets containing tripeleminamine hydrochloride and ephedrine sulfate; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, NJ 07901 (NDA 5-914).

6. Disophrrol Tablets containing dexbrompheniramine maleate and pseudoephedrine sulfate, Schering Corp., 1011 Morris Avenue, Union, NJ 07083 (NDA 12-394), formerly marketed by White Laboratories Inc., Kenilworth, N.J. 07033.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These drugs, except in extended action oral dosage forms, are probably effective for the indications listed in the labeling conditions below.

2. The combination drug containing brompheniramine maleate, phenylephrine hydrochloride, and phenylpropanolamine hydrochloride, extended action tablets is:

a. Possibly effective for the symptomatic treatment of seasonal and perennial allergic rhinitis and vasomotor rhinitis; and for treatment of urticaria and pruritus due to allergens or drugs; and allergic conjunctivitis.

b. Lacking substantial evidence of effectiveness as a fixed combination for its other labeled indications not mentioned in paragraphs 1 or 2.a above.

3. The combination drug containing brompheniramine maleate, phenylephrine hydrochloride, and phenylpropanolamine hydrochloride in conventional oral dosage form lacks substantial evidence of effectiveness as a fixed combination for its other labeled indications not mentioned in paragraph 1 above.

4. The combination drug containing triprolidine hydrochloride and pseudoephedrine is:

a. Possibly effective for treatment of urticaria, pruritus, and angioneurotic edema due to allergens or drugs.

b. Lacking substantial evidence of effectiveness as a fixed combination for its labeled indications not mentioned in paragraphs 1 or 4.a above.

5. The combination drug containing diphenhydramine hydrochloride and ephedrine sulfate is:

a. Possibly effective for treatment of urticaria, pruritus, and angioneurotic edema due to allergens or drugs; allergic reaction to insect bites; physical allergy; histamine headache and migraine.

b. Lacking substantial evidence of effectiveness as a fixed combination for its other labeled indications not mentioned in paragraph 1 or 5.a above.

6. The combination drug containing tripeleminamine hydrochloride and ephedrine sulfate is:

a. Possibly effective for treatment of urticaria, pruritus, and angioneurotic edema due to allergens or drugs.

b. Lacking substantial evidence of effectiveness as a fixed combination for its labeled indications not mentioned in paragraphs 1 or 6.a above.

7. The combination drug containing dexbrompheniramine maleate and pseudoephedrine sulfate lacks substantial evidence of effectiveness for its labeled indications not mentioned in paragraph 1 above.

B. Marketing status of drug for which the highest classification is possibly effective.

1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new drug application for a drug classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

C. Marketing status of the drugs for which the highest classification is probably effective. 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new drug application for a drug which is classified in paragraph A above as lacking substantial evidence of effectiveness

is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an Indications section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use with the 60-day period. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking as described in paragraph A above and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; and recommend use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

For the symptomatic treatment of seasonal and perennial allergic rhinitis and vasomotor rhinitis.

4. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (c), (d), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective and possibly effective.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 11935, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 14, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11645 Filed 7-26-72; 8:50 am]

[DESI 8627]

CERTAIN DRUGS CONTAINING ACETYLDIGITOXIN, DESLANOSIDE, DIGITOXIN, OR DIGOXIN

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Lanoxin Injection containing digoxin; Burroughs Wellcome & Co., Inc., 3030 Cornwallis Road, Research Triangle Park, NC 27709 (NDA 9-330).
2. Cedilanid-D Injection containing deslanoside; Sandoz Pharmaceuticals, Division of Sandoz-Wander, Inc., Route 10, Hanover, N.J. 07936 (NDA 9-282).
3. Digitaline Nativele Intramuscular containing digitoxin; E. Fougera & Co. Inc., Cantigue Road, Post Office Box 73, Hicksville, Long Island, NY 11802 (NDA 8-627).
4. Acylanid Tablets containing acetyldigitoxin; Sandoz Pharmaceuticals (NDA 9-436).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that oral preparations containing acetyldigitoxin and parenteral preparations of deslanoside, digitoxin, or digoxin are effective for use in the treatment of congestive heart failure, supraventricular tachycardia (paroxysmal atrial or nodal), atrial flutter, and atrial fibrillation.

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. **Form of drug.** Acetyldigitoxin preparations are in a tablet dosage form suitable for oral administration. Deslanoside, digitoxin, and digoxin preparations are in sterile aqueous solution form suitable for parenteral administration.

2. **Labeling conditions.** a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows:

CARDIAC (DIGITALIS) GLYCOSIDES LABELING GUIDELINE (ADULT)

DESCRIPTION

The cardiac (or digitalis) glycosides are a closely related group of drugs having in common specific and powerful effects on the myocardium. These drugs are found in a number of plants. The term "digitalis" is used to designate the whole group. Typically, the glycosides are composed of three portions, a steroid nucleus, a lactone ring, and a sugar (hence "glycosides").

(This section should include a chemical and/or physical description of the drug, a sterility statement when appropriate, and the same quantitative ingredient information as that required on the label.)

ACTION

The digitalis glycosides have qualitatively the same therapeutic effect on the heart. They (1) increase the force of myocardial contraction, (2) increase the refractory period of the atrioventricular (A-V) node, and (3) to a lesser degree, affect the sinoatrial (S-A) node and conduction system via the parasympathetic and sympathetic nervous systems.

(Insert additional specific information relative to absorption and excretion, onset of action, peak effect, duration of effect, etc.)

INDICATIONS

1. "Congestive heart failure," all degrees, is the primary indication. The increased cardiac output results in diuresis and general amelioration of the disturbances characteristic of right (venous congestion, edema) and left (dyspnea, orthopnea, cardiac asthma) heart failure.

Digitalis, generally, is most effective in "low output" failure and less effective in "high output" (bronchopulmonary insufficiency, infection, hyperthyroidism) heart failure.

Digitalis should be continued after failure is abolished unless some known precipitating factor is corrected.

2. "Atrial fibrillation"—especially when the ventricular rate is elevated. Digitalis rapidly reduces ventricular rates and eliminates the pulse deficit. Palpitation, precordial distress or weakness are relieved and any concomitant congestive failure ameliorated.

Digitalis is continued in doses necessary to maintain the desired ventricular rate and other clinical effects.

3. "Atrial flutter" digitalis slows the heart and regular sinus rhythm may appear. Frequently the flutter is converted to atrial fibrillation with a slow ventricular rate. Stopping digitalis at this point may be followed by restoration of sinus rhythm, especially if the flutter was of the paroxysmal type. It is preferable, however, to continue digitalis if failure ensues or if atrial flutter is a frequent occurrence.

4. "Paroxysmal atrial tachycardia" digitalis may be used, especially if it is resistant to lesser measures. Depending on the urgency, a more rapid acting parenteral preparation may be preferable to initiate digitalization, although if failure has ensued or paroxysms recur frequently, digitalis is maintained by oral administration.

Digitalis is not indicated in sinus tachycardia or premature systoles in the absence of heart failure.

"Cardiogenic shock"—the value of digitalis is not established, but the drug is often employed, especially when the condition is accompanied by pulmonary edema. Digitalis seems to adversely affect shock due to infections.

CONTRAINDICATIONS

The presence of toxic effects (See "Overdosage") induced by any digitalis preparation is an absolute contraindication to all of the glycosides.

"Allergy," though rare, does occur. It may not extend to all preparations and another may be tried.

VENTRICULAR FIBRILLATION

"Ventricular tachycardia," unless congestive failure supervenes after a protracted episode not itself due to digitalis.

WARNINGS

Many of the arrhythmias for which digitalis is advised are identical with those reflecting digitalis intoxication. If the possibility of digitalis intoxication cannot be excluded, cardiac glycosides should be temporarily withheld if permitted by the clinical situation.

The patient with congestive heart failure may complain of nausea and vomiting. These symptoms may also be indications of digitalis intoxication. A clinical determination of the cause of these symptoms must be attempted before further drug administration.

PRECAUTIONS

"Potassium depletion" sensitizes the myocardium to digitalis and toxicity is apt to develop even with usual dosage. Hypokalemia also tends to reduce the positive inotropic effect of digitalis.

Potassium wastage may result from diuretic, corticosteroid, hemodialysis and other therapy. It is apt to accompany malnutrition, old age and long-standing congestive heart failure.

"Acute myocardial infarction," severe pulmonary disease, or far advanced heart failure are apt to be more sensitive to digitalis and more prone to disturbances of rhythm.

"Calcium" affects contractility and excitability of the heart in a manner similar to that of digitalis. Calcium may produce serious arrhythmias in digitalized patients.

"Myxedema"—Digitalis requirements are less because excretion rate is decreased and blood levels are significantly higher.

"Incomplete AV block," especially patients subject to Stokes Adams attacks, may develop advanced or complete heart block. Heart failure in these patients can usually be controlled by other measures and by increasing the heart rate.

"Chronic constrictive pericarditis," is apt to respond unfavorably.

"Idiopathic hypertrophic subaortic stenosis" must be managed extremely carefully. Unless cardiac failure is severe it is doubtful whether digitalis should be employed.

"Renal insufficiency" delays the excretion of digitalis and dosage must be adjusted accordingly in patients with renal disease.

Note: This applies also to potassium administration should it become necessary.

Electrical conversion of arrhythmias may require adjustment of digitalis dosage.

ADVERSE REACTIONS

Gynecomastia, uncommon.

OVERDOSAGE, TOXIC EFFECTS

"Gastrointestinal"—anorexia, nausea, vomiting, diarrhea—are the most common early symptoms of overdosages in the adult (but rarely conspicuous in infants).

Uncontrolled heart failure may also produce such symptoms.

"Central Nervous System"—headache, weakness, apathy, visual disturbances,

CARDIAC DISTURBANCES

Arrhythmias—"ventricular premature beats" is the most common, except in infants and young children.

Paroxysmal and nonparoxysmal nodal rhythms, atrioventricular (inference) dissociation and paroxysmal atrial tachycardia (PAT) with block are also common arrhythmias due to digitalis overdosage.

Conduction Disturbances—excessive slowing of the pulse is a clinical sign of digitalis overdosage. Atrioventricular block of increasing degree, may proceed to complete heart block.

Note: The electrocardiogram is fundamental in determining the presence and nature of these toxic disturbances. Digitalis may also induce other changes (as of the ST segment), but these provide no measure of the degree of digitalization.

TREATMENT OF TOXIC ARRHYTHMIAS

Digitalis is discontinued until after all signs of toxicity are abolished. This may be all that is necessary if toxic manifestations are not severe and appear after the time for peak effect of the drug.

Potassium salts are commonly used. Potassium chloride in divided doses totaling 4 to 6 gm. for adults (See Pediatric Information for children) provided renal function is adequate.

When correction of the arrhythmia is urgent, potassium is administered intravenously in a solution of 5 percent dextrose in water, a total of 40-100 mEq. (40 mEq. per 500 ml.) at the rate of 40 mEq. per hour unless limited by pain due to local irritation.

Additional amounts may be given if the arrhythmia is uncontrolled and the potassium well tolerated.

Electrocardiographic monitoring is indicated to avoid potassium toxicity, e.g. peaking of T waves.

CAUTION

Potassium should not be used and may be dangerous for severe or complete heart block due to digitalis and not related to any tachycardia.

Chelating agents to bind calcium may also be used to counteract the arrhythmia effect of digitalis toxicity, hypokalemia and of elevated serum calcium which may also precipitate digitalis toxicity.

Four grams (0.8 percent solution) of the disodium salt of EDTA is dissolved in 500 ml. of 5 percent dextrose in water (50 mg. per ml.) and administered over a period of 2 hours unless the arrhythmia is controlled before the infusion is completed.

A continuous electrocardiogram should be observed so that the infusion may be promptly stopped when the desired effect is achieved.

Other counteracting agents are: Quindine, procainamide, and beta adrenergic blocking agents.

DOSAGE AND ADMINISTRATION

(Include only for Oral or for Parenteral, as applicable.)

"Oral"—digitalis is administered slowly or rapidly as required until the desired therapeutic effect is obtained without symptoms of overdosage. This amount can be predicted approximately from the weight of the patient with allowances made for excretion during the time taken to induce digitalization.

Subsequent maintenance dosage is also determined tentatively by the amount necessary to sustain the desired therapeutic effect.

Recommended dosages are practical average figures which may require considerable

modification as dictated by individual sensitivity or associated conditions. (See Warning and Precautions)

(Complete by adding dosages—the initial, the maintenance, and the range—for the specific preparation.)

"Parenteral" administration should be used only when the drug cannot be taken orally, or rapid digitalization is very urgent. (Complete by adding dosages for the specific preparation.)

PEDIATRIC INFORMATION

(If pediatric dosage is available the labeling sections above should be expanded to include the following information.)

WARNINGS

Newborn infants during first month of life have a sharply defined tolerance to digitalis. Impaired renal function must also be carefully taken into consideration.

"Premature and immature infants" are particularly sensitive and further reduction of dosage may be necessary.

Congestive failure accompanying acute "glomerulonephritis" requires extreme care in digitalization. A relatively low total dose administered in divided doses and concomitant use of reserpine or other antihypertensive agents has been recommended. Constant ECG monitoring is essential and digitalis discontinued as soon as possible.

IDIOPATHIC HYPERTROPHIC SUBAORTIC STENOSIS

See Adult Precautions.

"Rheumatic carditis"—such cases, especially when severe, are unusually sensitive to digitalis and prone to disturbances of rhythm. If heart failure develops, digitalization may be tried with relatively low doses; then cautiously increased until a beneficial effect is obtained. If a therapeutic trial does not result in improvement, the drug should be considered ineffective and be discontinued.

Note: Digitalis glycosides are an important cause of accidental poisoning in children.

PRECAUTIONS

Dosage must be carefully titrated.

Electrocardiographic monitoring may be necessary to avoid intoxication.

Premonitory signs of toxicity in the newborn are undue slowing of the sinus rate, sinoatrial arrest, and prolongation of PR interval.

OVERDOSAGE EFFECTS

Toxic signs differ from the adult in a number of respects.

Cardiac arrhythmias are the more reliable and frequent signs of toxicity.

Vomiting and diarrhea, neurologic and ophthalmological disturbances are rare as initial signs.

Premature ventricular systoles are rarely seen; nodal and atrial systoles are more frequent.

Atrial arrhythmias, atrial ectopic rhythms and paroxysmal atrial tachycardia with AV block particularly are more common manifestations of toxicity in children.

Ventricular arrhythmias are rare.

TREATMENT OF TOXIC ARRHYTHMIAS

(See section for adults.) Potassium preparations may be given orally in divided doses totaling 1-2 gm. daily in children. When correction of the arrhythmia is urgent, 5 to 10 mEq. of potassium per hour are given, this amount being dissolved in 100 ml. of 5 percent dextrose in water. Additional amounts of potassium may be given if necessary and well tolerated by the child.

A chelating agent may be tried if other measures fail. EDTA intravenously has been

recommended in a dose of 15 mg./kg./hr. in 5 percent dextrose in water, the total not to exceed 60 mg./kg./day. A continuous electrocardiogram should be observed so that the infusion can be stopped promptly when the desired effect is achieved.

DOSAGE AND ADMINISTRATION

Digitalization must be individualized. Generally, premature and immature infants are particularly sensitive permitting reduced dosage which must be determined by careful titration.

Oral dosage. Newborn (normal), from birth to 1 month, require adult proportions by body weight.

Infants, 1 month to 2 years require approximately 50 percent more by body weight than adult proportions.

Children, 2 years and over require adult proportions by body weight.

(Complete by adding dosage for the specific preparation.)

Long term use of digitalis is indicated in almost all infants who have been digitalized for acute congestive failure unless the cause is transient. Many favor maintaining digitalis until at least 2 years of age in all infants with paroxysmal atrial tachycardia or who show either definite or latent failure.

Many children with severe inoperable congenital defects need digitalis throughout childhood and often for life.

Parenteral dosage. (Include where appropriate.)

Intravenous (or intramuscular, if suitable) use should be reserved for emergencies or when digitalis cannot be taken by mouth. Great care should be exercised if the patient had received a digitalis preparation within the previous 2 weeks.

Intravenous doses should be given slowly with continuous electrocardiographic monitoring to avoid toxic doses.

Intramuscular is less desirable since it may result in a painful local reaction. The volume should not be in excess of 2 cc. and the site should be massaged afterward.

Dosage.

Intramuscular— $\frac{1}{2}$ of oral dose

Intravenous— $\frac{1}{2}$ of oral dose

Note: Digitoxin is an exception to this rule.

(Complete by adding more specific information for specific preparation.)

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a) (1) (i), (ii), and (iii) of the notice of July 14, 1970. Clinical trials which have established effectiveness of the drug may also serve to establish bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application to include adequate data to assure the biologic

availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a) (3) (i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Office of Scientific Evaluation (BD-100), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 8627, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original abbreviated new-drug applications (Identify as such): Drug Efficacy Study Implementation Project Office (BD-60),
Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67),
Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60),
Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11633 Filed 7-26-72; 8:49 am]

[DESI 597]

CERTAIN DRUGS CONTAINING AN ANTICHOLINERGIC WITH A BARBITURATE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Bantyl Syrup with Phenobarbital containing dicyclomine hydrochloride and phenobarbital; Merrell-National Laboratories, Division of Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 7-961).

2. Bantyl with Phenobarbital Capsules containing dicyclomine hydrochloride and phenobarbital; Merrell-National Laboratories (NDA 7-409).

3. Bantyl Repeat Action Tablets with Phenobarbital containing dicyclomine hydrochloride and phenobarbital; Merrell-National Laboratories (NDA 9-311).

4. Dactil with Phenobarbital Tablets containing piperidolate hydrochloride and phenobarbital; Lakeside Laboratories Inc., Division of Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, Wis. 53201 (NDA 8-907).

5. Antrenyl-Phenobarbital Tablets containing oxyphenonium bromide and phenobarbital; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, N.J. 07901 (NDA 8-492).

6. Robinul-PH and Robinul-PH Forte Tablets each containing glycopyrrolate and phenobarbital; A. H. Robins Co., 1407 Cummings Drive, Richmond, Va. 23220 (NDA 12-950).

7. Piptal-PHB Tablets and Elixir each containing pipenzolate bromide and phenobarbital; Lakeside Laboratories Inc. (NDA 9-427).

8. Tricoloid with Phenobarbital Tablets containing tricyclamol chloride and phenobarbital; Burroughs Wellcome & Co., Inc., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 8-910).

9. Co-Elorine 100 and Co-Elorine 25 Pulvules containing tricyclamol chloride and amobarbital; Eli Lilly and Company, Post Office Box 618, Indianapolis, Ind. 46206 (NDA 8-919).

10. Nactisol Tablets containing poldine methylsulfate and sodium butabarbital; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa. 19034 (NDA 12-741).

11. Phenobarbital and Atropine Tablets containing atropine sulfate and phenobarbital; The Vale Chemical Co., Inc., 1201 Liberty Street, Allentown, Pa. 18102 (NDA 597).

12. Centrine Tablets with Phenobarbital containing aminopentamide sulfate and phenobarbital; Bristol Laboratories, Division of Bristol-Myers Co., Thompson Road, Post Office Box 657, Syracuse, N.Y. 13201 (NDA 9-288).

13. Centrine Elixir with Phenobarbital containing aminopentamide sulfate and phenobarbital; Bristol Laboratories (NDA 8-885).

14. Profenil Phenobarbital Tablets containing alverine citrate and phenobarbital; Smith, Miller & Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, N.J. 08902 (NDA 6-471).

15. Cantil with Phenobarbital Tablets containing mepenzolate bromide and phenobarbital; Lakeside Laboratories, Inc. (NDA 10-679).

16. Valpin-PB Tablets containing anisotropine methylbromide and phenobarbital; Endo Laboratories Inc., 1000 Stewart Avenue, Garden City, Long Island, N.Y. 11533 (NDA 13-430).

17. Valpin-Pb Elixir containing anisotropine methylbromide and phenobarbital; Endo Laboratories, Inc. (NDA 13-431).

18. Bantline with Phenobarbital Tablets containing methantheline bromide and phenobarbital; G. D. Searle & Co., Post Office Box 5110, Chicago, Ill. 60680 (NDA 7-390).

19. Pamine PB Tablets and Pamine PB Half-Strength Tablets each containing methscopolamine bromide and phenobarbital; The Upjohn Co., 7171 Fortage Road, Kalamazoo, Mich. 49002 (NDA 8-942).

20. Pamine PB Drops containing methscopolamine bromide and phenobarbital; The Upjohn Co. (NDA 9-260).

21. Pamine PB Elixir containing methscopolamine bromide and phenobarbital; The Upjohn Co. (NDA 9-261).

22. Daricon PB Tablets containing oxyphenacylimine hydrochloride and phenobarbital; Pfizer Laboratories Division, Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 13-515).

23. Tral with Phenobarbital Tablets containing hexocyclium methylsulfate and phenobarbital; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 10-599).

24. Tral with Phenobarbital Gradumet, Sustained Release Tablets containing hexocyclium methylsulfate and phenobarbital; Abbott Laboratories (NDA 11-200).

25. Pathillon with Phenobarbital Sequels (Sustained Release Capsules) containing tridihexethyl chloride and phenobarbital; Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 11-940).

26. Pro-Bantline with Phenobarbital Tablets and Probital Tablets each containing propantheline bromide and phenobarbital; G. D. Searle & Co. (NDA 9-014).

27. Monomeb Tablets containing penthienate bromide and mephobarbital; Winthrop Laboratories, 90 Park Avenue, New York, N.Y. 10016 (NDA 9-032).

28. Trocinate with Phenobarbital Tablets containing thiphenamil hydrochloride and phenobarbital; Wm. P. Foythress and Co., Inc., 16 North 22d Street, Richmond, Va. 23217 (NDA 6-098).

29. Metropine with Phenobarbital Tablets containing methylatropine nitrate and phenobarbital; Strassenburgh Laboratories, Division Wallace and Tiernan, Inc., 755 Jefferson Road, Rochester, N.Y. 14623 (NDA 4-298).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These drugs lack substantial evidence of effectiveness if labeled for use in gastritis; duodenitis; aerophagia; biliary tract diseases (cholelithiasis, cholecystitis, and biliary dyskinesia); or chronic pancreatitis.

2. These drugs are possibly effective for their other labeled indications.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the

holder of any approved new drug application for a drug labeled with those indications described in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 597, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11623 Filed 7-26-72; 8:48 am]

[DESI 2847]

CERTAIN INJECTABLE MULTIPLE VITAMIN PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Breonex L Injectable, and;
2. Breonex M Injectable, both containing thiamine hydrochloride, riboflavin, pyridoxine hydrochloride, dextro-pyridoxine hydrochloride, and cyanocobalamin; Tilden Yates Laboratories, Inc., Fairfield Road, Wayne, NJ 07470 (NDA 2-847).

3. Beclysyl Injectable containing dextrose, sodium chloride, thiamine hydrochloride, riboflavin, niacinamide, pyridoxine hydrochloride, and cyanocobalamin; Abbott Laboratories, Inc., 14th and Sheridan Road, North Chicago, IL 60064 (NDA 4-635).

4. Parbexin Injectable containing thiamine hydrochloride, niacinamide, dextranpanthenol, riboflavin, and pyridoxine hydrochloride; Smith, Miller & Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, NJ 08902 (NDA 4-895).

5. Berocca—C Injectable, and;
6. Berocca—C 500 Injectable, both containing thiamine hydrochloride, riboflavin, niacinamide, pyridoxine hydrochloride, dextranpanthenol, d-biotin, and ascorbic acid; Roche Laboratories, Division of Hoffman LaRoche Inc., Roche Park, Nutley, N.J. 07110 (NDA 6-071).

7. Folbesyn Injectable containing thiamine hydrochloride, sodium pantothenate, niacinamide, riboflavin, pyridoxine, cyanocobalamin, ascorbic acid, and folic acid; Lederle Laboratories, Division of American Cyanamid Co., Post Office Box 500, Pearl River, NY 10965 (NDA 6-141).

8. Vi-Syneral Injectable containing vitamin A, ergocalciferol, ascorbic acid, thiamine hydrochloride, riboflavin, niacinamide, pyridoxine hydrochloride, dextranpanthenol, dl-alpha tocopheryl acetate; USV Pharmaceuticals Corp., 1 Scarsdale Road, Tuckahoe, NY 10707 (NDA 6-373).

9. Manibee Injectable containing thiamine hydrochloride, niacinamide, dextranpanthenol, pyridoxine hydrochloride, and riboflavin; and;

10. Manibee—C 500 Injectable containing thiamine hydrochloride, niacinamide, dextranpanthenol, pyridoxine hydrochloride, riboflavin, and ascorbic acid; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, NY 11530 (NDA 7-590).

11. Betolake Improved Injectable containing thiamine hydrochloride, riboflavin, niacinamide, pyridoxine hydrochloride, and dextranpanthenol; Lakeside Laboratories, Inc., 1707 East North Avenue, Milwaukee, WI 53201 (NDA 7-619).

12. M.V.I. Injectable containing ascorbic acid, vitamin A, ergocalciferol, thiamine hydrochloride, riboflavin, niacinamide, pyridoxine hydrochloride, dextranpanthenol, and dl-alpha tocopheryl acetate; U.S.V. Pharmaceutical Corp. (NDA 8-809).

13. Soluzyme Injectable containing cyanocobalamin, folic acid, thiamine hydrochloride, riboflavin, pyridoxine hydrochloride, sodium pantothenate, and niacinamide; The Upjohn Co., 7171 Portage Road, Kalamazoo, MI 49002 (NDA 7-094).

The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that these drugs, as currently formulated, will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling since they lack certain essential vitamins and some have vitamins present in too high or too low a dose.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new drug applications. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Prior to initiating such action, however, the Commissioner invites the holders of the new drug applications for these drugs and any interested persons who might be adversely affected by their removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12 (a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially-controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 2847, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11625 Filed 7-26-72; 8:48 am]

[DESI 2238; Docket No. FDC-D-500;
NDA 4-040 etc.]

CERTAIN PREPARATIONS FOR VAGINAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

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

GROUP A

1. Gentia-Jel containing gentian violet; marketed by Westwood Pharmaceuticals, Inc., 468 DeWitt St., Buffalo, N.Y. 14213 (NDA 5-850).

GROUP B

1. Cortril Vaginal Tablets containing hydrocortisone; marketed by Pfizer Laboratories, Div. Pfizer & Co., Inc., 235 East 42nd St., New York, N.Y. 10012 (NDA 9-796).

GROUP C

1. Negatan Solution containing negatol; marketed by Eli Lilly and Co., 740 S. Alabama St., Indianapolis, Ind. 46206 (NDA 2-238).

GROUP D

1. Premarin Cream containing conjugated estrogens; marketed by Ayerst Laboratories Div. of American Home Products Corp., 685 Third Ave., New York, N.Y. 10017 (NDA 5-900).

2. Diethylstilbestrol Suppositories (Vaginal); marketed by Eli Lilly and Co. (NDA 4-040).

3. Dienestrol Cream marketed by Ortho Pharmaceutical Corp. Div. Johnson and Johnson, Route 202, Raritan, N.J. 08869 (NDA 6-110).

GROUP E

1. Sterisl Vaginal Gel containing hexetidine; formerly marketed by Warner-Chilcott Laboratories, Div. Warner-Lambert Pharmaceutical Co., 201 Tabor Rd., Morris Plains, N.J. 07950 (NDA 10-189, NDA approval withdrawn October 14, 1971 (36 F.R. 19995)).

2. Sultrin Cream containing sulfathiazole, sulfacetamide, benzoylsulfanilamide, and urea; marketed by Ortho Pharmaceutical Corp. (NDA 5-794).

3. Gantrisin Cream containing sulfisoxazole; marketed by Roche Laboratories, Div. Hoffmann-LaRoche, Inc., Roche Park, Nutley, N.J. 07110 (NDA 9-173).

4. Westhiazole Vaginal containing sulfathiazole; marketed by Westwood Pharmaceuticals, Inc. (NDA 5-514).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drugs without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. The drug in Group A above is effective in the treatment of vulvovaginal candidiasis.

2. The drug in Group B above is:
a. Effective for chemical or allergic vulvovaginitis;

b. Lacking substantial evidence of effectiveness when labeled for the treatment or as an adjunct to the treatment of all types of vaginitis; and

c. Possibly effective for its other labeled indications.

3. The drug in Group C above is:
a. Effective as a styptic (astringent and hemostatic) and

b. Possibly effective for its other labeled indications.

4. The drugs in Group D above are:
a. Effective in the treatment of postmenopausal and senile vulvovaginitis, atrophic vaginitis, pruritus vulvae caused by atrophic changes in the vulval epithelium, dyspareunia associated with an atrophic vaginal epithelium, and for use prior to plastic pelvic surgery in menopausal cases;

b. Possibly effective when labeled for the treatment of acne vulgaris; and

c. Lacking substantial evidence of effectiveness if labeled for mammary myoplasia.

5. The drugs in Group E above are:
a. Effective for *Haemophilus vaginalis* vaginitis;

b. Probably effective as deodorants for saprophytic infection after radiation therapy;

c. Lacking substantial evidence of effectiveness for cervicitis, cervical infections, or infections due to or secondary to trichomonas or candida; and

d. Possibly effective for their other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in cream, gel, tablet, solution, suppository or suspension form suitable for vaginal and/or topical administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drugs. The effective and probably effective indications are as follows:

GROUP A

Gentian violet is indicated for the treatment of vulvovaginal candidiasis.

GROUP B

Hydrocortisone vaginal tablets are indicated for chemical or allergic vulvovaginitis.

GROUP C

Negatol solution is indicated for use as a styptic (astringent and hemostatic).

GROUP D

(Name of drug) is indicated for the treatment of postmenopausal and senile vulvovaginitis, atrophic vaginitis, pruritus vulvae caused by atrophic changes in the vulval epithelium, dyspareunia associated with an atrophic vaginal epithelium, and for use prior to plastic pelvic surgery in menopausal cases.

GROUP E

(Name of drug) is indicated for treatment of *Haemophilus vaginalis* vaginitis. It may also be used as a deodorant for saprophytic infection following radiation therapy.

c. Labeling for preparations containing diethylstilbestrol or dienestrol should include the following:

CONTRAINDICATIONS

A statistically significant association has been reported between maternal ingestion during pregnancy of diethylstilbestrol and the occurrence of vaginal carcinoma in the offspring. The use of diethylstilbestrol or any of its closely related congeners is contraindicated in pregnancy.

d. Labeling for preparations containing conjugated estrogens should include the following:

WARNING

A statistically significant association has been reported between maternal ingestion during pregnancy of diethylstilbestrol and the occurrence of vaginal carcinoma developing years later in the offspring. Whether such an association is applicable to all estrogens is not known at this time. In any event, estrogens are not indicated for use during pregnancy.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970, and, for drugs in Group E, the submission of adequate data to show the biologic availability of the drug in the formulation which is

marketed, as described in paragraph (a) (1) (ii) of that notice. Clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. For any person who does not hold an approved or effective new drug application for a drug in Groups A through D, the submission of an abbreviated new drug application as described in paragraph (a) (3) (i) of that notice, or for a drug in Group E, the submission of an abbreviated new drug application to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a) (3) (ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as probably effective (included in the "Indications" section above), and possibly effective (not included in the "Indications" section above) continued use as described in paragraphs (c), (d), (e), and (f) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical in-

vestigations (identified for ready review) as described in § 130.12(a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 2238, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (Identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Request for Hearing (Identify with Docket Number): Hearing Clerk, Office of General Counsel (GC-1) Room 6-88, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 14, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11624 Filed 7-26-72;8:48 am]

[DESI 7519]

CERTAIN ORAL MERCURIAL DIURETICS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Cumertilin Tablets containing mercurumatinil; Endo Laboratories, Inc., 1000

Stewart Ave., Garden City, N.Y. 11530 (NDA 7-519).

2. Neohydrin Tablets containing chlormerodrin; Lakeside Laboratories, Div. Colgate-Palmolive Co., 1707 East North Ave., Milwaukee, Wis. 53202 (NDA 8-406).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1.a. Mercumatinil administered orally is probably effective for its labeled indications as a diuretic for treatment of edema in cardiac insufficiency; nephrotic syndrome; ascites of liver disease and other conditions where marked diuresis is indicated; and ACTH, cortisone, or phenylbutazone-induced edema.

b. The drug is possibly effective for use in cardiac dyspnea.

c. The drug lacks substantial evidence of effectiveness in periodic premenstrual edema and obesity with salt and water retention.

2.a. Chlormerodrin administered orally is probably effective for its recommended use in congestive heart failure.

b. It is possibly effective for use in recurring edema and ascites; polyhydramnios; Meniere's syndrome; arteriosclerotic heart disease; hypertensive heart disease; preeclampsia; toxemia; and cardiac dyspnea and asthma.

c. The drug lacks substantial evidence of effectiveness for use in the treatment of migraine headache, premenstrual tension, and fluid retention masked by obesity.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new drug application for a drug which is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an "Indications" section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication thereof in the FEDERAL REGISTER may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking as described in paragraph A above and to be

in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; and recommend use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

Mercumatilin tablets are indicated as a diuretic for the treatment of edema of congestive heart failure; nephrotic syndrome; ascites of liver disease and other conditions where marked diuresis is indicated; and ACTH, cortisone, or phenyl-butazone-induced edema.

INDICATIONS

Chlormerodrin tablets are indicated as a diuretic for the treatment of edema of congestive heart failure.

4. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (c), (d), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective and possibly effective.

A copy of the Academy's reports has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 7519, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's reports: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-80), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11632 Filed 7-26-72;8:48 am]

[DESI 5773]

CERTAIN PREPARATIONS FOR VAGINAL OR TOPICAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Nylmerate Jelly containing polyoxyethylenenonyl-phenol, phenylmercuric acetate, and boric acid; marketed by Holland-Rantos Co., Inc., Post Office Box 5, 865 Centennial Ave., Piscataway, N.J. 08854 (NDA 5-773).

2. AVC Improved Cream containing sulfanilamide, aminacrine hydrochloride, and allantoin; marketed by Merrell-National Laboratories Division of Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 6-530).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. The drugs are possibly effective for *Haemophilus vaginalis* vaginitis, trichomoniasis, and vulvovaginal candidiasis.

2. The drugs lack substantial evidence of effectiveness for cervicitis and cervical infections.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new-drug application for a drug classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drug Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5773, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-80), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11626 Filed 7-26-72;8:48 am]

[DESI 6947; Docket No. FDC-D-203; NDA 6-947]

CHLORCYCLIZINE HYDROCHLORIDE FOR ORAL ADMINISTRATION

Drugs for Human Use; Drug Efficacy Study Implementation

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

"Perazil" tablets containing 50 mg. chlorcyclizine hydrochloride; Burroughs-Wellcome & Co. Inc., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 6-947).

Such drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drug. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as

other available evidence, and concludes that:

1. This drug is effective for pollenosis (including hay fever) and allergic rhinitis (including vasomotor rhinitis).

2. This drug is possibly effective for urticaria, pruritis, allergic dermatitis (including insect bites), and contact dermatitis.

3. Chlorcyclizine hydrochloride lacks substantial evidence of effectiveness for use in drug sensitivity.

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Chlorcyclizine hydrochloride preparations are in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations and its labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

Seasonal and perennial allergic rhinitis and vasomotor rhinitis.

The "Warnings" section of such labeling should include the section "Use in Pregnancy" as described in § 3.29(c) (1) (ii) for chlorcyclizine, cyclizine, and mclizine (21 CFR 3.29).

(The possibly effective indications may also be included for 6 months.)

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a) (3) (i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e) and (f) of that notice.

C. Opportunity for a hearing. 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal

Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.3 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications would not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6947, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs
Original abbreviated new drug applications (Identify as such): Drug Efficacy Study Implementation Project Office (BD-60),
Bureau of Drugs.

Request for Hearing (Identify with Docket Number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-88, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11631 Filed 7-26-72;8:48 am]

[DESI 6261]

COMBINATION CONTAINING DIPHENHYDRAMINE, AMINOPHYLLINE, AND RACEPHEDRINE HYDROCHLORIDE FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Hydrillin with Racephedrine Tablets containing diphenhydramine, aminophylline, and racephedrine hydrochloride; G. D. Searle and Co., Post Office Box 5110, Chicago, Ill. (NDA 6-257).

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

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of that part of the above-listed new drug application providing for Hydrillin with Racephedrine Tablets. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Prior to initiating such action, however, the Commissioner invites the holder of the new drug application for this drug and any interested person who might be adversely affected by its removal from the market, to submit pertinent data bearing on the proposal within 30 days

after publication hereof in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12(a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the proposed action and implementation of the Academy report for this drug is made to give notice to persons who might be adversely affected by its withdrawal from the market.

The above-named holder of the new drug application for this drug has been mailed a copy of the Academy report. Communications forwarded in response to this announcement should be identified with the reference number DESI 6261, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.72-11630 Filed 7-26-72;8:48 am]

[DESI 5929]

ERGOTAMINE TARTRATE; DIHYDRO- ERGOTAMINE MESYLATE; AND ERGOTAMINE TARTRATE WITH CAFFEINE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Medihaler Ergotamine for oral inhalation containing ergotamine tartrate; Riker Laboratories, 19901 Nordhoff St., Northridge, Calif. 91326. (NDA 12-102).

2. DHE-45 Injection containing dihydroergotamine mesylate; Sandoz Pharmaceuticals Div., Sandoz-Wander, Inc., Route 10, Hanover, N.J. 07936 (NDA 5-929).

3. Cafergot Suppositories containing ergotamine tartrate and caffeine; Sandoz (NDA 9-000).

4. Cafergot Tablets containing ergotamine tartrate and caffeine, Sandoz (NDA 6-620).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Ergotamine tartrate aerosol for oral inhalation; dihydroergotamine mesylate injection; and ergotamine tartrate with caffeine tablets and suppositories are effective for abortion or prevention of vascular headache, e.g., migraine, migraine variants, or so-called "histaminic cephalalgia."

2. Dihydroergotamine mesylate injection is possibly effective for the treatment of herpes zoster (for the relief of neuritic pain).

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. **Form of drug.** Ergotamine tartrate preparations are in a form suitable for oral inhalation. Dihydroergotamine mesylate preparations are in sterile aqueous solution form suitable for parenteral administration. Preparations containing ergotamine tartrate with caffeine are in tablet or suppository form suitable for oral or rectal administration, respectively.

2. **Labeling conditions.** a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations and the labeling bears adequate information for safe and effective use of the drug. The "Indications" section for ergotamine tartrate for oral inhalation and for ergotamine tartrate with caffeine for oral and rectal use is as follows:

INDICATIONS

Indicated as therapy to abort or prevent vascular headache, e.g., migraine, migraine variants, or so-called "histaminic cephalalgia".

The "Indications" section for dihydroergotamine mesylate injection is as follows: (The possibly effective indications may also be used for 6 months.)

INDICATIONS

As therapy to abort or prevent vascular headache, e.g., migraine, migraine variants,

or so-called "histaminic cephalalgia" when rapid control is desired or when other routes of administration are not feasible.

3. **Marketing status.** Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information, except in the case of aerosol preparations, full information regarding item 8 of the new drug application form FD-356H should be provided, as described in paragraphs (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, as described in paragraph (a) (3) (i) of that notice. In the case of aerosol preparations, full information regarding item 8 of the new drug application form FD-356H should also be provided.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e), and (f) of that notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5929, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11627 Filed 7-26-72;8:48 am]

[DESI 11839]

MEDROXYPROGESTERONE ACETATE Drugs for Human Use; Drug Efficacy Study Implementation

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

Provera tablets; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 11-839).

Depo-Provera Sterile Aqueous Suspension; The Upjohn Co. (NDA 12-541).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Medoxyprogesterone acetate administered orally is:

a. Effective for secondary amenorrhea; abnormal uterine bleeding due to hormonal imbalance in the absence of organic pathology, such as submucous fibroids or uterine cancer; and as a presumptive test for pregnancy.

b. Probably effective for habitual and threatened abortion.

c. Possibly effective for infertility, premenstrual tension, and dysmenorrhea.

2. Medoxyprogesterone acetate administered intramuscularly is:

a. Probably effective for endometriosis.

b. Lacking substantial evidence of effectiveness for threatened and habitual abortion.

B. Conditions for approval and marketing of drug having an effective indication. The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. **Form of drug.** Medoxyprogesterone acetate preparations are in tablet form suitable for oral administration.

2. **Labeling conditions.** a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations and the labeling bears adequate information for safe and effective use of the drug. The effective and probably effective indications are as follows:

This drug is indicated in secondary amenorrhea; abnormal uterine bleeding due to hormonal imbalance in the absence of organic pathology, such as submucous fibroids or uterine cancer; as a presumptive test for pregnancy; and for habitual and threatened abortion.

(The possibly effective indications may also be included for 6 months.)

3. **Marketing status.** Marketing of such drugs may be continued under the con-

ditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a) (3) (i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as probably effective (included in the "Indications" section above) and possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (c), (d), (e), and (f) of that notice.

C. Marketing status of drug having no effective indication. 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a drug which is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an "Indications" section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; and recommend use of the drug for the probably effective indications as follows:

INDICATIONS

This drug is indicated for endometriosis.

4. The notice "Conditions for Marketing New Drug Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (c), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 11839, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original abbreviated new-drug applications (Identify as such): Drug Efficacy Study Implementation Project Office (BD-60),
Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67),
Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Dec.72-11643 Filed 7-26-72;8:50 am]

[DESI 9495]

OXYTETRACYCLINE HYDROCHLORIDE AND HYDROCORTISONE TOPICAL OINTMENT

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Terra-Cortril Topical Ointment containing oxytetracycline hydrochloride and hydrocortisone; Pfizer Laboratories Division, Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 61-011).

The Food and Drug Administration concludes that the drug is possibly effective for its labeled indications relating to use in various dermatoses or as an antinflective agent.

Preparations containing oxytetracycline hydrochloride and hydrocortisone are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act.

Batches of the drug which bear labeling with these indications will be accepted for release or certification by the Food and Drug Administration for a period of 6 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in these conditions for which it has been evaluated as possibly effective.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drug will not be eligible for release or certification.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 9405, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (Identify with NDA number):
Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11634 Filed 7-26-72; 8:49 am]

[DESI 5079; Docket No. FDC-D-245; NDA 5-079]

PHENYLMERCURIC NITRATE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Merpectogel Vaginal Jelly containing phenylmercuric nitrate and pectin; previously marketed by William F. Poythress and Co., Inc., Post Office Box 2158, 16 North 22d Street, Richmond, Va. 23217 (NDA 5-079).

Such drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. This drug is effective for maintaining vaginal hygiene.

2. This drug is possibly effective as a dressing for burns, chronic ulcers and slow-healing wounds; and as a treatment for vaginal infections.

3. This drug lacks substantial evidence of effectiveness for its claim related to prevention of postsurgical tissue infection.

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. **Form of drug.** This preparation is in gel form suitable for intravaginal administration.

2. **Labeling conditions.** a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

For maintaining vaginal hygiene.
(The possibly effective indications may also be included for 6 months.)

3. Marketing status

Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis

of safety prior to October 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of a full new drug application as described in paragraph (a)(3) (iii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e), and (f) of that notice.

C. Opportunity for a hearing. 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies

may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5079, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Request for a Hearing (Identify with Docket Number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-88, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drug (21 CFR 2.120).

Dated: July 14, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 72-11629 Filed 7-26-72; 8:48 am]

[DESI 11469; Docket No. FDC-D-497; NDA 11-469]

PROTOKYLOL HYDROCHLORIDE TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation

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

Caylæe Tablets, containing protokylol; Lakeside Laboratories, Inc., 1707 East North Avenue, Milwaukee, Wis. 53201 (NDA 11-469).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drugs. A new drug application is re-the labeling in and to update previously approved applications providing for such drugs. A new drug application is re-

quired from any person marketing such drug without approval.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

a. The drug is effective for the treatment of bronchospasm associated with acute and chronic bronchial asthma, pulmonary emphysema, bronchitis, and bronchiectasis.

b. The drug lacks substantial evidence of effectiveness for its other labeled indications, i.e., emphysema, chronic bronchitis, bronchiectasis, and pulmonary fibrosis.

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. **Form of drug.** Protokylol preparations are in tablet form suitable for oral administration.

2. **Labeling conditions.** a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

For the treatment of bronchospasm associated with acute and chronic bronchial asthma, pulmonary emphysema, bronchitis, and bronchiectasis.

3. **Marketing status.** Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a) (1) (i), (ii), and (iii) of the notice of July 14, 1970. Clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a) (3) (ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. Opportunity for a hearing. 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new drug application offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under controlled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response of this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 11469, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original abbreviated new-drug applications (Identify as such): Drug Efficacy Study Implementation Project Office (BD-60),
Bureau of Drugs.

Request for Hearing (Identify with Docket Number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-8B, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11640 Filed 7-26-72; 8:49 am]

[DESI 13264; Docket No. FDC-D-288;
NDA No. 13-264]

QUINETHAZONE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Hydromox Tablets, containing quinethazone; Lederle Laboratories Div., American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 13-264).

The drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drug. A new drug application is required from any person marketing such drug without approval.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Quinethazone is effective as adjunctive therapy in the treatment of edema due to congestive heart failure, hepatic cirrhosis, and corticosteroid and estrogen administration; and edema caused by renal disorders such as nephrotic syndrome, acute glomerulonephritis, and chronic renal failure; in the management of hypertension when used alone or as adjunctive therapy; in the control of hypertension in pregnancy; and severe or marked edema when due to pregnancy. The routine use of diuretics in an otherwise healthy pregnant woman is contraindicated and possibly hazardous.

2. The drug is probably effective for treatment of toxemia of pregnancy; angina accompanying congestive heart failure and/or hypertension; and "drug-induced" edema.

3. The drug is possibly effective for treatment of edema of localized origin; prevention of the development of toxemia during pregnancy; and premenstrual acute flare.

4. The drug lacks substantial evidence of effectiveness for the following indications: "all" types of edema; edema of obesity; edema due to premenstrual tension; fluid retention masked by obesity; and prevention of edema of pregnancy.

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. **Form of drug.** Quinethazone preparations are in tablet form suitable for oral administration.

2. **Labeling conditions.** a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations and its labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

Quinethazone is indicated as adjunctive therapy in edema associated with congestive heart failure, hepatic cirrhosis and corticosteroid and estrogen therapy.

Quinethazone has also been found useful in edema due to various forms of renal dysfunction as: nephrotic syndrome; acute glomerulonephritis; and chronic renal failure.

Quinethazone is indicated in severe edema when due to pregnancy. (See "Contraindications" and "Warnings" below.)

Diuretics are indicated in the management of hypertension either as the sole therapeutic agent or to enhance the effect of other antihypertensive drugs in the more severe forms of hypertension and in the control of hypertension of pregnancy.

The drug is also indicated in toxemia of pregnancy (eclampsia); angina due to congestive heart failure and/or hypertension; and "drug-induced" edema.

c. The "Contraindications" section includes the following:

The routine use of diuretics in an otherwise healthy pregnant woman with or without mild edema is contraindicated and possibly hazardous.

d. The "Warnings" section includes the following:

USAGE IN PREGNANCY

Usage of quinethazone in women of child-bearing age requires that the potential benefit of the drug be weighed against its possible hazards to the fetus. These hazards include fetal or neonatal jaundice, thrombocytopenia, and possibly other adverse reactions which have occurred in the adult.

3. **Marketing status.** Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a) (1) (i), (ii), and (iii) of the notice of July 14, 1970. Clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a) (3) (ii) of that notice.

c. For any distributor of the drug, the use of the labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as probably effective (included in the "Indications" section above), and possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (c), (d), (e), and (f) of that notice.

C. Opportunity for a hearing. 1. The Commissioner of Food and Drugs proposes to issue an order, under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of

the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12 (a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 13264, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original abbreviated new drug applications
(Identify as such): Drug Efficacy Study
Implementation Project Office (BD-60),
Bureau of Drugs.

Request for Hearing (Identify with Docket
Number): Hearing Clerk, Office of Gen-
eral Counsel (GC-1), Room 6-88, Park-
lawn Building.

Requests for the Academy's report: Drug
Efficacy Study Information Control (BD-
67), Bureau of Drugs.

All other communications regarding this an-
nouncement: Drug Efficacy Study Imple-
mentation Project Office (BD-60), Bureau
of Drugs.

Received requests for a hearing may be
seen in the office of the Hearing Clerk
(address given above) during regular
business hours, Monday through Friday.

This notice is issued pursuant to pro-
visions of the Federal Food, Drug, and
Cosmetic Act (secs. 502, 505, 52 Stat.
1050-53, as amended; 21 U.S.C. 352, 355)
and under the authority delegated to the
Commissioner of Food and Drugs (21
CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11644 Filed 7-26-72; 8:50 am]

[DESI 10210]

SODIUM SULFACETAMIDE-PREDNISO- LONE ACETATE OPHTHALMIC SUSPENSION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has
evaluated a report received from the Na-

tional Academy of Sciences-National Re-
search Council, Drug Efficacy Study
Group, on Metimyd Ophthalmic Suspen-
sion containing prednisolone acetate and
sodium sulfacetamide; Schering Corp.,
1011 Morris Avenue, Union, N.J. 07083
(NDA 10-210).

Such drugs are regarded as new drugs
(21 U.S.C. 321(p)). The effectiveness
classification and marketing status are
described below.

A. *Effectiveness classification.* The
Food and Drug Administration has con-
sidered the Academy's report, as well as
other available evidence, and concludes
that the drug is:

1. Lacking substantial evidence of ef-
fectiveness for spastic entropion due to
local irritation.

2. Possibly effective for the other
labeled indications.

B. *Marketing status.* 1. Within 60 days
of the date of publication of this an-
nouncement in the FEDERAL REGISTER, the
holder of any approved new drug appli-
cation for a drug classified in paragraph
A above as lacking substantial evidence
of effectiveness is requested to submit a
supplement to his application, as needed,
to provide for revised labeling which de-
letes those indications for which sub-
stantial evidence of effectiveness is lack-
ing. Such a supplement should be sub-
mitted under the provisions of § 130.9
(d) and (e) of the new drug regulations
(21 CFR 130.9 (d) and (e)) which per-
mit certain changes to be put into effect
at the earliest possible time, and the
revised labeling should be put into use
within the 60-day period. Failure to do
so may result in a proposal to withdraw
approval of the new drug application.

2. If any such preparation is on the
market without an approved new drug
application, its labeling should be revised
if it includes those claims for which sub-
stantial evidence of effectiveness is lack-
ing as described in paragraph A above.
Failure to delete such indications and
put the revised labeling into use within
60 days after the date of publication
hereof in the FEDERAL REGISTER may cause
the drug to be subject to regulatory
proceedings.

3. The notice "Conditions for Market-
ing New Drugs Evaluated in Drug Efficacy
Study," published in the FEDERAL
REGISTER July 14, 1970 (35 F.R. 11273),
describes in paragraph (d), (e), and (f)
the marketing status of a drug labeled
with those indications for which it is re-
garded as possibly effective.

A copy of the Academy's report has
been furnished to the firm referred to
above. Communications forwarded in re-
sponse to this announcement should be
identified with the reference number
DESI 10210 directed to the attention of
the appropriate office listed below, and
addressed to the Food and Drug Admin-
istration, 5600 Fishers Lane, Rockville,
Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new drug applications: Office of
Scientific Evaluation (BD-100), Bureau of
Drugs.

Requests for the Academy's report: Drug
Efficacy Study Information Control (BD-
67), Bureau of Drugs.

All other communications regarding this
announcement: Drug Efficacy Study Im-
plementation Project Office (BD-60), Bu-
reau of Drugs.

This notice is issued pursuant to pro-
visions of the Federal Food, Drug, and
Cosmetic Act (secs. 502, 505, 52 Stat.
1050-53, as amended; 21 U.S.C. 352, 355)
and under the authority delegated to the
Commissioner of Food and Drugs (21
CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11636 Filed 7-26-72; 8:49 am]

[DESI 6253]

SUPPOSITORIES CONTAINING AMI- NOPHYLLINE AND PENTOBARBITAL

Drugs for Human Use; Drug Efficacy Study Implementation

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

Aminophylline with Pentobarbital and
Benzocaine Suppositories; G. D. Searle
and Co., Post Office Box 5110, Chicago,
Ill. 60680 (NDA 5-812).

Such drugs are regarded as new drugs
(21 U.S.C. 321(p)). The effectiveness
classification and marketing status are
described below.

A. *Effectiveness classification.* The
Food and Drug Administration has con-
sidered the Academy's reports, as well
as other available evidence, and con-
cludes that the drug is possibly effective
for bronchial asthma and lacks sub-
stantial evidence of effectiveness for
status asthmaticus and congestive heart
failure.

B. *Marketing status.* 1. Within 60 days
of the date of publication of this an-
nouncement in the FEDERAL REGISTER, the
holder of any approved new drug appli-
cation for a drug classified in paragraph
A above as lacking substantial evidence
of effectiveness is requested to submit
a supplement to his application, as
needed, to provide for revised labeling
which deletes those indications for which
substantial evidence of effectiveness is
lacking. Such a supplement should be
submitted under the provisions of § 130.9
(d) and (e) of the new drug-regulations
(21 CFR 130.9 (d) and (e)) which permit
certain changes to be put into effect at
the earliest possible time, and the re-
vised labeling should be put into use
within the 60-day period. Failure to do
so may result in a proposal to withdraw
approval of the new drug application.

2. If any such preparation is on the
market without an approved new drug
application, its labeling should be re-
vised if it includes those claims for which
substantial evidence of effectiveness is
lacking as described in paragraph A
above. Failure to delete such indications
and put the revised labeling into use
within 60 days after the date of publica-
tion hereof in the FEDERAL REGISTER may

cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6258, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.72-11628 Filed 7-26-72; 8:48 am]

[Docket No. FDC-D-499; NDA 9-149, etc;
DESI 11127]

CHLORPROMAZINE AND PROCHLORPERAZINE SUPPOSITORIES FOR RECTAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Thorazine Suppositories containing chlorpromazine (NDA 9-149), and

2. Compazine Suppositories containing prochlorperazine (NDA 11-127); Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101.

The drugs are regarded as new drugs (21 U.S.C. 321(p)) and require approved new drug applications for marketing. Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. Any such drug on the market which is not now the subject of an approved or effective new drug application may be regarded to be in vio-

lation of the Federal Food, Drug, and Cosmetic Act and subject to regulatory proceedings until such time as all requirements of this implementation notice are met. The effectiveness classification and conditions for approval and marketing are described below.

I. *Effectiveness classifications.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes as follows:

A. *Chlorpromazine suppositories.* 1. Chlorpromazine administered rectally is effective in the management of the manifestations of psychotic disorders; control of nausea and vomiting; the relief of restlessness and apprehension prior to surgery; in the treatment of acute intermittent porphyria; and as an adjunct in the treatment of tetanus.

2. This drug is probably effective for reducing agitation and tension associated with mild alcoholic withdrawal symptoms in patients under close supervision; for the control of involuntional melancholia or of the manifestations of the manic type of manic depressive illness; for the relief of intractable hiccups; and for the control of moderate to severe agitation, hyperactivity, or aggressiveness in disturbed children.

3. This drug lacks substantial evidence of effectiveness for use in somatic conditions of emotional stress, e.g., arthritis, neurodermatitis, and severe asthma; acute and chronic alcoholism, and agitation; delirium tremens; severe personality disorders; and for control of degenerative states.

4. This drug is possibly effective for its other labeled indications.

B. *Prochlorperazine suppositories.* 1. Prochlorperazine administered rectally is effective in the management of the manifestations of psychotic disorders; and for the control of severe nausea and vomiting.

2. This drug lacks substantial evidence of effectiveness for the control of behavior disorders in children; and for chronic alcoholism.

3. This drug is possibly effective for its other labeled indications.

II. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and supplements to previously approved new drug applications under conditions described herein.

A. *Form of drug.* The drugs are in suppository form suitable for rectal administration.

B. *Labeling conditions.* The labels bear the statement "Caution: Federal law prohibits dispensing without prescription."

The drugs are labeled to comply with all requirements of the Act and regulations. Their labeling bears adequate information for safe and effective use of the drugs and is in accord with the effectiveness classifications, and, where applicable, the Academy's comments. The "Indications" sections are as follows:

1. Chlorpromazine:

INDICATIONS

This drug is indicated in the management of the manifestations of psychotic disorders; for the control of nausea and vomiting; for the relief of restlessness and apprehension prior to surgery; as an adjunct in the treatment of tetanus; and in the treatment of acute intermittent porphyria.

It may also be useful for reducing agitation and tension associated with mild alcoholic withdrawal symptoms in patients under close supervision; for the control of involuntional melancholia or of the manifestations of the manic type of manic depressive illness; for the relief of intractable hiccups; and for the control of moderate to severe agitation, hyperactivity, or aggressiveness in disturbed children.

2. Prochlorperazine:

INDICATIONS

This drug is indicated in the management of manifestations of psychotic disorders; for the control of severe nausea and vomiting.

C. *Marketing status.* 1. a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), marketing may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows: the submission of a supplement for revised labeling, a supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a) (1) (i), (ii), and (iii) of that notice of July 14, 1970. Clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. The supplement for revised labeling should be submitted under the provision of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

c.i. Indications for which the drugs have been classified as probably effective (included in the "Indications" section for chlorpromazine above) and possibly effective (not included in the "Indications" sections above), may continue to be used in the labeling for 12 months and 6 months, respectively, from the date of this publication to allow additional time for holders of approved applications to obtain and submit substantial evidence of effectiveness of the drugs for such uses.

(ii) At the end of the 12-month and 6-month periods, any such data will be evaluated and the conclusions published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of all new drug applications for such

drug pursuant to provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act, unless in the case of a drug that is effective for some indications, all other indications are deleted from the labeling.

2.a. Any person not now the holder of an approved or effective new drug application, who intends to distribute such drug for the conditions of use for which it has been shown to be effective, as described above, should submit an abbreviated new drug application meeting the conditions specified in § 130.4(f) (1), (2), and (3) published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574), except that full information with respect to items 7 and 8 of form FD-356H is required. Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is proposed for marketing. The Food and Drug Administration should be contacted with respect to the nature and extent of bioavailability data necessary and the appropriate manufacturing specifications for the article.

b. Distribution of any such preparation currently on the market without an approved or effective new drug application may be regarded to be in violation of the Federal Food, Drug, and Cosmetic Act and subject to regulatory proceedings.

IV. *Opportunity for a hearing.* A. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph I.A.3. and I.B.2. of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

B. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

C. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to

prove in a hearing. Any data unsubmitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

D. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 11127 directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original abbreviated new drug applications (Identify as such); Drug Efficacy Study Implementation Project Office (BD-60),
Bureau of Drugs.

Request for Hearing (Identify with Docket Number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-88, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11639 Filed 7-26-72; 8:49 am]

[DESI 9495]

**CYCLIZINE HYDROCHLORIDE FOR
RECTAL ADMINISTRATION AND
CYCLIZINE LACTATE FOR INTRA-
MUSCULAR USE**

**Drugs for Human Use; Drug Efficacy
Study Implementation**

The Food and Drug Administration has evaluated reports received from the

National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations marketed by Burroughs-Wellcome & Co., Inc., 3030 Cornwalls Road, Research Triangle Park, N.C. 27709:

1. Marezine Injection containing cyclizine lactate (NDA 9-495).

2. Marezine Suppositories and Marezine Pediatric Suppositories containing cyclizine hydrochloride (NDA 9-781).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that cyclizine lactate administered intramuscularly and cyclizine hydrochloride administered as a rectal suppository:

1. Are probably effective for the control of postoperative nausea and vomiting.

2. Lack substantial evidence of effectiveness for their recommended general use for relief of nausea and vomiting when the oral route cannot be used, and for nausea and vomiting of pregnancy.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a drug which is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an "Indications" section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permits certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised to delete all claims for which substantial evidence is lacking as described in paragraph A above and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; and recommend use of the drug (for the probably effective indication) as follows:

INDICATION

Control of postoperative nausea and vomiting.

The "Warnings" section of the labeling of such drug should include the section "Use in Pregnancy" described in

§ 3.29(c) (1) (ii) for chlorcyclizine, cyclizine, and meclizine (21 CFR 3.29).

4. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), described in paragraphs (c), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective.

The above-named holder of the new-drug applications for these drugs has been furnished a copy of the Academy's reports. Communications forwarded in response to this announcement should be identified with the reference number DESI 9495, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Requests for the Academy's reports: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11635 Filed 7-26-72; 8:49 am]

[DESI 10296]

COMBINATION DRUG CONTAINING DIETHYLSTILBESTROL, METHYLTESTOSTERONE AND RESERPINE FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Tylandril Tablets containing diethylstilbestrol, methyltestosterone and reserpine; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 10-296).

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

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new-drug application. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug and any interested person who might be adversely affected by its removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a) (5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 10296, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Request for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 14, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11637 Filed 7-26-72; 8:49 am]

[DESI 10547]

COMBINATION DRUG CONTAINING ISOPROTERENOL HYDROCHLORIDE, PHENYLPROPANOLAMINE HYDROCHLORIDE, AND GLYCERYL GUAIACOLATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the

National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Bronkodyl Tablets containing isoproterenol hydrochloride, phenylpropanolamine hydrochloride, and glyceryl guaiacolate; Phillips Roxane Laboratories, Inc., 330 Oak Street, Columbus, Ohio 43216 (NDA 10-547).

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

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-named new-drug application. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for the drug and any interested person who might be adversely affected by its removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a) (6) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 10547, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 14, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11638 Filed 7-26-72;8:49 am]

[DESI 11159]

ERGOTAMINE TARTRATE WITH CYCLIZINE HYDROCHLORIDE AND CAFFEINE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Migral Tablets containing ergotamine tartrate, cyclizine hydrochloride and caffeine; Burroughs Wellcome and Co., Inc., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 11-159).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that this drug is possibly effective for its labeled indications.

B. Marketing status. Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 11159, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new-drug applications: Office of
Scientific Evaluation (BD-100), Bureau of
Drugs.

Requests for the Academy's report: Drug
Efficacy Study Information Control (BD-
67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and

Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11642 Filed 7-26-72;8:49 am]

[DESI 11470]

PROTOKYLOL WITH PENTOBARBITAL TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation

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

Camytine with Pentobarbital Tablets, containing protokylol and pentobarbital; Lakeside Laboratories, Inc., 1707 East North Avenue, Milwaukee, Wis. 53201 (NDA 11-469).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. The drug is probably effective for the treatment of bronchospasm associated with acute and chronic bronchial asthma, pulmonary emphysema, bronchitis, and bronchiectasis.

2. The drug lacks substantial evidence of effectiveness for its other labeled indications; i.e., emphysema, chronic bronchitis, bronchiectasis, and pulmonary fibrosis.

B. Marketing status. 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a drug which is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an Indications section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised to delete all claims for which substantial

evidence of effectiveness is lacking as described in paragraph A above and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; and recommend use of the drug for the probably effective indications as follows:

INDICATIONS

For the treatment of bronchospasm associated with acute and chronic bronchial asthma, pulmonary emphysema, bronchitis, and bronchiectasis.

4. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (c), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 11470, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new-drug applications: Office of
Scientific Evaluation (BD-100), Bureau of
Drugs.

Requests for the Academy's report: Drug
Efficacy Study Information Control (BD-67),
Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11641 Filed 7-26-72;8:49 am]

[Docket No. FDC-D489; NDA 9-755, etc.]

SHAW PHARMACAL CO. ET AL.

New-Drug Applications: Notice of Opportunity for Hearing

Notice is hereby given to each holder of the new-drug applications listed herein that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic

Act withdrawing approval of such applications and all approved amendments and supplements thereto on the grounds that annual reports of experience with the drug required under section 505(j) of the Act (21 U.S.C. 355(j) and new-drug regulations 21 CFR 130.13 and 130.35 (e) and (f) have not been submitted for each new drug listed.

The objective of this action is to close these new-drug files that have been inactive for several years. Withdrawal of approval of these applications is not for the purpose of classifying the products as new drugs or of applying the efficacy provisions of the Act to drugs of the same composition marketed by other firms.

Upon request, the Commissioner will supply to any interested person directly concerned, a statement of the composition of any of the drugs listed herein to the extent that such information was disclosed or required by law to be disclosed in the labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the new-drug regulations (21 CFR Part 130) the Commissioner will give the applicant named, and any interested person who would be adversely affected by an order withdrawing such approvals, an opportunity for a hearing to show cause why approval of the following new-drug applications should not be withdrawn.

NDA No.	Drug name	Applicant's name and address
0-755...	Reserpine tablets (reserpine).	Shaw Pharmacal Co., 2700 Wagner Pl., Maryland Heights, MO 63042.
0-300...	Reserpine tablets.....	Bowman, Mell and Co., 1334 Howard St., Harrisburg, PA 17104.
0-304...	Kitino tablets.....	The Superior Pharmacal Co., 440 Maryland Ave., Dayton, OH 45040
10-063...	Rauwolfia Serpentina tablets (rauwolfia serpentina).	Shaw Pharmacal Co. 2700 Wagner Pl., Maryland Heights, MO 63042.
10-107...	Ropoid tablets (reserpine).	Schlicksup Drug Co., Inc., 420 Southwest Washington, Peoria, Ill. 61602. Do.
10-221...	Raw-Ten tablets (rauwolfia serpentina).	
10-074...	Reserpine tablets (reserpine).	Bates Laboratories, 7475 North Rogers St., Chicago, IL 60626. Do.
11-242...	Rauwolfia Serpentina tablets (rauwolfia serpentina).	
12-304...	Hexanicoat capsules (hexanicoatocyclohexano, inestol niacinate).	Philadelphia Ampoule Laboratories, Roosevelt Blvd., and Blue Grass Rd., Philadelphia, Pa. 19116.

Within 30 days after publication hereof in the FEDERAL REGISTER, the applicants, as well as any interested person who would be adversely affected and who wants an opportunity for a hearing, are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

If such persons elect to avail themselves of the opportunity for a hearing they must file within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting a hearing giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter and order on these data making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970.)

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

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public unless the respondent specifies otherwise in his appearance.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120.)

Dated: July 19, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-11669 Filed 7-26-72;8:55 am]

Office of the Secretary
NATIONAL INSTITUTES OF HEALTH
Statement of Organization, Functions,
and Delegations of Authority

Part 8 (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, as amended, is hereby amended to: (1) Revise the functional statements for the National Cancer Institute (8C) and the National Heart and Lung Institute (8G) to reflect their expanded functions as bureaus of the NIH; and (2) include the division level structure of the new bureaus.

With reference to the section on Organization and Functions (section B):

(1) Delete the statement following National Cancer Institute (8C) and insert the following:

National Cancer Institute (8C). Plans, directs, conducts, and coordinates a national research program on the detection, diagnosis, cause, prevention, treatment, and palliation of cancers and specifically: (1) Conducts and directs research

performed in its own laboratories and through contracts; (2) supports and coordinates research projects by scientific institutions and individuals through research grants; (3) supports training of manpower in fundamental sciences and clinical disciplines for participation in basic and clinical research programs and treatment programs relating to cancer by training grants, fellowships and career awards; (4) supports construction of laboratories and related facilities necessary for research on cancer; (5) supports demonstration projects in cancer control; (6) collaborates with voluntary organizations and other institutions engaged in cancer research and training activities; (7) encourages and coordinates cancer research by industrial concerns where such concerns evidence a particular capability for programmatic research; (8) collects and disseminates information on cancer; (9) consults with appropriate individuals and agencies in the development, coordination, and support of cancer research programs in other countries.

Office of the Director (8C01). (1) Serves as the focal point for the National Cancer Program; (2) develops a National Cancer Plan and monitors implementation of the plan; (3) directs and coordinates the Institute's programs and activities; and (4) develops and provides policy guidance and staff direction to the Institute's programs in areas such as program coordination, program planning, clinical care, and administrative management; (5) in coordination with the program divisions, plans and directs the Institute's control activities involving research and demonstration projects for cancer control.

Division of Cancer Biology and Diagnosis (8C13). (1) Plans and directs the general laboratory and clinical research activities of the National Cancer Institute; (2) cooperates with other divisions of the Institute in conducting basic research which is supportive of targeted activities of the Institute; (3) serves as the national focal point for programs to improve the detection and diagnosis of human cancers; (4) plans and manages a collaborative program in immunology, diagnosis, and breast cancer; and (5) participates in evaluation of and advises the Institute Director on program related aspects of cancer control activities and of grants and grant applications as they relate to cancer biology and diagnosis.

Division of Cancer Cause and Prevention (8C11). (1) Plans and directs a program of laboratory, field, and demographic research on the cause and natural history of cancer and means for preventing cancer through direct in-house research and through research contracts; (2) evaluates mechanisms of cancer induction by viruses and by environmental carcinogenic hazards; (3) serves as the focal point for the Federal Government on the synthesis of clinical, epidemiological, and experimental data relating to the cause of cancer; and (4) participates in the evaluation of and advises the Institute Director on program

related aspects of cancer control activities and of grants and grant applications as they relate to cancer cause and prevention.

Division of Cancer Treatment (8C10). (1) Plans, directs, and coordinates an integrated program of cancer treatment activities with the objective of curing or controlling cancer in man by utilizing combination modalities including chemical, surgical, radiological, and certain immunological techniques, through intramural laboratory and clinical studies, contracted research, and research conducted in cooperation with other Federal agencies; (2) administers a total drug development program encompassing all phases from drug acquisition up to and including clinical trials; (3) serves as the national focal point for information and data on experimental and clinical studies related to cancer treatment and for the distribution of such information to appropriate scientists and physicians; and (4) participates in the evaluation of and advises the Institute Director on program related aspects of cancer control activities and of grants and grant applications as they relate to cancer treatment.

Division of Cancer Grants (8C12). (1) Plans and directs NCI's grant-supported activities, including research grants, centers grants, manpower training and facilities' construction; (2) recommends Institute policy relating to the administration of grant programs; (3) develops, reviews, and coordinates plans and criteria for the implementation of NCI grants and evaluates effectiveness of grant-supported activities in achieving the Institute's missions; and (4) advises the Institute Director, the National Cancer Advisory Board, and other advisory bodies of grant activities and developments, as they apply to programs supported by contracts and the overall mission of the National Cancer Program.

(2) Delete the statement following National Heart and Lung Institute (8G) and insert the following:

National Heart and Lung Institute (8G). (1) Provides leadership for a national program in diseases of the heart, blood vessels, blood, and lungs; (2) plans, conducts, fosters, and supports an integrated and coordinated program of research, investigations, clinical trials, and demonstrations relating to the causes, prevention, methods of diagnosis, and treatment (including emergency medical treatment) of heart, blood vessel, lung, and blood diseases through: Research performed in its own laboratories and through contracts and research grants to scientific institutions and to individuals; (3) plans and directs research in the development, trial, and evaluation of drugs and devices relating to the prevention and treatment of, and the rehabilitation of patients suffering from, such diseases; (4) conducts studies and research into the clinical use of blood and all aspects of the management of its resources; (5) supports training of manpower in fundamental sciences and clinical disciplines for participation in basic and clinical research programs re-

lating to heart, blood vessel, blood, and lung diseases by training grants, fellowships, and career awards; (6) coordinates with the other research institutes and with all Federal health programs relevant activities in the above diseases, including the related causes of stroke; (7) conducts educational activities, including the collection and dissemination of educational materials on these diseases, with emphasis on the prevention thereof, for health professionals and the lay public; (8) maintains continuing relationships with institutions and professional associations and with international, national, State and local officials, and voluntary agencies and organizations working in these areas.

Office of the Director (8G01). (1) Develops and provides leadership for the national heart, blood vessel, blood, and lung program, including the coordination of all Federal health programs relating to the above diseases as authorized; (2) provides overall planning, direction, coordination, and evaluation of the Institute's programs; (3) collects, develops, and disseminates information on the above diseases, with emphasis upon factors in their prevention, and conducts and fosters related educational programs for scientists and clinicians; (4) provides overall management and administrative services for the Institute; (5) establishes internal Institute policy for program and administrative operations and maintains surveillance over their execution.

Division of Heart and Vascular Diseases (8G15). (1) Plans and directs the Institute's research grant, contract, and training programs in heart and vascular diseases, encompassing basic research, targeted research, clinical trials and demonstrations, and national cardiovascular centers; (2) maintains surveillance over developments in its program area and assesses the national need for research in the causes, prevention, diagnosis, and treatment of cardiovascular diseases, and for manpower training in this disease area; (3) maintains the necessary scientific management capability to foster and guide an effective attack upon cardiovascular diseases.

Division of Lung Diseases (8G16). (1) Plans and directs the Institute's research grant, contract, and training programs in lung diseases, encompassing basic research, targeted research, demonstrations, clinical trials, and national pulmonary centers; (2) maintains surveillance over developments in this program area and assesses the national need for research in the causes, prevention, methods of diagnosis, and treatment of lung diseases, and for manpower training in this disease area; (3) maintains the necessary scientific management capability to foster and guide an effective attack upon lung diseases.

Division of Blood Diseases and Resources (8G17). (1) Plans and directs the Institute's research grant, contract, and training programs in blood diseases

and resources, including sickle cell disease, encompassing basic research, targeted research, and clinical trials and demonstrations; (2) maintains surveillance over developments in this program area and assesses the national need for research in the causes, prevention, diagnosis, and treatment of blood diseases, and for manpower training in the program area; (3) conducts research and demonstrations to improve the national systems of blood procurement, management, and distribution; (4) coordinates Federal sickle cell disease activities, and operates a national clearinghouse for information on sickle cell disease; (5) maintains the necessary scientific management capability to foster and guide an effective attack upon blood diseases and for the management of blood resources.

Division of Intramural Research (8G10). (1) Plans and directs a program of general laboratory and clinical research in heart, blood vessels, lung, kidney, and blood diseases affecting them, and technical development; (2) maintains communication with other programs of the Institute to facilitate early practical application of basic research findings. Areas of major interest are: the biology of experimental and clinical arteriosclerosis and its manifestations; the pathophysiology of hypertensive vascular disease; functions of the lung; clinical and experimental studies on physiological and pharmacological aspects of heart, blood, and lung diseases, and a broad program of other basic research and technical development related to them.

Division of Technological Applications (8G18). (1) Plans and directs the Institute's research grant, contract, and training programs in the technological development and application of heart, blood vessel, lung, and blood research findings, encompassing device design and development, bioinstrumentation and biomaterials research, and device testing and evaluation; (2) maintains surveillance over developments in its program area and assesses research findings for their suitability to program application through technological development; (3) maintains the necessary scientific management capability to foster and guide an effective program of technological application in the heart, blood vessel, lung, and blood diseases and resources areas, and assesses the need for manpower training in this area; (4) coordinates its activities with the Institute's categorical disease divisions and provides a continuing source of information on technological advances of relevance to the programs in the above diseases.

Division of Extramural Affairs (8G19). (1) Advises the Director on research contract, grant, and training program policy; (2) represents the NHLI on overall NIH grant and contract policy and coordinates such policy within NHLI; (3) coordinates the Institute's research grant and training programs with the National Heart and Lung Advisory Council; (4) services the program divi-

sions of NHLI with necessary grant and contract management and processing activities; (5) provides reports and statistics on the Institute's grant and contract programs.

Approved: July 14, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72-11594 Filed 7-26-72; 8:51 am]

SECRETARY'S COMMISSION ON MEDICAL MALPRACTICE ISSUES ADVISORY PANEL

Notice of Meeting

The Secretary's Commission on Medical Malpractice Health Issues Advisory Panel created to provide technical assistance to the Commission on medical malpractice health issues will meet on Monday, July 31, 1972, at 9 a.m., in Room 5116 of the New Executive Office Building, 726 Jackson Place NW., Washington, DC. The Panel will discuss alternatives to current techniques of compensation for medical malpractice claimants.

Dated: July 21, 1972.

ELI P. BERNZWEIG,
Executive Director.

[FR Doc.72-11673 Filed 7-26-72; 8:54 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-348A, 50-364A]

ALABAMA POWER CO.

Notice and Order for Prehearing Conference

In the matter of Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2).

Please take notice that pursuant to the Atomic Energy Commission's notice of antitrust hearing dated June 28, 1972, and published in the FEDERAL REGISTER on July 4, 1972 (37 F.R. 13201), and in accordance with the said Commission's rules of practice, a prehearing conference will be held in the above entitled proceedings on September 26, 1972, at 10 a.m., Courtroom No. 3 (309), U.S. Court of Claims, 717 Madison Place NW., Washington, DC.

The cardinal objective of said prehearing conference will be to establish a clear and particularized identification of matters related to the issue whether activities under the permits applied for would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105a of the Atomic Energy Act of 1954, as amended.

To that end, A. Each of the attorneys for the parties and for the petitioners to intervene will supply in writing to this Board and to each other on or before September 11th a statement listing:

(1) The legal theory of the party or petitioner concerning the question whether the issuance of the permits ap-

plied for would create or maintain a situation inconsistent with the antitrust laws and supplying the authorities relied on in support of such theory.

(2) The detailed facts on which such legal theory is based, including the dates, places, and persons involved and attaching copies of all documents pertaining thereto.

B. Following the exchange of such statements and prior to the prehearing conference, the attorneys for the parties and the petitioners are requested to discuss with each other and report to the Board at the prehearing conference on:

(1) The prospect of settlement; and

(2) Their willingness to stipulate to particular facts or to a statement of facts.

C. Each of the parties and the petitioners shall be prepared to submit at the prehearing conference:

(1) A written statement setting forth under topical headings a concise statement of the essential facts and a recital of the contested issues of fact and of law.

(2) A schedule of the additional discovery, if any, which he requires and a timetable showing the dates by which each item of discovery will be completed.

(3) Copies of written exhibits and printed documents which will be offered in evidence at the formal hearing.

(4) The names and addresses of all witnesses now intended to be called.

It is suggested that the foregoing documents be exchanged or if impracticable, made available to all counsel for their examination prior to the prehearing conference.

In addition to determining the particular factual and legal issues to be determined at the formal hearings which is its cardinal objective the Board will also:

1. Hear oral arguments on the petitions to intervene and consider amendments thereto;

2. Consider motions addressed to:

(a) Jurisdictional questions (including pending FPC proceedings, if any).

(b) The letter of advise of the Attorney General.

(c) Other matters including: Simplification of issues; additional discovery; reduction in the amount of proof and number of expert witnesses; settlement proposals; the time table for discovery, if any; the presentation of the evidence at formal hearing; the final listing of witnesses and exchange of written testimony and documentary evidence; the submission and exchange of trial briefs; and such other matters as may aid in the disposition of the proceeding.

Each party shall be represented at the prehearing conference by the attorney who expects to present the evidence at the formal hearing.

Issued at Washington, D.C., this 21st day of July 1972.

By order of the Atomic Safety and Licensing Board.

WALTER K. BENNETT,
Chairman.

[FR Doc.72-11614 Filed 7-26-72; 8:47 am]

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report—Construction Permit Stage, July 24, 1970," "Applicant's Supplemental Environmental Report on the McGuire Nuclear Station, Units 1 and 2, November 24, 1971," "Revision 1 to the Applicant's Environmental Report, May 1, 1972, with Supplement No. 2," and "Revision No. 2 to the Environmental Report, May 22, 1972, with Supplement No. 3," (collectively "the report") submitted by Duke Power Co. are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Public Library of Charlotte, and Mecklenburg County, 310 North Tryon Street, Charlotte, NC 28208. The report is also being made available at the Clearinghouse and Information Center, Post Office Box 1351, Raleigh, NC 27602, and at the Central Piedmont Regional Council of Local Governments, 509 Cecil Street, Suite 302, Charlotte, NC 28204.

The report discusses environmental considerations related to a decision concerning issuance of a construction permit for the McGuire Nuclear Station, Units 1 and 2, located on the shore of Lake Norman in Mecklenburg County, N.C.

The report has been analyzed by the Commission's Office of Environmental Projects and a Draft Detailed Statement on the Environmental Considerations related to a decision concerning issuance of a construction permit for the McGuire Nuclear Station, Units 1 and 2, dated July 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's July 1972 Draft Detailed Statement on the Environmental Considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the report and the Draft Detailed Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the Draft Detailed Statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for

public inspection at the above-designated locations. Comments on the Draft Detailed Statement on Environmental Considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 21st day of July 1972.

For the Atomic Energy Commission.

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

[FR Doc.72-11615 Filed 7-26-72;8:47 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order 11]

EMPLOYEES OF RESTAURANTS, HOTELS, AND ALLIED OCCUPATIONS

Temporary Suspension of Minimum Wage Increase in District of Columbia; Termination

The Cost of Living Council hereby terminates its Order No. 10, 37 F.R. 11798 (June 14, 1972), which temporarily suspended revised Wage Order No. 10 of the District of Columbia Minimum Wage and Industrial Safety Board to the extent that that order would have required wage increases beyond \$1.90 per hour.

The action hereby taken by the Cost of Living Council is based upon the Council action to exempt all wage increases to individuals who are paid at a rate less than \$2.75 per hour, 6 CFR 101.104, as amended July 25, 1972, effective as of July 15, 1972. Revised Wage Order No. 10 of the District of Columbia Minimum Wage and Industrial Safety Board provides for a minimum wage increase from \$1.60 to \$2.25 per hour for employees of restaurants, hotels and allied occupations. Wage increases required for the full implementation of revised Wage Order No. 10 are now exempt from Pay Board regulations, and the potential for the gross inequities described in Cost of Living Council Order No. 10, which that order was designed to avoid, no longer exists. Accordingly, the implementation of revised Wage Order No. 10 is no longer affected by Cost of Living Council Order No. 10, beginning July 15, 1972, which is the effective date of the amendment to 6 CFR 101.104.

The Council takes this action under authority of the Economic Stabilization Act of 1970, as amended (Public Law 92-210, 85 Stat. 743) and Executive Order No. 11640, as amended (37 F.R. 1213, January 27, 1972).

Because the purpose of this order is to provide immediate guidance and information as to Cost of Living Council action, the Council finds that publication in accordance with usual rule making

procedures is impracticable and that good cause exists for making this order effective in less than 30 days.

This order shall be effective July 15, 1972.

Done July 25, 1972, at Washington, D.C.

DONALD RUMSFELD,
Director,
Cost of Living Council.

[FR Doc.72-11892 Filed 7-26-72;8:55 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality, July 10 to 14, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding these statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

FOREST SERVICE

Draft, July 7

Hiwassee Unit, Cherokee National Forest, Tenn. Counties: McMinn, Polk, Monroe. The statement considers a 10-year management plan for the 39,023 acre unit. The plan involves recreational use of the forest, planning for fish and wildlife enhancement, and the harvesting of timber. Road construction in the unit will become necessary. (60 pages) (ELR Order No. 04847) (NTIS Order No. EIS 72 4847D)

RURAL ELECTRIFICATION ADMINISTRATION

Draft, July 10

Marion Plant, Ill. County: Williamson. The statement considers a loan request from Southern Illinois Power Co. If approved, part of the loan would be used to finance electrostatic precipitators for each of three existing coal gathering units of the Marion Plant. The precipitators would reduce fly ash emissions. The statement mentions no significant and adverse impacts. (61 pages) (ELR Order No. 04861) (NTIS Order No. EIS 72 4861D)

Final, July 7

Dixon to Kansas State Line, Mo. Counties: several. The statement considers loans to 43 distribution cooperatives which are supplied by Associated Electric, Inc., in order to finance the construction of a substation at Franks and 160 miles of 345 KV transmission line between the substation and Pittsburg, Kans. The loan would be for the amount of \$16,685,000. The lines would be intrusions upon the landscape. (172 pages) Comments made by: USDA, COE, EPA, and DOI (ELR Order No. 04850) (NTIS Order No. EIS 72 4850F)

SOIL CONSERVATION SERVICE

Final, July 10

Carbon Hill Watershed, Mont., County: Custer. The statement considers the implementation of the watershed plan, which would include land treatment measures, four reservoirs, a floodway and drainage system, and recreational facilities. The project will reduce floodwater and sediment damages, reduce pollutants and sediments being transported to the Yellowstone River, lower a high water table, and eliminate mosquito breeding grounds. Approximately 287 acres will be committed to the project; 2.5 miles of dry gullies will be inundated; one farmstead will be displaced. (44 pages) Comments made by: COE, EPA, HEW, and DOI. (ELR Order No. 04862) (NTIS Order No. EIS 72 4862F)

Final, July 13

Chilcote Creek Watershed, N.C., Counties: Pitt, Beaufort. The statement considers a watershed project which would involve land treatment on 12,200 acres, and the construction of 66 miles of channel works, one 12.4 acre warmwater impoundment, 11 rock structures, 30 water-control structures, 10 sediment traps, and two wildlife wetland preservation areas. The project is intended to reduce floodwater damage and erosion and to improve soil quality. Approximately 576 acres of cropland and woodland will be lost to channels, spoil deposits, and the warmwater impoundment. Wildlife habitat will be reduced in both quantity and quality. (247 pages) Comments made by: COE, EPA and DOT. (ELR Order No. 04884 (NTIS Order No. EIS 72 4884F)

ATOMIC ENERGY COMMISSION

Contract: For Nonregulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, (202) 973-5391.

For Regulatory Matters: Mr. A. Giampusso, Deputy Director for Reactor Projects, Directorate of Licensing, (202) 973-7373, Washington, D.C. 20545.

Draft, July 14

Bailly Generating Station, Ind., County: Porter. The statement considers the issuance of a construction permit to the Northern Indiana Public Service Co. for a 1,931 MWT, 685 MWe boiling water unit. Natural draft cooling towers will be used, with water being drawn from Lake Michigan. Approximately 34,000 curies of radioactivity in gaseous wastes and 25 curies (including 20 of tritium) in liquid wastes will be released to the environment annually. The mixing of cooling tower plume with smoke plume from existing coal-fired units may form acids which, with salts and liquid chemical wastes, may have adverse effects upon flora and fauna in the adjacent Cowles Bog National Landmark of the Indiana Dunes National Lakeshore. (198 pages) (ELR Order No. 04892) (NTIS Order No. EIS 72 4892D)

Final, July 12

Enrico Fermi Plant, Unit 2, Mich., County: Monroe. The statement refers to the issuance of a construction permit to the Detroit Edison Co. for a 3,428 MWT, 1,150 MWe boiling-water reactor, with startup scheduled for 1975. Wet, natural-draft cooling towers will be utilized with water being drawn from and discharged to Lake Erie. Approximately 50,000 curies of noble gases and 0.5 curie of iodine per year will be released in gaseous effluents; liquid effluents will be 25 curies annually, including 20 curies of tritium.

Local ground fog and icing may develop from the towers. (218 pages) Comments made by: USDA, DOC, COE, EPA, FPC, HEW, HUD, DOI, and DOT. (ELR Order No. 04876) (NTIS Order No. EIS 72 4876F)

Final, July 10

Vermont Yankee Nuclear Power Station, Vt., County: Windham. The statement considers the issuance of an operating license to the Vermont Yankee Nuclear Power Corp. for the station. A single-unit boiling-water reactor with a 1,593 MWT capacity, 513 MWe output has been constructed. Cooling water will be drawn from and returned to Vernon Pond; mechanical draft towers will be utilized. Discharge water will be heated 20° above ambient; approximately 150 acres of Vernon Pond will be subject to thermal and biological stress. (460 pages) Comments made by: USDA, COE, DOC, EPA, FPC, DOI, and DOT. (ELR Order No. 04855) (NTIS Order No. EIS 72 4855F)

Final, July 6

Surry Power Station, Unit 2, Va., County: Surry. The statement refers to the continuation of a construction permit and the issuance of an operating permit to the Virginia Electric and Power Co. for the startup and operation of Unit 2. Each unit of the station employs a pressurized water reactor of 2,441 MWT capacity in order to produce 822.5 MWe; "stretch" specifications are 2,546 MWT and 855 MWe. Cooling water will be drawn from, and returned to the James River, being heated 14° F. above ambient; in order to minimize thermal impact upon downstream oyster seed beds, water will be discharged 5.7 miles upstream from intake. (298 pages) Comments made by: USDA, COE, DOC, EPA, FPC, DOI, and DOT. (ELR Order No. 04841) (NTIS Order No. EIS 72 4841F)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967-4335.

Draft, July 11

City of Cactus, Tex., County: Moore. The statement refers to the development of an agri-industrial park and areawide water system improvements near the city of Cactus. Approximately 700 acres of rangeland will be converted to industrial use; 145 acres of cropland will be taken for use by a sewage treatment plant. Additional demands will be placed upon the groundwater supply of the Ogallala aquifer. The project also includes an application by American Beef Packers, Inc. of Omaha for a \$4 million business development loan in order to construct and equip a packing plant within the industrial park. (84 pages) (ELR Order No. 04863) (NTIS Order No. EIS 72 4863D)

Final, July 12

Charles Lake Industrial Area, La., County: Calcasieu. The statement considers the construction of a system to deliver raw water from the Sabine River to the Lake Charles Industrial Area. An existing irrigation canal system would be expanded and improved; 9 miles of new canal and 4 miles of underground pipeline would be constructed; four new pumping stations and siphons, crossdrains, control gates, bridges, and control structures would be built. Approximately 227 acres of agricultural and wooded land will be committed to the project. (131 pages) Comments made by: COE and EPA. (ELR Order No. 04874) (NTIS Order No. EIS 72 4874F)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Col. William L. Barnes, Executive Director of Civil Works, Attention: DAEN-CWZ-C, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, (202) 693-7168.

Draft, June 30

Surfside-Sunset-Newport Beach, Calif., County: Orange. The statement considers a beach erosion control project which would involve the construction of five rock groins and the deposition of 300,000 cu. yds. of beach fill. Marine life would be damaged at the sites of dredging and filling. Total project cost is estimated at \$10,600,000. (35 pages) (ELR Order No. 04814) (NTIS Order No. EIS 72 4814D)

Draft, July 14

Broadkill Beach, Del. The statement considers beach fill, periodic nourishment and the construction of a sand fence at the eroding beach. Approximately 100,000 cu. yds. would be initially dredged from a borrow source 1,000 ft. offshore; an additional 40,000 cu. yds. would be dredged quadrennially. Marine biota will be damaged at the sites of dredging and depositing. (20 pages) (ELR Order No. 04890) (NTIS Order No. EIS 72 4890D)

Draft, July 10

Big Hill Lake, Kans., County: Labette. The statement considers the construction of a dam and reservoir on Big Hill Creek, 4.5 miles east of Cherryvale. Purposes of the action are flood control, water supply, and recreation. Approximately 2,700 acres, much of it wildlife habitat, will be inundated, along with 13 miles of stream. Nine recorded archeological sites will be adversely affected. (200 pages) (ELR Order No. 04859) (NTIS Order No. EIS 72 4859D)

Draft, July 13

Mill Creek, W. Va., County: Jackson. The statement considers the snagging and clearing of 2.5 miles of stream channel near the town of Ripley. The project is expected to reduce flood stages and damage, and alleviate pollution. An unspecified amount of fish and wildlife habitat will be lost (18 pages) (ELR Order No. 04889) (NTIS Order No. EIS 72 4889D)

Final, July 3

Plaquemine Lock Closure, La., County: Iberville. The statement considers the permanent closing of the lock, in order to provide continued integrity to the Mississippi River levee flood protection system. An earthen levee will be constructed on the riverside of the lock; 7 acres would be used by disposal of spoil and 29 acres would be used for borrow. (41 pages), Wildlife comments made by: USDA, USCG, HEW, DOT, and EPA. (ELR Order No. 04828) (NTIS Order No. EIS 72 4828F)

Oak Orchard Harbor, N.Y., County: Orleans. The statement considers the construction of two parallel jetties and a detached breakwater, and the dredging of a small (recreational) boat harbor on the south shore of Lake Ontario. The project will improve the safety and the accessibility of the harbor. (The State of New York is planning a marine park in conjunction with the project.) Dredging will damage the local water ecosystem. A 5 acre, diked site will be covered with spoil. (35 pages) Comments made by: USDA, EPA, and DOC. (ELR Order No. 04821) (NTIS Order No. EIS 72 4821F)

FEDERAL POWER COMMISSION

Contact: Mr. Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, (202) 386-6084.

Draft, July 10

Swinging Bridge Project No. 2605, N.Y., County: Sullivan. The statement refers to an application by the Orange and Rockland Utilities Corp. for a license for its constructed project on the Monguap River. The project consists of several earthfill dams, two powerhouses with a combined capacity of 11,750 kw, and appurtenant facilities. No significant adverse impact is expected due to relicensing, as the project has been in existence for 30 years. (60 pages) (ELR Order No. 04858) (NTIS Order No. EIS 72 4858D)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger, Acting Administrator, GSA-AD, Washington, D.C. 20405, (202) 343-6077.

Draft, July 3

Argonne National Laboratory, Ill. County: Du Page. The statement considers the reassignment of 2,040 acres of land comprising a portion of AEC's Argonne National Laboratory. The land would be assigned to the Department of the Interior for conveyance to Du Page County. It would be utilized for park and recreational purposes. No major adverse environmental impact is anticipated. (167 pages) (ELR Order No. 04823) (NTIS Order No. EIS 72 4823D)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use, Planning Division, Washington, D.C. 20410, (202) 755-6186.

Draft, July 10

Palo Verde Estates, Ariz., County: Yuma. The statement considers HUD mortgage insurance under section 203-B for two subdivisions totalling 262 units on 40 acres in the city of Yuma. The sites are located in CNR Zone 2 of the Yuma International Airport. (42 pages) (ELR Order No. 04854) (NTIS Order No. EIS 72 4854D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF RECLAMATION

Final, July 10

Yakima River, Wash., County: Kittitas. The statement considers the rehabilitation of a diversion dam on the Yakima River; a new inlet to the irrigation canal; construction of a fish ladder, screen, and bypass pipe; channelization of 14,100 feet of canal; and construction of a new pumping plant. The purpose of the project is that of assuring a reliable and adequate supply of water to the Cascade Irrigation District. The concrete lining of the canal will result in the loss of 7 acres of wildlife habitat. (60 pages) Comments made by: USDA, COE, DOC, EPA, and HEW. (ELR Order No. 04860) (NTIS Order No. EIS 72 4860F)

NATIONAL PARK SERVICE

Draft, July 3

Bandelier National Monument, N. Mex., Counties: Sandoval and Los Alamos. The statement considers the proposed rehabilitation of the existing sewage disposal system at the Monument. Some ground vegetation will be removed during the project. (29 pages) (ELR Order No. 04824) (NTIS Order No. EIS 72 4824D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC, 20590, (202) 426-4355.

FEDERAL AVIATION AGENCY

Final, July 11

Phoenix Deer Valley Municipal Airport, Ariz., County: Maricopa. The statement considers the renovation of an airport recently purchased by the city of Phoenix. Structural facilities would include the strengthening of an existing 10,200 ft. runway, construction of a touch-and-go runway, installation of lighting, etc. The airport is expected to be capable of handling 60 percent of the business jet fleet, at 60 percent of each plane's useful load. The statement mentions no significant and adverse environmental impact. (77 pages) Comments made by: USDA, COE, EPA, HUD, DOI, and DOT. (ELR Order No. 04873) (NTIS Order No. EIS 72 4873F)

Final, July 10

Winsboro Airport, S.C., County: Fairfield. The statement refers to the construction of a new basic utility airport adequate for 95 percent of propeller driven aircraft weighing less than 12,500 lbs. Facilities would include a 3,200 ft. by 75 ft. runway, an apron and connecting taxiway, medium intensity lighting, VASI-2, etc. Approximately 150 acres will be acquired for the project; of this 19 acres will be cleared. Noise and air pollution will increase due to development; the statement mentions no significant adverse environmental effects. (12 pages) Comments made by: USDA, EPA, DOI, and DOT. (ELR Order No. 04851) (NTIS Order No. EIS 72 4851F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, July 12

I-895, Pennsylvania and New Jersey Counties: Bucks and Burlington. Proposed construction of I-895, beginning at I-85 in Pennsylvania and ending with a connection to I-295 in New Jersey. The total project length is 6 miles, including a bridge over the Delaware River. An unspecified amount of land will be committed to the action. Families and businesses to be displaced will vary depending upon the route chosen. (91 pages) (ELR Order No. 04875) (NTIS Order No. EIS 72 4875D)

Draft, July 13

U.S. 36, Indiana, County: Hendricks. The statement refers to the construction of 6.5 miles of two-lane roadway, from Danville to Avon. Approximately 200 acres of land, much of it agricultural, will be required for right-of-way; an unspecified number of displacements will take place. (65 pages) (ELR Order No. 04887) (NTIS Order No. EIS 72 4887D)

State Route 308, Louisiana, County: Lafourche. The project involves the construction of 2.0 miles of two-lane roadway (including a high-level fixed bridge) between sections of the Larose community which are separated by the Intracoastal Waterway. The project will require 22 acres for right-of-way; 9 families will be displaced; the potential for water pollution will exist. (77 pages) (ELR Order No. 04886) (NTIS Order No. EIS 72 4886D)

Draft, July 10

Helena-West (U.S. 12), Montana, Counties: Lewis and Clark. Proposed construction of two-lane U.S. 12 into a four-lane facility. Project length is 6.42 miles. Approximately 200 acres of land will be required for right-of-way. There will be ad-

verse impacts to wildlife habitats. (40 pages) (ELR Order No. 04853) (NTIS Order No. EIS 72 4853D)

SR 111, Tennessee, counties: Van Buren and Squatchie. The statement is concerned with the proposed construction of State Route 111 in Van Buren, beginning at the Squatchie County line, and extending to the city limit of Spencer. Proposed length is 13.8 miles, of which approximately 60 percent is on new location. An unspecified amount of land will be committed to the project. One business and between 10 and 14 families will be displaced. (35 pages) (ELR Order No. 04852) (NTIS Order No. EIS 72 4852D)

Draft, July 13

Outer Belt Loop, Wyoming, county: Laramie. The statement considers the construction of 4.8 miles of highway, which will connect I-80 with the business districts of the city of Cheyenne. One business will be displaced by the action. (41 pages) (ELR Order No. 04888) (NTIS Order No. EIS 72 4888D)

Final, July 12

U.S. 41 (S.R. 45), Florida, county: Charlotte. The statement refers to the proposed reconstruction, from two to four lanes, of a 15.3-mile stretch of highway. The project will begin at the Lee-Charlotte County line and run north to Charlotte Harbor. Two new bridges will also be constructed across the Peace River. The number of displacements and the amount of land required for right-of-way are not specified. (70 pages) Comments made by: USDA, COE, EPA, and DOI. (ELR Order No. 04877) (NTIS Order No. EIS 72 4877F)

East Peoria Bypass, Illinois, county: Tazewell. The statement considers a corridor study for a proposed 6-mile-long bypass of the city of East Peoria. Since the precise route has not been chosen the amount of right-of-way (through primarily agricultural land) needed, and the number of displacements to be made is not specified. (78 pages) Comments made by DOI. (ELR Order No. 04880) (NTIS Order No. EIS 72 4880F)

Final, July 13

I-35W, Kans., County: Sedgwick. The statement considers the construction of 2.161 miles of new urban highway in the city of Wichita. Four major interchanges will be included. The Wichita Drainage Canal will be built on the same right-of-way. Displacements will include 981 residences and 106 businesses. A 4(f) statement will be filed as land would be taken from Linwood Park. (171 pages) Comments made by: USDA, USCG, COE, EPA, DOI, and DOT. (ELR Order No. 04885) (NTIS Order No. EIS 72 4885F)

Final, July 12

Maryland Route 235, Md., County: St. Mary's. The statement refers to the reconstruction, from two to four lanes of 3.9 miles of highway from Laurel Grove to Hillville. Eight residences will be displaced by the project; an unspecified amount of additional right-of-way will be required. (54 pages) Comments made by: USDA, DOC, EPA, and DOI. (ELR Order No. 04878) (NTIS Order No. EIS 72 4878F)

Route 160, Mo., County: Greene. The statement considers the construction of 8.2 miles of two-lane roadway between Route 123 and Route 744. Approximately 250 acres of agricultural land will be taken for right-of-way; five residences will be displaced. (21 pages) Comments made by: USDA, EPA, HUS, and DOI. (ELR Order No. 04882) (NTIS Order No. EIS 72 4882F)

Final, July 11

Project F-43-2(), N.C., County: Wake. The statement considers the construction of a 3.2-mile section of the four-lane loop around the city of Raleigh. The project will connect U.S. 64 and I-40. Two families will be displaced; a 4(f) statement will be filed as land will be taken from Worthdale Park. (62 pages) Comments made by: USDA, EPA, GSA, HUD, DOI, and OEO. (ELR Order No. 04866) (NTIS Order No. EIS 72 4866F)

Final, July 12

I-80, Project S-259(4) and Project S-260-A, Nebr., County: Cheyenne. The statement considers the construction of 10.70 miles of four-lane interstate highway from Brownson to Sidney, and two connecting roads totalling 3.54 miles. One farmstead will require relocation; an unspecified amount of land, some of it wildlife habitat, will be required for right-of-way. (38 pages) Comments made by: USDA, COE, EPA, and DOI. (ELR Order No. 04879) (NTIS Order No. EIS 72 4879F)

Final, July 11

N.Y. 5 and U.S. 20, N.Y., County: Ontario. The statement considers the construction of an interchange in the city of Canandaigua, which would create a bypass of the central business district. Twenty-two families will be displaced by the project; a 4(f) statement will be filed as some public land would be taken for use as right-of-way. (32 pages) Comments made by: USDA, FPC, DOT, and DOI. (ELR Order No. 04872) (NTIS Order No. EIS 72 4872F)

State Route 29, Ohio, Counties: Auglaize and Shelby. The statement considers the reconstruction of several sections of roadway between St. Marys and New Knoxville. One family will be displaced; an unspecified amount of land will be required for additional right-of-way. (75 pages) Comments made by: EPA, HUD, and DOI. (ELR Order No. 04869) (NTIS Order No. EIS 72 4869F)

Inner Belt Freeway, Charleston, S.C. The statement considers the construction of a multilane 18-mile long freeway, in Charleston, from North Charleston to James Island. The project will cross Flibin Creek, the Ashley River, and the Stono River (twice), necessitating the construction of high-level fixed span bridges. Approximately 231 residences and 10 businesses will be displaced by the project. A large portion of the land needed for right-of-way is marsh land. (31 pages) Comments made by: HUD and DOT. (ELR Order No. 04864) (NTIS Order No. EIS 72 4864F)

Sheboygan River Crossing, Wis., County: Sheboygan. The statement considers the construction of a four-lane bridge over the Sheboygan River, on Pennsylvania Avenue in the city of Sheboygan. Short-term disturbances of the river will result from the project. (32 pages) Comments made by: USDA, USCG, COE, EPA, HEW, DOI, and DOT. (ELR Order No. 04868) (NTIS Order No. EIS 72 4868F)

VETERANS ADMINISTRATION**Final, July 14**

Loma Linda, Calif., Counties: San Bernardino and Riverside. The statement considers the construction of a 630 bed Veterans Administration Hospital. The hospital would serve veterans and their families, and contribute to the medical education programs of Loma Linda University Medical School. Increased traffic volume and additional loads upon local utilities will result. (15 pages) Comments made by: EPA, HEW, and DOT. (ELR Order No. 04891) (NTIS Order No. EIS 72 4891F)

U.S. WATER RESOURCES COUNCIL**Final, July 13**

Big Muddy River, Ill. The statement is a study of the problems and needs of the river basin, with proposed projects and programs. Structural projects proposed by the plan include 10 reservoirs. Significant Indian cultural remains are located in the basin. (24 pages) (ELR Order No. 04883) (NTIS Order No. EIS 72 4883F)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-11537 Filed 7-26-72;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1288]

EJEC ASSOCIATES, INC.**Order of Revocation**

By letter dated June 2, 1972 Ejec Associates, Inc., 4 Market Street, Potsdam, NY 13676, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1288 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 1, 1972.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Ejec Associates, Inc., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated May 1, 1972);

It is ordered, That the independent ocean freight forwarder license of Ejec Associates, Inc., be and is hereby revoked effective July 1, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Ejec Associates, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-11686 Filed 7-26-72;8:54 am]

[Independent Ocean Freight Forwarder License No. 1223]

ROBERTO DE MENA**Order of Revocation**

On July 14, 1972, Roberto De Mena, 2 Canal Street, New Orleans, LA 70130, voluntarily surrendered his FMC License No. 1223.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated May 1, 1972);

It is ordered, That the Independent Ocean Freight Forwarder License No.

1223 of Roberto De Mena be and is hereby revoked effective July 14, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Roberto De Mena.

AARON W. REESE,
Managing Director.

[FR Doc.72-11687 Filed 7-26-72;8:54 am]

FEDERAL POWER COMMISSION

[Docket No. E-7763]

IDAHO POWER CO.**Notice of Application**

July 25, 1972.

Take notice that on July 13, 1972, Idaho Power Co. (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Idaho, Oregon, Nevada, and Wyoming, with its principal business office at Boise, Idaho, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of \$30 million of its First Mortgage Bonds and 150,000 shares of its Serial Preferred Stock, cumulative, par value \$100 per share. Said shares will have an aggregate par value of \$15 million.

The First Mortgage Bonds will be issued as a new series of 30-year Bonds under Applicant's Mortgage and Deed of Trust, dated as of October 1, 1937, and Supplemental Indentures thereto.

The Serial Preferred Stock will consist of the first series of Applicant's presently authorized Serial Preferred Stock, will rank pari passu with Applicant's outstanding 4 percent Preferred Stock as to dividends and upon liquidation, will be entitled to dividends at an annual rate, and will be subject to redemption at prices determined by the Directors after competitive bidding for the Serial Preferred Stock shall have taken place. Each share of the first series of Serial Preferred Stock shall be entitled to one vote.

Applicant proposes to sell the First Mortgage Bonds and the Serial Preferred Stock in accordance with the competitive bidding requirements of § 34.1a of the Commission's regulations under the Federal Power Act.

The net proceeds from the issuance and sale of the First Mortgage Bonds and the Serial Preferred Stock will be applied to the payment of short term, unsecured promissory notes outstanding (estimated at \$46,400,000) at the time of the sale of the First Mortgage Bonds and the Serial Preferred Stock. The issuance of the First Mortgage Bonds and the Serial Preferred Stock is a part of Applicant's program for financing its construction expenditures for 1972, which construction expenditures are presently estimated at \$59,277,000.

Any person desiring to be heard or to make any protest with reference to said

application should, on or before August 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11757 Filed 7-26-72;8:55 am]

[Docket No. CS72-365, etc.]

JEROME P. McHUGH ET AL.

Notice of Applications for "Small Producer" Certificates¹

JULY 19, 1972.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-365 ¹	5-24-72	Jerome P. McHugh, 630 Petroleum Club Bldg., Denver, Colo. 80202
CS72-515 ¹	6-8-72	R. C. Wynn, 1625 Republic Bank Bldg., Dallas, Tex. 75201
CS72-1185	6-19-72	Phillip C. Ferguson, Box 63, c/o The Bank of Woodward, Woodward, Okla. 73801
CS72-1187	6-23-72	Bridwell Oil Co., Post Office Drawer 1830, Wichita Falls, TX 75397
CS72-1188	6-23-72	La-Tex Specialty Co., Post Office Box 446, Oro City, TX 75253
CS72-1189	6-23-72	E. B. Ward, Post Office Box 1008, Allice, TX 78332
CS72-1190	6-23-72	Primes Oil & Gas Co., Inc., Post Office Box 2561, Monroe, LA 71201
CS72-1191	6-23-72	Kanopolis Gas Co., Inc., Post Office Box 173, Kanopolis, KS 67454
CS72-1192	6-27-72	Everett Eaves, 822 Beck Bldg., Shreveport, La. 71101
CS72-1193	6-26-72	J. D. McCoy and E. P. Habertur, d.b.a. McHab Oil and Gas, 223 South Snyder, Spearman, TX 79081
CS72-1194	6-20-72	Shoreline Oil & Gas Co., 1008 Petroleum Bldg., Tulsa, Okla. 74103
CS72-1195	6-26-72	Comprehensive Resources Corp., 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1196	6-20-72	Geo Resources Management Corp., 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1197	6-26-72	Special D J 1971 Drilling Venture I, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1198	6-20-72	Special D J 1971 Drilling Venture II, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1199	6-20-72	Special D J 1971 Drilling Venture III, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1200	6-20-72	Special D J 1971 Drilling Venture IV, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1201	6-26-72	Special D J 1971 Drilling Venture V, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1202	6-20-72	Special D J 1971 Drilling Venture VI, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1203	6-20-72	Special Quinta 1971 Drilling Venture, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1204	6-26-72	Geo Resources Drilling Fund-1971 Program, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1205	6-26-72	Special STOP 1971 Drilling Venture, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1206	6-26-72	L. A. Group, Ltd., 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1207	6-27-72	P. A. McGinley, 630 Beason Bldg., Tulsa, Okla. 74103
CS72-1208	6-27-72	Mack D Lewis, 620 Timberman Road, Colo, OH 43212
CS72-1209	6-28-72	S. S. McClendon III, 2100 First City National Bank Bldg., Houston, Tex. 77002

Docket No.	Date filed	Name of applicant
CS72-1210	6-28-72	F. Russell Kendall, 2100 First City National Bank Bldg., Houston, Tex. 77002
CS72-1211	6-28-72	Texas Commerce Bank N. A., Auxiliary Guardian of the Estate of John L. Abercrombie., Post Office Box 2538, Houston, Tex. 77001
CS72-1212	6-28-72	F. H. Stout, Operator, 1333 Washington St., Allice, TX 78332
CS72-1213	6-28-72	H. J. Geerlings, 411 Kings Road, Newport Beach, CA 92660
CS72-1214	6-23-72	Glen E. Jeffery, Box 677, Meade, KS 67864
CS72-1215	6-28-72	Milton H. Berry, Park Tower Bldg., 2309 South Yale Ave., Tulsa, OK 74133
CS72-1216	6-28-72	Oakwood Petroleum Corp., 1150 Guinness House, Calgary, Alberta T2P 0Z5
CS72-1217	6-30-72	GeoDynamics Oil & Gas, Inc., 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1218	6-30-72	Special Safco 1971 Drilling Venture, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1219	6-30-72	Beta Associates, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1220	6-30-72	Special A-OK 1971 Drilling Venture, 1818 Guaranty Bank Plaza, Corpus Christi, Tex. 78401
CS72-1221	6-23-72	Patrick B. Gibbons III, 3600 First National Bank Bldg., Dallas, Tex. 75202
CS72-1222	6-20-72	John B. Crain and Malcolm Delsenroth, Jr., 1094 Petroleum Bldg., Tulsa, Okla. 74103
CS73-1	7-3-72	George A. Bernat, c/o George H. Fentress, Geological Engineer, 3895 Reed St., Heat Ridge, CO 80033
CS73-2	7-3-72	C. L. DuPuy, 120 West Menefee Ave., Lufkin, TX 75901
CS73-3	7-3-72	Jenkins Garrett, Trustee, c/o Fort Worth National Bank, Fort Worth, Tex. 76101
CS73-4	7-5-72	Jackson Development Co., Inc., Post Office Box 436, Hamlin, WV 25623
CS73-5	7-5-72	Sam A. Yager, 2505 East 36th Pl., Tulsa, OK 74105
CS73-6	7-5-72	Barbara Ann Witten, 2505 East 36 Pl., Tulsa, OK 74105
CS73-7	7-5-72	M. E. Gimp, 2505 East 36 Pl., Tulsa, OK 74105
CS73-8	7-3-72	John R. McGinley, Jr., 530 Beacon Bldg., Tulsa, Okla., 74103
CS73-9	7-7-72	Dr. Henry M. Duke, 3624 Gentilly Blvd., New Orleans, LA 70122

¹ Applicant proposes to amend his certificate to include an additional rate schedule.
² Applicant proposes to include under his small producer certificate sales heretofore authorized in Dockets Nos. C193-876 and C193-877.

[FR Doc.72-11544 Filed 7-26-72; 8:45 am]

[Dockets Nos. R173-6, etc.]

TEXACO INC. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

JULY 19, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

¹ Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regula-

tions pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Com-

mission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI73-6.....	Texaco, Inc.....	16	8	Northern Natural Gas Co. (Eumont, Jalmat, Blinbery and Tubb Gas Pools, Lea County, N. Mex., Permian Basin).	\$319,122	6-19-72		8-20-72	13.7034	20.8	
RI70-1113.....	do.....	310	2-7	Colorado Interstate Gas Co. (Table Rock Field, Sweetwater County, Wyo.).	(261)	6-19-72	7-1-72	* Accepted	* 17.603	* 17.622	RI70-1113.
RI73-7.....	Union Oil Co. of California..	206	4	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex., Permian Basin).	6,528	6-19-72		8-25-72	25.70	* 20.04	RI73-169.
RI73-8.....	Gulf Oil Corp.....	435	1	El Paso Natural Gas Co. (North Puckett (Wolfcamp) Field, Pecos County, Tex., Permian Basin).	1,156	6-21-72		12-22-72	23.89	32.10	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a. † 26.85 cents base rate less 0.81 cent downward B.t.u. adjustment.

‡ The pressure base is 15.025 p.s.i.a. § Accepted, subject to refund in Docket No. RI70-1113, as of July 1, 1972.

The proposed rate increases of Union Oil Co. of California and Texaco Inc. do not exceed the applicable 1-day ceiling,¹ and therefore are suspended for only 1 day.

Texaco Inc. under Supp. No. 2 to 7 to its FPC Gas Rate Schedule No. 310 has been collecting a double amount of the contractually due reimbursement for taxes applicable to future production as well as back to January 1, 1968. Since tax reimbursement applicable to past production has been recovered, Respondent has filed a rate decrease reducing its rate so as to provide for tax reimbursement for future production only. Consistent with Commission action on similar filings, the proposed decrease is accepted for filing subject to refund in the existing suspension proceeding to be effective as of the requested effective date.

The proposed increase of Gulf Oil Corp. is from an initial rate of 27 cents per Mcf plus upward B.t.u. adjustment granted under a temporary certificate to the initial contract rate of 30 cents per Mcf plus upward B.t.u. adjustment. Since Gulf's proposed rate exceeds the highest certificated rate in the Permian Basin Area, it is suspended for 5 months.²

The proposed increased rates and charges involved here exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

¹ Union's sale is made under a Mitchell-type certificate and the proposed rate does not exceed 27 cents.

² The Commission in its order issued Jan. 14, 1972, in Amoco Production Co., et al., Docket No. CI71-118, et al., authorized an initial rate of 27 cents per Mcf for a Permian sale.

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by "Area Rate Proceeding, Docket No. AR61-1, et al.", Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in "Permian Basin Area Rate Case," 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435). In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the

opinion that the authorized suspension is required to assure continued, adequate, and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-11545 Filed 7-26-72;8:45 am]

FEDERAL RESERVE SYSTEM
AMERICAN FLETCHER CORP.

Order Approving Acquisition of Local Finance Corporation

American Fletcher Corp., Indianapolis, Ind., a bank holding company registered under the Bank Holding Company Act, as amended, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Local Finance Corp., Marion, Ind. (Local). Notice of the application affording opportunity for interested persons to submit comments and views has expired and those received have been considered.

Applicant's banking subsidiary, American Fletcher National Bank (Bank), is the second largest bank in Indiana with deposit of \$1 billion, representing 8.7 percent of State deposits. (All deposit data are as of December 31, 1971, whereas all market share data are as of June 30, 1971.) Bank operates 44 offices, all in Marion County. Indiana law prohibits a bank from branching outside of the county where its head office is located.

Local is a consumer finance holding company, its subsidiaries specializing in

making personal loans, normally without collateral, and purchasing installment sales finance contracts. Guardian Agency, Inc. (Guardian), a wholly owned subsidiary of Local engages in the sale, at offices of Local, of credit life and credit disability insurance coverage to borrowers from Local's finance company subsidiaries under group policies. In Indiana only, the insurance sales activities of Guardian include the sale of casualty insurance on collateral securing credit extended by those subsidiaries. Further, Guardian sells various forms of casualty, liability, and fidelity insurance to Local and its subsidiaries and, in Indiana only, automobile property damage and homeowners insurance to employees and customers of Local and its subsidiaries as a matter of convenience to those purchasers. Guardian's premium income from these sales to such employees and customers does not constitute a significant portion of its aggregate insurance premium income. Local operates 63 offices, of which 46 are in the northern two-thirds of Indiana and 17 in southern Michigan. None of these offices are in Marion County where Bank's offices are located. With total assets of \$36.5 million, Local ranks 89th among finance companies in the nation and accounts for approximately 2 percent of the approximately \$1.8 billion of the outstanding personal loans in Indiana as of December 31, 1970.

The proposed acquisition would have only a slightly adverse effect on existing competition since Bank does not maintain offices in any geographic market served by Local. It is estimated that Bank's volume of consumer loans and purchases of installment sales finance contracts in the four counties contiguous to Marion County, in which Local has offices, amounts to approximately \$150,000 per year. To this slight extent, existing competition would be eliminated by consummation of the proposed acquisition.

As the second largest banking organization in Indiana, Applicant has the capital resources to enter markets served by Local and possibly other midwest States de novo, either directly or through a recently-established subsidiary, American Fletcher Finance Corp. However, Applicant does not appear to be one of the most likely entrants into Local's markets or these other States, the most likely entrants being the major existing consumer finance and sales finance companies. Even if, contrary to Applicant's own statement that it has no intention of entering these markets de novo, Applicant were to be deemed one of the most likely entrants into these markets, the unconcentrated character of those markets coupled with the relatively small market shares held by Local, forces the conclusion that any adverse effects of this acquisition upon potential competition are slight. Further, there does not appear to be any substantial possibility that the acquisition of Local by Applicant will have any significant adverse effects on credit presently made available to independent finance companies by Bank.

Access to Applicant's financial resources would permit Local to extend its services to additional geographic markets. In addition, Applicant states that Local will expand its services presently being offered by initiating the financing of new and used automobiles, mobile homes, property improvements, recreational articles, and farm equipment as well as dealer financing of consumer durables.

These expanded services would add to the public's convenience, as well as increase competition and, in the Board's judgment, outweigh the slightly adverse competitive effects of the acquisition.

In its consideration of the application the Board noted that the equity capital of Bank is somewhat lower than that of most other banks with similar deposit liabilities. Applicant is, however, aware of the situation and has agreed to contribute an additional \$15 million in equity capital to the Bank in the near future. The Board assumes that this improved capital level will be maintained.

Based on the foregoing and other considerations reflected in the record,¹ the Board hereby approves the application. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,² effective July 20, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc. 72-11617 Filed 7-26-72; 8:52 am]

FIRST AMERICAN BANCSHARES, INC.

Order Approving Mergers of Bank Holding Companies

First American Bancshares, Inc., St. Joseph, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has filed separate applications for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire additional voting shares of the following banks: (1) 238 of the voting shares of First National Bank of Stewartville, Stewartville, Mo. (Stewartville Bank) (\$3.4 million of deposits); (2) 352 of the voting shares of Bank of Skidmore, Skidmore, Mo. (Skidmore Bank) (\$3.2 million of deposits); (3) 454 of the voting shares of First

¹ Dissenting Statement of Governors Robertson and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

² Voting for this action: Governors Mitchell, Daane, Sheehan, and Bucher. Voting against this action: Vice Chairman Robertson and Governor Brimmer. Absent and not voting: Chairman Burns.

National Bank of Plattsburg, Plattsburg, Mo. (Plattsburg Bank) (\$8.4 million of deposits); and (4) 836 of the voting shares of Bank of Edgerton, Edgerton, Mo. (Edgerton Bank) (\$2.6 million of deposits).

The proposed acquisitions are to be accomplished by means of mergers with Applicant of two other bank holding companies under common control with Applicant, namely, First Bancorporation, Inc. and Missouri Bancorporation, Inc., each located in St. Joseph, Mo. A merger between two or more bank holding companies involves a reduction in the number of bank holding companies in a State. The Board regards the applications as falling under section 3(a)(5) of the Act, which requires the Board's prior approval "for any bank holding company to merge or consolidate with any other bank holding company." The Board has considered the applications on this basis.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, a one-bank holding company by virtue of its ownership of 50.6 percent of the outstanding voting shares of First American Bank of Union Star (formerly, Farmers State and Peoples Bank), Union Star, Mo. (\$3.4 million of deposits) also holds between 21 and 23 percent of the outstanding voting shares of the four subject banks. Upon consummation of the proposal, Applicant would hold: 69.4 percent of the outstanding voting shares of Stewartville bank; 92 percent of the outstanding voting shares of Skidmore bank; 68.3 percent of the outstanding voting shares of Plattsburg bank; and 63.7 percent of the outstanding voting shares of Edgerton bank.

First Bancorporation and Missouri Bancorporation are bank holding companies by virtue of the fact that each owns more than 25 percent of the voting shares of the Skidmore bank.¹ Applicant and such bank holding companies are small banking organizations in the competitive structure of Missouri banking. Upon consummation of the proposal herein Applicant would become the 17th largest of 18 multi-bank holding companies in Missouri and its share of deposits of commercial banks in the State would increase from .03 to .17 percent and thus concentration of banking resources therein would not be significantly affected.

Applicant, First Bancorporation and Missouri Bancorporation are under common control by one person who exercises

¹ First Bancorporation holds 23.8 percent of Stewartville bank; 26.2 percent of Skidmore bank; 23.9 percent of Plattsburg bank; and 23.9 percent of Edgerton bank. Missouri Bancorporation holds 23.8 percent of Stewartville bank; 44.2 percent of Skidmore bank; 21.5 percent of Plattsburg bank; and 17.9 percent of Edgerton bank.

control not only over First American Bank of Union Star and Skidmore Bank, but also over the other subject banks, as if they were a single banking group.² Each of the banks whose shares are to be acquired by Applicant is located in a small community in northwest Missouri and primarily serves the residents of its immediate community. Each bank is the only bank located in its respective community. The closest proximity of each such bank to any other such bank or to Applicant's present subsidiary is 12 road miles and there does not appear to be a significant overlap in the areas primarily served by these banks. Moreover, due to their operation under common control and the fact that the prospect of a change in this relationship appears remote, it does not seem that any significant competition among such banks would develop in the future. It therefore appears that approval of the applications would not eliminate significant present or potential competition, and the Board concludes that competitive considerations are consistent with such approval.

The financial condition and managerial resources of Applicant, together with the two bankholding companies to be merged with Applicant, and of the banks that are or will thereby become subsidiaries of Applicant, are considered satisfactory. The future prospects of Applicant and each such subsidiary bank appear favorable. Consolidation of the structure under which the subject banks are being operated may conceivably improve internal operating efficiency of the banking group of which they are, in effect, members. Unification of the group may contribute to its ability as a regional banking organization to meet competition from the larger Statewide multi-bank holding companies. It appears that consummation of Applicant's proposal would not have any immediate effects on the convenience and needs of the communities to be served. Considerations relating to such convenience and needs are deemed to be consistent with approval of the applications. It is the Board's judgment that the proposed transactions are consistent with the public interest and should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 13th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,³ effective July 20, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-11620 Filed 7-26-72;8:52 am]

² All three bank holding companies were organized between 1956 and 1963 by Applicant's president and associated individuals and these companies acquired control of the subject banks between 1956 and 1968.

³ Voting for this action: Chairman Burns and Governors Robertson, Brimmer, Sheehan, Bucher. Absent and not voting: Governors Mitchell and Daane.

SEILON, INC.

Order Denying Approval of Acquisition of Shares of a Bank Holding Company

Seilon, Inc., Toledo, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to an additional 63.5 percent of the voting shares of First Bancorporation, Reno, Nev., a one-bank holding company owning 100 percent of the voting shares (less directors' qualifying shares) of Nevada National Bank, Reno, Nev.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is denied for the reasons set forth in the Board's Statement¹ of this date.

By order of the Board of Governors, effective July 20, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-11621 Filed 7-26-72;8:52 am]

WESTERN KANSAS INVESTMENT CORP., INC.

Order Approving Formation of Bank Holding Company and Request for Determination

Western Kansas Investment Corp., Inc., Winona, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through the acquisition of 100 percent of the voting shares of Farmers State Bank, Winona, Kansas (Bank).

Applicant has also applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to engage, through the acquisition of 100 percent of the shares of Western Kansas Credit Corp., Winona, Kans. (Credit), in the activity of agricultural lending. Such activity has been determined by the Board to be closely related to banking or controlling or managing banks (12 CFR 225.4(a)(1)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3(b) and 4(c)(8) of the Act. The time for filing comments and views has expired, and the Board has considered the appli-

cations and all comments received in light of the factors set forth in sections 3(c) and 4(c)(8) of the Act (12 U.S.C. 1842(c) and 1843(c)(8)).

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank. Upon acquisition of Bank (\$3.7 million in deposits as of December 31, 1971), Applicant would not control a significant portion of the total deposits in commercial banks in Kansas. As the proposed transaction represents a restructuring of the ownership of Bank and Credit, consummation would not eliminate any existing or potential banking competition and would not result in any increase in the concentration of commercial banking resources in any relevant area. Bank's financial and managerial resources and future prospects are consistent with approval, as are those of Applicant, dependent as they will be upon those of Bank. Applicant is planning no new services for Bank. Approval of the proposed transaction, therefore, would have no effect on convenience and needs in the Winona banking market. Applicant has made an equal exchange offer to all shareholders of Bank.

Credit, with its sole office located on the premises of Bank, engages in the making of agricultural loans to local farmers and ranchers and rediscounting the majority of such loans with the Federal Intermediate Credit Bank. As of January 31, 1972, Credit had loans outstanding of approximately \$400,000. Credit was established de novo by Bank in 1967. Subsequently, the shares of Credit were distributed on a pro rata basis to the shareholders of Bank. The shares of Credit are still held by all shareholders of Bank in amounts equivalent to each shareholder's holding of shares of Bank. The formation of Credit, and its affiliation with Bank, has enabled each institution to accommodate a larger number of farmers and ranchers in the area than could be served by Bank alone. The Board concludes that continuation of this affiliation would be in the public interest.

On the basis of the foregoing and other facts reflected in the record, the Board has determined that the considerations affecting the factors enumerated in section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) in permitting a holding company to engage in an activity on the basis that it is closely related to banking both favor approval of the Applicant's proposal.

Accordingly, the applications are approved for the reasons summarized above. The Board's determination in connection with the application to acquire Credit is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The acquisition of Bank shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

² Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,¹ effective July 20, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-11622 Filed 7-26-72;8:52 am]

FEDERAL OPEN MARKET COMMITTEE Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its rules regarding availability of information, notice is given that at its meeting on April 17, 1972,² the Committee amended paragraph 1(c) of the continuing authority directive with respect to domestic open market operations to provide that interest rates on repurchase agreements (RP's) arranged by the Federal Reserve Bank of New York with nonbank dealers should be determined by competitive bidding unless otherwise expressly authorized by the Committee. The amended paragraph reads as follows:

To buy U.S. Government securities, obligations that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, and prime bankers' acceptance with maturities of 6 months or less at the time of purchase, from nonbank dealers for the account of the Federal Reserve Bank of New York under agreements for repurchase of such securities, obligations, or acceptances in 15 calendar days or less, at rates that, unless otherwise expressly authorized by the Committee, shall be determined by competitive bidding, after applying reasonable limitations on the volume of agreements with individual dealers; provided that in the event Government securities or agency issues covered by any such agreement are not repurchased by the dealer pursuant to the agreement or a renewal thereof, they shall be sold in the market or transferred to the System Open Market Account; and provided further that in the event bankers' acceptances covered by any such agreement are not repurchased by the seller, they shall continue to be held by the Federal Reserve Bank or shall be sold in the open market.

NOTE: For paragraph 1(a) of the directive, see 36 F.R. 22697, for paragraph 1(b), see 32 F.R. 9584, for paragraph 2, see 36 F.R. 19277, and for paragraph 3, see 35 F.R. 447.

By order of the Federal Open Market Committee, July 12, 1972.

ARTHUR L. BRODA,
Deputy Secretary.

[FR Doc.72-11618 Filed 7-26-72;8:52 am]

¹ Voting for this action: Chairman Burns and Governors Robertson, Brimmer, Sheehy, Bucher. Absent and not voting: Governors Mitchell and Daane.

² The Record of Policy Actions of the Committee for the meeting of Apr. 17, 1972, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FEDERAL OPEN MARKET COMMITTEE Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on April 18, 1972.¹

The information reviewed at this meeting suggests that real output of goods and services grew in the first quarter at about the stepped-up rate attained in the fourth quarter of 1971. Most measures of business activity have shown strength recently and demands for labor have improved further, but the unemployment rate remains high. The rise in wholesale prices slowed in March as some farm and food products declined sharply, but the rise in prices of industrial commodities remained substantial. Wage rates also rose substantially in March and over the first quarter as a whole. The dollar has strengthened somewhat in exchange markets in recent weeks, and the over-all U.S. balance of payments deficit on the official settlements basis has been small. In January and February merchandise imports continued to be considerably in excess of exports.

The narrowly defined money stock expanded rapidly in February and March, bringing the annual rate of growth over the past 6 months to about 5¼ percent. Inflows of consumer-type time and savings deposits to banks have been strong thus far this year, although they moderated as the first quarter progressed; inflows to nonbank thrift institutions remained very large. Mainly reflecting swings in U.S. Government deposits, a modest increase in the bank credit proxy in February was followed by a large increase in March. Market interest rates generally have continued to rise in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of capital market developments and the forthcoming Treasury financing, the Committee seeks to achieve bank reserve and money market conditions that will support somewhat more moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, July 12, 1972.

ARTHUR L. BRODA,
Deputy Secretary.

[FR Doc.72-11619 Filed 7-26-72;8:52 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-11]

SPACE SHUTTLE PROGRAM

Availability of Final Environmental Impact Statement

Notice is hereby given of the public availability of the final environmental

¹ The Record of Policy Actions of the Committee for the meeting of Apr. 18, 1972, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

impact statement for the space shuttle program of the National Aeronautics and Space Administration.

Comments on the draft environmental statement for the space shuttle program were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of April 27, 1972.

Copies of the draft statement were sent to the Environmental Protection Agency; the Council on Environmental Quality; Department of Defense; Department of Agriculture; Department of Transportation; Department of Health, Education and Welfare; Department of Housing and Urban Development; Department of the Interior; Department of Commerce; Office of Management and Budget; Department of State; Atomic Energy Commission; National Science Foundation; and the Federal Power Commission.

Copies of the final statement will be furnished to the Office of Management and Budget and the Council on Environmental Quality.

Copies of the final statement may be purchased (price \$1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C. this 21st day of July 1972.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72-11664 Filed 7-26-72;8:53 am]

PRICE COMMISSION

QUARTERLY REPORTS OF PRENOTIFICATION AND REPORTING FIRMS

Extension of Time for Filing

Sections 300.51(e) and 300.52(a) of the regulations of the Price Commission

require each prenotification firm and each reporting firm to file a quarterly report with the Price Commission not more than 45 days after the end of each fiscal quarter, or in the case of a quarter ending the firm's fiscal year, not more than 90 days after the end of that quarter.

On July 21, 1972 (37 F.R. 14589), the Commission published a new Subpart B to Part 300 of its regulations, and a new Appendix IV to that part, relating to accounting and financial reporting requirements. These new provisions apply to all filings received by the Commission after July 14, 1972, and which include financial information for periods ending after June 29, 1972, and require firms to submit a letter from their independent public accountants relating to certain prescribed procedures (§ 300.221). Independent public accountants and The American Institute of Certified Public Accountants on behalf of its members have requested an extension of the filing dates for certain reports which must conform to the new requirements.

In consideration of the foregoing, the Price Commission hereby extends to August 31, 1972, the due dates for any Form PC-51 which covers for any firm the semiannual reporting period ending during the period from June 30, 1972 to July 17, 1972, both dates inclusive, and which is required to conform to § 300.221 of the Commission's regulations and Appendix IV to Part 300 thereof.

Issued in Washington, D.C., on July 25, 1972.

W. DAVID SLAWSON,
General Counsel,
Price Commission.

[FR Doc.72-11729 Filed 7-26-72;8:55 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3211]

BACHE & CO. INC.

Notice of Filing of Application for Exemption

JULY 21, 1972.

Notice is hereby given that Bache & Co. Inc. (Applicant), 100 Gold Street, New York, NY 10038, a registered broker-dealer and a prospective representative of a group of underwriters to be formed in connection with a proposed public offering of shares of Common Stock (\$1 par value) of Bayrock Utility Securities, Inc. (Company), a registered closed-end diversified management investment company, has filed an application, pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting Applicant and its co-underwriters from section 30(f) of the Act with respect to their transactions incidental to the distribution of Company shares. All interested persons are referred to the application on file with the Commission for a statement of the repre-

sentations contained therein, which are summarized below.

Section 30(f) of the Act provides, in part, that every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of outstanding securities of which a registered closed-end company is the issuer, shall, in respect of his transactions in any securities of such company be subject to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 (Exchange Act) upon certain beneficial owners, directors and officers in respect of their transactions in certain equity securities.

Section 16(a) of the Exchange Act requires insiders to file reports of their holdings and any changes in their holdings and section 16(b) makes such insiders liable for short-term trading profits.

Shares of the Company are to be purchased by the underwriters, pursuant to an Underwriting Agreement to be entered into by the underwriters represented by Applicant and the Company.

In addition to purchases from the Company and sales to customers, there may be the usual market transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover over-allotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

The participants in the underwriting syndicate and the size of their participation have not yet been determined. It is possible, however, that the underwriting commitments of one or more of the underwriters, including Applicant, will exceed 10 percent of the aggregate number of shares of the Company's capital stock outstanding after the purchase by the several underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time, thereby causing such underwriters to become subject, by reason of section 30(f) of the Act, to the same duties and liabilities as those imposed by section 16 of the Exchange Act. As a result, such underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers and, upon any other purchases and sales in connection with the distribution as indicated below, subject to the liabilities imposed by section 16(b) of the Exchange Act.

It is represented that the purpose of the purchase of the shares by the underwriters will be for resale in connection with the initial distribution of the shares and that therefore the purchases and sales will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2 under the Exchange Act which exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof.

However, Rule 16b-2(a)(3) under the Exchange Act requires that the aggregate participation of persons not within the purview of section 16(b) of the Exchange

Act be at least equal to the participation of persons receiving the exemption under Rule 16b-2. Since the underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the shares of the Company, may be obligated to purchase more than 50 percent of the shares of the Company being offered, it is possible that one or more of such underwriters, including Applicant and its corepresentative, may therefore, not be exempted by the operation of Rule 16b-2 from the duties and liabilities imposed by section 16(b). Moreover, Rule 16b-2 will not exempt the underwriters subject to section 30(f) from the provisions of section 16(a).

Applicant states that there is no "inside information" in existence with respect to the Company since the Company, prior to the initial distribution of the shares, will have no assets (other than cash or cash equivalents) or business of any sort, and all material information will be set forth in the prospectus incorporated in the registration statement.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot be used for the offending practices which section 16 of the Exchange Act is intended to prevent.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 9, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon

shall be issued upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11651 Filed 7-26-72;8:50 am]

[File No. 500-1]

CANADIAN JAVELIN LTD.

Order Suspending Trading

JULY 20, 1972.

The common stock, no par value, of Canadian Javelin Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934 that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 25, 1972 to August 3, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11652 Filed 7-26-72;8:50 am]

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

JULY 20, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.03½ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 21, 1972 through July 30, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11654 Filed 7-26-72;8:51 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 20, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 24, 1972 to August 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11655 Filed 7-26-72;8:51 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

JULY 20, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 22, 1972 through July 31, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11653 Filed 7-26-72;8:51 am]

[File No. 500-1]

INTER-ISLAND MORTGAGEE CORP.

Order Suspending Trading

JULY 20, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock, \$0.10 par value, of Inter-Island Mortgagee Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 24, 1972, through August 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11656 Filed 7-26-72;8:51 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

JULY 20, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 25, 1972 through August 3, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11657 Filed 7-26-72;8:51 am]

[811-1955]

PDI FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 20, 1972.

Notice is hereby given that PDI Fund, Inc. (Applicant), c/o Guardian Advisors, Inc., 201 Park Avenue South, New York, NY 10003, an open-end diversified management investment company registered under the Investment Company Act of 1940 (the Act) has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated in the State of Delaware on October 14, 1969, and thereafter was registered as an investment company and a vehicle for employee benefit plans and other related purposes.

Applicant states that a sale of its shares to the public was less than expected by the organizers. In addition, Applicant asserts that the costs incurred by its original manager and investment adviser, PDI Management Corporation (Management), plus the costs of Applicant required to be assumed by Management were such that Management's capital became seriously impaired. Applicant further states that it then became necessary to discontinue sales of its shares to the public and that since additional capital was not available to Management, efforts were made to find another adviser who would undertake responsibility for the management of Applicant.

Applicant states that on June 23, 1971, Guardian Advisors, Inc., a wholly owned subsidiary of the Guardian Life Insurance Company of America, became manager and investment adviser of Applicant subject to the understanding that Applicant would be absorbed into the Guardian Park Avenue Fund, Inc. (Guardian), a registered investment company also managed by Guardian Advisors, Inc.

On September 10, 1971, Guardian offered to exchange its shares for the assets of the Applicant, on a relative net asset basis. At a special meeting of the shareholders of Applicant held on October 29, 1971, the shareholders voted to accept the offer. The exchange was consummated on November 15, 1971, and on December 20, 1971, the Secretary of the State of Delaware accepted and filed a Certificate of Dissolution terminating the corporate existence of Applicant.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 14, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as

to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11658 Filed 7-26-72;8:51 am]

[File No. 7-4213]

UNIVERSITY COMPUTING CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 21, 1972.

In the matter of application of the Midwest Stock Exchange, for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

University Computing Co.
(Delaware) ----- File No. 7-4213.

Upon receipt of a request, on or before August 6, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11659 Filed 7-26-72;8:51 am]

[File No. 7-4214]

WARNER COMMUNICATIONS INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 21, 1972.

In the matter of application of the Midwest Stock Exchange, for unlisted

trading privileges in a certain security, Securities Exchange Act of 1934.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Warner Communications Inc.
(Delaware) ----- File No. 7-4214.

Upon receipt of a request, on or before August 6, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-11660 Filed 7-26-72;8:51 am]

[812-3215]

WESTLAND CAPITAL CORP. ET AL.

Notice of Filing of Application for Order

JULY 21, 1972.

In the matter of Westland Capital Corp., 11661 San Vicente Boulevard, Los Angeles, CA 90049; MSI Data Corp., 340 Fischer Avenue, Costa Mesa, CA 92627; Data Science Ventures, Inc., 221 Nassau Street, Princeton, NJ 08540; F. Eberstadt & Co., Inc., 61 Broadway, New York, NY 10006.

Notice is hereby given that MSI Data Corp. (MSI), a California corporation, Westland Capital Corp. (Westland), licensed as a publicly held small business investment company under the Small Business Investment Company Act of 1958 and registered under the Investment Company Act of 1940, as amended (Act), and F. Eberstadt & Co., Inc. (Eberstadt), have filed an application pursuant to section 17(b) of the Act and with Data Science Ventures, Inc. (DSV), a Delaware corporation, for an order pursuant to section 17(d) and Rule 17d-1 thereunder permitting Eberstadt, on its own behalf and as representative of the underwriters to purchase shares of common stock and

warrants from MSI and Westland, permitting MSI, Westland, DSV and Eberstadt (collectively, "Applicants") to jointly offer to sell and sell shares of common stock in a proposed public offering pursuant to the provisions of the Securities Act of 1933, and permitting Westland to distribute the balance of its shares to its shareholders, all as more fully set forth below. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Westland owns warrants and shares of common stock aggregating approximately 24.7 percent of the outstanding shares of common stock of MSI (assuming the exercise of all of Westland's warrants). DSV owns approximately 10.3 percent of the outstanding common stock of MSI (assuming exercise of all of Westland's warrants). Eberstadt intends to act as managing underwriter in a proposed public offering of MSI shares.

By reason of the fact that Westland may be deemed to own more than 5 percent of the outstanding voting securities of MSI, the fact that Westland has certain significant rights to restrict the operations of MSI, and substantial proxy rights in shares of MSI, and the fact that a director of Westland is also a director of MSI, MSI may be deemed to be an affiliated person of Westland, within the meaning of the Act. By reason of the fact that DSV owns more than 5 percent of the outstanding voting securities of MSI, DSV may be deemed an affiliated person of an affiliated person of Westland within the meaning of the Act. By reason of the fact that the Chairman of the Board of Eberstadt is a director of Westland and owns more than 5 percent of the outstanding voting securities of Eberstadt, Eberstadt may be deemed to be an affiliated person of an affiliated person of Westland, within the meaning of the Act.

MSI has filed a registration statement with the Commission under the Securities Act of 1933 with respect to a proposed public offering of common stock of MSI. Such offering will consist of an aggregate of up to 397,170 shares of common stock of MSI to be sold to the several underwriters (including Eberstadt) of which 330,000 shares (include a 30,000 share overallotment option) would be offered by MSI, and up to the balance by Westland, DSV, and another selling shareholder. MSI intends to amend this registration statement to register an additional 15,000 shares of common stock to be sold by MSI directly to its employees. The expenses of the registration of the shares to be sold by Westland, DSV, and the other selling shareholder (other than underwriting discounts and counsel fees of Westland, DSV, and the other selling shareholder) will be borne by MSI, pursuant to agreements entered into at the time such shares were purchased by Westland, DSV, and the other selling shareholder.

The total number of shares of common stock of MSI to be offered in the public offering was determined by agreement

between MSI and Eberstadt, as representative of the underwriters, at the recommendation of the underwriters and was based on the judgment of Eberstadt as to the estimated capital requirements of MSI and the probable market reception for the shares of MSI.

It is possible that the number of shares to be sold by MSI, DSV and Westland may vary from the number of shares indicated herein, and the Application includes any additional shares which may be sold by Applicants in the proposed public offering.

At the time that MSI determined to file the registration statement, it notified Westland, DSV, and certain other shareholders of its intent and, pursuant to the agreements referred to above, requested Westland, DSV, and the other shareholders to indicate the number of shares of MSI common stock which they intended to sell. At that time, Westland informed MSI that it desired to register and sell 75,000 shares of MSI common stock; DSV informed MSI that it desired to register and sell 16,320 of its shares of MSI common stock; and the other selling shareholder informed MSI that it desired to register and sell all 5,850 of its shares.

Of the shares to be sold by Westland, 66,000 will be sold to the underwriters in the form of warrants to purchase that number of shares, which Eberstadt shall then exercise on behalf of the several underwriters.

Applicants represent that they are prepared to agree with Eberstadt, as representative of underwriters, that after the effective date of the registration statement none of them will offer any additional shares of common stock of MSI to the public for 90 days. The purpose of this agreement is to facilitate the sale of the shares to be offered in the public offering.

There has not heretofore been any public market for the shares of common stock of MSI. Applicants represent that it is the opinion of the management of Westland that the creation of such a public market which will result from the public offering of shares herein referred to will be in the best interests of Westland.

In May 1968, Westland purchased from MSI, a \$200,000 principal amount subordinated debenture, due May 1, 1973, together with warrants to purchase up to 383,850 shares of MSI common stock at approximately \$9.22 per share. Westland represented to MSI that the warrants and debenture were being acquired for investment and not with a view to or for sale in connection with any distribution thereof contrary to the provisions of the 1933 Act. Pursuant to the terms of the Westland Agreement, Westland was granted a "piggy-back" right, that is, the right to cause any or all of the shares of MSI common stock underlying the warrants to be included in any registration statement filed by MSI under the 1933 Act. In addition, Westland was granted the right to cause MSI to file two registration statements under the 1933 Act covering shares of the MSI common stock underlying the warrants it had

purchased. Pursuant to a private placement of securities in July 1969 Westland acquired from MSI 9,000 shares of MSI common stock, at \$8.44 per share. Westland, together with the other purchasers at that time, was granted certain demand and "piggy-back" registration rights with respect to these shares.

Westland presently owns 9,000 shares of MSI common stock and warrants to purchase 383,850 shares of common stock. Westland has agreed with MSI to exercise the balance of its warrants promptly after effective date of the registration statement. Westland presently intends to distribute to its shareholders the balance of the shares of MSI common stock to be owned by Westland following the above-described public offering, and has made demand upon MSI to cause a registration statement to be filed with the Commission under the Securities Act of 1933 to implement the distribution. Westland will agree with the underwriters not to make this distribution for at least 90 days after the effective date of the public offering registration statement without the prior consent of Eberstadt. In the event Westland determines not to distribute all of the balance of its MSI shares to its shareholders, Westland will retain the right to cause MSI to register the balance of its shares of MSI common stock at any time in the future, and will also retain the right to "piggy-back" its shares on all future offerings made by MSI.

With respect to the exemption sought from section 17(a) of the Act, Applicants state that the purchase of shares of MSI common stock and warrants to purchase shares of MSI common stock by Eberstadt from Westland, and the purchase of shares by Eberstadt from MSI, meets the requirements for an order of exemption under section 17(b), in that: (i) All shares to be sold by Westland, MSI and the other selling shareholders to the underwriters will be sold pursuant to the same underwriting agreement, on and subject to the same terms and conditions and at the same price per share (with appropriate and reasonable adjustment for the warrants to be acquired, equal to the differential between the purchase price of the shares and to the exercise price of the warrants); (ii) the offering price of the shares to be sold in the public offering will be negotiated among Westland, Eberstadt, MSI and the other selling shareholder, and it can thus be anticipated that such price will involve such considerations as the strength of the potential market, the earnings history of MSI and various other objective factors; (iii) the proposed transaction is consistent with the policy of Westland Capital Corp., as stated in its registration statement and reports filed under the Act, and (iv) such registration and sale on the bases proposed are consistent with the provisions, policies, and purposes of the Act.

Section 17(b) of the Act provides, inter alia, that: [A]ny person may file with the Commission an application for an order exempting a proposed transaction of the applicant from one or more provisions of [section

17(a)1. The Commission shall grant such application and issue such order of exemption if evidence establishes that * * * the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; * * * the proposed transaction is consistent with policy of each registered investment company concerned, as recited in its registration statement and reports filed under this title; and * * * the proposed transaction is consistent with the general purposes of this title.

With respect to the exemption sought from section 17(d) of the Act, Applicants state that the participation of Westland in the proposed public offering and the subsequent distribution on the bases proposed is consistent with the provisions, policies, and purposes of the Act and the registration statement and reports filed by Westland and that to the extent such participation is on a basis different from that of the other participants it is more favorable to Westland than to such other participants.

Rule 17d-1, in pertinent part, adopted under section 17(d) of the Act, provides that no affiliated person of any registered investment company, and no affiliated person of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may not later than August 7, 1972, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses set forth above. Proof of such service (by affidavit or in case of

an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-11661 Filed 7-26-72;8:51 am]

INTERSTATE COMMERCE COMMISSION

[Notice 39]

ASSIGNMENT OF HEARINGS

JULY 24, 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.

RRA No. MC 1251, Passenger Automobiles and Trucks Auto Driveaway Co., now assigned August 21, 1972, at Washington, D.C., is postponed to September 26, 1972, in the offices of the Interstate Commerce Commission, Washington, D.C.

I&S Docket No. 8676, Penn Central passenger fares, between New York, N.Y. and New Jersey, now being assigned hearing August 28, 1972, at New York, N.Y., in a hearing room to be later designated.

I&S Docket No. 8675, Newsprint Paper and Woodpulp, Tupper, Nova Scotia to the United States, Fourth Section Application No. 42274, Woodpulp Screenings & Newsprint to Official Territory, now being assigned hearing, September 19, 1972, at Washington, D.C., will be held in the offices of the Interstate Commerce Commission, Washington, D.C.

MC 40978 Sub 18, Chair City Motor Express Co., continued to August 31, 1972, at Washington, D.C., in the offices of the Interstate Commerce Commission, Washington, D.C.

No. 35482, Modern Imports—Petition for Declaratory Order—(home delivery charges), now assigned August 7, 1972, at New Orleans, La., is postponed indefinitely.

MC 120291 Sub 5, McDaniel Motor Express, Inc., now assigned August 7, 1972, at Lexington, Ky., is postponed indefinitely.

MC-F-11443, Glendenning Motorways, Inc.—Purchase—Pick Up and Deliver, Inc., MO 43475 Sub 53, Glendenning Motorways, Inc., now assigned August 7, 1972, at Chicago, Ill., is postponed indefinitely.

MC 136168, Wilson Certified Express, Inc., now assigned August 23, 1972, at Omaha, Nebr., hearing is postponed indefinitely.

AB-5 Sub 2, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the property of Penn Central Transportation Co., Debtor, Abandonment in Pittsburgh, Allegheny County, Pa., AB-5 Sub 3, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the property of Penn Central Transportation Co., Debtor, Abandonment Portion of its main line (Pittsburgh to St. Louis) Pittsburgh, Allegheny County, Pa., now assigned August 21, 1972, will be held in Court Room No. 14, Room 513, U.S. Courthouse & Post Office Building, 7th Avenue & Grant Street, Pittsburgh, Pa.

MC-113267 Sub 279, Central & Southern Truck Lines, Inc., now assigned August 9, 1972 at New Orleans, La., is canceled and transferred to modified procedure.

MC 119789 Sub 104, Caravan Refrigerated Cargo, Inc., now assigned August 9, 1972, at New Orleans, La., is canceled and application dismissed.

MC-C 7069, Tolson Brothers, a partnership, composed of George Tolson, and Billy Tolson—Investigation of Operations and Practices, now assigned August 21, 1972, will be held in Room 4210 Grand Jury Room, Federal Courthouse & Office Building, 200 NW. 4th Street, Oklahoma City, Okla.

MC 107818 Sub 56, Greenstein Trucking Co., now assigned August 24, 1972, MC 113775 Sub 60, Pirkle Refrigerated Freight Lines, Inc., now assigned August 28, 1972, MC 128256 Sub 10, O. W. Blosser, DBA Blosser Trucking, now assigned August 25, 1972, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.

MC 115491 Sub 122, Commercial Carrier Corporation, now assigned September 13, 1972, will be held in Room 411, Liberty Federal Bldg., 1111 North West Shore Blvd., Tampa, Florida.

MC 107515 Sub 741, MC 107515 Sub 745, Refrigerated Transport Co., Inc., hearing continued to August 28, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11305, Terminal Transport Co., Inc.—Purchase (Portion)—Deaton, Inc., MC 11207 Sub 314, Deaton, Inc., hearing continued to August 29, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-116474 Sub 21, Leavitts Freight Service, Inc., now assigned August 17, 1972, at Portland, Ore., is postponed indefinitely.

MC 111812 Sub 448, Midwest Coast Transport, Inc., now assigned July 27, 1972, at Washington, D.C., hearing is cancelled and application dismissed.

MC 110479 Sub 25, Harper Truck Service, Inc., now assigned August 14, 1972, at St. Louis, Mo., hearing is cancelled and reassigned August 14, 1972, at Memphis, Tennessee, in Room 914, Federal Office Bldg., 167 North Main Street, Memphis, Tennessee. MC 109397 Sub 260, Tri-State Motor Transit Co., hearing continued to September 7, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-11671 Filed 7-26-72;8:53 am]

[Notice 60]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

July 21, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 427(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or

other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 689 (Sub-No. 3), filed May 16, 1972. Applicant: GABRIEL CHERTUDI AND FELIX CHERTUDI, a partnership, doing business as CHERTUDI BROTHERS, 1604 Parker Avenue, Caldwell, ID 83605. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bulk commodities, between Jordan Valley, Oreg., and points in Oregon within 40 miles of Jordan Valley, on the one hand, and, on the other, Ontario, Oreg., and points in Owyhee, Canyon and Ada Counties, Idaho. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 4405 (Sub-No. 497), filed June 26, 1972. Applicant: DEALERS TRANSIT, INC., 2200 East 170th Street, Post Office Box 361, Lansing, IL 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Trailer chassis, other than those designed to be drawn by passenger automobiles, in initial truck-away and driveaway service, from Brady, Tex., to points in the United States (including Alaska but excluding Hawaii); and (B) tractors, in secondary movements in driveaway service only when drawing trailer chassis in initial movements, from Brady, Tex., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 5470 (Sub-No. 69), filed July 3, 1972. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, PA 16137. Applicant's representative: Don Cross, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alloys and metals in dump vehicles, from Baltimore, Md., to points in Indiana, Illinois, Delaware, Maryland, Michigan, Ohio, Pennsylvania, New Jersey, New York, Virginia, West Virginia, and Wisconsin. Note: Applicant states that the requested authority can be tacked with its existing authority at points in Ohio,

Pennsylvania, and New York, but indicates that he has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 7920 (Sub-No. 10), filed June 22, 1972. Applicant: HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, OH 44413. Applicant's representative: A. Charels Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Arcade, N.Y., and points within 5 miles thereof as off-route points in conjunction with applicant's regular route operations at Yorkshire, N.Y. Note: If a hearing is deemed necessary, applicant requests it be heard at Buffalo, N.Y.

No. MC 19201 (Sub-No. 122), filed June 12, 1972. Applicant: PENNSYLVANIA TRUCK LINES, INC., Post Office Box 8116, 49th Street and Parkside Avenue, Philadelphia, PA 19101. Applicant's representative: Gilbert Nurick, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except dangerous explosives), in service which is auxiliary to, or supplemental of, rail service of Penn Central Transportation Co: (1) between Carlisle and Mt. Holly Springs, Pa., from Carlisle over Pennsylvania Highway 34 to Mt. Holly Springs, and return over the same route, serving no intermediate points; (2) between junction Pennsylvania Highways 641 and 174 west of Mechanicsburg, Pa., and Mt. Holly Springs, Pa., from junction Pennsylvania Highways 641 and 174 over Pennsylvania Highway 174 to Bolling Springs, Pa.; thence over unnumbered highway to Mt. Holly Springs, and return over the same route, serving intermediate points which are stations on the rail lines of Penn Central Transportation Co., and serving junction Pennsylvania Highways 641 and 174 for purposes of joinder only; and (3) between junction U.S. Highway 11 and Interstate Highway 81 near Middlesex, Pa., and junction Interstate Highway 81 and Pennsylvania Highway 34 south of Carlisle, Pa., from junction U.S. Highway 11 and Interstate Highway 81 over Interstate Highway 81 to junction Pennsylvania Highway 34, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Note: Applicant now holds contract carrier authority under No. MC 118779 and subs, therefore common control and dual operations may be

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25798 (Sub-No. 233), filed June 19, 1972. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry juice*, in bulk, in tank vehicles, from Hanson, Mass., Kenosha, Wis., Bordentown, N.J., and Sodus, Mich. to points in Florida. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 26739 (Sub-No. 72), filed June 23, 1972. Applicant: CROUCH BROS., INC., Elwood, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between Omaha, Nebr., Lincoln, Nebr., via Interstate Highway 80. Restriction: Serving Omaha, Nebr., for purpose of joinder only with carrier's presently authorized routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 28961 (Sub-No. 25), filed July 3, 1972. Applicant: McDUFFEE MOTOR FREIGHT, INC., 3047 Lonyo Road, Detroit, MI 48209. Applicant's representative Robert H. Kinker, Box 464, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Lexington, Ky., and Glasgow, Ky., from Lexington over U.S. Highway 60 to junction with Blue Grass Parkway, thence over Interstate Highway 65, thence over Interstate Highway 65 to junction with Kentucky Highway 90, thence over Kentucky Highway 90 to Glasgow, and return over the same route, serving no intermediate points, and (2) serving Glasgow, Ky., as an off-route point in connection with carrier's existing authority in MC 28961 Sub 18. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Bowling Green or Louisville, Ky., or Nashville, Tenn.

No. MC 29120 (Sub-No. 142), filed June 22, 1972. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, SD 57101. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39

South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between the junction of Illinois Highway 38 (formerly Alternate U.S. Highway 30) and U.S. Highway 66 and Minneapolis-St. Paul, Minn., from the junction of Illinois Highway 38 and U.S. Highway 66 over Illinois Highway 38 to junction Interstate Highway 294, thence over Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 94 near Tomah, Wis., thence over Interstate Highway 94 to Minneapolis-St. Paul, Minn., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points except the presently authorized point of Elgin, Ill. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Chicago, Ill.

No. MC 29910 (Sub-No. 119), filed June 28, 1972. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and tubing*, from New Orleans, La., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Fort Smith, Ark.

No. MC 30237 (Sub-No. 23), filed June 21, 1972. Applicant: YEATTS TRANSFER COMPANY, a Corporation, Box 666, Altavista, VA 24517. Applicant's representative: W. Barney Arthur, 513 Main Street, Box 551, Altavista, VA 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in appendix II to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from points in Dubois and Perry Counties, Ind.; Sumner County, Tenn.; and Boyle County, Ky., to points in Virginia and West Virginia. NOTE: Applicant states it intends to tack at Altavista, Va., with presently held authorities. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 30844 (Sub-No. 414) (Amendment), filed June 16, 1972, published in the FEDERAL REGISTER issue of July 20, 1972, and republished as amended this issue. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704.

Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Iowa City, Iowa, to points in Iowa, Minnesota, North Dakota, and South Dakota on and east of U.S. Highway 81. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. The purpose of this republication is to amend the route description to U.S. Highway 81. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30887 (Sub-No. 177), filed June 26, 1972. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Post Office Box 55, Reisterstown, MD 21136. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid polymers*, in bulk, in tank vehicles, from Kensington and Austell, Ga., to points in Florida, Alabama, Louisiana, Mississippi, South Carolina, North Carolina, Virginia, Arkansas, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 43246 (Sub-No. 15), filed June 28, 1972. Applicant: BUSKE LINES, INC., 123 West Tyler Avenue, Litchfield, IL 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and dairy products*, between Litchfield, Ill., Seneca, Mo., and West Seneca, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 51146 (Sub-No. 281), filed June 23, 1972. Applicant: SCHNEIDER TRANSPORT, INC., Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: Charles Singer, Suite 1000, 327 South LaSalle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets*, from Memphis, Tenn., to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Alabama,

Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, New York, and the District of Columbia. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 52704 (Sub-No. 92) filed June 28, 1972. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer "H", 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: *Food-stuffs*, 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. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 61231 (Sub-No. 69) filed June 26, 1972. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass insulating materials and fibrous glass products*, from Kansas City, Kans., to points in Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 66886 (Sub-No. 33), filed July 5, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terminal tractors*, from Longview, Tex., to points in the United States (including Alaska, but excluding Hawaii). NOTE:

Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 74416 (Sub-No. 12), filed June 23, 1972. Applicant: LESTER M. PRANGE, INC., Post Office Box 1, Kirkwood, PA 17536. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, PA 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mushroom and mushroom products*, fresh, frozen, or canned, from the facilities of the Oxford Corp. located in Lower Oxford Township and the Borough of Oxford, in Chester County, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant States that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Philadelphia, Pa.

No. MC 76177 (Sub-No. 327), filed June 27, 1972. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, AL 35233. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, equipment, materials, and supplies* used in the manufacture and distribution of textiles (except commodities in bulk and those which require the use of special equipment), between the plantsites and warehouses of Monsanto Co. at Gonzalez and Pensacola, Fla., on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 78276 (Sub-No. 6), filed May 1, 1972. Applicant: MAZZEO & SONS EXPRESS, 311 South River Street, Hackensack, NJ 07601. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Hackensack, N.J., on the one hand, and, on the other, points in Dade and Broward Counties, Fla. NOTE: Applicant states authority is sought to tack in the New York, N.Y. commercial zone with applicant's presently authorized authority, and at Hackensack, N.J. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 80428 (Sub-No. 81), filed June 23, 1972. Applicant: McBRIDE TRANSPORTATION, INC., Post Office Box 430, Goshen, NY 10924. Applicant's representative: Raymond A. Richards, 44 North Avenue, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers, container ends and accessories and material and supplies* used in connection with the manufacture and distribution thereof, moving in mechanical self-unloading trailers of the roller-conveyor type, between the shipper's plantsite located at Walkill, N.Y., on the one hand, and, on the other, shipper's customers located at Paterson, N.J., Cranston, R.I., Latrobe, Pa., and Wilkes-Barre, Pa., restricted to traffic originating at the above-named origins and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y., or Albany, N.Y.

No. MC 82841 (Sub-No. 95), filed May 22, 1972. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum products*, including but not limited to siding, rain carrying products, shutters, soffit systems, and mobile home skirting, from Detroit, Mich., to points in Idaho, Utah, California, New Mexico, Arizona, Nevada, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 87617 (Sub-No. 3), filed June 26, 1972. Applicant: HARRY BLOCK TRUCKING COMPANY, INC., 57-00 49th Street, Maspeth, NY 11378. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 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. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 96098 (Sub-No. 58), filed July 6, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17827. Applicant's

representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Coshocton, Ohio to points in New York, New Jersey, and Pennsylvania, under contract with St. Regis Paper Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 98578 (Sub-No. 2), filed June 29, 1972. Applicant: OVERNIGHT FREIGHT SERVICE, INC., 525 East Central, Caldwell, KS 67022. Applicant's representative: Eugene W. Hiatt, 308 Casson Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, from points in Texas, Oklahoma, and Missouri to Caldwell and Bluff City, Kans., and (2) *Rock, sand, gravel, and agricultural lime*, from points in Oklahoma to points in Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Oklahoma City, Okla.

No. MC 100666 (Sub-No. 219), filed June 16, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Arizona, Colorado, and New Mexico to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at either (1) Albuquerque, N. Mex.; (2) Phoenix, Ariz.; or (3) Dallas, Tex.

No. MC 100666 (Sub-No. 220), filed June 30, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lumber and composition board*, from points in California to points in Alabama, Arkansas, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority can be tacked with its Sub-58 at any point in Arkansas and

serve points in Florida, Georgia, South Carolina, and North Carolina. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 102982 (Sub-No. 26) (Correction), filed May 1, 1972, published in the FEDERAL REGISTER issue of June 2, 1972, and republished in part as corrected this issue. Applicant: GEORGE W. KUGLER, INC., 2800 West Waterloo Road, Akron, OH 44312. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. NOTE: The purpose of this partial republication is (1) to add the State of Kansas as a destination point in Part (1) (A) and (2) to add the State of West Virginia as a destination point in Part (2) (A). The rest of the application remains the same.

No. MC 106274 (Sub-No. 17) filed June 26, 1972. Applicant: RAEFORD TRUCKING COMPANY, a corporation, Post Office Box 45, Sanford, NC 27330. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in North Carolina and South Carolina within 100 miles of Apex, N.C., to points in Chatham, Sampson, and Wake Counties, N.C. NOTE: Applicant states that joinder can take place at points in Chatham, Sampson, or Wake Counties, N.C., to provide service to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Indiana, Illinois, and District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 106398 (Sub-No. 610) filed June 22, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, plywood paneling, hardboard, moulding, and accessories* used in the installation of the above-named commodities, from Camden, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 106398 (Sub-No. 613), filed June 20, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements,

from points in Granville County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Greensboro, N.C.

No. MC 106775 (Sub-No. 30), filed June 15, 1972. Applicant: ATLAS TRUCK LINE, INC., Post Office Box 9848, Houston, TX 77015. Applicant's representative: Bernard H. English, 6270 Firch Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, pipe fittings, and pipe accessories*, in straight or mixed truckloads, from Lone Star, Tex., and points within 5 miles thereof, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana; Lea and Eddy Counties, N. Mex., North Dakota on and west of North Dakota Highway 30, and South Dakota, west of the Missouri River, on and north of U.S. Highway 14; Oklahoma, Tennessee, Texas, Utah, and Wyoming. NOTE: Application is accompanied by a Motion to Dismiss. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 106775 (Sub-No. 31), filed June 27, 1972. Applicant: ATLAS TRUCK LINE, INC., Post Office Box 9848, Houston, TX 77015. Applicant's representative: J. G. Dall, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing*, between points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 107012 (Sub-No. 152), filed June 28, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and commercial, institutional, and kitchen fixtures and equipment*, between points in Utah, on the one hand, and, on the other, points in California, Colorado, Idaho, Nevada, Oregon, Washington, Wyoming, Arizona, New Mexico, Texas, and Montana, and (2) *Pianos and piano benches*, from points in Salt Lake County, Utah, to points in Arizona, California, Nevada, Colorado, Wyoming, Nebraska, Kansas, Iowa, and Oklahoma. NOTE: Common control may be involved.

Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Portland, Oreg.

No. MC 107107 (Sub-No. 423), filed June 19, 1972. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue (Le Jeune Road), Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and chewing gum* and (2) *related advertising and promotional materials* when moving with commodities named in (1) above, from Macon and Flowery Branch, Ga., to points in Florida, Alabama, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107295 (Sub-No. 619), filed June 22, 1972. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and pipe fittings, couplings, connections, and accessories*, except iron and steel pipe (except commodities which because of size or weight require the use of special equipment), from Springfield, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and North Dakota, and (2) *wood fencing and accessories*, from Stephenson and Gladstone, Mich., to points in Alabama, Arkansas, Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107743 (Sub-No. 17), filed June 19, 1972. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, WA 99206. Applicant's representative: Gordon Roberts, Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Chicago, Ill., to points in North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Idaho, Utah, Nevada, Washington, Oregon, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed

necessary, applicant requests it be held at Chicago, Ill.

No. MC 107743 (Sub-No. 18), filed June 30, 1972. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, WA 99206. Applicant's representative: Gordon Roberts, Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) between Carlinville, Centralia, Flora, Irving, and Sparta, Ill., and Louisiana, Mo., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Idaho, Utah, Nevada, Washington, Oregon, and California; and (2) from St. Louis, Mo., and Cleveland, Ohio, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Wyoming, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 109397 (Sub-No. 275), filed June 19, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, (Business Route I-44 East), Joplin, MO 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source and special nuclear materials, radioactive materials, and empty shipping containers*, (1) between New York, N.Y., Baltimore, Md., Portsmouth and Norfolk, Va., and Charleston, S.C., on the one hand, and, on the other, Oak Ridge and Jonesboro, Tenn., Sargents, Ohio, and Paducah, Ky.; and (2) from Jonesboro, Tenn., to Paducah, Ky., Sargents, Ohio, and Oak Ridge, Tenn. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at either (1) Memphis, Tenn.; (2) Charleston, S.C., or (3) Washington, D.C.

No. MC 109397 (Sub-No. 276), filed June 16, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113 (Business Route I-44 East), Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in cargo vans and/or containers, and *empty cargo vans and containers*, between points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant

seeks authority between all points in the United States (including Alaska but excluding Hawaii). Tacking would not be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Dallas, Tex., or San Francisco, Calif.

No. MC 109462 (Sub-No. 21), filed June 21, 1972. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181, South Station, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, Kelley Building, Fort Smith, AR. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, conduit, valves, plastic tubing, fittings, compound, plastic joint sealer, bonding cement, conduit, primer, coating, thinner, and accessories*, from Burns Flat, Okla., to points in the United States (except Alaska and Hawaii), and (2) *Materials, supplies, and equipment* used in the manufacture of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Burns Flat, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Fort Smith, Ark.

No. MC 109633 (Sub-No. 17), filed June 23, 1972. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60637. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and discount department stores, from the facilities of the Zayre Corp. in Alsip, Ill., to points in Indiana, Wisconsin, Ohio, Iowa, Minnesota, Missouri, Kansas, Michigan, and Nebraska, restricted to traffic originating at the said facilities and destined to the States named. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109677 (Sub-No. 41), filed June 23, 1972. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, NY 12828. Applicant's representative: Harold G. Hernly, 2030 North Adams Street, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Westport, N.Y., to points in Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 110525 (Sub-No. 1039), filed June 23, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA

19335. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Orange, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 110563 (Sub-No. 85), filed June 26, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766, and inedible meat, from the plantsites and warehouse facilities of Packerland Packers Co., Inc., in Wisconsin, to points in Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Delaware, Maryland, Virginia, and the District of Columbia, restricted to traffic originating at the above-named plantsites and warehouse facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 110683 (Sub-No. 85), filed June 22, 1972. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401. Applicant's representative: Francis W. McNerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and warehouse facilities of the General Tire and Rubber Co., at or near Mount Vernon, Ill., as an off-route point in connection with applicant's existing regular-route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111656 (Sub-No. 6), filed June 16, 1972. Applicant: FRANK LAMBIE, INC., 533 West 26th Street, New York, NY 10001. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying and photographic machines, typewriters, adding machines calculators, and business machines, materials, and supplies* (except in bulk in tank vehicles), uncrated and crated, from Englewood, N.J., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and returned shipments of the above-specified commodities, from New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., to Englewood, N.J., under contract with SCM Business Equipment Division of SCM Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111401 (Sub-No. 367), filed June 30, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Box 632, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (1) from Kings Mill, Tex., to ports of entry on the international boundary line between the United States and Canada, located in Michigan; and (2) from ports of entry on the international boundary line between the United States and Canada located in Michigan to ports of entry on the international boundary line between the United States and Mexico, located in Texas, in foreign commerce. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at (1) Houston, Tex., or (2) Washington, D.C.

No. MC 112520 (Sub-No. 262), filed July 5, 1972. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Decatur and Dougherty Counties, Ga., to points in Franklin, Gadsden, Jefferson, Leon, Madison, Taylor, and Wakulla Counties, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla., or Atlanta, Ga.

No. MC 112750 (Sub-No. 289) filed June 27, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, (a) between Huntington, W. Va., on the one hand, and, on the other, points in Gallia, Lawrence, and Scioto Counties, Ohio; Boyd, Carter, Floyd, Greenup, Johnson, Lawrence, Magoffin, Martin, and Pike Counties, Ky.; and (b) between Louisville, Ky., on the one hand, and, on the other, Jacksonville, Miami, Orlando, and Tampa, Fla.; Atlanta, Ga.; Chicago, Ill.; Cambridge, Mass.; Royal Oak, Mich.; St. Louis, Mo.; Omaha, Nebr.; Raleigh, N.C.; Jericho, Lake Success, and New York, N.Y.; Pittsburgh, Pa.; Dallas, Tex.; and Milwaukee, Wis., under contract with various banks and banking institutions. NOTE: Applicant holds common carrier authority under MC 111729 and Subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 134), filed June 9, 1972. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: L. F. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends* in bulk, from Elk Grove Village, Ill., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 236), filed June 16, 1972. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191 (1401 North Little), Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* that are dealt in by the R. T. French Co. and *foodstuffs*, from Springfield, Mo., to points in Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states there may be tacking possibilities, however, none are intended at this time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y., or Washington, D.C.

No. MC 113362 (Sub-No. 240) filed June 26, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105 1/2 Eighth Avenue NE., Austin, MN 55912.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, packinghouse products* (except commodities in bulk) as set forth in sections A and C in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Flanery Meat Co., Huron, S. Dak., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, West Virginia, Pennsylvania, Indiana, Ohio, Virginia, and Washington, D.C. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 113388 (Sub-No. 99) filed June 26, 1972. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 618, Seaford, DE 19973. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Caribou, Maine to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 457) filed June 26, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma*, from Salt Lake City, Utah to Berkeley, Calif. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Denver, Colo.

No. MC 113678 (Sub-No. 458) filed June 26, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certifi-*

cates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of American Beef Packers at or near Fort Morgan, Colo., to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Texas, and Oklahoma, restricted to traffic originating at the plantsite and warehouse facilities of American Beef Packers at or near Fort Morgan, Colo. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 113678 (Sub-No. 459) filed June 26, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. James, Madella, and Butterfield, Minn., and Estherville, Iowa, to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Applicant states that although there are tacking possibilities within its existing authority, there are no intentions of tacking. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 113678 (Sub-No. 460) filed June 26, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities utilized by Patterson Frozen Foods at or near Patterson, Calif., to Kansas City, Kans.; Kansas City, Mo.; Dallas, Tex.; and Solon, Ohio, restricted to traffic originating at and destined to the named locations. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.; Cleveland, Ohio; or Denver, Colo.

No. MC 113678 (Sub-No. 461) filed June 26, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certifi-*

icates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of American Beef Packers at or near Fort Morgan, Colo., to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Texas, and Oklahoma, restricted to traffic originating at the plantsite and warehouse facilities of American Beef Packers at or near Fort Morgan, Colo. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Denver, Colo., or Washington, D.C.

No. MC 113678 (Sub-No. 462) filed June 26, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Estherville, Iowa to points in Montana, Colorado, New Mexico, Arizona, Utah, California, Nevada, Oregon, Washington, Idaho, and Wyoming. **NOTE:** Applicant states that although there are tacking possibilities with its authority, it has no intentions of tacking. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.; Omaha, Nebr.; or Denver, Colo.

No. MC 113678 (Sub-No. 463) filed June 29, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16004, Stockyards Station, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Elizabethtown, Pa., to points in Kansas, Colorado, Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and West Virginia, restricted to traffic originating at Elizabethtown, Pa., at the plantsite and/or storage facilities of M & M Mars, Inc. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Washington, D.C.; or Denver, Colo.

No. MC 114045 (Sub-No. 367) filed June 26, 1972. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy Products, yogurt, and prepared desserts*, in vehicles equipped with mechanical refrigeration, from Walton, N.Y., Elizabeth, N.J., and Hagerstown, Md., to points in Texas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 171), filed June 16, 1972. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Mr. Charles W. Singer, 327 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: (1) *Terminal tractors*; (2) *equipment* designed for use in conjunction with terminal tractors; (3) *parts, attachments, and accessories* from Longview, Tex., to points in the United States (except Alaska and Hawaii); and (4) *equipment, material, and supplies* used in the manufacture or distribution of the commodities described in (1), (2), or (3) above from points in the United States (except Alaska and Hawaii) to Longview, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 114789 (Sub-No. 39), filed June 22, 1972. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, 1700 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from points in Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, North Carolina, South Carolina, and Pennsylvania, to Denver, Colo.; Detroit, Mich.; St. Louis, Mo.; Minneapolis-St. Paul, Minn.; Oklahoma City, Okla.; Dallas and Houston, Tex.; and Milwaukee, Wis. Restriction: Service hereunder is limited to the following: (1) All service limited to a transportation service to be conducted under a continuing contract with the Dayton-Hudson Corp. and its wholly owned subsidiaries; and (2) limited to traffic originating at/or destined to the plantsites and storage facilities of the Dayton-Hudson Corp. and its wholly owned subsidiaries. NOTE: Applicant has common carrier authority under MC 117940 Sub 3 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115826 (Sub-No. 244), filed June 28, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wines, liquors, alcoholic beverages, and beverage preparations*, from points in Illinois, Kentucky, Tennessee, Massachusetts, New York, New Jersey, Indiana, and Ohio, to points in Colorado, Arizona, New Mexico, Nevada, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held (1) for the Eastern States—New York, N.Y.,

and (2) for the supporting shippers in the West—Las Vegas, Nev.

No. MC 115322 (Sub-No. 89), filed July 5, 1972. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698 (2939 Orlando Drive), Sanford, FL 32771. Applicant's representatives: James E. Wilson and Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from ports of entry at the United States-Canadian border at or near Houlton, Bridgewater, Fort Fairfield, and Van Buren, Maine, Buffalo, N.Y., and Detroit, Mich., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Florida, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 115757 (Sub-No. 44), filed May 15, 1972. Applicant: BULK MOTOR TRANSPORT, INC., 9651 South Ewing Avenue, Chicago, IL 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Buffalo, N.Y., to points in Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Buffalo, N.Y., or Chicago, Ill.

No. MC 115841 (Sub-No. 434), filed June 22, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and products* used in or produced by the food processing industry (except commodities in bulk), from Springdale and Fayetteville, Ark., to points in Texas and Arizona, New Mexico and California. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., Buffalo, N.Y., or Washington, D.C.

No. MC 115841 (Sub-No. 435), filed June 23, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk) in vehicles equipped with mechanical refrigeration, from Parsippany, N.J., to points in Alabama, Arizona, Arkansas, California, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Virginia, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Wisconsin, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 116004 (Sub-No. 26), filed June 21, 1972. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., Post Office Box 743, Dallas, TX 75221. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kansas City, Kans.-Mo., and Wichita, Kans., from Kansas City, Kans.-Mo., over U.S. Highway 69 to junction of U.S. Highway 54, thence over U.S. Highway 54 to Wichita, Kans., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, except the junction of U.S. Highways 69 and 54 as a point of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 116314 (Sub-No. 24), filed July 5, 1972. Applicant: MAX BINSWANGER TRUCKING, 13846 Alondra Boulevard, Santa Fe Springs, CA 90670. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, (1) from Colton, Calif., to points in Arizona (except Yuma, Ariz., and those points in Yuma and Mohave Counties, Ariz., on and north of Interstate Highway 10), Nevada (except Gabbs, Hawthorne, and Yerington, Nev.,

and points in Nevada on and south of U.S. Highway 6), and Beaver, Piute, Wayne, Iron, Garfield, Washington, Kane, and San Juan Counties, Utah; (2) From Creal, Calif., to points in Arizona (except Yuma, Ariz., and those points in Yuma and Mohave Counties, Ariz., on and north of Interstate Highway 10), Nevada (except Gabbs, Hawthorne, and Yerington, Nev., and points in Nevada on and south of U.S. Highway 6), and Beaver, Piute, Wayne, Iron, Garfield, Washington, Kane, and San Juan Counties, Utah; (3) from Monolith, Calif., to points in Arizona, Nevada and Beaver, Piute, Wayne, Iron, Garfield, Washington, Kane, and San Juan Counties, Utah; (4) from Victoryville, Calif., to points in Arizona (except Yuma, Ariz., and those points in Yuma and Mohave Counties, Ariz., on and north of Interstate Highway 10), Nevada (except Gabbs, Hawthorne, and Yerington, Nev., and points in Nevada on and south of U.S. Highway 6), and Beaver, Piute, Wayne, Iron, Garfield, Washington, Kane, and San Juan Counties, Utah; (5) from the plantsite of Pacific Western Industries, Inc., at or near Gorman, Calif., to points in Arizona, Nevada, and Beaver, Piute, Wayne, Iron, Garfield, Washington, Kane, and San Juan Counties, Utah and (6) from Crestmore and Oro Grande, Calif., to points in Arizona, Nevada, and Beaver, Piute, Wayne, Iron, Garfield, Washington, Kane, and San Juan Counties, Utah. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 117200 (Sub-No. 18), filed May 25, 1972. Applicant: TISCH & DREWS, INC., 212 Green Bay Avenue, Oconto Falls, WI 54154. Applicant's representative: Allen Tisch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lignin pitch*, from Oconto Falls, Wis., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Ohio, and Kentucky, under contract with Scott Paper Co., Philadelphia, Pa. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Green Bay, Appleton, or Madison, Wis.

No. MC 117370 (Sub-No. 24), filed July 5, 1972. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and sand with additives*, in bulk, from Chicago, Ill., to points in Wisconsin, Illinois, Indiana, Iowa, Ohio, and Michigan. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed neces-

sary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 117644 (Sub-No. 28) filed June 26, 1972. Applicant: D & T TRUCKING CO., INC., Box 2611, New Brighton, MN 55112. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and children's sandboxes, benches, tables, desks, blackboards and chalkboards*, from St. Louis, Mo., to points in Pennsylvania, Maryland, Delaware, District of Columbia, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, under contract with Beatrice Foods Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117940 (Sub-No. 66) (Amendment) filed July 26, 1971, published in FEDERAL REGISTER issues of September 10, 1971, and February 17, 1972, and republished in part, as amended this issue. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. The purpose of this partial republication is to include North Brunswick, N.J., as an origin point. The rest of the application remains as previously published.

No. MC 118159 (Sub-No. 124) (Correction) filed May 24, 1972, published in the FEDERAL REGISTER issue of July 20, 1972, and republished as corrected this issue. Applicant: EVERETT LOWRANCE, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). **NOTE:** The purpose of this partial republication is to show that the granting of this application would have a beneficial impact on the human environment. The rest of the application remains as previously published.

No. MC 118292 (Sub-No. 32) filed June 19, 1972. Applicant: BALLENTINE PRODUCE, INC., Box 312, Alma, AR 72921. Applicant's representative: Lester M. Bridgeman, 1030 15th Street NW, Suite 420, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from points in Tennessee, to points in Arizona, Arkansas, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 119767 (Sub-No. 293), filed June 15, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, I-94 and County Highway C, Bristol, Wis.,

Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen packaged meat products*, from Fort Dodge, Iowa, to points in Indiana, Kentucky, Michigan, Missouri, North Dakota, Ohio, Chicago, Illinois, and Kansas City, Kans. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119789 (Sub-No. 117), filed June 26, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), and materials and supplies used in the manufacture and sale of foodstuffs, from Sayreville, N.J., to points in Michigan. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 120616 (Sub-No. 2), filed June 5, 1972. Applicant: A. V. DEDMON TRUCKING, INCORPORATED, Highway 150 East, Route 6, Box 48, Shelby, NC 28150. Applicant's representative: Mr. N. Dixon Lackey, Jr., Post Office Box 145, Shelby, NC 28150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except commodities in bulk, in tank vehicles, newspapers, baggage, or passengers, and those requiring special equipment) between points in Cherokee, Swain, Haywood, Transylvania, Madison, Buncombe, Henderson, McDowell, Burke, Caldwell, Catawba, Gaston, Mecklenburg, Forsyth, Davidson, Guilford, and Cumberland Counties, N.C.; and (2) *frozen foods and dairy products*, between points in North Carolina. **NOTE:** Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 123294 (Sub-No. 28) (Correction), filed April 7, 1972, published in the FEDERAL REGISTER issue of June 2, 1972, and republished in part as corrected this issue. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue,

Warsaw, IN 46580. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. The purpose of this partial republication is to include North Carolina and South Carolina as destination States. The rest of the application remains as previously published.

No. MC 123407 (Sub-No. 104), filed June 23, 1972. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and plastic products*, from Slocomb, Ala., Federalburg, Md., and Hastings, Nebr., to points in and east of Montana, Wyoming, Colorado, and New Mexico; and (2) *commodities* used in the manufacture and distributing of plastic pipe and plastic products (except commodities in bulk); (a) from points in Ohio and West Virginia, to Slocomb, Ala., and (b) from points in Texas to Hastings, Nebr. NOTE: Applicant states that authority sought herein can be tacked, but indicates it has no intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 124211 (Sub-No. 218), filed June 20, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Foodstuffs*, except liquid, in bulk, in tank vehicles, from Omaha, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Omaha, Nebr., although not all tacking possibilities feasible due to nature of circuitry. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124327 (Sub-No. 4), filed June 20, 1972. Applicant: COASTAL CONTRACT CARRIER CORPORATION, Post Office Box 261, Selmer, TN 38375. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Suite 909, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from points in Kentucky, Indiana, Iowa, Illinois, and Tennessee, to points in California, under contract with Kelco Foods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124796 (Sub-No. 99), filed June 26, 1972. Applicant: CONTINENTAL CONTRACT CARRIER, CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91749. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning equipment, furnaces, water heaters, and component parts and accessories therefor, and materials, equipment, and supplies used in the manufacture, sale and distribution of air conditioning equipment, furnaces, and water heaters*, between the warehouse and distribution facilities utilized by Carrier Corp. at or near Smyrna, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Carrier Corp. Restriction: The operations authorized herein are restricted against the transportation of commodities in bulk and those which by reason of size or weight require the use of special equipment and further restricted to shipments which either originate or terminate at the warehouse and distribution facilities utilized by Carrier Corp. at or near Smyrna, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124813 (Sub-No. 98), filed June 23, 1972. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, from Colony, Wyo., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 118468 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124839 (Sub-No. 14), filed June 20, 1972. Applicant: BUILDERS TRANSPORT, INC., Post Office Box 7057, Savannah, GA 31408. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, insulating materials, roofing materials, and materials, supplies and equipment used in their manufacture, distribution, and installation between points in Chatham County, Ga., and Florida*, under contract with The GAF Corp., Johns-Manville Corp. and Certain-Teed Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 124839 (Sub-No. 15), filed June 30, 1972. Applicant: BUILDERS

TRANSPORT, INC., Post Office Box 7057, Savannah, GA 31408. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and materials, supplies, and equipment used in the manufacture, distribution, and installation thereof*, from Brunswick and Marietta, Ga., to points in Florida, under contract with Georgia-Pacific Corp. (Southern Division) of Augusta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 125254 (Sub-No. 14), filed June 23, 1972. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., 1201 East Fifth Street, Post Office Box 714, Muscatine, IA 52761. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), (1) from the distribution center site of Heinz U.S.A. at Iowa City, Iowa, to Kansas City, Mo., St. Louis, Mo., and points in Illinois and Nebraska; (2) from the plantsite and storage facilities of Heinz U.S.A. at Muscatine, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; and (3) from the distribution center site of Heinz U.S.A. at Bridgeview, Ill., to the distribution center site of Heinz U.S.A. at Iowa City, Iowa; the plantsite and storage facilities of Heinz U.S.A. at Muscatine, Iowa, and points in Illinois in the St. Louis Commercial Zone. The authority to be restricted to traffic originating and destined to the specified points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, and Omaha, Nebr.

No. MC 125770 (Sub-No. 8), filed June 28, 1972. Applicant: SPIEGEL TRUCKING, INC., 504 Essex Street, Harrison, NJ 07029. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unitized steel furniture, file cabinets, desks, military wardrobes, storage cabinets, office partitions, bookcases, tables, office machine stands, ammunition boxes, book stakes, library shelving, library trucks, library carrels, post office furniture, data storage racks, clothing lockers, office chairs, telephone stands and credenzas*, set up and knocked down, crated and uncrated, from the facilities of Hillside Metal Products, Inc., at Newark, N.J., to points in the United States (including Alaska, but excluding Hawaii), under a continuing contract or contracts with Hillside Metal Products, Inc., of Newark, N.J. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 126305 (Sub-No. 42) (Amendment), filed May 1, 1972, published in the FEDERAL REGISTER issue of June 2, 1972, and republished as amended this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. NOTE: The sole purpose of this partial republication is to include the city of San Leandro, Calif., as a destination point. The rest of the application remains as previously published.

No. MC 126375 (Sub-No. 13), filed June 23, 1972. Applicant: CEL TRANSPORTATION COMPANY, a Corporation, Rural Delivery 6, Route 30 West, Greensburg, PA 15601. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil* (other than petroleum), *inedible animal fats, inedible animal grease, and inedible animal oils and products of such fats, grease, and oils*, in bulk, in tank vehicles, between the facilities of Far Best Corp., Penn Hills Township, Pa., on the one hand, and, on the other, points in Ohio and West Virginia, under a continuing contract or contracts with Far Best Corp. NOTE: Applicant holds authority at MC 65134 to operate as a common carrier, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 127482 (Sub-No. 2), filed June 16, 1972. Applicant: GLENN FERRIS, doing business as FERRIS TRUCKING, Crescent, Iowa 51526. Applicant's representative: Glenn Ferris (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Omaha, Nebr., to points in Iowa, Missouri, and South Dakota, under contract with International Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127777 (Sub-No. 18), filed June 19, 1972. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 547, Wausau, WI 54401. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Anson County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 128256 (Sub-No. 14), filed June 26, 1972. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 Main Street, North,

Middlebury, IN 46540. Applicant's representative: Alki E. Scopellitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siding, roofing, and related component parts and accessories*, from Bristol and Elkhart, Ind., to points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 128646 (Sub-No. 3), filed July 5, 1972. Applicant: ISREAL TRANSPORTER COMPANY, a corporation, 1918 Locust, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Musical instruments, equipment, materials and supplies* moving in connection with concerts and performances; and (2) *exhibits, exhibit materials, displays and display materials and supplies* when moving to or from conventions, shows, expositions, and exhibitions, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas, Missouri, Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Nebraska, Oklahoma, Tennessee, Texas, Georgia, Indiana, and Kentucky. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Kansas City, Mo. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128966 (Sub-No. 5), filed June 12, 1972. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1703 West Ninth Street, Kansas City, MO 64101. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* requiring refrigeration, other than frozen, from Kansas City, Mo.-Kans., commercial zone to points in Missouri on and west of U.S. Highway 63. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129386 (Sub-No. 12), filed May 19, 1972. Applicant: REFRIGERATED TRUCKS INC., 1007 Muldowney Lane, Billings, MT 59102. Applicant's representative: Add Reese (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh, salted, cooked, or preserved, from plantsite and storage facilities of Midland Empire Packing Co., Billings, Mont., to the storage facilities of Best Meats, Inc., located at or near Tampa, Fla. NOTE: Applicant states that the requested authority cannot be tacked

with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings or Great Falls, Mont.

No. MC 133146 (Sub-No. 7), filed June 15, 1972. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3092 Piedmont Road NE., Atlanta, GA 30305. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, including bone and feather meals, tallow, animal fats, shortening, and margarine; and, meat and meat products*, from Chicago, Ill.; Birmingham and Leeds, Ala.; Greensboro, N.C.; East Rutherford, N.J.; Cheriton, Va.; Queen Anne and Hurlock, Md., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia, under a continuing contract or contracts with B & B Packing Co., Chicago, Ill.; Lumberjack Meats, Inc., Birmingham, Ala.; Carolina By-Products Co., Inc., Greensboro, N.C.; Sunnlyand Refining Co., Inc., Birmingham, Ala.; Delsaco Foods Corp., East Rutherford, N.J.; G. L. Webster Co., Inc., Cheriton, Va.; Fox Foods, Inc., Queen Anne, Md.; Hurlock Pickling Co., Inc., Hurlock, Md.; and Kane-Miller Corp., New York, N.Y. Restriction: Restricted against the transportation of commodities in bulk, in tank vehicles. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133276 (Sub-No. 7), filed June 19, 1972. Applicant: BERRY TRANSPORT, INC., 5315 Northwest St. Helens Road, Portland, OR 97210. Applicant's representative: Nick I. Goyak, 404 Oregon National Building., 610 Southwest Alder, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers or cargo vans, and *empty containers*, between points in Oregon and Washington. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 47010, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 133591 (Sub-No. 4), filed June 5, 1972. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL TRUCK, Post Office Box 303,

Mount Vernon, MO 65712. Applicant's representative: Harry Ross, 716 Perpetual Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances*, from the plantsites and warehouse facilities of Superior Electric Co. at or near Cape Girardeau, Mo., to points in California, Oregon, Washington, Nevada, Arizona, Idaho, Utah, Colorado, New Mexico, Wyoming, and Montana. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 134494, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133655 (Sub-No. 58), filed June 16, 1972. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles Singer, Suite 1000, 327 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recycled metal, scrap metal, castings, aluminum, copper, lead, zinc, brass, and steel*, between Posey, Ill., and points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority could be tacked with various subs of MC 133655 and applicant will tack with its MC 133655 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133655 (Sub-No. 59), filed June 23, 1972. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles Singer, Suite 1000, 327 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets*, from Memphis, Tenn., to points in Colorado, Kansas, New Mexico, Oklahoma, Texas, Arkansas, Louisiana, and Mississippi. **NOTE:** Applicant states that the requested authority could be tacked with various subs of MC 133655 and applicant will tack with its MC 133655 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 133708 (Sub-No. 2), filed July 5, 1972. Applicant: FIKSE BROS., INC., 12647 East South Street, Artesia, CA 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk, from Cushenbury, Calif., to points in Beaver, Piute,

Wayne, Iron, Garfield, Washington, Kane, and San Juan Counties, Utah and (2) *cement*, in bags, from Cushenbury, Calif., to points in Arizona, Nevada, and Beaver, Piute, Wayne, Iron, Garfield, Washington, Kane, and San Juan Counties, Utah. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133977 (Sub-No. 121), filed June 26, 1972. Applicant: GENE'S, INC., 10115 Brookville Salem Road, Clayton, OH. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic polystyrene foam shapes and forms* (except commodities in bulk), from Troy, Ohio, to points on and east of U.S. Highway 85, and (2) *materials, supplies, and equipment* used in the manufacture of plastic polystyrene foam shapes and forms (except commodities in bulk); and *returned, rejected, or damaged shipments* of the commodities described in (1) above, from the destination States described in (1) above to Troy, Ohio. **NOTE:** applicant states that the requested authority cannot be tacked with its existing authority. Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134017 (Sub-No. 2) filed July 6, 1972. Applicant: R. M. HENDERSON AND MARVIN M. McABEE, a partnership, doing business as: H & M MOTOR LINES, 520 Highlawn Avenue, Greenville, SC. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, burlap articles, and paper articles* (except in bulk), from Garden City, Kans., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Packaging Products & Design Corp., Newark, N.J. **NOTE:** The applicant already holds contract carrier authority to provide similar service from the shippers' facilities at Newark, N.J., and only seeks to render the same service from the Garden City, Kans., point. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 134513 (Sub-No. 2), filed June 21, 1972. Applicant: POLAR TRANSIT, INC., 1984 Oakdale Avenue, West St. Paul, MN 55118. Applicant's representative: Samuel Rubenstein, 301 Fifth Street North, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk, in tank vehicles, also household goods), from plantsites of Tony Downs Food Co., St. James, Madelia, and Butterfield, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland,

Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134645 (Sub-No. 3) (Correction), filed March 27, 1972, published in the FEDERAL REGISTER issue of April 27, 1972, and republished as corrected this issue. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue, Post Office Box 944, St. Cloud, MN 56301. Applicant's representative: Bruce E. Mitchell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and of articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Robel Beef Packers, Inc., at St. Cloud, Minn., and the storage facilities of Robel Beef Packers, Inc., at St. Paul, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Wisconsin, and the District of Columbia, restricted (a) against the transportation of commodities in bulk, and hides, and (b) to the transportation of shipments originating at the above-named plantsite and storage facilities. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of the instant application is to convert its existing contract authority issued in No. MC 124071 and No. MC 124071 (Sub-No. 4) to common carrier authority. The purpose of this republication is to add the origin of St. Paul, Minn., which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 134806 (Sub-No. 8), filed June 30, 1972. Applicant: B-D-R TRANSPORT, INC., Post Office Box 813, Brattleboro, VT 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, bicycles, and skis, and such other sporting goods as are related to skiing* and as are usually dealt in by retail outlets of skis and skiing accessories, between Brattleboro, Vt.; Wilton, Maine; Chicago, Ill.; Salt Lake City, Utah; Reno, Nev.; and Denver, Colo., under contract with Bass Sports, Inc., Wilton, Maine. **NOTE:** If a hearing is deemed necessary, applicant requests it

be held at Brattleboro, Vt., or Boston, Mass.

No. MC 134919 (Sub-No. 1), filed June 28, 1972. Applicant: A & D RENTALS, INC., Upper Jersey Avenue, Box cant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and empty malt beverage containers*, between Baltimore, Md., New York, N.Y. Commercial Zone, Newark, N.J., and Latrobe, Pa., and Natick and Willimansett, Mass., on the one hand, and, on the other, points in Middlesex, Somerset, Hunterdon, Union, Mercer, Morris, Monmouth, Essex, Sussex, Warren, and Passaic Counties, N.J., and Merrimack, N.H., the operations authorized above are restricted to a transportation service to be performed under a continuing contract, or contracts, with Rutger's Distributors, Inc.; and (2) *empty malt beverage containers*, from points in Middlesex, Mercer, Somerset, Hunterdon, Union, Morris, Monmouth, Essex, Sussex, Warren, and Passaic Counties, N.J., and Merrimack, N.H. to Baltimore, Md., New York, N.Y., Newark, N.J., Latrobe, Pa., and Natick and Willimansett, Mass., the operations authorized above are restricted to a transportation service to be performed under a continuing contract or contracts, with High Grade Beverage, Delaware Valley, Distributors, Inc., L. A. Piccirillo, Inc. and The W. H. Cawley Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 135049 (Sub-No. 6), filed July 3, 1972. Applicant: KEARNEY'S INC., U.S. Alternate Route 611, Portland, Pa. 18351. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flyash*, from Portland, Pa. to points in New York, N.Y., Nassau, Suffolk, and Westchester Counties, N.Y., and points in New Jersey (except Cumberland, Salem, Gloucester, Cape May, Atlantic, and Burlington Counties). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 135100 (Sub-No. 9), filed June 26, 1972. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, LaPorte, IN 46350. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, iron, steel, and plastic; drums and pails*, from Peotone, Ill., to points in Indiana, Michigan, Ohio, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 2310, there are possible dual operations, but conversion application is pending. Applicant states that the requested authority cannot be tacked with

its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135234 (Sub-No. 8), filed June 29, 1972. Applicant: COMMERCIAL CARTAGE, INC., Stop 24 Winfield Road, St. Albans, WV 25177. Applicant's representative: Marvin L. Meadows (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric cable, copper coils and empty reels*, between Decatur, Ill.; Marion, Ind.; and Chester, S.C., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, and Texas, under contract with Essex International. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Columbus, Ohio.

No. MC 135809 (Sub-No. 2), filed June 28, 1972. Applicant: B-H TRANSFER CO., a corporation, Post Office Box 151, Sandersville, GA 31082. Applicant's representative: J. Raymond Clark, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay slurry and empty cargo containers* in return movement, restricted to traffic having an immediately subsequent movement by rail or water, from points in Washington County, Ga., to points in Georgia and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sandersville, Atlanta, or Savannah, Ga.

No. MC 135873 (Sub-No. 1) (Amendment), filed September 10, 1971, published in the FEDERAL REGISTER issue of October 15, 1971, and republished in part as amended this issue. Applicant: KSS TRANSPORTATION CORPORATION, 4 Wester Avenue, Metuchen, NJ 08840. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. The purpose of this partial republication is to include North Brunswick, N.J., as an origin point. The rest of the application remains as previously published.

No. MC 136169 (Sub-No. 3), filed June 16, 1972. Applicant: CHARLIE PHILLIPS, doing business as CHARLIE PHILLIPS TRUCKING, Post Office Box 222, Alvarado, TX 76009. Applicant's representative: Mike Cotten, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, from points in Caddo County, Okla., to points in Ellis County, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 136346 (Sub-No. 2), filed June 22, 1972. Applicant: JAMES S. SMITH, Fairfax, Mo. 64446. Applicant's representative: Howard L. McFadden,

131 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, sand, gravel, and rock*, from points in Cass, Nemaha, Otoe, Richardson, and Sarpy Counties, Nebr., to points on and west of U.S. Highway 71 in Nodaway County, Mo., and points in Atchison and Holt Counties, Mo. NOTE: Applicant holds contract carrier authority under its No. MC 133997 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Joseph, Mo.

No. MC 136385 (Sub-No. 1), filed June 16, 1972. Applicant: HALL TRUCK LINES, INC., Lone Tree, Iowa 52755. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Columbus Junction, Iowa, to points in Illinois, restricted to traffic originating at the plantsite of The Rath Packing Co. at Columbus Junction and destined to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 136397 (Sub-No. 2), filed May 22, 1972. Applicant: LLOYD G. AP- MAN AND JOHN M. AFMAN, doing business as DELWIN TRANSFER CO., a partnership, 1991 North Seventh Street, North St. Paul, MN 55109. Applicant's representative: James F. Finley, 920 Minnesota Building, St. Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry tankage and dried blood*, between Whitehall, Wis., and Minneapolis, Minn., under contract with Commodity Trading Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 136406 (Sub-No. 1), filed June 28, 1972. Applicant: LUCIEN PAQUET, Post Office Box No. 106, St. Come, Cte Beauce, PQ, Canada. Applicant's representative: Charles H. Veilleux, Court Street, Strand Building, Skowhegan, Maine 04976. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* used in lumbering, such as skidders, tractors, and associated attachments, between ports of entry on the international boundary line between the United States and Canada located in Maine, on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be heard at Skowhegan, Waterville, or Augusta, Maine.

No. MC 136431 (Sub-No. 1) (Correction), filed June 16, 1972, published in the FEDERAL REGISTER issue of July 21, 1972, and republished in part, as corrected this issue. Applicant: FRANK ANDLER, Post Office 684, Iron Mountain, MI 49801. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. The purpose of this partial republication is to reflect in part (2) of the application the destination of Virginia, Minn., in lieu of the State of Virginia. The rest of the application remains as previously published.

No. MC 136446 (Sub-No. 1), filed June 26, 1972. Applicant: PRINCETON MESSENGER SERVICE, INC., Princeton Service Center, U.S. Highway No. 1, Princeton, N.J. 08540. Applicant's representatives: Edward F. Bowes and A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office memoranda, interoffice communications, records, computer data, and other business memoranda involving shipments with a maximum weight of 300 pounds per shipment*, between points in Mercer County, N.J., on the one hand, and, on the other, New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 136482 (Sub-No. 1), filed June 28, 1972. Applicant: GENE DAVIS, doing business as: TARHEEL OIL COMPANY OF STATESVILLE, Route 3, Box 15, Statesville, NC 28677. Applicant's representative: Bill R. Davis, 1208 Gas Light Tower, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, (1) from Morehead City, N.C., to points in Tennessee on and east as U.S. Highway 27, and points in Virginia, and (2) from Atlanta, Ga., to points in North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 136546 (Sub-No. 1), filed June 22, 1972. Applicant: PELTON BROS. TRANSPORT LIMITED, Rural Route No. 3, Paris, Ontario, Canada. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from ports of entry on the international boundary line between the United States and Canada at the Detroit, St. Clair, and Niagara Rivers on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New York, and Ohio, restricted to shipments originating at the plantsite of Kokotow Lumber Ltd., Kirkland Lake, Ontario, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136563 (Sub-No. 2), filed June 16, 1972. Applicant: YOUNGER

VAN LINES, INC., 402 30th Street, Galveston, TX 77550. Applicant's representative: Maurice Martin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including tools used in the construction and maintenance of telephone systems and communications, between points in Galveston County, Tex., and points in Matagorda, Brazoria, and Galveston Counties, Tex., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Fort Worth, or Dallas, Tex.

No. MC 136638 (Sub-No. 1), filed June 26, 1972. Applicant: MRS. WILLIE HARRIS WOLFE, doing business as: FRANK WOLFE'S BONDED WAREHOUSE, Post Office Box 473, Greenville, TX 75401. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including tools used in the construction and maintenance of telephone systems and communications, between points in Hunt County, Tex., and points in Hunt, Lamar, Fannin, Collin, Delta, Hopkins, Rains, Rockwall, Grayson, Cooke, and Denton Counties, Tex., under contract with Western Electric Co., Inc. NOTE: Applicant holds common carrier authority under MC 104558 and Subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Fort Worth, or Houston, Tex.

No. MC 136715 (Sub-No. 1), filed June 23, 1972. Applicant: GAIL MEISINGER, doing business as MEISINGER TRANSFER CO., 5091 South 105th Street, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, appliances, and carpets*, from the warehouse and storage facilities of Nebraska Furniture Mart, Inc., at Omaha, Nebr., to points in Iowa; and (2) *repossessed, damaged, and used trade-in furniture*, from points in Iowa to the warehouse and storage facilities of Nebraska Furniture Mart, Inc., at Omaha, Nebr., under contract with Nebraska Furniture Mart, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136717, filed May 15, 1972. Applicant: DONALD B. NYE, doing business as D. N. EXPRESS, Route No. 2, Box 129, Montpelier, OH 43543. Applicant's representative: William R. White, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Skylights, vents, and cowls, and materials and supplies* used in the manufacturing of skylights, vents, and cowls, between the

plantsite of Hillsdale Industries, Inc., at Hillsdale, Mich., on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85. NOTE: Service will be performed under a continuing contract with Hillsdale Industries, Inc., Hillsdale, Mich. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136809 (Sub-No. 1), filed June 19, 1972. Applicant: O. K. LEASING CORP., 17 Harding Terrace, Newark, NJ 07112. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yarn, knitting on cones, cores, or tubes, or in shanks*, from South Hackensack, N.J., to points in Pennsylvania on and east of U.S. Highway 16, under contract with Spinnerin Yarn Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 136841 (Sub-No. 1), filed June 26, 1972. Applicant: LIAC, INC., 4A Picore Boulevard, Farmingdale, NY. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toys, sporting goods, prefabricated swimming pools and swimming pool equipment*, including but not limited to pool ladders, pool filters, pool skimmers, and swimming pool accessories and supplies, from Farmingdale, N.Y., to points in Georgia, Maryland, Virginia, Pennsylvania, Delaware, and the District of Columbia and (2) *Proofers, ovens, coolers and interconnecting and associated materials, supplies and equipment*, from Westbury, N.Y., and Salem, N.H., to points in the United States (except Alaska and Hawaii), under contract with Greenman Bros. Inc., and Universal Oven Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136844 (Sub-No. 1), filed June 26, 1972. Applicant: HENRY BRISTOL, doing business as B&B TRANSPORT & LEASE, Box 149, Route 1, Reinking Road, Hampshire, IL 60140. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in, used in, or used by chain food establishments*, between the facilities of Illinois Range Co., Mount Prospect, Ill., and Bristol, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Illinois Range Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136849 (Sub-No. 1), filed June 22, 1972. Applicant: E & H DISTRIBUTING CO., a corporation, 3853 South Highland Avenue, Las Vegas, NV 89104. Applicant's representative: Norman Ty Hilbrecht, 717 South Third

Street, Las Vegas, NV 89101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed, packaged and unprocessed food commodities, fresh meats, janitorial supplies, paper goods, and mattress manufacturing raw materials*, between points in Los Angeles, San Bernardino, and Orange Counties, Calif., to points in Nevada and Utah; between points in Utah and points in Nevada and points in Los Angeles, San Bernardino, and Orange Counties, Calif., under contract with Supreme Mattress Co.; Best Maintenance Co., and Continental Baking Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 136853 (Sub-No. 1), filed June 29, 1972. Applicant: VAN AUTO LEASING, INC., 111 Jericho Turnpike, Syosset, NY 11791. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radios, radio receiving sets, phonographs, tape or wire recorders or players, television receiving sets, transceivers, hi-fi units, combinations and parts thereof, cathode ray tubes, radio tuners, amplifiers, or speakers, television or radio aerial antennae, towers or masts, or parts of the aforementioned commodities, tools, supplies, and accessories*, between the plantsite and facilities of Lafayette Electronics International, Inc., located at Syosset and Hauppauge, Long Island, N.Y., on the one hand, and, on the other, points in Connecticut, Georgia, Illinois, Indiana, Maryland Massachusetts, Missouri, New Jersey, Ohio, Pennsylvania, Virginia, and Wisconsin, under contract with Lafayette Radio Electronics Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136857, filed June 16, 1972. Applicant: ROSELAND TRUCKING CORP., Post Office Box K, Roseland, NJ 07068. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Roseland, N.J., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Michigan, Illinois, Indiana, and the District of Columbia. Restriction: The proposed service to be under contract with Polaner & Son, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136858, filed June 16, 1972. Applicant: RUDY'S TRANSFER, INC., 123 North Eighth Street, Kenilworth, NJ 07033. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Fabricated steel, pressure vessels and steel tanks*, from Kenilworth, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Pennsylvania; and (2) *returned shipments* from points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Pennsylvania, to Kenilworth, N.J., under contract with Allied Steel Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136859 filed June 16, 1972. Applicant: SHORTER LEASING CORP., 34 Summit Street, East Orange, NJ 07017. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books*, from the facilities of The Baker & Taylor Co., located at or near Somerville, N.J., to Wilmington, Del., and New York, N.Y.; points in Putnam, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y.; Connecticut, Maryland, Massachusetts, and in that part of Pennsylvania on and east of U.S. Highway 15, and the District of Columbia, restricted to transportation service to be performed under a continuing contract or contracts with The Baker & Taylor Co., of Somerville, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 136863 (Sub-No. 1) filed July 10, 1972. Applicant: J. C. P. ENTERPRISES, INC., 110 Rector Street, Staten Island, NY 10310. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Door frames, doors, and elevator cabs*, from Brooklyn, N.Y., to points in Pennsylvania, New Jersey, Maryland, New York, Virginia, Delaware, Connecticut, Massachusetts, Rhode Island, Ohio, and the District of Columbia, under contract with Williamsburg Steel Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136867 filed June 29, 1972. Applicant: C. H. SIMPSON, Route 4, Waycross, Ga. 31501. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate and tin mill products*, from Carlstadt, N.J., to points in Florida, Alabama, North Carolina, South Carolina, Tennessee, and Georgia, under Elmout Steel Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 136869 filed July 10, 1972. Applicant: NATIONAL MOTOR FREIGHT LINES, INC., 12011 Kenmoor, Detroit, MI 48205. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue,

East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel* from Detroit, Mich., to the warehouse and storage facilities of Federal Pipe and Steel Corp., located at or near Plymouth, Mich., under contract with Federal Pipe and Steel Corp., of Plymouth, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 136870 filed July 10, 1972. Applicant: GEORGE D. BEST AND HAROLD WILCOX, doing business as BEST AND WILCOX, Arnold, Nebr. 69120. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Phillipsburg, Kans.; to Dunning, Callaway, Arnold, and Oconto, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130170 filed June 21, 1972. Applicant: R. Z. COHEN, doing business as MR. HAPPY TRAVEL SERVICE, Southern Shopping Center Office Building, Norfolk, Va. 23505. Applicant's representative: L. C. Major, Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314. For a license (BMC-5) to engage in operations as a broker at Norfolk, Portsmouth, and Virginia Beach, Va., in arranging transportation by motor vehicle, in interstate or foreign commerce, for individual passengers and groups of passengers, and baggage of passengers, traveling in all-expense sightseeing and pleasure tours beginning and ending at Norfolk, Portsmouth, Virginia Beach, Chesapeake, Hampton, and Newport News, Va.; points in Northampton and Accomack Counties, Va., and Elizabeth City, N.C., and extending to points in the United States, including Alaska (but excluding Hawaii).

MOTOR CARRIER OF PASSENGERS APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 180) (Correction), filed June 5, 1972, published FEDERAL REGISTER issue of June 29, 1972, and republished as corrected this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: S. B. Ringwood, 371 Market Street, San Francisco, CA 94105. NOTE: The purpose of this republication is to show that applicant does not have a pending contract carrier application under MC 136186 (Sub-No. 2). Previous publication made this statement, in error. The rest of the notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-11558 Filed 7-25-72;8:45 am]

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PART II



ENVIRONMENTAL PROTECTION AGENCY

Air Programs

Approval and Promulgation of Implementation Plans

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Miscellaneous Amendments

On May 31, 1972 (37 F.R. 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards. These amendments incorporate corrections and clarifications of the approvals and disapprovals. In addition, these amendments include revisions to the approval/disapproval notices resulting from supplemental information submitted to the Administrator by the States to correct disapproved portions of their plans and from further evaluation by the Administrator.

Arizona, Delaware, Hawaii, Idaho, Indiana, Kentucky, Montana, Nebraska, Nevada, Ohio, Pennsylvania, and Virginia submitted supplemental information which permitted approval of certain portions of their plans that had formerly been disapproved.

The approval or disapproval of certain portions of the plans for Arizona, Hawaii, Idaho, Maine, Montana, Nevada, New Mexico, Rhode Island, Utah, and Vermont are revised on the basis of further review and evaluation by the Administrator subsequent to the issuance of the approval/disapproval notices.

The revisions for Alaska are based on the information presented in the implementation plan which was submitted on April 25, 1972, but could not be completely evaluated in time for inclusion in the May 31 approval/disapproval notice, and on supplemental information submitted by the Governor on June 22, 1972.

These regulations are effective on the date of their publication in the FEDERAL REGISTER (7-27-72). The Agency finds that good cause exists for not publishing these regulations as a notice of proposed rule making and for making them effective immediately upon publication, for the following reasons:

(1) The implementation plans were prepared, adopted, and submitted by the States, and reviewed and evaluated by the Administrator pursuant to 40 CFR Part 51, which, prior to promulgation,

had been published as a notice of proposed rule making for comment by interested persons, and

(2) The approved implementation plan provisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice, public hearings, and time for comment, and consequently further public participation is unnecessary.

Dated: July 13, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—General Provisions

1. In § 52.02, paragraph (e) is amended by adding a new third sentence as follows:

§ 52.02 Introduction.

* * * * *
(e) * * * Except as otherwise specified, all supplemental information submitted to the Administrator with respect to any plan has been submitted by the Governor of the State.

Subpart C—Alaska

2. Section 52.70 is amended by adding paragraph (c) as follows:

§ 52.70 Identification of plan.

* * * * *
(c) Supplemental information was submitted on June 22, 1972.

3. Section 52.72 is revised to read as follows:

§ 52.72 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Alaska's plan for the attainment and maintenance of the national standards. The State included in the plan a regulation prohibiting idling of unattended motor vehicles. However, the plan stated that this regulation was included for informational purposes only, and was not to be considered part of the control strategy to implement the national standards for carbon monoxide. Accordingly, this regulation is not considered a part of the applicable plan.

§ 52.73 [Revoked]

4. Section 52.73 is revoked.
5. Section 52.74 is revised to read as follows:

§ 52.74 Legal authority.

(a) The requirements of § 51.11 of this chapter are not met since in:

(1) Cook Inlet Air Resources Management District:

(i) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(ii) Authority to require installation of monitoring devices is inadequate (§ 51.11(a)(6) of this chapter).

(iii) Authority to make emission data available to the public is inadequate (§ 51.11(a)(6) of this chapter).

(iv) Authority to obtain injunctions is inadequate (§ 51.11(a)(2) of this chapter).

(2) Fairbanks North Star Borough:

(i) Authority to obtain injunctions is inadequate (§ 51.11(a)(2) of this chapter).

(ii) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(iii) Authority to require installation of monitoring devices is inadequate (§ 51.11(a)(6) of this chapter).

(iv) Authority to make emissions data available to the public is inadequate since 45.05130 of the Fairbanks North Star Borough ordinance could require it to be confidential (§ 51.11(a)(6) of this chapter).

(v) Authority to abate emergency air pollution episodes is inadequate because 45.05.100 of the Fairbanks North Star Borough ordinance is limited to generalized conditions of air pollution and because the order of the Commission is subject to review de novo (§ 51.11(a)(3) of this chapter).

(vi) Authority for necessary transportation control is not set forth nor is a timetable for obtaining it included (§ 51.11(b) of this chapter).

§§ 52.75–52.79 [Revoked]

6. Section 52.75 is revoked.

7. Section 52.76 is revoked.

8. Section 52.77 is revoked.

9. Section 52.78 is revoked.

10. Section 52.79 is revoked.

11. Section 52.81 is revised to read as follows:

§ 52.81 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Alaska's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Pri- mary	Sec- ondary	Pri- mary	Sec- ondary			
Cook Inlet Intrastate	July 1975	b	d	d ^c	d	d	d
Northern Alaska Intrastate	July 1975	b	d	d	d	July 1975 ^e	d
South Central Alaska Intrastate	d	d	d	d	d	d	d
Southeastern Alaska Intrastate	d	d	c	a	d	d	d

NOTE.—The underlined footnote is recommended for proposal by the Administrator because the plan does not provide a specific date.

a. Three years from plan approval or promulgation.
 b. Eighteen-month extension granted.
 c. Air quality levels presently below primary standards.
 d. Air quality levels presently below secondary standards.
 e. Transportation and/or land use control strategies are to be submitted no later than February 15, 1973, with the first semiannual report.

12. In Subpart C, § 52.82 is added as follows:

§ 52.82 Extensions.

(a) The Administrator hereby extends for 18 months the statutory timetable for submittal of the plan for attainment and maintenance of the secondary standards for particulate matter in the Cook Inlet and Northern Alaska Intrastate Regions.

13. In Subpart C, § 52.83 is added as follows:

§ 52.83 Transportation and land-use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Alaska must submit to the Administrator:

(1) No later than February 15, 1973, the selection of all appropriate transportation and land-use control measures that are necessary to attain and maintain the national standards for carbon monoxide in the Northern Alaska Intrastate Region by July 1975. A demonstration that said measures, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards must also be included. By this date (February 15, 1973), the State must also submit a detailed timetable for obtaining the legislative authority, regulations and administrative policies required, and a description of the specific responsibilities delineated to the local agencies for carrying out the transportation and land-use measures by July 1975.

(2) No later than July 1, 1973, the legislative authority that is needed for carrying out the required transportation control alternative.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation control alternative.

Subpart D—Arizona

14. In § 52.120, paragraph (c) is revised to read as follows:

§ 52.120 Identification of plan.

(c) Supplemental information was submitted on:

- (1) March 1, 1972, by the Arizona State Board of Health, and
- (2) March 2, and May 30, 1972.

15. In § 52.122, paragraph (a) is revised and paragraph (b) is added. As amended, § 52.122 reads as follows:

§ 52.122 Extensions.

(a) The Administrator hereby extends for 2 years the attainment date for the national primary standards for sulfur oxides and carbon monoxide in the Phoenix-Tucson Intrastate Region and for sulfur oxides in the Arizona portions of the Arizona-New Mexico Southern Border and Four Corners Interstate Regions.

(b) The Administrator hereby extends for 18 months the statutory timetable for submittal of the plan for attainment and maintenance of the secondary standards for sulfur oxides in the Phoenix-Tucson Intrastate Region and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Region.

16. In § 52.125, paragraph (a) is revised and paragraph (b) is added. As amended, § 52.125 reads as follows:

§ 52.125 Control strategy and regulations: Sulfur oxides.

(a) The requirements of §§ 51.13 and 51.22 of this chapter are not met since the plan does not impose specific emission limitations on copper smelters in the Phoenix-Tucson Intrastate Region and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Region. In addition, the plan does not require permanent control of emissions from copper smelters necessary to achieve all national standards for sulfur oxides. Therefore, Regulation 7-1-4.1 (copper smelters) of the Arizona Rules

and Regulations for Air Pollution Control, as it pertains to existing copper smelters, is disapproved for the Phoenix-Tucson Intrastate Region and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Region.

(b) The requirements of §§ 51.13 and 51.22 of this chapter are not met since the plan does not provide the degree of control necessary to attain and maintain the national standards for sulfur oxides in the Arizona portion of the Four Corners Interstate Region. Therefore, Regulation 7-1-4.2(C) (fuel burning installations) of the Arizona Rules and Regulations for Air Pollution Control, as it pertains to existing sources, is disapproved in the Arizona portion of the Four Corners Interstate Region for steam power generating installations having a total rated capacity equal to or greater than 6,500 million B.t.u. per hour.

17. In § 52.126, paragraph (a) is revised to read as follows:

§ 52.126 Control strategy and regulations: Particulate matter.

(a) The requirements of §§ 51.13 and 51.22 of this chapter are not met since the plan does not provide the degree of control necessary to attain and maintain the national standards for particulate matter in the Phoenix-Tucson Intrastate Region. Therefore, Regulation 7-1-3.6 (process industries) of the Arizona Rules and Regulations for Air Pollution Control, Rule 31(E) (process industries) in Regulation III of the Maricopa County Air Pollution Control Rules and Regulations, and Rule 26(B) (process industries) in Regulation II of the Rules and Regulations of the Pima County Air Pollution Control District are disapproved for the Phoenix-Tucson Intrastate Region.

§ 52.128 [Revoked]

18. Section 52.128 is revoked.

19. In § 52.129, paragraph (a) is revoked and paragraph (b) is revised. As amended, § 52.129 reads as follows:

§ 52.129 Review of new sources and modification.

(a) [Revoked]

(b) The requirements of § 51.18(c) of this chapter are not met in Pima County in the Phoenix-Tucson Intrastate Region since the Rules and Regulations of the Pima County Air Pollution Control District are not adequate to prevent construction or modification of a source which would interfere with the attainment or maintenance of the national standards.

20. In § 52.130, paragraph (a) is revised and paragraph (b) is revoked. As amended, § 52.130 reads as follows:

§ 52.130 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not contain legally enforceable procedures for requiring sources in Gila, Pinal, and Santa Cruz Counties in the Phoenix-Tucson Intrastate Region and

in the Arizona portions of the Arizona-New Mexico Southern Border, Clark-Mohave, and Four Corners Interstate Regions to maintain records of and periodically report on the nature and amounts of emissions.

21. Section 52.131 is revised to read as follows:

§ 52.131 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Arizona's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Arizona-New Mexico Southern Border Interstate	<u>a</u>	<u>a</u>	b	<u>f</u>	c	c	c
Clark-Mohave Interstate	<u>a</u>	<u>a</u>	<u>a</u>	<u>a</u>	c	<u>a</u>	<u>a</u>
Four Corners Interstate	<u>a</u>	<u>a</u>	b	<u>b</u>	c	c	c
Phoenix-Tucson Intrastate	July 1975 ^e	July 1977 ^e	b	<u>f</u>	<u>a</u>	July 1977 ^d	July 1975 ^d

Note.—Dates or footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date or the date provided is not acceptable.

- a. Three years from plan approval or promulgation.
- b. Five years from plan approval or promulgation.
- c. Air quality levels presently below secondary standards.
- d. Transportation and/or land use control strategy to be submitted no later than February 15, 1973, with the first semiannual report.
- e. Transportation and/or land use measures will be proposed by the Administrator no later than February 15, 1973.
- f. Eighteen-month extension granted.

§ 52.132 [Amended]

22. In § 52.132, the words "carbon monoxide and" are added after the word "source" in the first sentence in paragraph (a) (1).

23. In Subpart D, § 52.133 is added as follows:

§ 52.133 Rules and regulations.

(a) Regulation 7-1-1.4(A) (exceptions) provides for an exemption from enforcement action if the violation is attributable to certain events. These events are too broad in scope and the source can obtain the exemption merely by reporting the occurrence. Therefore, Regulations 7-1-1.4(A) of the Arizona Rules and Regulations for Air Pollution Control is disapproved since this regulation makes all approved emission limiting regulations potentially unenforceable.

Subpart I—Delaware

24. In § 52.420, paragraph (c) is revised to read as follows:

§ 52.420 Identification of plan.

(c) Supplemental information was submitted on February 11, March 10, May

5, June 2, and June 5, 1972, by the State of Delaware, Department of Natural Resources and Environmental Control.

25. In § 52.426, paragraph (a) is revised to read as follows:

§ 52.426 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since the plan does not provide for a means of disapproving construction or modification of a stationary source if such construction or modification will result in a violation of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard.

§ 52.427 [Revoked]

26. Section 52.427 is revoked.
27. Section 52.428 is revised to read as follows:

§ 52.428 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in the Delaware plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Philadelphia Interstate	Jan. 1972	Jan. 1973	Jan. 1972	Jan. 1973	Jan. 1974	Jan. 1974	a
Southern Delaware Intrastate	a	a	a	a	a	a	a

a. Air quality levels presently below secondary standards.

Subpart M—Hawaii

28. In § 52.620, paragraph (c) is revised to read as follows:

§ 52.620 Identification of plan.

(c) Supplemental information was submitted on:

(1) April 4, 1972, by the Department of Health,

(2) May 8, May 22, and June 15, 1972.

§ 52.624 [Amended]

29. In § 52.624, paragraph (a) is revoked.

§ 52.625 [Revoked]

30. Section 52.625 is revoked.

31. In § 52.626, paragraph (a) is revised and paragraph (b) is added. As amended, § 52.626 reads as follows:

§ 52.626 Compliance schedules.

(a) The requirements of § 51.15(a) (2) of this chapter are not met since the plan does not provide a legally enforceable final date by which all individual source compliance schedules must be negotiated. Therefore, section 6 of the Hawaii Air Pollution Control Regulations is disapproved.

(b) The requirements of § 51.15(c) of this chapter are not met since increments of progress towards compliance are not provided for in section 12(b) (compliance schedule for bagasse-burning boilers) of the Hawaii Air Pollution Control Regulations. Therefore, section 12 (b) of the Hawaii Air Pollution Control Regulations, as it pertains to existing sources, is disapproved.

Subpart N—Idaho

32. In § 52.670, paragraph (c) is revised to read as follows:

§ 52.670 Identification of plan.

(c) Supplemental information was submitted on:

(1) February 23 and April 12, 1972, by the Idaho Air Pollution Control Commission, and

(2) March 2, May 5 and June 9, 1972.

33. Section 52.672 is amended by adding paragraph (b), as follows:

§ 52.672 Extensions.

(b) The Administrator hereby extends for 2 years the attainment date for the primary standards for sulfur oxides in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region.

§ 52.676 [Amended]

34. In paragraph (a) of § 52.676, the word, "prove" is changed to "provide."

§ 52.678 [Revoked]

35. Section 52.678 is revoked.

§ 52.679 [Amended]
 36. In paragraph (a.) of § 52.679, the word "Pollution" is changed to "Pollution."
 37. Section 52.680 is revised to read as follows:

Air quality control region	Pollutant				
	Particulate matter PRI-Secondary primary	Sulfur oxides PRI-Secondary primary	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Eastern Idaho Intra-state	a	a	c	c	c
Eastern Washington-Northern Idaho Interstate	a	b	c	c	c
Idaho Intrastate	a	c	c	c	c
Metropolitan Boise Intrastate	a	c	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date.
 a. Three years from plan approval or promulgation.
 b. Eighteen-month extension granted.
 c. Air quality levels presently below secondary standards.
 d. Five years from plan approval or promulgation.

Subpart O—Illinois
 38. Section 52.726 is revised to read as follows:
 § 52.726 Rules and regulations.
 (a) The requirements of § 51.22 of this chapter are not met since the particulate matter fuel combustion emission limitation in Chapter 2, Part II, Rule 203(g) (1) of the Illinois Pollution Control Board Rules and Regulations, which is necessary for attainment and maintenance of the national standards for particulate matter and the secondary standards for

sulfur oxides in the Illinois portion of the Metropolitan Chicago Interstate Region, is not applicable to residential and commercial buildings in the Chicago major metropolitan area which use solid fuel.
 39. Section 52.727 is revised to read as follows:
 § 52.727 Attainment dates for national standards.
 The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Illinois' plan, except where noted.

Air quality control region	Pollutant				
	Particulate matter PRI-Secondary primary	Sulfur oxides PRI-Secondary primary	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Burlington-Keokuk Interstate	July 1975	July 1975	July 1975	July 1975, d	c
East Central Illinois Intrastate	c	July 1975	c	c	c
Metropolitan Chicago Interstate (Indiana-Illinois)	a	July 1975	July 1975	July 1975, d	July 1975
Metropolitan Dubuque Interstate	July 1975	c	July 1975	c	c
Metropolitan Quad Cities Interstate	July 1975	c	c	c	c
Metropolitan St. Louis Interstate (Missouri-Illinois)	July 1975	July 1975	July 1975	July 1975	July 1975
North Central Illinois Intrastate	July 1975	July 1975	c	c	c
Paducah (Kentucky)-Cairo (Illinois) Interstate	July 1975	b	July 1975	c	c
Rockford (Illinois)-Janesville-Beloit (Wisconsin) Interstate	July 1975	c	c	c	c
Southeast Illinois Intrastate	c	July 1975	c	c	c
West Central Illinois Intrastate	July 1975	July 1975	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because of the date provided in the plan was not acceptable.
 a. Three years from plan approval or promulgation.
 b. Air quality levels presently below primary standards.
 c. Air quality levels presently below secondary standards.
 d. Transportation control strategy is to be submitted no later than February 15, 1978.

Subpart P—Indiana

40. In § 52.770, paragraph (c) is revised to read as follows:

§ 52.770 Identification of plan.

(c) Supplemental information was submitted on:

(1) March 16, 1972, by the Indiana Air Pollution Control Board, and

(2) April 11, May 1, May 16, and June 30, 1972.

41. Section 52.776 is revised to read as follows:

§ 52.776 Control strategy: Particulate matter.

(a) The requirements of § 51.13 of this chapter are not met since the plan does not provide for attainment and maintenance of the secondary standards for particulate matter in the Metropolitan Indianapolis Intrastate Region.

(b) APC 4-R of Indiana's "Air Pollution Control Regulations" (emission limitation for particulate matter from fuel combustion sources), which is part of the control strategy for the secondary standards for particulate matter, is disapproved for the Metropolitan Indianapolis Intrastate Region since it does not provide the degree of control needed to attain and maintain the secondary standards for particulate matter. APC 4-R is approved for attainment and maintenance of the primary standards for particulate matter in the Metropolitan Indianapolis Intrastate Region.

§ 52.781 [Amended]

42. In § 52.781, paragraph (a) is revoked.

Subpart S—Kentucky

43. In § 52.920, paragraph (c) is revised to read as follows:

§ 52.920 Identification of plan.

(c) Supplemental information was submitted on:

(1) March 6 and May 3, 1972, by the Kentucky Air Pollution Control Office, and

(2) March 17 and June 7, 1972.

44. Section 52.924 is amended by adding paragraph (b), as follows:

§ 52.924 Legal authority.

(b) Delegation of Authority: Pursuant to section 114 of the Act, Kentucky requested a delegation of authority to enable it to collect, correlate, and release emission data to the public. The Administrator has determined that Kentucky is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates to Kentucky his authority under section 114(a) (1) and (2) and section 114(c) of the Act, i.e., authority to collect, correlate, and release emission data to the public.

§ 52.925 [Amended]

45. In § 52.925, paragraph (a) is revoked.

Subpart T—Louisiana

§ 52.974 [Amended]

46. In § 52.974, paragraph (b) is revised by inserting the word "not" after the word "does."

Subpart U—Maine

47. Section 52.1024 is revised to read as follows:

§ 52.1024 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Maine's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Portland Intrastate	a	a	a	a	b	b	b
Androscoggin Valley Interstate	a	a	a	a	b	b	b
Down East Intrastate	a	a	a	a	b	b	b
Aroostook Intrastate	b	b	b	b	b	b	b
Northwest Maine Intrastate	b	b	b	b	b	b	b

a. Three years from plan approval or promulgation.
 b. Air quality levels presently below secondary standards.

Subpart V—Maryland

48. In § 52.1076, paragraph (a) is revised to read as follows:

§ 52.1076 Review of new sources and modifications.

(a) The requirements of § 51.18(a) of this chapter are not met since the plans lack legally enforceable procedures to prevent construction or modification of electric generating stations if such construction or modification will result in a violation of applicable portions of the control strategies or will interfere with attainment or maintenance of a national standard.

Subpart AA—Missouri

49. In § 52.1325, the parenthesis before the word "secret" in paragraph (b) (1) (ii) is deleted and paragraph (b) (2) (ii) is revised to read as follows:

§ 52.1325 Legal authority.

(b) * * *
 (2) * * *

(ii) Authority to require installation, maintenance and use of emission monitoring devices is lacking. Authority to require periodic reports on the nature and amounts of emissions from stationary sources is lacking. Authority to make emission data available to the public is inadequate because section 39 of Ordinance 54699 would require confidential treatment in certain circumstances if the data related to production or sales figures or to processes or production unique to the owner or operator or would tend to affect adversely the competitive position of the owner or operator (§ 51.11(a)(6) of this chapter).

Subpart BB—Montana

50. In § 52.1370, paragraph (c) is revised to read as follows:

§ 52.1370 Identification of plan.

(c) Supplemental information was submitted on:

(1) May 10, 1972, by the Montana State Department of Health and Environmental Sciences, and

(2) June 26, 1972.

§ 51.1374 [Revoked]

51. Section 52.1374 is revoked.

52. Section 52.1375 is revised to read as follows:

§ 52.1375 Attainment dates for national standards.

The following table presents the latest dates by which the national standards will be attained. These dates reflect the information presented in Montana's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Billings Intrastate	<u>a</u>	<u>a</u>	c	<u>a</u>	d	d	d
Great Falls Intrastate	d	d	<u>a</u>	<u>a</u>	d	d	d
Helena Intrastate	<u>a</u>	<u>a</u>	b	e	d	d	d
Miles City Intrastate	d	d	d	d	d	d	d
Missoula Intrastate	<u>a</u>	<u>a</u>	d	d	d	d	d

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date.

- a. Three years from plan approval or promulgation.
- b. Five years from plan approval or promulgation.
- c. Air quality levels presently below primary standards.
- d. Air quality levels presently below secondary standards.
- e. Eighteen-month extension granted.

53. Section 52.1376 is added as follows:

§ 52.1376 Extensions.

(a) The Administrator hereby extends for 2 years the attainment date for the primary standards for sulfur oxides in the Helena Intrastate Region.

(b) The Administrator hereby extends for 18 months the statutory timetable for submission of the plan for the attainment and maintenance of the secondary standards for sulfur oxides in the Helena Intrastate Region.

Subpart CC—Nebraska

54. In § 52.1420, paragraph (c) is revised to read as follows:

§ 52.1420 Identification of plan.

(c) Supplemental information was submitted on:

- (1) February 16, April 25, and June 9, 1972, by the Nebraska Department of Environmental Control, and
- (2) January 24, and June 9, 1972.

§ 52.1424 [Corrected]

55. A heading reading “§ 52.1424 Legal authority” is added following the first paragraph (a) in § 52.1423.

56. In § 52.1425, paragraph (a) is revised to read as follows:

§ 52.1425 Compliance schedules.

(a) The requirements of § 51.15(a) (1) and (2) of this chapter are not met since Rule 7(b), “Rules and Regulations Implementing Nebraska Ambient Air Quality Standards,” does not contain legally enforceable compliance schedules setting forth the dates by which all existing stationary sources or categories of such sources must be in compliance with applicable portions of the control strategy. Nebraska Rule 7(b) specifies that all existing sources not in compliance must submit an acceptable compliance schedule within 120 days after receiving notification of violation from the State. There are no assurances in the plan that existing sources will be notified by the State in a timely manner, therefore, Rule 7(b) is disapproved.

57. In § 52.1426, paragraph (a) is revised and paragraph (b) is added. As amended, § 52.1426 reads as follows:

§ 52.1426 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16 of this chapter are not met since the plan does not provide a contingency plan for preventing emergency episodes which is applicable within the jurisdictional boundaries of the city of Omaha Permits and Inspection Division in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region.

(b) The requirements of § 51.16(b) (1) and (2) of this chapter are not met since the plan does not provide for episode criteria and public announcement procedures which are applicable within the jurisdictional boundaries of the Lincoln-Lancaster County Health Department in the Lincoln-Beatrice-Fairbury Intrastate Region.

§ 52.1427 [Revoked]

58. Section 52.1427 is revoked.

59. In § 52.1428, paragraphs (a) and (b) are revised and paragraph (c) is added. As amended, § 52.1428 reads as follows:

§ 52.1428 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since Rule 3, “Rules and Regulations Implementing Nebraska Ambient Air Quality Standards,” applies only to those sources subject to Federal standards under Part 60 of this chapter.

(b) The requirements of § 51.18(c) of this chapter are not met in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region since the city of Omaha Permits and Inspection Division has not adopted procedures to disapprove construction or modification of sources if such construction or modification would interfere with attainment or maintenance of a national standard.

(c) The requirements of § 51.18 of this chapter are not met in the Lincoln-Beatrice-Fairbury Intrastate Region since the Lincoln-Lancaster County

Health Department has not adopted regulations to prevent construction of new sources which would violate applicable portions of the control strategy or would interfere with attainment and maintenance of the national standards.

60. In § 52.1429, paragraphs (a), (b), (c), and (d) are revised and paragraph (e) is added. As amended, § 52.1429 reads as follows:

§ 52.1429 Source surveillance.

(a) The requirement of § 51.19(a) of this chapter are not met since the State does not have adequate procedures to require owners and operators of stationary sources, which are under the jurisdiction of the State Agency to maintain records which are necessary to determine whether such sources are in compliance with applicable portions of the control strategy.

(b) The requirements of § 51.19(a) of this chapter are not met in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region since the city of Omaha Permits and Inspection Division lacks adequate procedures to require owners or operators of stationary sources to maintain records and make periodic reports on the nature and amount of emissions.

(c) The requirements of § 51.19(a) of this chapter are not met in Lincoln-Beatrice-Fairbury Intrastate Region since the Lincoln-Lancaster County Health Department lacks procedures to require owners or operators of stationary sources to maintain records and make periodic reports on the nature and amount of emissions.

(d) The requirements of § 51.19(b) of this chapter are not met in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region since the city of Omaha Permits and Inspection Division does not provide for periodic testing and inspection of sources.

(e) The requirements of § 51.19(b) of this chapter are not met in the Lincoln-Beatrice-Fairbury Intrastate Region since the Lincoln-Lancaster County Health Department does not provide for periodic testing and inspection of sources.

§ 52.1430 [Revoked]

61. Section 52.1430 is revoked.

62. In Subpart CC, § 52.1432 is added as follows:

§ 52.1432 Control strategy: Particulate matter.

The requirements of § 51.13 of this chapter are not met in the Lincoln-Beatrice-Fairbury Intrastate Region since the plan does not provide for the attainment and maintenance of the national standards for particulate matter.

63. In Subpart CC, § 52.1433 is added as follows:

§ 52.1433 Control strategy: Nitrogen oxides.

(a) The requirements of § 51.14(c) (3) of this chapter are not met in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region since the city of Omaha Permits and

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Inspection Division has not adopted regulations that provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology.

Subpart DD—Nevada

64. In § 52.1470, paragraph (c) is added as follows:

§ 52.1470 Identification of plan.

(c) Supplemental information was submitted on June 12, 1972.

65. In § 52.1473, paragraph (a) is amended by adding a second sentence as follows:

§ 52.1473 General requirements.

(a) * * * In addition, Chapter 020-065 of the "Air Pollution Control Regulations" of the District Board of Health of Washoe County in the Northwest Nevada Intrastate Region is disapproved since it contains provisions which restrict the public availability of emission data as correlated with applicable emission limitations and other control measures.

66. In § 52.1475, paragraph (b) is amended by adding a second sentence as follows:

§ 52.1475 Control strategy and regulations: Sulfur oxides.

(b) * * * Article 8.1.3 is approved for attainment and maintenance of the primary standards in the Nevada Intrastate Region.

67. In § 52.1477, paragraph (a) is revised and paragraph (b) is added. As amended, § 52.1477 reads as follows:

§ 52.1477 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b) (3) of this chapter are not met since the State of Nevada lacks adequate legal authority to enforce episode emission control actions. In addition, the emission control actions in the plan do not prohibit open burning during episode stages.

(b) The requirements of § 51.16(c) (1) of this chapter are not met since the State of Nevada lacks adequate legal authority to enforce specific emission control action programs for stationary sources emitting 100 tons (90.7 metric tons) per year or more of any pollutant for which the Administrator has designated significant harm levels under § 51.16(a) of this chapter.

68. Section 52.1478 is revised to read as follows:

§ 52.1478 Review of new sources and modifications.

(a) The requirements of § 51.18(c) of this chapter are not met since the regulations for Washoe County in the Northwest Nevada Intrastate Region and the regulations for Clark County in the Clark-Mohave Interstate Region do not

include legally enforceable means of disapproving construction or modification of a source if it will interfere with attainment or maintenance of a national standard.

69. Section 52.1480 is revised to read as follows:

§ 52.1480 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Nevada's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Pri- mary	Sec- ondary	Pri- mary	Sec- ondary			
Clark-Mohave Interstate	<u>a</u>	<u>a</u>	<u>a</u>	<u>a</u>	c	<u>a</u>	<u>a</u>
Northwest Nevada Intrastate	July 1975	July 1977	c	c	c	c	c
Nevada Intrastate	July 1975	July 1977	<u>a</u>	b	c	c	c

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date or the date provided is not acceptable.

- a. Three years from plan approval or promulgation.
- b. Eighteen-month extension granted.
- c. Air quality levels presently below secondary standards.
- d. Transportation and/or land use measures will be proposed by the Administrator no later than February 15, 1973.

70. In Subpart DD, § 52.1481 is added as follows:

§ 52.1481 Extensions.

The Administrator hereby extends for 18 months the statutory timetable for submittal of the plan for attainment and maintenance of the secondary standards for sulfur oxides in the Nevada Intrastate Region.

Subpart EE—New Hampshire

71. In § 52.1520, paragraph (c) is revised to read as follows:

§ 52.1520 Identification of plan.

(c) Supplemental information was submitted on February 23 and March 23, 1972, by the New Hampshire Air Pollution Control Agency.

Subpart FF—New Jersey

72. The table in § 52.1580 is revised to read as follows:

§ 52.1580 Attainment dates for national standards.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Pri- mary	Sec- ondary	Pri- mary	Sec- ondary			
New Jersey-New York-Connecticut Interstate	<u>a</u>	c	<u>a</u>	c	<u>a</u>	b	b
Metropolitan Philadelphia Interstate	<u>a</u>	c	<u>a</u>	c	<u>a</u>	b	b
Northeast Pennsylvania-Upper Delaware Valley Interstate	<u>a</u>	<u>a</u>	d	d	<u>a</u>	<u>a</u>	d
New Jersey Intrastate	d	d	<u>a</u>	<u>a</u>	d	<u>a</u>	d

Subpart GG—New Mexico

73. Section 52.1624 is revised to read as follows:

§ 52.1624 Control strategy and regulations: Sulfur oxides.

(a) The requirements of § 51.13 of this chapter are not met since the plan con-

tains the following control strategy deficiencies:

(1) The plan does not provide for attainment and maintenance of the national standards for sulfur oxides in New Mexico's portion of the Four Corners Interstate Region.

(2) The plan does not provide for attainment and maintenance of the secondary standards for sulfur oxides in

New Mexico's portion of the Arizona-New Mexico Southern Border Interstate Region.

(b) The following emission limitations in New Mexico's "Air Quality Control Regulations" are disapproved for the indicated reasons:

(1) Regulation 602.B (emission limitation for sulfur dioxide from existing coal-burning equipment) is disapproved since it does not provide for the degree of control necessary to attain and maintain the national standards for sulfur oxides in New Mexico's portion of the Four Corners Interstate Region.

(2) Regulation 652.A (emission limitation for sulfur from existing nonferrous smelters) is disapproved since it does not provide for the degree of control necessary to attain and maintain the secondary standards for sulfur oxides in New Mexico's portion of the Arizona-New Mexico Southern Border Interstate Region. Regulation 652.A is approved for attainment and maintenance of the primary standards.

74. Section 52.1626 is revised to read as follows:

§ 52.1626 Compliance schedules.

(a) The requirements of § 51.15(c) of this chapter are not met since Regulation 504.D (emission limitation for particulate matter from coal-burning equipment), Regulation 506.B (emission limitation for particulate matter from nonferrous smelters), Regulation 603.B (emission limitation for nitrogen dioxide from existing coal-burning equipment), Regulation 604.B (emission limitation for nitrogen dioxide from existing gas-burning equipment), and Regulation 652.A (emission limitation for sulfur from existing nonferrous smelters) of New Mexico's "Air Quality Control Regulations" include compliance dates later than 18 months from the date for plan approval or disapproval and do not provide for increments of progress toward compliance.

75. Section 52.1630 is revised to read as follows:

§ 52.1630 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in New Mexico's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Albuquerque-Mid-Rio Grande Intrastate	<u>a</u>	<u>a</u>	d	d	d	d	<u>a</u>
Arizona-New Mexico-Southern Border Interstate	<u>a</u>	<u>a</u>	<u>a</u>	b	d	d	d
El Paso-Las Cruces-Alamogordo Interstate	<u>July 1975^e</u>	<u>July 1977^e</u>	<u>a</u>	<u>a</u>	d	<u>a</u>	<u>a</u>
Four Corners Interstate	c	<u>a</u>	f	f	d	d	d
Northeastern Plains Intrastate	d	d	d	d	d	d	d
Pecos-Permian Basin Intrastate	d	d	d	d	d	d	d
Southwestern Mountains-Augustine Plains Intrastate	d	d	d	d	d	d	d
Upper Rio Grande Valley Intrastate	d	d	d	d	d	d	d

NOTE.—Dates or footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date.

- a. Three years from plan approval or promulgation.
- b. Eighteen-month extension granted.
- c. Air quality levels presently below primary standards.
- d. Air quality levels presently below secondary standards.
- e. Transportation and/or land use measures will be proposed by the Administrator no later than February 15, 1973.
- f. Five years from plan approval or promulgation.

76. In Subpart GG, § 52.1631 is added as follows:

§ 52.1631 Extensions.

- (a) The Administrator hereby extends for 2 years the attainment date for the primary standards for sulfur oxides in New Mexico's portion of the Four Corners Interstate Region.
- (b) The Administrator hereby extends for 18 months the statutory timetable for submittal of the plan for attainment and maintenance of the secondary standards for sulfur oxides in New Mexico's portion of the Arizona-New Mexico Southern Border Interstate Region.

Subpart II—North Carolina

§ 52.1772 [Corrected]

77. A new heading reading "§ 52.1772 Approval status." is added following the table in § 52.1771.

Subpart KK—Ohio

78. In § 52.1870, paragraph (c) is revised to read as follows:

§ 52.1870 Identification of plan.

- (c) Supplemental information was submitted on:
 - (1) March 20 and May 8, 1972, by the Ohio Air Pollution Control Board,
 - (2) May 9, 1972, by the Office of the Attorney General, and
 - (3) July 7, 1972.

79. Section 52.1873 is revised to read as follows:

§ 52.1873 Approval status.

The Administrator approves Ohio's plan for attainment and maintenance of the national standards.

§ 52.1874 [Amended]

80. In § 52.1874, paragraph (a) is revoked.

81. The table in § 52.1875 is revised to read as follows:
 § 52.1875 Classification of regions.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Pri- mary	Sec- ondary	Pri- mary	Sec- ondary			
Greater Metropolitan Cleveland Intrastate	a	c	a	a	a	e	a
Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate	a	a	e	e	e	e	e
Mansfield-Marion Intrastate	a	a	d	a	e	e	e
Metropolitan Cincinnati Interstate	a	a	d	a	a	a	b
Metropolitan Columbus Intrastate	a	a	e	e	a	e	a
Metropolitan Dayton Intrastate	a	a	e	e	a	e	July 1977, f
Metropolitan Toledo Interstate	a	a	a	a	a	e	b
Northwest Ohio Intrastate	a	a	a	a	e	e	e
Northwest Pennsylvania-Youngstown Interstate	a	c	d	a	e	e	e
Parkersburg (West Virginia)-Marietta (Ohio) Interstate	a	a	d	a	e	e	e
Sandusky Intrastate	a	a	e	e	e	e	e
Steubenville-Weirton-Wheeling Interstate	a	c	a	a	e	e	e
Wilmington-Chillicothe-Logan Intrastate	a	a	e	e	e	e	e
Zanesville-Cambridge Intrastate	a	a	a	a	e	e	e

Subpart NN—Pennsylvania

82. In § 52.2020, paragraph (c) is revised to read as follows:

§ 52.2020 Identification of plan.

(c) Supplemental information was submitted on:

- (1) March 17, March 27, May 4, and June 20, 1972, by the Bureau of Air Quality and Noise Control, Pennsylvania Department of Environmental Resources, and
- (2) May 5, and June 6, 1972.

83. Section 52.2026 is revised to read as follows:

§ 52.2026 Control Strategy and regulations: Particulate matter.

(a) The following sections of the city of Philadelphia Air Pollution Control

Board Air Management Regulation II, "Air Contaminant and Particulate Matter Emissions", April 1970, are disapproved since they do not provide the degree of control needed to attain and maintain the national standards for particulate matter in the Metropolitan Philadelphia Interstate Region.

- (1) Section V, "Particulate Matter Emissions from the Burning of Fuels."
- (2) Section VII, "Particulate Matter Emissions from Chemical, Metallurgical, Mechanical and Other Processes."

(b) The State emission-limiting regulations included in the control strategy for attainment and maintenance of the national standards for particulate matter in the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region are not enforceable by the State

agency in the jurisdiction of the Philadelphia Department of Public Health.

84. In § 52.2028, paragraph (a) is revised and paragraph (e) is revoked. As revised, § 52.2028 reads as follows:

§ 52.2028 Prevention of air pollution emergency episodes.

(a) The requirements of § 51.16(b) of this chapter are not met since in the jurisdiction of the Philadelphia Department of Public Health, the warning level for carbon monoxide and the emergency level for the product of sulfur dioxide and soiling index exceed the significant harm levels as specified in § 51.16(a) of this chapter. Also, no criteria are presented for the following pollutants:

- (1) Sulfur dioxide independent of soiling index.
- (2) Soiling index independent of sulfur dioxide.
- (3) Nitrogen dioxide.
- (4) Photochemical oxidants.

85. In § 52.2030, paragraph (a) is revised to read as follows:

§ 52.2030 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not provide for legally enforceable procedures for requiring stationary sources in the jurisdiction of the Allegheny County Health Department to maintain records of and periodically report to the agency on the nature and amount of emissions.

§ 52.2033 [Revoked]

86. Section 52.2033 is revoked.

Subpart OO—Rhode Island

87. In § 52.2070, paragraph (c) is revised to read as follows:

§ 52.2070 Identification of plan.

(c) Supplemental information was submitted on February 9 and February 29, 1972, by the Rhode Island Department of Health.

88. Section 52.2076 is revised to read as follows:

§ 52.2076 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Rhode Island's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Pri-ary	Sec-on-dary	Pri-ary	Sec-on-dary			
Metropolitan Providence Interstate	Mar. 1975	Mar. 1975	Mar. 1975	Mar. 1975	a	b	b

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

- a. Three years from plan approval or promulgation.
- b. Air quality levels presently below secondary standards.

Subpart QQ—South Dakota

89. Section 52.2170 is revised to read as follows:

§ 52.2170 Identification of plan.

- (a) Title of plan: "Air Pollution Control Regulations and Implementation Plan for the State of South Dakota."
- (b) The plan was officially submitted on January 27, 1972.
- (c) Supplemental information was submitted on:

- (1) April 27, 1972, by the South Dakota Air Pollution Control Commission, and
- (2) January 27 and May 2, 1972.

Subpart SS—Texas

90. The table in § 52.2279 is revised to read as follows:

§ 52.2279 Attainment dates for national standards.

Air Quality Control Regions	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Pri-ary	Sec-on-dary	Pri-ary	Sec-on-dary			
Abilene-Nichita Falls Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	b
Smarillo-Lubbock Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	b
Austin-Waco Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	<u>July, 1975</u> c
Brownsville-Laredo Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	b
Corpus Christi-Victoria Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	a	b	July, 1977 c
Midland-Odessa-San Angelo Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	b
Metropolitan Houston-Galveston Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	a	b	July, 1977 c
Metropolitan Dallas-Forth Worth Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	a	b	<u>July, 1975</u> c
Metropolitan San Antonio Intrastate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	<u>July, 1975</u> c
Southern Louisiana-Southeast Texas Interstate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	a
El Paso-Las Cruces-Alamogordo Interstate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	a	<u>July, 1975</u> c
Shreveport-Texarkana-Tyler Interstate	Dec. 1973	Dec. 1973	Dec. 1973	Dec. 1973	b	b	b

§ 52.2322 Extensions.

Subpart TT—Utah

91. Section 52.2322 is amended by adding paragraphs (b) and (c) as follows:

- (b) The Administrator hereby extends for 2 years the attainment date for the

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primary standards for sulfur oxides in the Wasatch Front Intrastate Region and in the Utah portion of the Four Corners Interstate Region.

(c) The Administrator hereby extends for 18 months the statutory timetable for submission of the plan for the attainment and maintenance of the secondary standards for sulfur oxides in the Wasatch Front Intrastate Region.

§ 52.2325 [Amended]

92. In paragraph (a) of § 52.2325, the word "Institute" is changed to "Intrastate."

93. In paragraph (b) of § 52.2325, the word "mainenance" is changed to "maintenance."

94. Section 52.2331 is revised to read as follows:

§ 52.2331 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Utah's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Pri- mary	Sec- ondary	Pri- mary	Sec- ondary			
Wasatch Front Intra- state	<u>a</u>	<u>a</u>	b	e	<u>a</u>	July 1977 ^d	<u>a</u>
Four Corners Inter- state	<u>a</u>	<u>a</u>	b	b	<u>a</u>	c	c
Utah Intrastate	c	c	c	c	c	c	c

NOTE.—Footnotes which are underlined are proposed by the Administrator because the plan does not provide a specific date, or the date provided is not acceptable.

- a. Three years from plan approval or promulgation.
- b. Five years from plan approval or promulgation.
- c. Air quality levels presently below secondary standards.
- d. Transportation and/or land use control strategies are to be submitted no later than February 15, 1973, with the first semiannual report.
- e. Eighteen-month extension granted.

95. Section 52.2333 is added as follows:

§ 52.2333 Legal authority.

(a) The requirements of § 51.11(a) (6) of this chapter are not met since section 26-24-16 of the Utah Code Annotated (1953), may preclude the release of emission data, as correlated with applicable emission limitations, under certain circumstances.

Subpart UU—Vermont

96. Section 52.2375 is revised to read as follows:

§ 52.2375 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Vermont's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Pri- mary	Sec- ondary	Pri- mary	Sec- ondary			
Champlain Valley Interstate	Jan. 1975	Jan. 1975	Jan. 1975	Jan. 1975	a	a	a
Vermont Intrastate	Jan. 1975	Jan. 1975	Jan. 1975	Jan. 1975	a	a	a

a. Air quality levels presently below secondary standards.

Subpart VV—Virginia

97. In § 52.2420, paragraph (c) is revised to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

- (1) May 4, 1972, by the Virginia Air Pollution Control Board, and
- (2) June 30, 1972.

98. Section 52.2421 is revised to read as follows:

§ 52.2421 Classification of regions.

The Virginia plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Eastern Tennessee-Southwestern Virginia Interstate	I	I	III	III	III
Valley of Virginia Intrastate	I	III	III	III	III
Central Virginia Intrastate	I	III	III	III	III
Northeastern Virginia Intrastate	IA	III	III	III	III
State Capital Intrastate	I	III	I	III	I
Hampton Roads Intrastate	I	II	I	III	I
National Capital Interstate	I	I	I	I	I

§§ 54.2424-54.2425 [Revoked]

99. Section 54.2424 is revoked.

100. Section 54.2425 is revoked.

§ 54.2427 [Amended]

101. In § 54.2427, paragraph (b) is revoked.

102. The table in § 54.2429 is revised to read as follows:

§ 54.2429 Attainment dates for national standards.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Pri- mary	Sec- ondary	Pri- mary	Sec- ondary			
Eastern Tennessee-Southwestern Virginia Interstate	June 1975	June 1975	June 1972	June 1972	d	d	d
Valley of Virginia Intrastate	June 1975	June 1975	d	d	d	d	d
Central Virginia Intrastate	June 1975	June 1975	d	d	d	d	d
Northeastern Virginia Intrastate	June 1975	June 1975	d	d	d	d	d
State Capital Intrastate	June 1975	b	d	d	a	d	Jan. 1975
Hampton Roads Intrastate	June 1975	June 1975	c	June 1972	a	d	Jan. 1975
National Capital Interstate	June 1975	June 1975	June 1972	June 1972	June 1975	Jan. 1975	Jan. 1975

Subpart XX—West Virginia

103. In § 52.2520, paragraph (c) is revised to read as follows:

§ 52.2520 Identification of plan.

(c) Supplemental information was submitted on March 30, April 20, and

May 5, 1972, by the West Virginia Air Pollution Control Commission.

Subpart ZZ—Wyoming

§ 52.2626 [Amended]

104. In § 52.2626, the number "51.19 (a) (1)" is corrected to read "51.19(a)".

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THURSDAY, JULY 27, 1972
WASHINGTON, D.C.

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PART III



ENVIRONMENTAL PROTECTION AGENCY

■

STATE PLANS FOR IMPLEMENTATION OF NATIONAL AMBIENT AIR QUALITY STANDARDS

Notice of Proposed Rule Making

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

NATIONAL AMBIENT AIR QUALITY STANDARDS

Approval and Promulgation of State Implementation Plans

On May 31, 1972 (37 F.R. 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specified exceptions, State plans for implementation of the national ambient air quality standards. Where the Administrator determined that a State plan or portion thereof did not meet the requirements of the Act and 40 CFR Part 51, he is required, under section 110(c) of the Act, to propose and subsequently promulgate regulations setting forth a substitute implementation plan or portion thereof.

On June 14, 1972 (37 F.R. 11826), the Administrator proposed regulations for 25 of the States which had plans with disapproved portions. Regulations for 12 additional States are proposed below.

Several States submitted supplemental plan information which was not received in time to be considered for the May 31 publication. This issue of the FEDERAL REGISTER contains revisions to the approval/disapproval notices for these States based on the Administrator's evaluation of this additional information. Some of the regulations proposed below are necessitated by these revisions.

The approval/disapproval notices issued on May 31, 1972 (37 F.R. 10842), included a table for each State in a section titled "Attainment Dates for National Standards." The dates when each State intends to attain the national standards are set forth in these tables. Where a State plan did not provide a specific attainment date, or the date provided was not acceptable, the Administrator proposed a date. The proposed dates were underlined in the table. The General Provisions portion of the regulations proposed below includes a section titled "Miscellaneous Amendments." The purpose of this section is to set forth the Administrator's intent to prescribe the proposed dates. A similar proposal also was made for 23 of the 25 States for which regulations were proposed on June 14, 1972 (37 F.R. 11826).

Some of the regulations proposed below set forth procedures for reporting and recordkeeping by source owners and operators and for release of emission data to the public. Most of these regulations are included because the States involved do not have the necessary legal authority to adopt and enforce such procedures. The Administrator has such authority under section 114 of the Act and can delegate it to the States. Accordingly, where the Administrator promulgates a regulation for source recordkeeping and reporting or public availability of emission data, the State may request a delega-

tion of authority to carry out these regulations. Such requests may be made at any time and should be addressed to the appropriate Regional Administrator.

In accordance with 40 CFR 51.14, which sets forth requirements specifically applicable to implementation of the national standards for nitrogen dioxide, these proposed regulations provide for the required application of reasonably available control technology to stationary sources of nitrogen oxides, i.e., oil-fired and gas-fired steam generating stations and nitric acid plants, in those States whose implementation plans failed to meet this requirement of 40 CFR 51.14. The application of such reasonably available control technology was a requisite of an acceptable control strategy in air quality control regions classified Priority I with reference to nitrogen dioxide.

To provide time for preparation of implementation plans, decisions on classification of air quality control regions were made in November 1971 on the basis of air quality data available at that time; the classifications set forth on May 31, 1972 (37 F.R. 10842), reflected these decisions. For most regions, these data covered only a relatively short time period during 1971. There are reasons to believe that these data were not representative of actual nitrogen dioxide levels. Laboratory testing just completed and air quality measurements made over a period of several months in a large number of locations suggest that these data may be deficient because of problems associated with routine field use of the Jacobs-Hochheiser method. Additional data based on a measurement method more suitable for routine field use will be available by the end of the calendar year 1972. Based on these data, the Administrator's classification of air quality control regions, with reference to nitrogen dioxide, will be reassessed and, where appropriate, revised.

It is not the Administrator's intention to require application of reasonably available control technology to stationary sources of nitrogen oxides in air quality control regions where nitrogen dioxide levels are below the national standard unless such a measure clearly is necessary in light of projected growth. Therefore, pending reassessment of the regional classifications for nitrogen dioxide, the Administrator, in promulgating the nitrogen oxides emission control regulations proposed below, will make the regulations effective no earlier than July 1, 1973, and will make appropriate adjustments to the proposed requirements for timing of compliance and submittal of compliance schedules. This deferral will allow time for reclassification of air quality control regions, where necessary, and corresponding modification of emission control requirements. Similarly, States which have already adopted nitrogen oxides emission control regulations, pursuant to 40 CFR 51.14, will not be expected to require compliance with such regulations or sub-

mittal of compliance schedules in advance of the dates the Administrator prescribes with respect to the regulations he promulgates.

The regulations proposed below also include sulfur oxides emission limitations for two major source categories in Western States: Nonferrous smelters and powerplants. Uncontrolled sulfur oxides emission rates range up to 60 tons per hour from nonferrous smelters and 10 tons per hour from powerplants. The emissions are generally released through tall stacks, frequently in remote mountainous areas, and the sources are generally isolated from each other and from other sources of sulfur oxides emissions so as not to cause an additive impact on air quality. There is limited measured air quality data available around these sources.

The proposed regulations for the nonferrous smelters are based on the following criteria and considerations:

(1) Available air quality data were used to determine the control required to provide for the attainment and maintenance of the national standards for sulfur dioxide.

(2) Diffusion models were used to estimate sulfur dioxide concentrations in areas around the smelters where air quality data were not available. The model results were considered as a guide in proposing emission limitations and utilizing 18-month extensions.

(3) Where available air quality data indicate that less than reasonably available control is required to attain and maintain the national primary sulfur dioxide standards, but diffusion model results indicate more than reasonably available control technology is required, the proposed emission limitations require the application of reasonably available control technology.

(4) Two-year extensions for attaining the primary sulfur dioxide standards are necessary where measured air quality data indicate that a smelter must install control equipment which is not and will not be available by July 31, 1975. Such extensions are incorporated into the regulations where the statutory criteria for the use of the extensions are met.

(5) Eighteen-month extensions are utilized on the basis of either available air quality data or diffusion model results, where more than reasonably available control technology is required to attain and maintain the secondary sulfur dioxide standards.

(6) Reasonably available control technology which must be installed by all smelters no later than July 31, 1975, is considered to include properly capturing and venting all emissions through a stack, and the installation of sulfuric acid-producing facilities, or their equivalent, on gas streams from roasters, converters, and sintering machines. The degree of control from acid-producing facilities is variable, ranging from approximately 60 to 90 percent of the total smelter sulfur dioxide emissions. Other forms of emissions control, such as limestone scrubbing, dimethylaniline absorp-

tion, and the use of flash smelting with appropriate controls should provide for the attainment of emission limitations by July 31, 1977, where 2-year extensions are granted. Intermittent process curtailment may be considered a reasonable interim measure of control for primary standards where 2-year extensions are necessary. At this time, it is not considered an acceptable substitute for permanent control systems for attaining and maintaining national standards. Experience with systems employing intermittent process curtailment indicates that although air quality is improved, violations of ambient air quality standards still occur. Additional experience with these systems may, however, in specific cases improve their reliability.

(7) All sulfur dioxide emissions are required to be properly captured and vented through a stack. Although this may result in some improvement in air quality, the precise degree of improvement cannot be defined at this time; accordingly, it could not be taken into consideration in determining the total degree of emission control required to attain and maintain the national standards.

(8) Compliance schedules are required by December 31, 1972, for all smelters that will not be in compliance with the emission limitations by December 31, 1973. The compliance schedules must provide for control as expeditiously as practicable, but in no case later than July 31, 1975, except when 2-year extensions are provided and then no later than July 31, 1977. Where 2-year extensions are provided, the affected sources must submit a compliance schedule which includes reasonable interim measures of control which will be taken in accord with section 110(e)(2)(B) of the Act. Since intermittent process curtailment is considered a reasonable interim measure of control under certain circumstances, the compliance schedules must provide for their application where reasonable. Also, these compliance schedules must include provisions for development, evaluation, and application of new and emerging technological alternatives, as expeditiously as practicable.

The development of control regulations from powerplants differs from the nonferrous smelters only in that ambient air quality data is not available. The powerplant regulations were developed as follows:

(1) Diffusion models were used to determine if the emissions from a powerplant have the potential to cause pollutant concentrations in excess of the national standards. Where the diffusion model results indicate that a national standard will be violated, the application of control technology considered to be available by 1977 is required. The only alternative available to power plants at this time for controlling emissions of sulfur oxides is alkaline scrubbing. Since the design, fabrication, and installation of these systems is a lengthy process, it

is not considered reasonable to require an existing powerplant to have such a system operational before July 31, 1977. Experience from the operation of pilot studies indicates that these scrubbers are capable of providing at least 70-percent control on powerplants using low sulfur coal (around 0.5 percent sulfur). Air quality data will become available in the future which will determine if the required control will be adequate to provide for the attainment and maintenance of the national standards.

(2) Where the application of such systems is required, a 2-year extension is utilized to provide for the attainment of the primary standards and July 31, 1977, is prescribed as a reasonable time for attainment of the secondary standards. The compliance schedules for plants affected by 2-year extensions must include reasonable interim measures of control in accord with section 110(e)(2)(B) of the Act.

Where a State, following publication of these proposed regulations, adopts a regulation identical or equivalent to one proposed below, the Administrator will make an appropriate modification of his determination with respect to approvability of the affected portion of the State's plan and will withdraw the proposed regulation. If such State action is taken after the Administrator's promulgation of such a regulation, the Administrator will rescind the regulation.

It is the Administrator's intent to hold public hearings on all proposed regulations in order to provide the general public ample opportunity to comment. One or more public hearings will be held in each affected State no sooner than 30 days following publication of these proposed regulations. The exact dates, times, and places of such hearings will be announced in a subsequent issue of the FEDERAL REGISTER. Copies of these proposed regulations are now available at the Agency's regional offices.

Interested persons may also participate in this rule making by submitting written comments in triplicate to the appropriate Regional Administrator. All comments received no later than 30 days after the date of publication of this notice will be considered. Receipt of comments will be acknowledged, but the Regional Administrators will not provide substantive responses to individual comments. All comments will be available for public inspection during normal business hours at each regional office.

This notice of proposed rule making is issued under the authority of section 110 of the Clean Air Act, Public Law 91-604, 84 Stat. 1713.

Dated: July 13, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart A—General Provisions

1. Section 52.01 is amended by adding paragraphs (g) through (k) as follows:

§ 52.01 Definitions.

(g) The term "heat input" means the total gross calorific value (where gross calorific value is measured by ASTM Method D2015-66, D240-64, or D1826-64) of all fuels burned.

(h) The term "total rated capacity" means the sum of the rated capacities of all fuel-burning equipment connected to a common stack. The rated capacity shall be the maximum guaranteed by the equipment manufacturer or the maximum normally achieved during use, whichever is greater.

(i) The term "smelter" means any installation which utilizes facilities such as roasters, converters, reverberatory or blast furnaces, sintering machines, materials handling systems, or gas cleaning systems for the purpose of extracting and refining primary nonferrous metals from ore.

(j) The term "exhaust gas system" means any equipment or combination of equipment such as fans, ducts, hoods, or ventilators, used to draw off ventilation air (including air pollutants), either through natural or forced draft.

(k) The term "sulfur oxides," when used in an emission limitation applicable to smelters, means sulfur dioxide as measured by Method 8 in the appendix to Part 60 of this chapter.

2. Section 52.11 is amended by adding paragraph (d) as follows:

§ 52.11 Prevention of air pollution emergency episodes.

(d) Where a State plan does not provide for acceptable episode criteria and/or emission control actions to be taken at each episode stage, the Administrator, in carrying out his responsibilities under section 303 of the Act, will be guided by the suggested episode criteria and emission control actions set forth in Appendix L to Part 51 of this chapter.

3. Subpart A is amended by adding § 52.18 as follows:

§ 52.18 Abbreviations.

Abbreviations used in this part shall be those set forth in Part 60 of this chapter.

4. Subpart A is amended by adding § 52.19, as follows:

§ 52.19 Revision of plans by Administrator.

After notice and opportunity for hearing in each affected State, the Administrator may revise any provision of an applicable plan, including but not limited to provisions specifying compliance schedules, emission limitations, and dates for attainment of national standards, if:

(a) The provision was promulgated by the Administrator, and

(b) The plan, as revised, will be consistent with the Act and with the requirements applicable to implementation plans under Part 51 of this chapter.

5. In Subparts C, D, N, O, P, BB, CC, DD, GG, NN, TT, VV, and YY, the note beneath the tables setting forth dates of attainment of national standards is amended by replacing the word "proposed" with the word "prescribed." As amended, the note reads:

NOTE: Dates or footnotes which are underlined are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

Subpart D—Arizona

6. Section 52.125 is amended by adding paragraphs (c) and (d) as follows:

§ 52.125 Control strategy and regulations: Sulfur oxides.

(c) Replacement regulations for Regulation 7-1-4.1 (Phoenix-Tucson Intra-state and Arizona-New Mexico Southern Border Interstate Regions). (1) No owner or operator of any smelter in the Phoenix-Tucson Intra-state Region (40 CFR 81.36) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the following:

(i) In Pima County: 10,700 lbs. per hour (4,855 kg. per hour).

(ii) In Pinal County: 4,950 lbs. per hour (2,245 kg. per hour).

(iii) In Gila County, on or about the intersection in Zone 12 of Universal Transverse Mercator coordinates 513496m (easting) and 3696878m (northing): 7,220 lbs. per hour (3,275 kg. per hour).

(iv) In Gila County, on or about the intersection in Zone 12 of Universal Transverse Mercator coordinates 521060m (easting) and 3651405m (northing): 7,220 lbs. per hour (3,275 kg. per hour).

(v) In Gila County, on or about the intersection in Zone 12 of Universal Transverse Mercator coordinates 520505m (easting) and 3652409m (northing): 1,530 lbs. per hour (695 kg. per hour).

(2) No owner or operator of any smelter in the Arizona portion of the Arizona-New Mexico Southern Border Interstate Region (§ 81.99 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the following:

(i) In Cochise County: 12,900 lbs. per hour (5,850 kg. per hour).

(ii) In Greenlee County: 8,150 lbs. per hour (3,700 kg. per hour).

(3) No owner or operator of any smelter subject to the provisions of subparagraphs (1) and (2) of this paragraph shall operate any facility unless all sulfur oxides emitted from such facility are vented by an exhaust gas system to the atmosphere through any stack or stacks serving such facility.

(4) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(5) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced are contained in the appendix to Part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) When testing facilities controlled by a sulfuric acid plant, the test methods and procedures shall be those prescribed in § 60.85 of this chapter except that the sampling time for acid plants associated with converters shall be in accordance with subdivision (v) of this subparagraph.

(ii) When testing uncontrolled facilities units and control equipment other than acid plants, the average concentration of sulfur oxides shall be determined by using Method 8, except that the sampling time for control equipment associated with converters shall be in accordance with subdivision (v) of this subparagraph.

(iii) The sampling site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct.

(iv) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3, and moisture content shall be determined by Method 4.

(v) The sampling time for testing converters and associated control equipment shall be for one complete converter cycle. For all other units, the sampling time shall be 2 hours and the minimum sampling volume shall be 40 ft.³ (1.13m.³).

(vi) All tests shall be conducted while the smelter is operating at or above the maximum production rate at which such smelter is capable of being operated. During the tests, the smelter shall burn fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(6) The owner or operator of any smelter subject to the provisions of subparagraphs (1) and (2) of this paragraph shall install, or cause to be installed, an instrument for continuously monitoring and recording sulfur dioxide emissions in each stack which is estimated to emit 5 percent or more of the total uncontrolled hourly sulfur oxides from the smelter.

(i) The performance and operating specifications of instrument(s) and/or sampling systems to be installed pursuant to this subparagraph shall be submitted to and are subject to approval by the Administrator. A description of the performance and operating specifications of the instrument(s) and/or sampling systems shall be submitted to the Administrator not later than 3 months after the effective date of this regulation. Instruments shall be maintained, calibrated, and operated in accordance with

the methods prescribed by the manufacturer of such instrument(s).

(ii) The owner or operator of any smelter shall maintain a record of all measurements required by this subparagraph. Measurement results shall be expressed in the units prescribed by the emission limitation in subparagraphs (1) and (2) of this paragraph and shall be summarized monthly. The record of such measurements shall be retained for at least 2 years following the date of such measurements.

(iii) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable 6 months after the effective date of this regulation.

(d) Replacement regulation for Regulation 7-1-4.2(C) (Solid fossil-fuel fired steam generators in the Four Corners Interstate Region). (1) No owner or operator of any solid fossil fuel-fired steam generating equipment located in the Arizona portion of the Four Corners Interstate Region (§ 81.121 of this chapter), which has a total rated capacity of 6,500 million B.t.u. per hour or greater and which is not subject to the provisions of Part 60 of this chapter shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equation:

$$E = \frac{5.7 \times 10^3 S}{H}$$

Where:

E=Allowable sulfur oxides emission (lb./10³ B.t.u.).

S=Sulfur content, in percent by weight, of fuel being burned.

H=Heat content of fuel (B.t.u./lb.).

(2) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(3) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.46 of this chapter.

7. Section 52.126 is amended by adding paragraph (b) as follows:

§ 52.126 Control strategy and regulations: Particulate matter.

(b) Replacement regulation for Regulation 7-1-3.6 of the Arizona Rules and Regulations for Air Pollution Control, Rule 31(E) of Regulation III of the Maricopa County Air Pollution Control Rules and Regulations, and Rule 2(B) of Regulation II of the Rules and Regulations of the Pima County Air Pollution Control District (Phoenix-Tucson Intra-state Region). (1) No owner or operator of any stationary process source in the Phoenix-Tucson Intra-state Region (§ 81.36 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the hourly rate shown in the following table for the process weight rate identified for such source:

Process weight rate (pounds per hour)	Emission rate (pounds per hour)
50	0.36
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

(i) Interpolation of the data in the table for process weight rates up to 60,000 lbs./hr. shall be accomplished by use of the equation:

$$E=3.59 P^{0.62} \quad P \leq 30 \text{ tons/hr.}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs./hr. shall be accomplished by use of the equation:

$$E=17.31 P^{0.16} \quad P > 30 \text{ tons/hr.}$$

Where

E=Emissions in pounds per hour.
P=Process weight in tons per hour.

(ii) Process weight is the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of the given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a given period of time by the number of hours in that period.

(iii) For purposes of this regulation, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

(2) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(3) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced are contained in the appendix to Part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using Method 5. Traversing during sampling by Method 5 shall be according to Method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft.³ (1.70 m.³), corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed using the integrated sample technique of Method 3, and moisture content

shall be determined by the condenser technique of Method 5.

(iii) All tests shall be conducted while the source is operating at or above the maximum production or combustion rate at which such source is capable of being operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

8. Section 52.127 is amended by adding paragraph (b) as follows:

§ 52.127 Control strategy and regulations: Nitrogen dioxide.

(b) Regulation for the control of nitrogen oxides emissions. (1) No owner or operator of any stationary source in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter) shall discharge or cause the discharge of nitrogen oxides (expressed as nitrogen dioxide) into the atmosphere in excess of:

(i) 0.20 lb. per million B.t.u. (0.36 g. per million cal.) from gas-fired fuel burning equipment of more than 250 million B.t.u. per hour heat input.

(ii) 0.30 lb. per million B.t.u. (0.54 g. per million cal.) from oil-fired fuel burning equipment of more than 250 million B.t.u. per hour heat input.

(iii) Where gaseous and liquid fossil fuels are burned simultaneously in any combination in fuel burning equipment of more than 250 million B.t.u. per hour heat input, the applicable emission limitation shall be determined by proration. Compliance shall be determined by using the following formula:

$$z = \frac{x(0.20) + y(0.30)}{x + y}$$

Where:

z=The percent of total heat input derived from gaseous fossil fuels.
y=The percent of total heat input derived from liquid fossil fuels.
z=The allowable emissions in lbs. per million B.t.u.

(2) Where solid fuels are burned simultaneously with gaseous and/or liquid fossil fuels in fuel burning equipment, the emission limitations of this paragraph shall not apply.

(3) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(4) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed for nitrogen oxides in § 60.74 of this chapter.

9. Section 52.129 is amended by adding paragraph (c) as follows:

§ 52.129 Review of new sources and modifications.

(c) Regulation for review of new sources and modifications. (1) The requirements of this paragraph are applicable to any stationary source in Pima County in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter).

(2) No owner or operator shall commence construction or modification of

any new source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to subparagraph (3) of this paragraph.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

10. Section 52.130 is amended by adding paragraph (c) as follows:

§ 52.130 Source surveillance.

(c) Regulation for source recordkeeping and reporting. (1) The owner or operator of any stationary source in the counties of Gila, Pinal, or Santa Cruz in the Phoenix-Tucson Intrastate Region (§ 81.36 of this chapter); or the Arizona portions of the Four Corners, Clark-Mohave, or Arizona-New Mexico Southern Border Interstate Regions (§§ 81.121, 81.80, and 81.99 of this chapter, shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the

date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

11. In Subpart D, § 52.134 is added as follows:

§ 52.134 Compliance schedules.

(a) *Federal compliance schedule.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to § 52.125(c), § 52.126(b), or § 52.127(b) shall comply with such regulation on or before December 31, 1973. The owner or operator of any source subject to § 52.125(d) which has not commenced operation on the effective date of this regulation shall comply with such regulation at the time operation is commenced, unless a compliance schedule has been submitted pursuant to subparagraph (2) of this paragraph.

(i) Any owner or operator in compliance with § 52.125(c) or (d), § 52.126(b), or § 52.127(b) on the effective date of this regulation shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with § 52.125(c) or (d), § 52.126(b), or § 52.127(b) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.125(c) or (d), § 52.126(b), or § 52.127(b) as expeditiously as practicable but no later than the dates specified as follows:

(i) July 31, 1977, for compliance with § 52.125(c)(1) (i), (ii), (iv), or (v), § 52.125(c)(2), or § 52.125(d).

(ii) July 31, 1975, for compliance with § 52.125(c)(1) (iii), § 52.126(b), or § 52.127(b).

(3) A compliance schedule submitted pursuant to this paragraph shall provide for periodic increments of progress toward compliance. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control systems; performance test analysis and results.

(4) Any compliance schedule for any stationary source subject to § 52.125(c) or (d), which extends beyond July 31, 1975, shall consider interim measures of control designed to reduce the impact of such source on public health.

(5) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of

the approved compliance schedule has been met.

Subpart N—Idaho

12. Section 52.675 is amended by adding paragraph (b), as follows:

§ 52.675 Control strategy: Sulfur oxides—Eastern Idaho Intrastate Region.

(b) *Regulation for control of sulfur oxides emissions: Sulfuric acid plants.*

(1) No owner or operator of any sulfuric acid plant in the Eastern Idaho Intrastate Region (§ 81.190 of this chapter), which is not subject to the provisions of Part 60 of this chapter, shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of 25 pounds per ton (12.7 kg./metric ton) of 100 percent sulfuric acid produced.

(2) Compliance with this paragraph shall be in accordance with the provisions of § 52.677(b).

(3) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.85 of this chapter.

13. Section 52.676 is amended by adding paragraph (b), as follows:

§ 52.676 Control strategy: Sulfur oxides—Eastern Washington-Northern Idaho Interstate Region.

(b) *Regulation for control of sulfur oxides emissions: Smelters.* (1) No owner or operator of any zinc smelter in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region (§ 81.100 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of 1,180 pounds (543 kg.) per hour.

(2) No owner or operator of any lead smelter in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region (§ 81.100 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of 619 pounds (284 kg.) per hour.

(3) No owner or operator of any smelter subject to the provisions of subparagraphs (1) and (2) of this paragraph shall operate any facility unless all sulfur oxides emitted from such facility are vented by an exhaust gas system to the atmosphere through any stack or stacks serving such facility.

(4) Compliance with this paragraph shall be in accordance with the provisions of § 52.677(b).

(5) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced by number are contained in the appendix to Part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) When testing facilities controlled by a sulfuric acid plant, the test methods and procedures shall be those prescribed in § 60.85 of this chapter, except that the sampling time for acid plants associated with converters shall be in accordance with subdivision (v) of this subparagraph.

(ii) When testing uncontrolled facilities and control equipment other than acid plants, the average concentration of sulfur oxides shall be determined by using Method 8, except that the sampling time for control equipment associated with converters shall be in accordance with subdivision (v) of this subparagraph.

(iii) The sampling site shall be selected according to Method I and the sampling point shall be the centroid of the stack or duct.

(iv) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3, and moisture content shall be determined by Method 4.

(v) The sampling time for testing converters and associated control equipment shall be for one complete converter cycle. For all other units, the sampling time shall be 2 hours and the minimum sampling volume shall be 40 ft.³ (1.13 m.³).

(vi) All tests shall be conducted while the smelter is operating at or above the maximum production rate at which such smelter is capable of being operated. During the tests, the smelter shall burn fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(6) The owner or operator of any smelter subject to the provisions of subparagraphs (1) and (2) of this paragraph shall install, or cause to be installed, an instrument for continuously monitoring and recording sulfur dioxide emissions in each stack which would emit 5 percent or more of the total uncontrolled hourly sulfur oxides emissions from the smelter.

(i) The performance and operating specifications of instrument(s) and/or sampling systems to be installed pursuant to this subparagraph shall be submitted to and are subject to approval by the Administrator. A description of the performance and operating specifications of the instrument(s) and/or sampling systems shall be submitted to the Administrator no later than 3 months after the effective date of this regulation. Instruments shall be maintained, calibrated, and operated in accordance with the methods prescribed by the manufacturers of such instrument(s).

(ii) The owner or operator of any smelter shall maintain a record of all measurements required by this subparagraph. Measurement results shall be expressed in the units prescribed by the emission limitation in subparagraphs (1) and (2) of this paragraph and shall be summarized monthly. The record of such measurements shall be retained for at least 2 years following the date of such measurements.

(iii) The continuous monitoring and recordkeeping equipment requirements of this subparagraph shall become ap-

plicable 6 months after the effective date of this regulation.

14. Section 52.677 is amended by adding paragraph (b), as follows:

§ 52.677 Compliance schedules.

(b) *Federal compliance schedule.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to §§ 52.675(b) and 52.676(b) shall comply with such regulation on or before December 31, 1973.

(i) Any owner or operator in compliance with §§ 52.675(b) and 52.676(b) on the effective date of this regulation shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with §§ 52.675(b) and 52.676(b) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.675(b) as expeditiously as practicable but not later than July 31, 1975, and with § 52.676(b) as expeditiously as practicable but no later than July 31, 1977.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control systems; performance tests; and submittal of performance test analysis and results.

(ii) Any compliance schedule for any stationary source subject to § 52.676(b) which extends beyond July 31, 1975, shall provide for interim measures of control designed to reduce the impact of emissions from such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

15. Section 52.679 is amended by adding paragraphs (c) and (d), as follows:

§ 52.679 Review of new sources and modifications.

(c) *Regulation for the review of new sources and modifications.* (1) This requirement is applicable to any stationary source which is not subject to Regulation A, General Provisions of the rules and regulations for the Control of Air Pollution in the State of Idaho, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test in accordance with methods and under operating conditions approved by the Administrator and furnish the Ad-

ministrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(9) Approval to construct shall not be required for:

(i) The installation or alteration of an air pollution detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which uses gas as a fuel for space heating, air conditioning, or heating water; is used in a private dwelling; or has a heat input of not more than 350,000 B.t.u. per hour (88.2 million gm.-cal./hr.)

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analysis.

(vi) Other sources of minor significance specified by the Administrator.

(d) *Regulation for the review of new sources and modifications.* (1) This requirement is applicable to any stationary source in the State of Idaho, the construction or modification of which is commenced after the effective date of this regulation.

(2) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

Subpart O—Illinois

16. Section 52.723 is amended by adding paragraph (c), as follows:

§ 52.723 Prevention of air pollution emergency episodes.

(c) *Regulation for emission control action programs.* (1) The owner or operator of any stationary source in the State of Illinois which emits 100 tons or more per year of any pollutant for which the region (Part 81 of this chapter) in which the source is located is classified Priority I (§ 52.721) shall prepare and submit to the Administrator a standby plan for reducing or eliminating emissions of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning and Air Pollution Emergency as defined in Appendix L of Part 51 of this chapter.

(i) Each such plan shall be submitted within 90 days of the effective date of this regulation and shall be subject to review and approval by the Administrator. Any such plan will be approved unless the Administrator notifies the owner or operator within 60 days that such plan has been disapproved. The Administrator

will set forth his reasons for any disapproval.

(ii) Each such plan shall identify the air pollutants emitted by the source, the specific facility from which each air pollutant is emitted, the manner in which reduction of emissions will be achieved during an Air Pollution Alert, Warning, or Emergency, and the approximate reduction in emissions to be achieved by each reduction measure.

(iii) During an Air Pollution Alert, Warning, or Emergency, a copy of such plan shall be made available on the source premises for inspection by the Administrator.

(2) Upon notification by the Administrator that an Air Pollution Alert, Warning, or Emergency has been declared, the owner or operator of each source which has a standby plan approved by the Administrator shall implement the emission reduction measures specified in such plan.

(3) Any owner or operator of a stationary source in the State of Illinois not subject to the requirements of subparagraph (1) of this paragraph shall, when requested by the Administrator in writing, prepare and submit a standby plan in accordance with this paragraph.

17. Section 52.726 is amended by adding paragraph (b), as follows:

§ 52.726 Rules and regulations.

(b) *Regulation for control of particulate matter emissions.* (1) On and after the dates prescribed herein, no person shall offer for sale, sell, or purchase for use in any residential or commercial building which is located in Chicago, Ill., nor shall any person cause the use of, or use in any residential or commercial building which is located in Chicago, Ill., any solid fuel which contains ash in excess of the following limits:

Maximum ash content (percent, by weight)	Compliance date
8.0	December 31, 1973
2.0	July 31, 1975

For the purpose of this paragraph, "residential or commercial building" shall be any such building referred to in the opinion of the court in Case No. 27CH1484 of the Circuit Court of Cook County dated April 13, 1972.

(2) The Administrator may grant an exemption from the requirements of subparagraph (1) of this paragraph to the owner or operator of any residential or commercial building who demonstrates to the satisfaction of the Administrator that the emissions of particulate matter into the atmosphere from such building will be controlled so as not to exceed the emissions of particulate matter which would result if solid fuel having an ash content not in excess of the July 31, 1975, limit prescribed in subparagraph (1) of this paragraph were used by such owner or operator.

(1) The Administrator may grant such an exemption when he approves a proposed compliance schedule submitted to him by an owner or operator. Such compliance schedule must be submitted no

later than December 31, 1972. The compliance schedule shall contain the demonstration of equivalent emissions required by this subparagraph and shall demonstrate compliance with such emission limitations as expeditiously as practicable, but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not necessarily be limited to: Letting of necessary contracts for construction; initiation of construction; completion and startup of control systems, performance tests; and submittal of performance test analysis and results.

(ii) Any owner or operator who submits a compliance schedule pursuant to this subparagraph shall, with 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved schedule has been met.

(iii) The Administrator may grant such an exemption to any owner or operator who does not submit a compliance schedule pursuant to subdivision (i) of this subparagraph only if such owner or operator demonstrates that the emissions of particulate matter are controlled so as not to exceed the emissions prescribed in this subparagraph.

(iv) Any owner or operator requesting such an exemption shall submit such reports or other information as the Administrator may require to determine actual and projected particulate matter emissions.

(v) The Administrator may condition any exemption granted pursuant to this subparagraph as he deems necessary to insure that particulate matter emissions will not exceed emissions which would result from compliance with subparagraph (1) of this paragraph.

(vi) The prohibition in subparagraph (1) of this paragraph against offering for sale or selling solid fuel containing ash in excess of the limitations contained therein shall not apply to any person who sells or offers to sell solid fuel to a source which has been granted an exemption pursuant to this subparagraph.

(3) Any person who sells solid fuels for use in Chicago, Ill., shall maintain a record of each sale for 2 years after the date of such sale. Such record shall include a notification to the purchaser of the ash content (percent, by weight) of the solid fuel sold, which shall be signed by the purchaser, or his agent or employee. This record shall be available for inspection by the Administrator during normal business hours.

(4) The ash content of solid fuels shall be determined in accordance with the American Society for Testing and Materials Method D492-48 or by any other method approved by the Administrator.

(5) Test methods and procedures used to determine compliance with subparagraph (2) of this paragraph shall be those prescribed for particulate matter in § 60.46 of this chapter.

Subpart P—Indiana

18. Section 52.774 is amended by adding paragraph (b), as follows:

§ 52.774 General requirements.

(b) *Regulation for public availability of emission data.* (1) Each owner or operator of any stationary source in the State of Indiana shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Regional Office (Region V).

19. Section 52.776 is amended by adding paragraph (c), as follows:

§ 52.776 Control strategy: Particulate matter.

(c) *Regulation for control of particulate matter emissions (Metropolitan Indianapolis Intrastate Region).* (1) No owner or operator of any stationary source in the Metropolitan Indianapolis Intrastate Region (§ 81.29 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere from any solid-fuel burning equipment which is in excess of 0.30 lb. per million B.t.u. (0.54 g. per million cal.) heat input.

(2) This regulation shall not apply to any solid-fuel burning equipment used for space heating and having a total rated capacity of less than 350,000 B.t.u. per hour (88.2 million g.-cal./hr.) heat input.

(3) Compliance with this paragraph shall be in accordance with the provisions of § 52.778(c).

(4) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed for particulate matter in § 60.46 of this chapter.

20. Section 52.777 is amended by adding paragraph (b), as follows:

§ 52.777 Control strategy: Photochemical oxidants (hydrocarbons).

(b) *Regulation for control of hydrocarbon emissions from organic solvents (Metropolitan Indianapolis Intrastate Region).* (1) No person in the Metropolitan Indianapolis Intrastate Region (§ 81.29 of this chapter) shall emit or cause the emission of more than 3 pounds (1.3 kg.) of organic materials in any 1 hour or 15 pounds (6.8 kg.) of organic materials in any 1 day (24 hours) from any article, machine, or equipment unless all organic materials emitted from such article, machine, or equipment are reduced by at least 85 percent from emissions before the application of any control equipment or process.

(i) The aggregate emissions of organic materials into the atmosphere from any series of articles, machines, or equipment designed for processing a continuously moving sheet, web, strip, or wire by a combination of operations shall comply with the requirements of this paragraph.

(ii) Emissions of organic materials into the atmosphere which result from the cleaning of any article, machine, or equipment with organic solvents shall be included with the other emissions of organic materials from such article, machine, or equipment in determining compliance with this paragraph.

(iii) Emissions of organic materials into the atmosphere which result from the spontaneous drying of products after their removal from any article, machine, or equipment shall be included with other emissions of organic materials from such article, machine, or equipment in determining compliance with this paragraph.

(2) Each person subject to this paragraph shall install and operate, and maintain in calibration and good working order devices specified by the Administrator for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution controls.

(3) Any person using organic solvents or any substances containing organic solvents in any article, machine, or equipment shall supply the Administrator, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed of each organic solvent used.

(4) The provisions of this paragraph shall not apply to:

(i) The manufacture of organic solvents.

(ii) The spraying or other employment of insecticides, pesticides, or herbicides.

(iii) Industrial surface coating operations when the coating's solvent makeup is water-based and does not exceed 20 percent of organic materials by volume.

(iv) The use of the following solvents: Saturated halogenated hydrocarbons, perchloroethylene, benzene, acetone, C₁-C₂ n-paraffins, cyclohexanone, ethyl acetate, diethylamine, isobutyl acetate, isopropyl alcohol, methyl benzoate, 2-nitropropane, phenyl acetate, and triethylamine, and any organic solvents that have been determined by the Ad-

ministrator to be photochemically unreactive in the formation of oxidants.

(5) For the purposes of this paragraph:

(i) Organic materials are defined as chemical compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate;

(ii) Organic solvents are defined as organic materials which are liquids at standard conditions, and include diluents which are used as solvents, viscosity reducers, and cleaning agents.

(6) Compliance with this paragraph shall be in accordance with the provisions of § 52.778(c).

21. Section 52.778 is amended by adding paragraphs (c) and (d), as follows:

§ 52.778 Compliance schedules.

(c) *Federal compliance schedule.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to §§ 52.776(c), 52.777(b), or APC-13 of the Indiana "Air Pollution Control Regulations" shall comply with such regulation on or before December 31, 1973.

(i) Any owner or operator in compliance with §§ 52.776(c), 52.777(b), or APC-13 of the Indiana "Air Pollution Control Regulations" on the effective date of this regulation shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with §§ 52.776(c), 52.777(b), or APC-13 of the Indiana "Air Pollution Control Regulations" after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with §§ 52.776(c), 52.777(b), or APC-13 as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control system; performance tests; submittal of performance test analysis and results.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(d) *Regulation for increments of progress.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to APC-15, -16, or -17 of the Indiana "Air Pollution Control Regulations" shall, no later than Decem-

ber 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with such regulation as expeditiously as practicable but no later than January 1, 1975. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control system; performance tests; submittal of performance test analysis and results.

(2) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with such regulation will be achieved on or before December 31, 1973, no compliance schedule shall be required.

(3) Any owner or operator required to submit a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

22. Section 52.780 is amended by adding paragraph (d), as follows:

§ 52.780 Review of new sources and modifications.

(d) *Replacement regulation for APC-1 of Indiana's "Air Pollution Control Regulations".* (1) This requirement is applicable to any stationary source in the State of Indiana, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State, or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of a source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(9) Approval to construct shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which uses gas as fuel for space heating, air conditioning, or heating water; is used in a private dwelling; or has a heat input of not more than 350,000 B.t.u. per hour (88.2 million gm.-cal./hr.).

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct shall not relieve any owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

Subpart BB—Montana

23. Section 52.1373 is amended by adding paragraph (b), as follows:

§ 52.1373 Control strategy: Sulfur oxides.

* * * * *

(b) Regulation for control of sulfur oxides emissions (Helena Intrastate Region): (1) No owner or operator of any smelter in the Helena Intrastate Region (§ 81.169 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of:

(i) 7,040 pounds (3,190 kg.) per hour in Deer Lodge County.

(ii) 3,340 pounds (1,520 kg.) per hour in Lewis and Clark County.

(2) No owner or operator of any smelter subject to the provisions of subparagraph (1) of this paragraph shall operate any facility unless all sulfur oxides emitted from such facility are vented by an exhaust gas system to the atmosphere through any stack or stacks serving such facility.

(3) Compliance with this paragraph shall be in accordance with the provisions of § 52.1377(a).

(4) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced by number are contained in the appendix to Part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) When testing facilities controlled by a sulfuric acid plant, the test methods and procedures shall be those prescribed in § 60.85 of this chapter, except that the sampling time for acid plants associated with converters shall be in accordance with subdivision (v) of this subparagraph.

(ii) When testing uncontrolled facilities and control equipment other than acid plants, the average concentration of sulfur oxides shall be determined by using Method 8, except that the sampling time for control equipment associated with converters shall be in accordance with subdivision (v) of this subparagraph.

(iii) The sampling site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct.

(iv) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3, and moisture content shall be determined by Method 4.

(v) The sampling time for testing converters and associated control equipment shall be for one complete converter cycle. For all other units, the sampling time shall be 2 hours and the minimum sampling volume shall be 40 ft.³ (1.15 m.³).

(vi) All tests shall be conducted while the smelter is operating at or above the

maximum production rate at which such smelter is capable of being operated. During the tests, the smelter shall burn fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(5) The owner or operator of any smelter subject to the provisions of subparagraph (1) of this paragraph shall install, or cause to be installed, an instrument for continuously monitoring and recording sulfur dioxide emissions in each stack which would emit 5 percent or more of the total uncontrolled hourly sulfur oxides emissions from the smelter.

(i) The performance and operating specifications of instrument(s) and/or sampling systems to be installed pursuant to this subparagraph shall be submitted to and are subject to approval by the Administrator. A description of the performance and operating specifications of the instrument(s) and/or sampling systems shall be submitted to the Administrator not later than 3 months after the effective date of this regulation. Instruments shall be maintained, calibrated, and operated in accordance with the methods prescribed by the manufacturers of such instrument(s).

(ii) The owner or operator of any smelter shall maintain a record of all measurements required by this subparagraph. Measurement results shall be expressed in the units prescribed by the emission limitation in subparagraph (1) of this paragraph and shall be summarized monthly. The record of such measurements shall be retained for at least 2 years following the date of such measurements.

(iii) The continuous monitoring and recordkeeping equipment requirements of this subparagraph shall become applicable 6 months after the effective date of this regulation.

24. In Subpart BB, § 52.1377 is added as follows:

§ 52.1377 Compliance schedules.

(a) Federal compliance schedule. (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to § 52.1373(b) shall comply with such regulation on or before December 31, 1973.

(i) Any owner or operator in compliance with § 52.1373(b) on the effective date of this regulation shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with § 52.1373(b) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.1373(b) (1) (i) as expeditiously as practicable but not later than

July 31, 1977, and with § 52.1373(b)(1)(ii) as expeditiously as practicable but no later than July 31, 1975.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control systems; performance tests; and submittal of performance test analysis and results.

(ii) Any compliance schedule for any stationary source subject to § 52.1373(b) which extends beyond July 31, 1975, shall provide for interim measures of control designed to reduce the impact of emissions from such sources on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

Subpart CC—Nebraska

25. Section 52.1423 is amended by adding paragraph (b), as follows:

§ 52.1423 General requirements.

(b) *Regulation for public availability of emission data.* Emission data obtained from owners or operators of stationary sources pursuant to § 52.1429(f) will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Regional Office (Region VII).

26. Section 52.1425 is amended by adding paragraph (b), as follows:

§ 52.1425 Compliance schedules.

(b) *Federal compliance schedule.* (1) Except as provided in subparagraph (2) of this paragraph, any owner or operator of a source subject to Rules 12, 13, 14, 16, 17, 18, 20, and 21 of "Rules and Regulations Implementing Nebraska Ambient Air Quality Standards," § 52.1432(b), or § 52.1433(b) shall comply with such rule or regulation on or before December 31, 1973.

(i) Any owner or operator in compliance with such rule or regulation on the effective date of this regulation shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with such rule or regulation after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) An owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates

compliance with the rules and regulations specified in subparagraph (1) of this paragraph as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control systems; performance test and submittal of performance test analysis and results.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) The owner or operator of a stationary source subject to § 52.1429(g) shall comply with such regulation on the date such owner or operator is required by this paragraph to comply with § 52.1432(b).

27. Section 52.1426 is amended by adding paragraph (c), as follows:

§ 52.1426 Prevention of air pollution emergency episodes.

(c) *Regulation for air pollution emergency episode control.* (1) The owner or operator of any stationary source in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region (§ 81.50 of this chapter) subject to the jurisdiction of the City of Omaha Permits and Inspection Division which emits 100 tons (90.7 metric tons) or more per year of particulate matter or nitrogen oxides shall prepare and submit to the Administrator a standby plan for reducing or eliminating emissions of particulate matter or nitrogen oxides during periods of an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency as defined in Appendix L of Part 51 of this chapter.

(i) Each such plan shall be submitted within 90 days of the effective date of this regulation and shall be subject to review and approval by the Administrator. Any such plan shall be considered approved unless the Administrator notifies the owner or operator within 60 days that such plan has been disapproved. The Administrator will set forth his reasons for any disapproval.

(ii) Each such plan shall identify the specific facility from which particulate matter or nitrogen oxides is emitted, the manner in which reduction of emissions will be achieved during an Air Pollution Alert, Warning, or Emergency, and the approximate reduction in emissions to be achieved by each reduction measure.

(iii) During an Air Pollution Alert, Warning, or Emergency, a copy of such plan shall be made available on the source premises for inspection by the Administrator.

(2) Upon notification by the Administrator that an Air Pollution Alert, Warning, or Emergency has been declared, the owner or operator of each source which has a standby plan approved by the Administrator shall implement the emission reduction measures specified in such plan.

(3) Any owner or operator of a stationary source in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region (§ 81.50 of this chapter) subject to the jurisdiction of the city of Omaha Permits and Inspection Division not subject to the requirements of subparagraph (1) of this paragraph shall, when requested by the Administrator in writing, prepare and submit a standby plan in accordance with this paragraph.

28. Section 52.1428 is amended by adding paragraphs (d) and (e), as follows:

§ 52.1428 Review of new sources and modifications.

(d) *Regulations for review of new sources and modifications.* (1) This requirement is applicable to any stationary source specified as follows, the construction or modification of which is commenced after the effective date of this regulation.

(i) All sources in the State of Nebraska not subject to the provisions of Part 60 of this chapter and not subject to the jurisdiction of the city of Omaha Permits and Inspection Division.

(ii) All sources in Lancaster County.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State, or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify

the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

- (i) Sampling ports of a size, number, and location as the Administrator may require;
- (ii) Safe access to each port;
- (iii) Instrumentation to monitor and record emission data; and
- (iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days' prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which uses gas as a fuel for space heating, air conditioning, or heating water; is used in a private dwelling; or has a heat input of not more than 350,000 B.t.u. per hour (88.2 million gm.-cal./hr.).

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify a source shall not relieve any owner or

operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

(e) *Regulation for review of new sources and modifications (city of Omaha)*. (1) The requirements of this paragraph are applicable to any stationary source in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region (§ 81.50 of this chapter) subject to the jurisdiction of the city of Omaha Permits and Inspection Division, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to subparagraph (3) of this paragraph.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

29. Section 52.1429 is amended by adding paragraphs (f) and (g), as follows: § 52.1429 Source surveillance.

(f) *Regulation for source recordkeeping and reporting*. (1) The owner or operator of any stationary source in the State of Nebraska shall, upon notification from the Administrator, maintain records of the nature and amounts of emission from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compli-

ance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(g) *Regulation for control of visible emissions*. (1) Except as provided under subparagraph (2) of this paragraph, no owner or operator of any process source subject to the provisions of § 52.1432(b) shall emit or cause the emission of air pollutants of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann chart or 20-percent opacity.

(2) An owner or operator subject to paragraph (1) may emit or cause the emission of air pollutants of a shade or density not darker than that designated as No. 3 on the Ringelmann chart or 60-percent opacity for a period or periods aggregating not more than 3 minutes in any 60 minutes.

(3) Compliance with this paragraph shall be in accordance with the provisions or § 52.1425(b) (4).

30. Section 52.1432 is amended by adding paragraphs (b) and (c) as follows: § 52.1432 Control strategy: Particulate matter.

(b) *Regulation for process industries (Jefferson, Gage, and Thayer Counties)*.

(1) No owner or operator of any process source in Jefferson, Gage, or Thayer County in the Lincoln-Beatrice-Fairbury Intra-state Region (§ 81.226 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere from such source in excess of the hourly rate shown in the following table for the process weight rate identified for such source:

Process weight rate (pounds per hour)	Emission rate (pounds per hour)
100	0.551
200	0.977
600	1.83
1,000	2.58
5,000	7.58
10,000	12.00
20,000	19.2
60,000	40.00
80,000	42.50
120,000	49.30
160,000	49.00
200,000	51.20
1,000,000	60.00
2,000,000	77.60

(i) Interpolation of the data in the table for process weight rates up to 60,000

lbs./hr. shall be accomplished by use of the equation:

$$E=4.10 P^{0.67} \leq 30 \text{ tons/hr.}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs./hr. shall be accomplished by use of the equation:

$$E=55.0 P^{0.11}-40 \quad P > 30 \text{ tons/hr.}$$

Where

E=Emission in pounds per hour.
P=Process weight in tons per hour.

(ii) Process weight is the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight by the number of hours for a given period of time by the number of hours in that period.

(iii) For purposes of this regulation, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter from a process source.

(2) Compliance with this paragraph shall be in accordance with the provisions of § 52.1425(b).

(3) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced are prescribed in the appendix to Part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using Method 5. Traversing during sampling by Method 5 shall be according to Method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft.³, corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using Method 2. Gas analysis shall be performed using the integrated sample technique of Method 3, and moisture content shall be determined by the condenser technique of Method 5.

(iii) All tests shall be conducted while the source is operating at or above the maximum production or combustion rate at which such source is capable of being operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(c) *Regulation for open burning (Jefferson, Gage, and Thayer Counties)*. (1) No person in Jefferson, Gage, or Thayer County in the Lincoln-Beatrice-Fairbury Intrastate Region (§ 81.226 of this chapter) shall ignite, permit to be ignited, or

maintain any open fire except as follows:

(i) Open fires for the cooking of food for human consumption;

(ii) Fires for recreational or ceremonial purposes;

(iii) Fires to abate a fire hazard, providing hazard is so declared by the fire department of fire district having jurisdiction;

(iv) Fires for prevention or control of disease or pests;

(v) Fires for training personnel in the methods of fighting fires;

(vi) Fires for the disposal of dangerous materials, where there is no alternate method of disposal and burning is approved in advance by the Administrator;

(vii) Fires set in operation of smokeless flare stacks for combustion of waste gases, provided they satisfy the requirements of § 52.1429(g) (1) and (2);

(viii) Fires set for land clearing for roads or other construction;

(ix) Fires set in an agricultural operation.

(2) Compliance with this paragraph shall be no later than January 1, 1973.

31. Section 52.1433 is amended by adding paragraph (b) as follows:

§ 52.1433 Control strategy: Nitrogen oxides.

(b) *Regulation for control of nitrogen oxides (city of Omaha)*. (1) No owner or operator of any stationary source in the Nebraska portion of the Metropolitan Omaha-Council Bluffs Interstate Region (§ 81.50 of this chapter) subject to the jurisdiction of the city of Omaha Permits and Inspection Division shall discharge or cause the discharge of nitrogen oxides (expressed as nitrogen dioxide) into the atmosphere in excess of:

(i) 0.20 lb. per million B.t.u. (0.36 g. per million cal.) from gas-fired fuel burning equipment of more than 250 million B.t.u. per hour heat input.

(ii) 0.30 lb. per million B.t.u. (0.54 g. per million cal.) from oil-fired burning equipment of more than 250 million B.t.u. hour heat input.

(iii) Where gaseous and liquid fossil fuels are burned simultaneously in any combination in fuel burning equipment having a maximum rated capacity greater than 250 million B.t.u. per hour heat input, the applicable emission limitations shall be determined by proration. Compliance shall be determined using the following formula:

$$z = \frac{x(0.20) + y(0.30)}{x + y}$$

Where

x = The percent of total heat input derived from gaseous fossil fuels.

y = The percent of total heat input derived from liquid fossil fuels.

z = The allowable emissions in lbs. per million B.t.u.

(iv) 5.5 lbs. per ton (2.8 kg./metric ton) of 100 percent acid produced, from nitric acid plants.

(2) Where solid fossil fuels are burned simultaneously with gaseous and/or liquid fossil fuels in fuel burning equip-

ment, the emission limitations of this paragraph shall not apply.

(3) Compliance with this paragraph shall be in compliance with the provisions of § 52.1425(b).

(4) The test methods and procedures used to determine compliance with subdivisions (i), (ii), and (iii) of subparagraph (1) of this paragraph shall be those prescribed in § 60.46 of this chapter.

(5) The test methods and procedures used to determine compliance with subdivision (iv) of subparagraph (1) of this paragraph shall be those prescribed in § 60.74 of this chapter.

Subpart DD—Nevada

32. Section 52.1473 is amended by adding paragraph (b), as follows:

§ 52.1473 General requirements.

(b) *Regulation for public availability of emission data*. Emission data obtained from owners or operators of stationary sources pursuant to § 52.1479(c) will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Regional Office (Region IX).

33. Section 52.1477 is amended by adding paragraph (c), as follows:

§ 52.1477 Prevention of air pollution emergency episodes.

(c) *Regulation for emission control action programs*. (1) The owner or operator of any stationary source which emits 100 tons (90.7 metric tons) or more per year of any pollutant for which the air quality control region (Part 81 of this chapter) in which the source is located is classified Priority I (Part 52 of this chapter) shall prepare and submit to the Administrator a standby plan for reducing or eliminating emissions of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency as defined in Nevada's plan.

(i) Each such plan shall be submitted within 90 days of the effective date of this regulation and shall be subject to review and approval by the Administrator. Any such plan will be approved unless the Administrator notifies the owner or operator within 60 days that such plan has been disapproved. The Administrator will set forth his reasons for any disapproval.

(ii) Each such plan shall identify the air pollutants emitted by the source, the specific facility from which each air pollutant is emitted, the manner in which reduction of emissions will be achieved during an Air Pollution Alert, Warning, or Emergency, and the approximate reduction in emissions to be achieved by each reduction measure.

(iii) During an Air Pollution Alert, Warning, or Emergency a copy of such plan shall be made available on the source premises for inspection by the Administrator.

PROPOSED RULE MAKING

(2) Upon notification by the Administrator that an Air Pollution Alert, Warning, or Emergency has been declared, the owner or operator of each source which has a standby plan approved by the Administrator shall implement the emission reduction measures specified in such plan.

(3) Any owner or operator of a stationary source not subject to the requirements of subparagraph (1) of this paragraph shall, when requested by the Administrator in writing, prepare and submit a standby plan in accordance with this paragraph.

34. Section 52.1478 is amended by adding paragraph (b), as follows:

§ 52.1478 Review of new sources and modifications.

(b) *Regulation for review of new sources and modifications (Clark and Washoe Counties)*. (1) This regulation is applicable to any stationary source, the construction or modification of which is commenced after the effective date of this regulation, which is subject to review under:

(i) Section 9 of the "Air Pollution Control Regulations" of the District Board of Health of Clark County in the Clark-Mohave Interstate Region (§ 81.80 of this chapter), or

(ii) Chapter 030.005 of the "Air Pollution Control Regulations" of the District Board of Health of Reno, Sparks, and Washoe County in the Northwest Nevada Intrastate Region (§ 81.115 of this chapter).

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to the requirements of subparagraph (3) of this paragraph.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval or denial of the application. The Admin-

istrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

35. Section 52.1479 is amended by adding paragraphs (c) and (d), as follows:

§ 52.1479 Source surveillance.

(c) *Regulation for source record-keeping and reporting*. (1) The owner or operator of any stationary source in the State of Nevada shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(d) *Replacement regulation for Article 8.1.4*. (1) Except as provided in subparagraph (2) of this paragraph, no person shall cause or permit the emission of visible air pollutants from an existing copper smelter of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann chart or 20-percent opacity.

(2) A person may discharge into the atmosphere from an existing copper smelter, for a period or periods aggregating not more than 3 minutes in any 60 minutes, air pollutants of a shade or density not darker than No. 3 on the Ringelmann chart or 60-percent opacity.

(3) Compliance with this paragraph shall be in accordance with the provisions of § 52.1482(a).

36. In Subpart DD, § 52.1482 is added as follows:

§ 52.1482 Compliance schedules.

(a) *Federal compliance schedule*. (1) The owner or operator of any stationary source subject to § 52.1479(d) shall comply with such regulation on the date such owner or operator is required to comply with Article 7.2 of the "State of Nevada Air Quality Regulations."

Subpart GG—New Mexico

37. Section 52.1623 is amended by adding paragraph (b), as follows:

§ 52.1623 General requirements.

(b) *Regulation for public availability of emission data*. Emission data obtained from owners or operators of stationary sources pursuant to § 52.1629(d) will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Regional Office (Region VI).

38. Section 52.1624 is amended by adding paragraph (c), as follows:

§ 52.1624 Control strategy and regulations: Sulfur oxides.

(c) *Replacement regulation for Regulation 602.B (existing coal burning equipment in the Four Corners Interstate Region)*. (1) No owner or operator of any solid fossil fuel-fired steam generating equipment located in the New Mexico portion of the Four Corners Interstate Region (§ 81.121 of this chapter), which has a total rated capacity of 250 million B.t.u. per hour or more, and which is not subject to the provisions of Part 60 of this chapter or regulation 602.A of the State of New Mexico "Air Quality Control Regulations," shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equation:

$$E = \frac{5.7 \times 10^5 S}{H}$$

Where

E=Allowable sulfur oxides emission (lb./10⁶ B.t.u.)

S=Sulfur content, in percent by weight, of fuel being burned

H=Heat content of fuel (B.t.u./lb.).

(2) Compliance with this paragraph shall be in accordance with the provisions of § 52.1626(c).

(3) The sulfur content and heat content of fuels shall be determined by the following methods published by the American Society for Testing and Materials or by other methods as may be approved by the Administrator.

(i) Sulfur content of solid fuels—mechanical sampling by Method D2234-65T, sample preparation by Method D2013-65T, and sample analysis by Method D271-70.

(ii) Heat content of solid fuels—Method D2015-66.

(4) The stack sampling test method and procedures utilized to determine compliance with subparagraph (1) of this paragraph shall be those prescribed for sulfur oxides in § 60.46 of this chapter.

39. Section 52.1626 is amended by adding paragraphs (c) and (d), as follows:

§ 52.1626 Compliance schedules.

(c) *Federal compliance schedule*. (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator

of any stationary source subject to § 52.1624(c) shall comply with such regulation on or before December 31, 1973. The owner or operator of any such source which has not commenced operation as of the effective date of this regulation shall comply with such regulation at the time operation is commenced, unless a compliance schedule has been submitted pursuant to subparagraph (2) of this paragraph.

(i) Any owner or operator in compliance with § 52.1624(c) on the effective date of this regulation shall certify such compliance to the Administrator not later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with § 52.1624(c) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.1624(c) as expeditiously as practicable but no later than July 31, 1977.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control system; performance tests; and submittal of performance test analysis and results.

(ii) Any compliance schedule for any stationary source subject to § 52.1624(c) which extends beyond July 31, 1975, shall provide for interim measures of control designed to reduce the impact of emissions from such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(d) *Regulation for increments of progress.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to Regulations 504.D, 506.B, 603.B, 604.B, or 652.A of New Mexico's "Air Quality Control Regulations" shall submit to the Administrator no later than December 31, 1972, a proposed compliance schedule that demonstrates compliance with the applicable regulations as expeditiously as practicable but no later than the dates specified in the applicable regulations. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include but not be limited to: Letting of necessary contracts for construction or process changes, if appli-

pletion and startup of control system; performance tests; and performance test analysis and results.

cable; initiation of construction; completion; (2) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before December 31, 1973, no compliance schedule shall be required.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

40. Section 52.1628 is amended by adding paragraphs (c) and (d), as follows:

§ 52.1628 Review of new sources and modifications.

* * * * *

(c) *Regulation for review of new sources and modifications.* (1) This regulation is applicable to any stationary source in the State of New Mexico, except those sources in Bernalillo County, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State, or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an ap-

proval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require;

(ii) Safe access to each port;

(iii) Instrumentation to monitor and record emission data; and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of the source shall provide the Administrator 15 days' prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which uses gas as a fuel for space heating, air conditioning, or heating water; is used in a private dwelling, or has a heat input of not more than 350,000 B.t.u. per hour (88.2 million gm.-cal./hr.).

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify a source shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

(d) *Regulation for review of new sources and modifications (Bernalillo County, Albuquerque-Mid-Rio Grande Intrastate Region.* (1) This regulation is applicable to any stationary source subject to review under section 12 of the "Air Pollution Control Regulations of the Albuquerque-Bernalillo County Air Quality Control Board" in Bernalillo County in the Albuquerque-Mid-Rio Grande Intrastate Region (§ 81.83 of this chapter), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(1) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to the requirements of subparagraph (3) of this paragraph.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

41. Section 52.1629 is amended by adding paragraph (d), as follows:

§ 52.1629 Source surveillance.

(d) *Regulation for source recordkeeping and reporting.* (1) The owner or operator of any stationary source in the State of New Mexico shall, upon notification from the Administrator, maintain records of the nature and amount of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compli-

ance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

Subpart NN—Pennsylvania

42. Section 52.2024 is amended by adding paragraph (b), as follows:

§ 52.2024 General requirements.

(b) *Regulation for public availability of emission data.* Emission data obtained from owners or operators of stationary sources in Allegheny County and the city of Philadelphia pursuant to § 52.2030(d) will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Regional Office (Region III).

43. Section 52.2026 is amended by adding paragraphs (c) and (d) as follows:

§ 52.2026 Control strategy and regulations: Particulate matter.

(c) *Replacement regulation for section V of the city of Philadelphia Air Pollution Control Board Air Management Regulation II, April 1970.* (1) No owner or operator of any stationary source which is located in the city of Philadelphia shall discharge or cause the discharge of particulate matter into the atmosphere from any solid-fired fuel-burning equipment in excess of the following:

(i) For equipment with total rated capacity between 2.5 million and 50 million B.t.u. per hour, the maximum allow-

able emission rate shall be 0.4 lb. per million B.t.u. (0.72 g./million cal.) heat input.

(ii) For equipment with total rated capacity equal to or between 50 million and 600 million B.t.u. per hour, the maximum allowable emission rate shall be determined by the following equation:

$$A = 3.6 E^{-0.65}$$

Where

A = Allowable emission rate, in pound of particulate matter per million B.t.u. heat input.

E = Total rated capacity, in millions of B.t.u.'s per hour.

(iii) For equipment with total rated capacity in excess of 600 million B.t.u. per hour, the maximum allowable emission rate shall be 0.1 lb. per million B.t.u. (0.18 g./million cal.) heat input.

(2) Compliance with this paragraph shall be in accordance with the provisions of § 52.2036(a).

(3) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed for particulate matter in § 60.46 of this chapter.

(d) *Replacement regulation for section VII of the city of Philadelphia Air Pollution Control Board Air Management Regulation II, April 1970.* (1) This paragraph applies to all process stationary sources in the city of Philadelphia, except fuel burning equipment and incinerators.

(2) No owner or operator of any process stationary source shall discharge or cause the discharge of particulate matter into the atmosphere from any process listed in Table 1 in excess of the rate calculated by the following formula or in such a manner that the concentration of particulate matter in the effluent gas exceeds 0.02 gr./dry s.c.f. (0.56 g./NM³), whichever is greater:

$$A = 0.76E^{0.45}$$

Where

A = Allowable emissions in lb./hr.

E = Emission index = F × W lb./hr.

F = Process factor in lb./unit, and

W = Production of charging rate in units/hr.

The factor F shall be obtained from Table 1. The units for F and W shall be compatible.

TABLE I

Process	Process Factor, F
1. Carbon black manufacturing-----	500 lbs./ton of product.
2. Charcoal manufacturing-----	400 lbs./ton of product.
3. Crushers or grinders or screens-----	20 lbs./ton of feed.
4. Paint manufacturing-----	0.05 lbs./ton of pigment handled.
5. Phosphoric acid manufacturing-----	6 lbs./ton of phosphorus burned.
6. Detergent drying-----	30 lbs./ton of product.
7. Alfalfa dehydration-----	30 lbs./ton of product.
8. Grain elevators: Loading or unloading---	90 lbs./ton of grain.
9. Grain screening and cleaning-----	300 lbs./ton of grain.
10. Grain drying-----	200 lbs./ton of product.
11. Meat smoking-----	0.01 lbs./ton of meat.
12. Ammonium nitrate manufacturing: Granulator.	0.1 lbs./ton of product.
13. Ferroalloy production furnace-----	0.3 lbs./ton of product.
14. Primary iron and/or steel making:	
Iron production-----	100 lbs./ton of product.
Sintering: Windbox-----	20 lbs./ton of dry solids feed.
Steel production-----	40 lbs./ton of product.
Scarfing -----	20 lbs./ton of product.

TABLE I—Continued

Process	Process Factor, F
15. Primary lead production:	
Roasting	0.004 lbs./ton of ore feed.
Sintering: Windbox	0.2 lbs./ton of sinter.
Lead reduction	0.5 lbs./ton of product.
16. Primary zinc production:	
Roasting	3 lbs./ton of ore feed.
Sintering: Windbox	2 lbs./ton of product.
Zinc reduction	10 lbs./ton of product.
17. Secondary aluminum production:	
Sweating	50 lbs./ton of aluminum product.
Melting and refining	10 lbs./ton of aluminum feed.
18. Brass and bronze production: Melting and refining.	20 lbs./ton of product.
19. Iron foundry:	
Melting:	
5 tons per hour and less	150 lbs./ton of iron.
More than 5 tons per hour	50 lbs./ton of iron.
Sand handling	20 lbs./ton of sand.
Shakeout	20 lbs./ton of sand.
20. Secondary lead smelting	0.5 lbs./ton of product.
21. Secondary magnesium smelting	0.2 lbs./ton of product.
22. Secondary zinc smelting:	
Sweating	0.01 lb./ton of product.
Refining	0.3 lb./ton of product.
23. Asphaltic concrete production	6 lbs./ton of aggregate feed.
24. Asphalt roofing manufacturing: Felt saturation	0.6 lb./ton of asphalt used.
25. Portland cement manufacturing:	
Clinker production	150 lbs./ton of dry solids feed.
Clinker cooling	50 lbs./ton of product.
26. Coal drying	2 lbs./ton of product.
27. Coal dry-cleaning	2 lbs./ton of product.
28. Lime calcining	200 lbs./ton of product.
29. Petroleum refining: Catalytic cracking ..	40 lbs./ton of liquid feed.

(3) No owner or operator of any process stationary source not listed in Table I shall discharge or cause the discharge of particulate matter into the atmosphere in such a manner that the concentration of particulate matter in the effluent gas at any time exceeds:

(i) 0.04 gr./dry s.c.f. (1.12 g./NM³) when the effluent gas volume is less than 150,000 dry s.c.f./min. (4,248 dry NM³/min.).

(ii) The rate determined by the formula:

$$A=6,000E^{-1}$$

Where

A=Allowable emissions in gr./dry s.c.f. and

E=Effluent gas volume in dry s.c.f./min., when E is equal to or greater than 150,000 but less than 300,000.

(iii) 0.02 gr./dry s.c.f. (0.56 g./NM³), when the effluent gas volume is equal to or greater than 300,000 dry s.c.f./min. (8,496 dry NM³/min.).

(4) For the purpose of this regulation, a process is defined as any method, reaction, or operation wherein materials are handled or whereby materials undergo physical change (i.e., the size, shape, appearance, temperature, state, or other physical property of the material is altered) or chemical change (i.e., a substance or substances with different chemical composition or properties are formed or created). A process includes all of the equipment and facilities necessary for the completion of the transformation of the materials to produce a physical or chemical change. There may be several processes in series or in parallel necessary to the manufacture of a product.

(5) Compliance with this paragraph shall be in accordance with the provisions of § 52.2036(a).

(6) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods used are prescribed in the appendix to Part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using Method 5. Traversing during sampling by Method 5 shall be according to Method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft.³ corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using Method 2. Gas analysis shall be performed using the integrated sample technique of Method 3, and moisture content shall be determined by the condenser technique of Method 5.

(iii) All tests shall be conducted while the source is operating at or above the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify based on representative performance of the source.

44. Section 52.2027 is amended by adding paragraph (b), as follows:

§ 52.2027 Control strategy: Nitrogen dioxide.

(b) Regulation for control of nitrogen oxides emissions. (1) No owner or oper-

ator of any stationary source in the Central Pennsylvania (§ 81.104 of this chapter), South Central Pennsylvania (§ 81.105 of this chapter), or Southwest Pennsylvania (§ 81.23 of this chapter) Intrastate Regions or in the Pennsylvania portions of the Metropolitan Philadelphia (§ 81.15 of this chapter) or Northeast Pennsylvania—Upper Delaware Valley (§ 81.55 of this chapter) Interstate Regions shall discharge or cause the discharge of nitrogen oxides (expressed as nitrogen dioxide) into the atmosphere in excess of:

(i) 0.20 lbs. per million B.t.u. (0.36 g. per million cal.) from gas-fired fuel burning equipment of more than 250 million B.t.u. per hour heat input.

(ii) 0.30 lbs. per million B.t.u. (0.54 g. per million cal.) from oil-fired fuel burning equipment of more than 250 million B.t.u. per hour heat input.

(iii) Where gaseous and liquid fossil fuels are burned simultaneously in any combination in fuel burning equipment of more than 250 million B.t.u. per hour heat input, the applicable emission limitations shall be determined by proration. Compliance shall be determined by using the following formula:

$$z = \frac{x(0.20) + y(0.30)}{x + y}$$

Where

x=The percent of total heat input derived from gaseous fossil fuels.

y=The percent of total heat input derived from liquid fossil fuels.

z=The allowable emission in lb. per million B.t.u.

(2) Where solid fossil fuels are burned simultaneously with gaseous and/or liquid fossil fuels in fuel burning equipment, the emission limitations of subparagraph (1) of this paragraph shall not apply.

(3) Compliance with this paragraph shall be in accordance with the provisions of § 52.2036(a).

(4) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed for nitrogen oxides in § 60.46 of this chapter.

45. Section 52.2030 is amended by adding paragraph (d), as follows:

§ 52.2030 Source surveillance.

(d) Regulation for source recordkeeping and reporting. (1) The owner or operator of any stationary source in Allegheny County or the city of Philadelphia shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date

PROPOSED RULE MAKING

the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

46. In Subpart NN, § 52.2036 is added as follows:

§ 52.2036 Compliance schedules.

(a) *Federal compliance schedule.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to § 52.2026(c), § 52.2026(d), or § 52.2027(b) shall comply with such regulations on or before December 31, 1973.

(1) Any owner or operator in compliance with § 52.2026(c), § 52.2026(d), or § 52.2027(b) on the effective date of this regulation shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with § 52.2026(c), § 52.2026(d), or § 52.2027(b) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) An owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.2026(c), § 52.2026(d), or § 52.2027(b) as expeditiously as practicable, but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control systems; performance tests; and submittal of performance test analysis and results.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

Subpart TT—Utah

47. Section 52.2324 is amended by adding paragraph (b), as follows:

§ 52.2424 General requirements.

(b) *Regulation for public availability of emission data.* (1) The owner or operator of any stationary source in the State of Utah shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine

whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Regional Office (Region VIII).

48. Section 52.2325 is amended by adding paragraphs (c) and (d) as follows:

§ 52.2325 Control strategy: Sulfur oxides.

* * * * *

(c) *Regulation for control of sulfur oxides emissions (Wasatch Front Intrastate Region).* (1) No owner or operator of any smelter in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of 29,400 pounds (13,300 kg.) per hour.

(2) No owner or operator of any smelter subject to the provisions of subparagraph (1) of this paragraph shall operate any facility unless all sulfur oxides emitted from such facility are vented by an exhaust gas system to the atmosphere through any stack or stacks serving such facility.

(3) Compliance with this paragraph shall be in accordance with the provisions of § 52.2327(b).

(4) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced by number are contained in the appendix to Part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) When testing facilities controlled by a sulfuric acid plant, the test methods and procedures shall be those prescribed in § 60.85 of this chapter, except that the sampling time for acid plants associated with converters shall be in accordance with subdivision (v) of this subparagraph.

(ii) When testing uncontrolled facilities and control equipment other than acid plants, the average concentration of sulfur oxides shall be determined by using Method 8, except that the sampling time for control equipment associated with converters shall be in accordance with subdivision (v) of this subparagraph.

(iii) The sampling site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct.

(iv) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3, and moisture content shall be determined by Method 4.

(v) The sampling time for testing converters and associated control equipment shall be for one complete converter cycle. For all other units, the sampling time shall be 2 hours and the minimum sampling volume shall be 40 ft.³ (1.13 m.³).

(vi) All tests shall be conducted while the smelter is operating at or above the maximum production rate at which such smelter is capable of being operated. During the tests, the smelter shall burn fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(5) The owner or operator of any smelter subject to the provisions of subparagraph (1) of this paragraph shall install, or cause to be installed, an instrument for continuously monitoring and recording sulfur dioxide emissions in each stack which would emit 5 percent or more of the total uncontrolled hourly sulfur oxides emissions from the smelter.

(i) The performance and operating specifications of instrument(s) and/or sampling systems to be installed pursuant to this subparagraph shall be submitted to and are subject to approval by the Administrator. A description of the performance and operating specifications of the instrument(s) and/or sampling systems shall be submitted to the Administrator not later than 3 months after the effective date of this regulation. Instruments shall be maintained, calibrated, and operated in accordance with the methods prescribed by the manufacturers of such instrument(s).

(ii) The owner or operator of any smelter shall maintain a record of all measurements required by this subparagraph. Measurement results shall be expressed in the units prescribed by the emission limitation in subparagraph (1) of this paragraph and shall be summarized monthly. The record of such measurements shall be retained for at least 2 years following the date of such measurements.

(iii) The continuous monitoring and recordkeeping equipment requirements of this subparagraph shall become applicable 6 months after the effective date of this regulation.

(d) *Regulation for control of sulfur oxides emissions (Four Corners Intrastate Region).* (1) No owner or operator of any solid fossil fuel-fired steam generating equipment located in Emery County, Utah, which has a total rated

capacity of 175 million B.t.u. per hour or greater and which is not subject to the provisions of Part 60 of this chapter shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equation:

$$E = \frac{5.7 \times 10^3 S}{H}$$

Where

- E=Allowable sulfur oxides emission (lb./10⁶ B.t.u.)
- S=Sulfur content, in percent by weight, of fuel being burned
- H=Heat content of fuel (B.t.u./lb.).

(2) Compliance with this paragraph shall be in accordance with the provisions of § 52.2327(b).

(3) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed for sulfur oxides in § 60.46 of this chapter.

49. Section 52.2326 is amended by adding paragraph (b), as follows:

§ 52.2326 Control strategy: Nitrogen dioxide.

(b) *Regulation for control of nitrogen oxides (Wasatch Front Intrastate Region).* (1) No owner or operator of any stationary source in the Wasatch Front Interstate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of nitrogen oxides (expressed as nitrogen dioxide) into the atmosphere in excess of:

(i) 0.20 lb. per million B.t.u. (0.36 g. per million cal.) from gas-fired fuel burning equipment of more than 250 million B.t.u. per hour heat input.

(ii) 0.30 lb. per million B.t.u. (0.54 g. per million cal.) from oil-fired fuel burning equipment of more than 250 million B.t.u. per hour heat input.

(iii) Where gaseous and liquid fossil fuels are burned simultaneously in any combination in fuel burning equipment of more than 250 million B.t.u. per hour heat input, the applicable emission limitations shall be determined by proration. Compliance shall be determined using the following formula:

$$Z = \frac{x(0.20) + y(0.30)}{x + y}$$

Where

- x=The percent of total heat input derived from gaseous fossil fuels.
- y=The percent of total heat input derived from liquid fossil fuels.
- z=The allowable emissions in pounds per million B.t.u.

(iv) 5.5 lbs. per ton (2.8 kg./metric ton) of 100 percent acid produced from nitric acid plants.

(2) Where solid fossil fuels are burned simultaneously with gaseous and/or liquid fossil fuels in fuel burning equipment, the emission limitations of this paragraph shall not apply.

(3) Compliance with this paragraph shall be in accordance with the provisions of § 52.2327(b).

(4) The test methods and procedures used to determine compliance with subdivisions (i), (ii), and (iii) of subpara-

graph (1) of this paragraph shall be those prescribed for nitrogen oxides in § 60.46 of this chapter, and the test methods and procedures used to determine compliance with subdivision (iv) of subparagraph (1) of this paragraph shall be those in § 60.74 of this chapter.

50. Section 53.2327 is amended by adding paragraph (b) as follows:

§ 52.2327 Compliance schedules.

(b) *Federal compliance schedule.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to § 52.2325 (c) or (d), § 52.2326(b), or § 52.2330 (b) or (c), shall comply with such regulation on or before December 31, 1973. The owner or operator of any source subject to § 52.2325(d) or § 52.2330(c) of this chapter which has not commenced operation on the effective date of this regulation shall comply with such regulation at the time operation is commenced, unless a compliance schedule has been submitted pursuant to subparagraph (2) of this paragraph.

(i) Any owner or operator in compliance with § 52.2325 (c) or (d), § 52.2326(b), or § 52.2330 (b) or (c) on the effective date of this regulation shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with § 52.2325 (c) or (d), § 52.2326(b), or § 52.2330 (b) or (c) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.2326(b), or § 52.2330 (b) or (c) as expeditiously as practicable but no later than July 31, 1975, or with § 52.2325 (c) or (d) as expeditiously as practicable but no later than July 31, 1977.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control systems; performance tests; and submittal of performance test analysis and results.

(ii) Any compliance schedule for any stationary source subject to § 52.2325 (c) or (d) which extends beyond July 31, 1975, shall provide for interim measures of control designed to reduce the impact of emissions from such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator

whether or not the required increment of the approved compliance schedule has been met.

51. Section 52.2328 is amended by adding paragraph (b) as follows:

§ 52.2328 Review of new sources and modifications.

(b) *Regulation for review of new sources and modifications.* (1) This requirement is applicable to any stationary source in the State of Utah, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make a determination pursuant to the requirements of subparagraph (3) of this paragraph.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

52. Section 52.2330 is amended by adding paragraphs (b) and (c) as follows:

§ 52.2330 Rules and regulations: Particulate matter.

(b) *Replacement for section 3.5 (Wasatch Front Intrastate Region).* (1) Process sources—No owner or operator of any stationary source in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the

discharge of particulate matter into the atmosphere from process sources, except byproduct coke ovens, in excess of the hourly rate shown in the following table for the process weight rate identified for each source:

Process weight rate (pounds per hour):	Emission rate (pounds per hour)
100	0.551
200	0.877
600	1.83
1,000	2.58
5,000	7.58
10,000	12.00
20,000	19.20
60,000	40.00
80,000	42.50
120,000	46.30
160,000	49.00
200,000	51.20
1,000,000	69.00
2,000,000	77.60

(1) Interpolation of the data in the table for process weight rate up to 60,000 lbs./hr. shall be accompanied by use of the equation:

$$E=4.10 P^{0.67}, \text{ for } P \leq 30 \text{ tons/hr.}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs./hr. shall be accomplished by use of the equation:

$$E=55.0 P^{0.21}-40, \text{ for } P > 30 \text{ tons/hr.}$$

Where

E=Emissions in pounds per hour
P=Process weight in tons per hour.

(ii) Process weight is the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a given period of time by the number of hours in that period.

(2) Fuel burning sources—No owner or operator of any stationary source in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere from fuel burning equipment in excess of the rate set forth in the following table:

Total rated capacity (10 ⁶ B.t.u. per hour)	Maximum allowable emissions of particulate matter (lbs. per 10 ⁶ B.t.u.)
10 or less	0.60
100	0.42
1,000	0.29
10,000 or more	0.20

The allowable emission rate for equipment having an intermediate total rated capacity between 10 million B.t.u. and 10,000 million B.t.u. per hour may be determined by the formula:

$$A=0.87C^{-0.18}$$

Where

A=The allowable emission rate in lbs./10⁶ B.t.u.

C=The total rated capacity in 10⁶ B.t.u./hr

(3) Incinerators—No person in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of 0.16 pound (72.6 gm.) per 100 pounds (45.4 kg.) of refuse charged, from any incinerator with a waste burning capacity equal to or in excess of 10,000 pounds (4,500 kg.) per hour.

(i) Emission tests shall be conducted at the maximum burning capacity of the incinerator.

(4) Byproduct coke ovens—No owner or operator of byproduct coke ovens in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall operate a battery of coke ovens during the pushing and charging operations in such a manner as to cause, permit, or allow the emissions of particulate matter of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart or 20-percent opacity.

(i) No owner or operator of coke ovens identified in subparagraph (4) of this paragraph shall discharge or cause the discharge into the atmosphere of any visible emissions from any opening on the top side of a battery of coke ovens, except for periods when a battery of coke ovens is being charged.

(ii) No owner or operator of coke ovens identified in subparagraph (4) of this paragraph shall discharge or cause the discharge into the atmosphere of any visible emissions, except nonsmoking flame, from more than ten (10) percent of the coke ovens in any battery at any time except as provided in subdivision (i) of this subparagraph.

(iii) The owner or operator of coke ovens identified in subparagraph (4) of this paragraph shall maintain equipment in good condition. Self-sealing coke oven doors found to be discharging visible emissions into the atmosphere thirty (30) minutes or more after an oven is charged shall be adjusted, repaired, or replaced prior to the next coking cycle. Luted doors found to be discharging visible emissions into the atmosphere shall be reluted immediately.

(iv) No owner or operator of coke ovens identified in subparagraph (4) of this paragraph shall operate a coke quenching tower unless such quenching tower is equipped with interior baffles.

(5) The test methods and procedures used to determine compliance with subparagraph (1) of this paragraph are set forth below. The methods referenced are contained in the appendix to Part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using Method 5. Traversing during sampling by Method 5 shall be according to Method 1. The minimum sampling time shall be

2 hours and the minimum sampling volume shall be 60 ft.³ (1.70 m.³) corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using Method 2. Gas analysis shall be performed using the integrated sample technique of Method 3, and moisture content shall be determined by the condenser technique of Method 5.

(iii) All tests shall be conducted while the source is operating at or above the maximum production or combustion rate at which such source is capable of being operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(6) The test methods and procedures used to determine compliance with subparagraph (2) of this paragraph shall be those prescribed for particulate matter in § 60.46 of this chapter.

(7) The test methods and procedures used to determine compliance with subparagraph (3) of this paragraph shall be those in § 60.54 of this chapter.

(8) Compliance with this paragraph shall be in accordance with § 52.2327(b).

(c) Replacement for section 3.5 (Four Corners Interstate Region). (1) No owner or operator of any fossil fuel-fired steam generating equipment located in Emery County, Utah, which has a total rated capacity of 175 million B.t.u. per hour or greater and which is not subject to the provisions of Part 60 of this title shall discharge or cause the discharge of particulate matter into the atmosphere in excess of 0.075 lbs. per 10⁶ B.t.u. (0.135 g. per million cal.) heat input.

(2) Compliance with this paragraph shall be in accordance with provisions of § 52.2327(b).

(3) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed for particulate matter in § 60.46 of this chapter.

Subpart VV—Virginia

53. Section 52.2426 is amended by adding paragraph (c), as follows:

§ 52.2426 Control strategy: Nitrogen dioxide.

(c) Replacement regulation for Virginia regulations 4.05.05(b)(2)(a) and 4.05.05(b)(2)(b) (State Capital and Hampton Roads Intrastate Regions). (1) No owner or operator of any stationary source in the State Capital (§ 81.145 of this chapter) or Hampton Roads (§ 81.93 of this chapter) Intrastate Regions shall discharge or cause the discharge of nitrogen oxides (expressed as nitrogen dioxide) into the atmosphere in excess of:

(i) 0.20 lb. per million B.t.u. (0.36 g. per million cal.) from gas-fired fuel burning equipment of more than 250 million B.t.u. per hour heat input.

(ii) 0.30 lb. per million B.t.u. (0.54 g. per million cal.) from oil-fired fuel burn-

ing equipment of more than 250 million B.t.u. per hour heat input.

(iii) Where gaseous and liquid fossil fuels are burned simultaneously in any combination in fuel burning equipment of more than 250 million B.t.u. per hour heat input, the applicable emission limitation shall be determined by proration. Compliance shall be determined by using the following formula:

$$z = \frac{x(0.20) + y(0.30)}{x + y}$$

Where

- x=The percent of total heat input derived from gaseous fossil fuels.
- y=The percent of total heat input derived from liquid fossil fuels.
- z=The allowable emissions in lb. per million B.t.u.

(2) Where solid fossil fuels are burned simultaneously with gaseous and/or liquid fossil fuels in fuel burning equipment, the emission limitations of subparagraph (1) of this paragraph shall not apply.

(3) Compliance with this paragraph shall be in accordance with the provisions of § 52.2430(a).

(4) Test methods and procedures used to determine compliance with this paragraph shall be those prescribed for nitrogen oxides in § 60.46 of this chapter.

54. In Subpart VV, § 52.2430 is added, as follows:

§ 52.2430 Compliance schedules.

(a) *Federal compliance schedule.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to § 52.2426(c) shall comply with such regulation on or before December 31, 1973.

(i) Any owner or operator in compliance with § 52.2426(c) on the effective date of this regulation shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with § 52.2426(c) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) An owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.2426(c) as expeditiously as practicable, but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control system; performance tests; and submittal of performance test analysis and results.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline of each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

Subpart YY—Wisconsin

55. Section 52.2573 is amended by adding paragraph (b), as follows:

§ 52.2573 General requirements.

(b) *Regulation for public availability of emission data.* (1) The owner or operator of any stationary source in the State of Wisconsin shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Regional Office (Region V).

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