U.S. GOVERNMENT INFORMATION GPO

federal register

TUESDAY, AUGUST 8, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 153

Pages 15905–15971

PART I

(Part II begins on page 15969)

HIGHLIGHTS OF THIS ISSUE

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

EDUCATIONAL RADIO/TV—HEW proposed closing date for applications and criteria for award of grants; comments within 30 days 15969

NARCOTICS AND DANGEROUS DRUGS—
Justice Dept. amends dispensing procedures and manufacturers' product information and production quotas; effective 8–8–72 15917
Justice Dept. proposes further limitations of controlled substances; comments by 8–31–72 15933
Justice Dept. announces new procedures for processing of pharmacy registration applications 15943

ECONOMIC STABILIZATION—IRS publishes rulings on definition of construction company, prenotification requirements, longevity raises, and base rent (4 documents) 15942, 15943

BOATING SAFETY ADVISORY COUNCIL—DoT announces meeting on 9–12/13–72 15948

NEW VETERINARY DRUGS—FDA announces withdrawal of approval of certain applications (2 documents) 15946, 19547

NEW DRUGS—FDA withdraws approval of 12 applications and issues 2 follow-up efficacy studies (4 documents) 15946–15948

WAGE CONTROLS—Pay Board amendments providing exceptions for individuals earning less than $2.75 per hour; effective 7–15–72 15931

(Continued inside)

MICROFILM EDITION
FEDERAL REGISTER
35mm MICROFILM

Complete Set 1936–71, 202 Rolls $1,439

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	$7	13	1948	$28	25	1960	$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42	36	1971	97

Order Microfilm Edition from Publications Sales Branch
National Archives and Records Service
Washington, D.C. 20408

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

FOOD ADDITIVES—FDA provides for use of adhesives, synthetic paraffin waxes, and certain surfactants (3 documents); effective 8–8–72 15915, 15916

VETERAN BENEFITS—VA establishes new rules on investments registration and funds handling by legal custodians; effective 8–2–72 15925

AMATEUR RADIO SERVICE—FCC adopts new application form for use by aliens; effective 8–8–72 15928

AUTOMOBILE/TRUCK STANDARDS—GSA to hold industry specification development conference on 8–17/18–72 15956

HIGHWAY LOCATION APPROVALS—DoT amends public hearing policy to permit supplemental information on social, economic and environmental effects 15924

HAZARDOUS MATERIALS—FAA proposes employee training program for handling of dangerous articles; comments by 10–9–72 15938

CHEESE IMPORTS—USDA announces information required to establish eligibility for licenses 15945

PIANOS—Tariff Comm. notice of hearing 10–31–72 to determine effect of termination of increased tariffs 15957

Contents

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Foreign Agricultural Service.

Notices

Navaho and Hopi Indians in certain States; feed grain donations 15945

AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Grain standards, department charges and fee 15911
Lemons in California and Arizona; handling limitation 15912

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rule Making

Puerto Rico; 1972 quota allotment of direct-consumption portion of mainland sugar 15936

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices

Regional Directors; delegation of authority regarding additional inspection of taxpayer's books of account 15942

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations

Giant African snail; extension of regulated area in Florida 15911
Hog cholera and other communicable swine diseases; areas quarantined (2 documents) 15912
Newcastle (exotic) disease and psittacosis or ornithosis in poultry; areas quarantined (3 documents) 15913, 15914
Screwworms; miscellaneous amendments 15914

ATOMIC ENERGY COMMISSION

Notices

Wisconsin Electric Power Co. and Wisconsin Michigan Power Co.; issuance of amendment to facility operating license 15949

COAST GUARD

Notices

Boating Safety Advisory Council; open meeting 15948

COMMERCE DEPARTMENT

Notices

Assistant Secretary for Maritime Affairs; delegation of authority regarding foreign sale of certain passenger vessels 15946

EDUCATION OFFICE

Proposed Rule Making

Educational broadcasting facilities program 15970

EMERGENCY PREPAREDNESS OFFICE

Notices

Minnesota; notice of major disaster and related determinations 15957

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directive; Piper PA–28 and PA–32 model airplanes 15914
Transition areas:
Alteration (2 documents) 15915
Designation 15915

Proposed Rule Making

Control zone and transition area; establishment and alteration 15937
Federal airway; alteration 15938
Loading and carrying dangerous articles and magnetized materials on aircraft; training requirements and manual requirements 15938
Transition area and control area; alteration 15937
Transition areas:
Alteration 15937
Designation and revocation 15936

(*Continued on next page*)

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Chief, Cable Television Bureau, delegations of authority, and procedures for special temporary authorization ---- 15925
FM broadcast stations in Nansemond, Va.; table of assignments ---- 15927
Operation of amateur radio stations in United States by permanent resident aliens ---- 15928

Proposed Rule Making

FM broadcast stations in certain cities in Alabama and Florida; table of assignments ---- 15940

Notices

Canadian broadcast stations; notification list ---- 15950

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Policy and procedure and instructional memoranda; public hearings and location approval ---- 15924

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
- A/S Goodwill, et al ---- 15951
- Little Rock Port Authority and Atlantic & Gulf Stevedores, Inc ---- 15952

Certificates of financial responsibility (oil pollution); certificates issued ---- 15951

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Amoco Production Co. et al ---- 15963
- Brazos Gas Compressing Co ---- 15964
- Great Lakes Gas Transmission Co ---- 15965
- Industrial Gas Corp ---- 15965
- Rockland Electric Co ---- 15965
- United Gas Pipe Line Co ---- 15966

FEDERAL RESERVE SYSTEM

Notices

Fidelity American Bankshares, Inc.; acquisition of bank and proposed acquisition of nonbanking activities ---- 15953
First International Bancshares, Inc.; formation of bank holding company ---- 15953
Orders approving acquisitions of banks:
- NCNB Corp. (2 documents) ---- 15953, 15954
- Ribso, Inc ---- 15955

Third National Corp.; proposed acquisition of Friendly Finance, Inc ---- 15955
Twin City Corp.; formation of bank holding company and proposed acquisition of Twin City Financial Services, Inc ---- 15955

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting:
- Browns Park National Wildlife Refuge, Colo ---- 15930
- Crab Orchard National Wildlife Refuge, Ill ---- 15930
- Quivara National Wildlife Refuge, Kans ---- 15930
- Seedskadee National Wildlife Refugee, Wyo. (2 documents) ---- 15931

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives:
- Adhesives (2 documents) ---- 15916
- Adjuvants for pesticide use dilutions ---- 15915

Notices

Diamond Fruit Growers, Inc.; canned blackberries and purple plums deviating from identity standard; extension of temporary permit for market testing ---- 15946
Drug efficacy study implementation follow-up notices:
- Certain sympathomimetic drugs for parenteral use ---- 15946
- Chlorprothixene ---- 15947

New drug applications; withdrawals of approval:
- American Cyanamid Co. et al.; certain antibiotics ---- 15946
- Daribiotic tablets ---- 15947
- Merrell-National Laboratories, et al ---- 15948
- Smith, Kline and French Laboratories; trimeprazine tartrate, phenylpropanolamine hydrochloride and acetaminophen combination ---- 15947

FOREIGN AGRICULTURAL SERVICE

Notices

Import quotas for cheese; submission of information to establish eligibility for licenses ---- 15945

GENERAL SERVICES ADMINISTRATION

Notices

Automotive, sedans and station wagons, light trucks; industry specification development conference ---- 15956

HAZARDOUS MATERIALS REGULATIONS BOARD

Notices

Special permits issued; list ---- 15949

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Regional Administrators et al.; redelegation of authority regarding Rehabilitation Loan Program ---- 15948

INDIAN AFFAIRS BUREAU

Rules and Regulations

San Carlos Indian Irrigation Project, Arizona; operations and maintenance rates ---- 15924

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

Notices

Chattahoochee Palisades State Park land acquisition, Land and Water Conservation Fund, Atlanta, Ga.; availability of draft environmental statement ---- 15945

INTERNAL REVENUE SERVICE

Notices

Cost of Living Council rulings:
- Classification of price category firms ---- 15942
- Small business exemption for rug suppliers ---- 15942

Pay Board ruling; difference between merit increases and longevity increases ---- 15942
Price Commission ruling; redetermination of base rent ---- 15943

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Car services:
- Distribution of boxcars ---- 15929
- New York Dock Railway ---- 15930

Notices

Assignments of hearings (2 documents) ---- 15958
Exemptions from mandatory car service rules (17 documents) ---- 15958–15962
Fourth section applications for relief ---- 15962
Rerouting or diversion of traffic ---- 15963

JUSTICE DEPARTMENT

See Narcotics and Dangerous Drugs Bureau.

Notices

Registration of manufacturers, distributors, and dispensers of controlled substances; new procedures ---- 15943

LABOR DEPARTMENT

Notices

Minnesota; termination of extended unemployment compensation ---- 15958

LAND MANAGEMENT BUREAU

Notices

Idaho; proposed withdrawal and reservation of lands (2 documents) ---------- 15944

NARCOTICS AND DANGEROUS DRUGS BUREAU

Rules and Regulations

Drug abuse prevention and control ---------- 15917

Proposed Rule Making

Drug abuse prevention and control ---------- 15933

NATIONAL LABOR RELATIONS BOARD

Notices

Organization and functions ---------- 15956

PAY BOARD

Rules and Regulations

Stabilization of wages and salaries; exception regarding those individuals earning less than $2.75 per hour ---------- 15931

TARIFF COMMISSION

Notices

Increased tariffs on certain pianos; investigation and hearing regarding probable effect of termination ---------- 15957

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Hazardous Materials Regulations Board.

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

VETERANS ADMINISTRATION

Rules and Regulations

Protection of VA benefits ---------- 15925

List of CFR Parts Affected

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

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

6 CFR

201 ---------- 15931

7 CFR

26 ---------- 15911
331 ---------- 15911
910 ---------- 15912

PROPOSED RULES:

815 ---------- 15936

9 CFR

76 (2 documents) ---------- 15912
82 (3 documents) ---------- 15913, 15914
83 ---------- 15914

14 CFR

39 ---------- 15914
71 (3 documents) ---------- 15915

PROPOSED RULES:

71 (5 documents) ---------- 15936–15938
103 ---------- 15938
121 ---------- 15938
135 ---------- 15938

21 CFR

121 (3 documents) ---------- 15915, 15916
301 ---------- 15918
303 ---------- 15919
304 ---------- 15920
305 ---------- 15920
306 ---------- 15921
307 ---------- 15921
308 ---------- 15922
311 ---------- 15922
312 ---------- 15923
316 ---------- 15924

PROPOSED RULES:

301 ---------- 15933
303 ---------- 15933
306 ---------- 15933

23 CFR

App. A ---------- 15924

25 CFR

221 ---------- 15924

38 CFR

13 ---------- 15925

45 CFR

PROPOSED RULES:

Ch. I ---------- 15970

47 CFR

0 (2 documents) ---------- 15925, 15928
1 ---------- 15928
73 ---------- 15927
78 ---------- 15925
97 ---------- 15928

PROPOSED RULES:

73 ---------- 15940

49 CFR

1033 (2 documents) ---------- 15929, 15930

50 CFR

32 (5 documents) ---------- 15930, 15931

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Department Charges and Fees

Pursuant to the authority contained in section 7 of the U.S. Grain Standards Act, as amended (7 U.S.C. 79), the Department of Agriculture is amending § 26.72 of the regulations (7 CFR 26.72) under the Act with respect to appeal inspection services in the United States.

Statement of considerations. The U.S. Grain Standards Act authorizes employees of the Department of Agriculture to conduct appeal inspections upon request of an applicant for inspection. Section 7 of the Act provides that the Secretary of Agriculture may prescribe, charge, and collect reasonable fees to cover the Department's estimated total cost of performing appeal inspection services. Section 7 of the Act further provides that such fees shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Department of Agriculture incident to the performance of appeal inspection services.

Section 26.72(a)(6) of the regulations (7 CFR 26.72(a)(6)) prescribes an hourly charge of $8.80 per man-hour for special services and standby time performed during regular hours. Section 26.72(a)(9) of the regulations (7 CFR 26.72(a)(9)) prescribes an hourly charge of $12 per man-hour for holiday, night, or overtime work. Section 26.72(a)(9) also prescribes that the hourly charge of $12 for holiday, night, or overtime work shall be in addition to the hourly charge of $8.80 for work performed during regular hours.

Current data shows that the cost for special services and standby time is approximately $8.80 per man-hour when performed during regular hours and is approximately $12 per man-hour when performed during holidays, nights, and overtime. Accordingly, the fees and charges should be amended to prescribe an hourly charge of $12 per man-hour for special services and standby time performed during holidays, nights, and overtime.

Employees of the Agricultural Marketing Service receive overtime pay for work performed on legal public holidays. Further, it is the policy of the Agricultural Marketing Service to bill applicants at the holiday rate for inspection work performed on legal public holidays. The legal public holidays, as specified in section 6103(a) of title 5 of the United States Code (5 U.S.C. 6103(a)) are: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. Section 26.72(a)(9) should be amended to define "holiday" so applicants are billed at the holiday rate only for holidays specified in section 6103(a) of title 5 of the United States Code.

1. Section 26.72 is amended as follows:

§ 26.72 Appeal inspection services in the United States.

(a) *General.* The fees and charges for appeal inspection services performed by official inspection personnel of the Grain Division (other than Board appeals) on grain in the United States shall be as follows: [3] [4]

* * * * *

	Fee or charge
(6) Checkloading and other special services [2] prescribed in § 26.6 (g), (h), (i), and (j), and standby time (per man-hour):	
(i) Regular time (normal office hours)	$8.80
(ii) Holiday,[4] night, or overtime	12.00
Minimum fee per inspection	9.00

* * * * *

(9) Charges for holiday,[4] night, or overtime work performed by employees of the Department of Agriculture on account of an appeal, and for travel time on account of an appeal for which employees received overtime compensation, shall be determined at the rate of $12 per man-hour per employee and shall include the following:

(i) A minimum charge of 2 hours shall be made for any unscheduled overtime work performed by an employee in any of the following circumstances: (*a*) On a day when no work was scheduled for him; or (*b*) which is performed by an employee on his regular work day beginning either at least 1 hour before his regular tour of duty or which has necessitated his recall to perform work after he has completed his regular tour of duty and has left his place of employment; or (*c*) when the employee is ordered, before he leaves his place of employment, to perform such unscheduled overtime work and at least 2 hours elapse between the end of his duty tour, whether regular or overtime, and his return to duty to perform the overtime work.

(ii) The charges for holiday, night, or overtime work and for travel time for which employees receive overtime compensation shall be in addition to the fees described in subparagraphs (1) to (5), (7), and (8) of this paragraph (a) in all cases, whether there was or was not a material error in the inspection from which the appeal was taken.

* * * * *

[4] Holiday shall mean the legal public holidays specified in paragraph (a) of section 6103, title 5, of the United States Code (5 U.S.C. 6103(a)): *Provided*, That, if the specified legal public holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be deemed to be the holiday.

The establishment of the above fees and charges depends upon facts within the knowledge of the Agricultural Marketing Service. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Therefore, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures on the amendment are impracticable and unnecessary, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

This notice shall become effective upon publication in the FEDERAL REGISTER (8-8-72).

Done at Washington, D.C., on August 3, 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.72-12403 Filed 8-7-72;8:53 am]

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

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Subpart—Giant African Snail

EXTENSION OF REGULATED AREA IN FLORIDA

Under the authority of the Federal Plant Pest Act (7 U.S.C. 150aa-150jj) the notice of existence of hazardous situation and regulations related thereto (7 CFR 331.3, 36 F.R. 19667), with respect to the giant African snail is hereby amended as follows:

Section 331.3(a) is amended by adding the following paragraph at the end of the present text thereof to add a description of an additional infested area in Dade County:

That portion of Dade County bounded by line beginning at the intersection of Northwest 17th Avenue and Spur Canal No. 1, thence extending northeast along Spur Canal No. 1 to its intersection with Northwest 151st Street, thence east on Northwest 151st Street to its intersection with Northwest 10th Avenue, thence south on Northwest 10th Avenue to Northwest 149th Terrace, thence east on Northwest 149th Terrace to Northwest Ninth Court, thence south on Northwest Ninth Court to Northwest 148th Street, thence west on Northwest 148th Street to Northwest 10th Avenue, thence south on Northwest 10th Avenue to Opa-Locka Boulevard, thence west on Opa-Locka Boulevard to Northwest 17th Avenue, thence north on Northwest 17th Avenue to the point of beginning.

(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec. 107, 71 Stat. 34; 7 U.S.C. 150dd, 150ee, 150ff; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505.)

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (8-8-72).

The purpose of this amendment is to add to the giant African snail regulated areas a part of Dade County not previously regulated.

Under this amendment, specific products and articles may be moved interstate from the above described portion of Dade County in Florida only if they have been treated or originate in certain areas of said county, or are moved to an approved destination for consumption, processing or other handling under approved conditions. Such measures are necessary because a hazardous situation exists as a result of recently discovered infestations of the giant African snail, a dangerous plant pest which is not now widely prevalent in the United States.

Inasmuch as such infestations must be controlled immediately to prevent the spread of the giant African snail, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure regarding this amendment is impracticable and contrary to the public interest, and good cause is found for making said amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of August 1972.

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

[FR Doc.72-12409 Filed 8-7-72;8:54 am]

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

[Lemon Reg. 544, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.844 (Lemon Regulation 544, 37 F.R. 15287) during the period July 30, 1972, through August 5, 1972, is hereby amended to read as follows: "290,000 cartons".

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

Dated: August 3, 1972.

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

[FR Doc.72-12327 Filed 8-7-72;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

[Docket No. 72-537]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, a new paragraph (e)(5) relating to the State of Louisiana is added to read:

(5) *Louisiana.* The adjacent portions of Lafayette and Vermilion Parishes bounded by a line beginning at the junction of U.S. Highway 90 and State Highway 343 in Lafayette Parish; thence, following U.S. Highway 90 in an easterly direction to State Highway 93; thence, following State Highway 93 in a southerly, then easterly direction to U.S. Highway 167; thence, following U.S. Highway 167 in a southwesterly direction to State Highway 3073; thence, following State Highway 3073 in a southeasterly direction to the west bank of the Vermilion River; thence, following the west bank of the Vermilion River in a generally southwesterly direction to the north bank of the Bayou Ils Des Cannes; thence, following the north bank of the Bayou Ils Des Cannes in a generally southwesterly direction to U.S. Highway 167 in Vermilion Parish; thence, following U.S. Highway 167 in a southwesterly direction to State Highway 92; thence, following State Highway 92 in a western direction to State Highway 343; thence, following State Highway 343 in a northern direction to its junction with U.S. Highway 90 in Lafayette Parish.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3, 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendment quarantines portions of Lafayette and Vermilion Parishes in Louisiana because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 1st day of August 1972.

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

[FR Doc.72-12328 Filed 8-7-72;8:47 am]

[Docket No. 72-538]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of

swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, a new paragraph (e)(6) relating to the State of Florida is added to read:

(6) *Florida.* That portion of Duval County bounded by a line beginning at the junction of the Duval-Nassau County line and U.S. Highway 1, 23 (State Highway 15); thence, following U.S. Highway 1, 23 (State Highway 15), in a southeasterly direction to State Highway 104, (Dunn Avenue); thence, following State Highway 104 (Dunn Avenue), in an easterly direction to Interstate Highway 95; thence, following Interstate Highway 95 in a northeasterly direction to the Duval-Nassau County line; thence, following the Duval-Nassau County line in a generally southwesterly direction to its junction with U.S. Highway 1, 23 (State Highway 15).

(Secs. 4–7, 23 Stat. 32, amended; secs. 1, 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3, 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendment quarantines a portion of Duval County, Fla., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 3d day of August 1972.

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

[FR Doc.72-12404 Filed 8-7-72;8:53 am]

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

Areas Quarantined

Pursuant to provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Alabama before the reference to "Arizona," and a new paragraph (a)(3) relating to the State of Alabama is added to read:

(3) *Alabama.* The Jimmy Morgan Zoo located in that portion of the city of Birmingham, Ala. (Jefferson County), bounded by a line beginning at the junction of Hollywood Boulevard and Cahaba Road; thence, following Cahaba Road in a northerly direction to 23d Avenue; thence, following 23d Avenue in a southwesterly direction to 23d Street; thence, following 23d Street in a southerly direction to the Red Mountain Expressway; thence, following the Red Mountain Expressway in an easterly direction to Hollywood Boulevard; thence, following Hollywood Boulevard in an easterly direction to its junction with Cahaba Road.

2. In § 82.3, in paragraph (a)(1) relating to the State of California, a new subdivision (vii) relating to San Francisco County is added to read:

(vii) The San Francisco Zoological Gardens located in that portion of the city of San Francisco, Calif. (San Francisco County), bounded by a line beginning at the junction of the Great Highway and Sloat Boulevard; thence, following Sloat Boulevard in an easterly direction to Skyline Boulevard; thence, following Skyline Boulevard in a southwesterly direction to the Great Highway; thence, following the Great Highway in a northerly direction to its junction with Sloat Boulevard.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3, 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendments quarantine a portion of Jefferson County in Alabama, and a portion of San Francisco County in California, because of the existence of exotic Newcastle disease. The amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 2d day of August 1972.

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

[FR Doc.72-12405 Filed 8-7-72;8:53 am]

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

Areas Quarantined

Pursuant to provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Colorado after the reference to "California," and a new paragraph (a)(7) relating to the State of Colorado is added to read:

(7) *Colorado.* The premises of Manuel John Archuleta, Denver, Colo., in Jefferson County, located NW¼ of the NW¼ of sec. 2, T. 4 S., R. 69 W.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3, 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendment quarantines a portion of Jefferson County in Colorado because of the existence of exotic Newcastle disease. The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 2d day of August 1972.

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

[FR Doc.72-12406 Filed 8-7-72;8:53 am]

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

Areas Quarantined

Pursuant to provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Missouri after the reference to "Florida," and a new paragraph (a)(6) relating to the State of Missouri is added to read:

(6) *Missouri.* The St. Louis Zoological Park and Gardens, St. Louis, Mo. (St. Louis City County) bounded by a line beginning at the junction of Government Drive and Wells Drive; thence, following Government Drive in a northerly, then easterly direction to Washington Drive; thence, following Washington Drive in a southeasterly direction to Concourse Drive; thence, following Concourse Drive in a southwesterly direction to Wells Drive; thence, following Wells Drive in a generally westerly direction to its junction with Government Drive.

2. In § 82.3, in paragraph (a)(1) relating to the State of California, a new subdivision (viii) relating to Kern County is added to read:

(viii) The premises of John S. and Helen Johanstgen, Ridgecrest, Calif., in Kern County, located NE¼ of the NE¼ of the SE¼ of sec. 31, T. 26 S., R. 40 E.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendments quarantine a portion of St. Louis City County in Missouri, and an additional portion of Kern County in California, because of the existence of exotic Newcastle disease. The amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 2d day of August 1972.

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

[FR Doc.72-12407 Filed 8-7-72;8:54 am]

PART 83—SCREWWORMS

Miscellaneous Amendments

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

1. In § 83.6 *Interstate movement of livestock from areas of recurring infestation,* the introdctory paragraph is amended to read:

The interstate movement of livestock from areas of recurring infestation, including livestock transiting such areas, is prohibited from April 15 through November 30 each year unless the following conditions are met:

2. In § 83.6, in paragraph (a) the phrase, "or in the areas of recurring infestation," and in paragraph (b) the phrase, "or an area of recurring infestation" are deleted.

3. In § 83.9(a) the phrase, "or an area of recurring infestation" is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791–792, as amended; secs. 1 through 4, 33 Stat. 1264 and 1265, as amended, secs. 3 and 11, 76 Stat. 130, 132, 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendments delete the requirement that livestock moving interstate from areas of recurring infestation into any other area of recurring infestation be sprayed or dipped at point of origin of the movement with a permitted pesticide; and clarify the intent of the regulations that all requirements for interstate movement from an area of recurring infestation shall apply to the movement of livestock transiting such an area.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of screwworms and must be made effective promptly to be of maximum benefit to affected persons.

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

Done at Washington, D.C., this 2d day of August 1972.

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

[FR Doc.72-12408 Filed 8-7-72;8:54 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-SO-76; Amdt. 39-1499]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28 and PA-32 Model Airplanes

There have been malfunctions of the stabilator electric trim switch on Piper airplane models PA-23, 24, 30, 31, and 39. Airworthiness Directive No. 71-12-5, published in the FEDERAL REGISTER (Vol. 36, No. 112, Thursday, June 10, 1971) was issued for those models of Piper airplanes. The switch installed on these airplanes is also installed on Piper PA-28 and 32 model airplanes.

Airworthiness Directive No. 71-12-5 excluded the PA-28 and PA-32 model airplanes. Since a similar condition may exist for those models previously excluded from the airworthiness directive, a situation exists that requires immediate adoption of this regulation. Therefore, notice and public procedure hereon are impracticable and unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) and § 39.13 of Part 39 of Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT: Applies to Model PA-28-180 airplanes, Serial Nos. 28-4378 to 28-5859 inclusive, 28-7105001 to 28-7105122 inclusive; Model PA-28R-180 airplanes, Serial Nos. 28R-30005 to 28R-31270 inclusive, 28R-7130001 to 28R-7130005 inclusive; Model PA-28R-200 airplanes, Serial Nos. 28R-35001 to 28R-35820 inclusive, 28R-7135001 to 28R-7135102 inclusive; Model PA-28-235 airplanes, Serial Nos. 28-11040 to 28-11378 inclusive, 28-7110001 to 28-7110011 inclusive; Model PA-32-260 airplanes, Serial Nos. 32-1111 to 32-1297 inclusive, 32-7100001 to 32-7100017 inclusive; Model PA-32-300 airplanes, Serial Nos. 32-40566 to 32-40974 inclusive, 32-7140001 to 32-7140049 inclusive.

This amendment becomes effective August 15, 1972.

Compliance required within the next 100 hours time in service after effective date of the Airworthiness Directive unless already accomplished.

Modify the Electric Trim Switch P/N 800452 -00 to -01 in accordance with Piper Kit No. 760-517V for the PA-28 series airplanes and the PA-32 series airplanes as referenced in Piper Service

Bulletin No. 332 dated April 16, 1971 or equivalent method approved by Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

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

Issued in East Point, Ga., on July 31, 1972.

PHILLIP M. SWATEK,
Director.

[FR Doc.72-12345 Filed 8-7-72;8:49 am]

[Airspace Docket No. 72-EA-61]

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

Designation of Transition Area

On page 11978 of the FEDERAL REGISTER for June 16, 1972, the Federal Aviation Administration published a proposed rule which would designate a Hornell Municipal Airport, Hornell, N.Y., Transition Area.

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

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 12, 1972, except as follows:

(1) Delete the name "Hornell-Maple City" wherever it appears and insert in lieu thereof the name "Hornell".

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

Issued in Jamaica, N.Y., on July 21, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Hornell, N.Y., 700-foot floor transition area as follows:

HORNELL, N.Y.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center 42°22'30" N., 77°40'45" W. of Hornell Municipal Airport, extending clockwise from a 319° bearing to a 352° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 352° bearing to a 028° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 028° bearing to a 074° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 096° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 131° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 131° bearing to a 157° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 252° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 290° bearing from the airport and within a 10.5-mile radius of the center of the airport, extending clockwise from a 290° bearing to a 319° bearing from the airport. This transition area is effective from sunrise to sunset, daily.

[FR Doc.72-12346 Filed 8-7-72;8:49 am]

[Airspace Docket No. 72-RM-1]

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

Alteration of Transition Area

On June 9, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11592) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Grand Forks, N. Dak., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received, and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 12, 1972.

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

Issued in Aurora, Colo., on July 31, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (37 F.R. 2202) the description of the Grand Forks, N. Dak., transition area is amended to read as follows:

GRAND FORKS, N. DAK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.) within 4.5 miles west and 9.5 miles east of the Grand Forks VORTAC 173° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, and within a 10-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.) and within 4.5 miles west and 9.5 miles east of the Grand Forks VORTAC 180° radial, extending from the 8.5-mile-radius to 26½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Grand Forks AFB, and within a 29-mile radius of Red River VOR, extending clockwise from a line 5 miles east of and parallel to the Red River VOR 180° radial to a line 5 miles northwest of and parallel to the Red River VOR 209° radial.

[FR Doc.72-12347 Filed 8-7-72;8:49 am]

[Airspace Docket No. 72-SW-38]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Harlingen, Tex., 700-foot transition area.

On June 15, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11898) stating the Federal Aviation Administration proposed to alter the Harlingen, Tex., transition area by enlarging the area to the north.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

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

HARLINGEN, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harlingen Municipal Airport (latitude 26°13'36" N., longitude 97°39'10" W.) and within 3.5 miles either side of the Harlingen ILS localizer north course extending from the 5-mile radius zone to 11.5 miles north of the outer marker; within 2 miles either side of Harlingen VOR 118° radial extending from the VOR to the airport.

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

Issued in Fort Worth, Tex., on July 27, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-12348 Filed 8-7-72;8:49 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ADJUVANTS FOR PESTICIDE USE DILUTIONS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1H2627) filed by Amway Corp., 7575 East Fulton Road, Ada, Mich. 49301, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of two surfactants in emulsifier blends that are added to the herbicide atrazine by a grower or applicator prior to application to growing corn.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1225 is amended by alphabetically inserting in the list of substances two new items, as follows:

§ 121.1225 Adjuvants for pesticide use dilutions.

* * * * *

Diethanolamide condensate based on a mixture of saturated and unsaturated soybean oil fatty acids (C_{16}—C_{18}) as a surfactant in emulsifier blends that are added to the herbicide atrazine for application to corn.

Diethanolamide condensate based on stripped coconut fatty acids (C_{10}—C_{18}) as a surfactant in emulsifier blends that are added to the herbicide atrazine for application to corn.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8-8-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12314 Filed 8-7-72;8:46 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2721) filed by Moore & Munger Inc., 777 Summer Street, Stamford, Conn. 06901, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of synthetic paraffin waxes, differing from those prescribed under § 121.2575 *Paraffin, synthetic* (21 CFR 121.2575), as components of food-packaging adhesives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In § 121.2520(c)(5) by alphabetically adding to the list of substances a new item as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Waxes, synthetic paraffin (Fischer-Tropsch process)	* * *
* * *	* * *

(2) In § 121.2575 by adding a new paragraph (c) to read as follows:

§ 121.2575 Paraffin, synthetic.

* * * * *

(c) The provisions of this section are not applicable to synthetic paraffin used in food-packaging adhesives complying with § 121.2520.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8-8-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12315 Filed 8-7-72;8:46 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

By publication in the FEDERAL REGISTER of July 9, 1971 (36 CFR 12917), notice was given that a petition (FAP 1B2699) had been filed by General Mills Chemicals, Inc., 2010 East Hennepin Avenue, Minneapolis, Minn. 55413, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of polyamides derived from dimer diamine as components of adhesives for bonding seams of food-packaging material.

The Commissioner of Food and Drugs has evaluated the data in the petition, and other relevant material, and concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of the petitioned additive under the corrected nomenclature, diamines derived from dimerized vegetable oil acids, as components of food-packaging adhesives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically adding a new item to the list of components as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Diamines derived from dimerized vegetable oil acids	* * *
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8-8-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12316 Filed 8-7-72;8:46 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

DRUG ABUSE PREVENTION AND CONTROL

A notice was published in the FEDERAL REGISTER of May 20, 1972 (37 F.R. 10370) proposing amendments to the regulations implementing the Comprehensive Drug Abuse Prevention and Control Act of 1970. Many of these proposals were technical in nature and few comments were received regarding these amendments. These proposals have been modified in light of the comments which were filed, and the Director has decided to make these proposals final.

Certain other proposals have generated significant comments and objections, and the Director has decided to extend the time for considering these proposals. These matters are covered by a separate notice published concurrently with this one.

Proposals which have been commented on or which have been modified in light of comments are the following:

1. *Registration regarding ocean vessels, aircraft, and certain other entities* (§ *301.28*). Paragraphs (a) and (b) were rewritten in form for clarification; there was no change in substance.

2. *Certificate of registration* (§ *301.44*). The National Association of Retail Druggists, as well as several individual registrants, endorsed the proposal to eliminate the requirement that the registration certificate be prominently displayed.

3. *Nonphysical security for nonpractitioners* (§ *301.76*). The National Association of Retail Druggists supported the proposed change and urged that the Bureau go further to ban all mailing of controlled substances. At this time the Bureau does not believe such a ban is either necessary or desirable.

4. *Hearing procedures on aggregate production quotas* (§ *303.11*; § *303.13*; § *303.32*) The Pharmaceutical Manufacturers Association and one manufacturer (Boehringer Ingelheim, Ltd.) objected to the proposal to eliminate the current requirement of an adversary hearing in the process of fixing aggregate production quotas. The Association stated its belief that the "establishment of such quotas should be based upon the most sound and prudent medical information ascertainable after a full discussion and disclosure of all pertinent facts by expert medical witnesses. Such a policy affords the public the benefit of full disclosure of information and testimony upon which the quotas may be based * * *" Boehringer Ingelheim similarly urged that differences in information and opinions provided by scientific and medical experts could best be resolved by hearings on the record with the opportunity for cross-examination. The PMA and Boehringer Ingelheim also noted that current regulations require all interested persons requesting a hearing to present reasonable grounds before the Director is required to hold a hearing; this, the objectors suggest, is a sufficient barrier to unwarranted hearing requests. The Bureau still believes that most of the information needed to fix quotas can be developed from written submissions, obviating the need for oral testimony; also, the issues are not generally those amenable to cross-examination and oral argument. The change does not preclude submission of any pertinent materials, nor does it prevent a full disclosure of all pertinent facts and information. The record of materials submitted pursuant to the new § 303.11(c) is open for inspection at all times. Where an issue is raised that warrants full adversary-type hearing, the Director can and will order such a hearing. Thus, the only effect of this change in the regulations is to expedite the determination of quotas by eliminating currently required procedural steps when they would be neither necessary nor helpful.

5. *Time for request for a hearing* (§ *303.11*; § *303.13*; § *303.34*). The Pharmaceutical Manufacturers Association requested the period for filing requests to participate in a hearing on aggregate production quotas be extended from 10 to 30 days. The Association noted the difficulties in receiving prompt notice of the hearing and in determining whether to participate. The Bureau adopted this suggestion.

6. *Recognition of import permits* (§ *303.25*). Because of a typographical error, this proposal was incomprehensible. The Bureau is republishing this change as a proposal and will allow a further period for comment.

7. *Initial inventory* (§ *304.12*). The National Association of Retail Druggists and the National Association of Chain Drug Stores endorsed this change.

8. *Records for manufacturers* (§ *304.22*). The National Association of Chain Drug Stores raised a question as to the meaning and purpose of this proposal. The Bureau has decided not to make the change final and to work on a revision of the language.

9. *Power of attorney procedures* (§ *305.07*). The Pharmaceutical Manufacturers Association endorsed the change and suggested an amendment to clarify who may sign (or revoke) a power of attorney when the person who signed the application for registration (or power of attorney) is absent. The Bureau has adopted this suggestion and modified the second and fifth sentences of the new section as well as the forms. The National Association of Chain Drug Stores also supported the proposal. The Bureau will not return powers of attorney currently on file in Washington, but will destroy them on September 1, 1972. All registrants should execute new powers of attorney to replace those previously filed with the Bureau.

10. *Duration of Schedule II prescriptions; Quantity limitations on dispensing* (§§ *306.11*; *306.31*). These proposals were subject to numerous comments and will be republished in the FEDERAL REGISTER in the near future for further discussion.

11. *Labeling of prescriptions* (§§ *306.14*; *306.24*). The proposed change was supported by numerous persons, including the Massachusetts Board of Pharmacy and the Director of Pharmacy Services at the Duke University Medical Center. The Oklahoma Pharmaceutical Association and the Massachusetts General Hospital endorsed the proposal but urged a larger supply of controlled substances be permitted to be dispensed at one time. The proposal was restricted to a 3-day supply, and both parties noted that longer periods are desirable, particularly in Schedules III and IV drugs. The Bureau believes these arguments have merit and has extended the period to 7 days for Schedule II items and 34 days or 100 dosage units for Schedule III and IV items. In another letter of support, Johnson & Johnson, on behalf of its subsidiary Drustar Unit Dose System, Inc., suggested the addition of a fourth criteria to the labeling exception being created, to require that the institutional unit dose system being utilized be able to identify the name of the supplier and the product dispensed, the name of the patient, and to contain any directions for use and cautionary instructions. This suggestion was also adopted by the Bureau. On another proposal concerning labeling, which would require the actual date of each filling or refilling on the label (in place of the date of initial filling), the National Association of Retail Druggists offered several reasons against the change. The Bureau accepts these arguments and has not made this proposal final.

12. *Submission of information by manufacturers* (§ *308.05*). The first part of paragraph (a) of this section was revised to clarify that it applies to all persons who market products containing controlled substances under their own labels. This includes wholesalers and other distributors that have products privately formulated for them and labeled with a special label bearing their name rather than the name of the actual manufacturer (e.g., "Brand X, distributed by X Company" or "Brand Y, manufactured for Y Company"). The revision also clarifies that all products (whether fully controlled under the law or exempted from controls and whether prescription or OTC, whether for human, animal, or research use) must have information submitted regarding them. As noted in the proposal, the purpose of this regulation is to collect a complete list of all products controlled by, or affected by the controls of BNDD. The cooperation of the industry in this effort is deeply appreciated.

Those registrants who submitted labels and relabel information regarding barbiturate products as part of the recent survey of barbiturate manufacturers need not resubmit the material already provided. Another change was made in the proposal, on the recommendation of the Pharmaceutical Manufacturers Association; information is requested regarding active ingredients only, not all ingredients. The dates for coverage by the order were extended also.

13. *Protection of researchers and research subjects* (§§ *316.21; 316.22*). These proposed changes are not being made final at this time. The Bureau is working with the Department of Health, Education, and Welfare to coordinate requirements and procedures for granting confidentiality under section 3(a) and section 502(c) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and for granting exemptions from prosecution under section 502(d) of that Act. Upon development of regulations by HEW, both agencies will again publish proposals for comments.

14. *Enforcement proceedings* (§ *316.-34*). The Pharmaceutical Manufacturers Association urged that either party at an enforcement proceeding under section 513 of the Controlled Substances Act should have the right to request a record of the hearing be made. Because these hearings are within the discretion of the Regional Director, and the Bureau desires to provide him with flexibility and thus permit varying degrees of informality at such hearings (depending on the seriousness of the alleged violations), this change is necessary. These proceedings are valuable tools to obtain compliance with the law and regulations without instituting criminal prosecutions. If encased in procedural straitjackets, their utility would decline and both parties would suffer.

Therefore, under the authority vested in the Attorney General by sections 201(a), 201(g), 202(d), 301, 302(f), 304, 306(f), 307, 308, 501(b), 505, 507, 511, 513, 704(c), 705, 1002, 1003, 1004, 1006, 1007(b), 1008(d), 1008(e), and 1015 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that Parts 301, 303, 304, 305, 306, 307, 308, 311, 312, and 316 of Title 21 of the Code of Federal Regulations be amended as follows:

PART 301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

1. By amending § 301.22 by revising paragraph (b)(5) to read as follows:

§ 301.22 Separate registration for independent activities.

* * * * *

(b) * * *

(5) A person registered or authorized to conduct research (other than research described in paragraph (a)(6) of this section) with controlled substances listed in schedules II through V shall be authorized to conduct chemical analysis with controlled substances listed in those schedules in which he is authorized to conduct research, to manufacture such substances if and to the extent that such manufacture is set forth in a statement filed with the application for registration, to import such substances for research purposes, to distribute such substances to other persons registered or authorized to conduct chemical analysis, instructional activities, or research with such substances and to persons exempted from registration pursuant to § 301.26, and to conduct instructional activities with controlled substances;

* * * * *

§ 301.24 [Amended]

2. By amending § 301.24 as follows:

a. By adding, immediately after the words "Veterans Administration facility" in paragraphs (b) and (c), the words "or physician who is an agent or employee of the Health Bureau of the Canal Zone Government,".

b. By adding the word "administer," between the word "dispense" and the words "and prescribe" in the opening paragraph of paragraph (c) and by adding the word "administering" between the word "dispensing" and the words "or prescribing" in subparagraph (1) of paragraph (c).

3. By deleting §§ 301.28 and 301.29 and adding a new § 301.28 to read as follows:

§ 301.28 Registration regarding ocean vessels, commercial aircraft and certain other entities.

(a) If acquired by and dispensed under the general supervision of a medical officer described in paragraph (b) of this section, controlled substances may be held for stocking, be maintained in, and dispensed from medicine chests, first aid packets, or dispensaries:

(1) On board any vessel engaged in international trade or in trade between ports of the United States and any merchant vessel belonging to the U.S. Government;

(2) On board any aircraft operated by an air carrier under a certificate of permit issued pursuant to the Federal Aviation Act of 1958 (49 U.S.C. 1301); and

(3) In any other entity of fixed or transient location approved by the Director as appropriate for application of this section (e.g., emergency kits at field sites of an industrial firm).

(b) A medical officer shall be:

(1) Licensed in a State as a physician;

(2) Employed by the owner or operator of the vessel, aircraft or other entity; and

(3) Registered under the Act at the location of the principal office of the owner or operator of the vessel, aircraft or other entity.

(c) A registered medical officer may serve as medical officer for more than one vessel, aircraft, or other entity under a single registration, unless he serves as medical officer for more than one owner or operator, in which case he shall attain a separate registration at the location of the principal office of each such owner or operator.

(d) If no medical officer is employed by the owner or operator of a vessel, or in the event such medical officer is not accessible and the acquisition of controlled substances is required, the master of the vessel, who shall not be registered under the Act, may purchase controlled substances only with the approval of, and upon special order forms (HSM-590, formerly PHS-2341) provided by, a medical officer of the U.S. Public Health Service.

(e) Any medical officer described in paragraph (b) of this section shall, in addition to complying with all requirements and duties prescribed for registrants generally, prepare an annual report as of the date on which his registration expires, which shall give in detail an accounting for each vessel, aircraft, or other entity, and a summary accounting for all vessels, aircraft, or other entities under his supervision for all controlled substances purchased, dispensed or disposed of during the year. The medical officer shall maintain this report with other records required to be kept under the Act and, upon request, deliver a copy of the report to the Bureau. The medical officer need not be present when controlled substances are dispensed, if the person who actually dispensed the controlled substances is responsible to the medical officer to justify his actions.

(g) Owners or operators of vessels, aircraft, or other entities described in this section shall not be deemed to possess or dispense any controlled substance acquired, stored and dispensed in accordance with this section.

(h) The Master of a vessel shall prepare a report for each calendar year which shall give in detail an accounting for all controlled substances purchased, dispensed, or disposed of during the year. The Master shall file this report with the medical officer employed by the owner or operator of his vessel, if any, or, if not, he shall maintain this report with other records required to be kept under the Act and, upon request, deliver a copy of the report to the Bureau.

(i) Controlled substances acquired and possessed in accordance with this section shall not be distributed to persons not under the general supervision of the medical officer employed by the owner or operator of the vessel, aircraft, or other entity, except in accordance with § 307.21 of this chapter.

§ 301.29 [Deleted]

4. By amending § 301.32 by amending paragraph (b)(5) to read as follows:

§ 301.32 Application forms; contents; signature.

* * * * *

(b) * * *

(5) To conduct research with narcotic drugs listed in schedules II through V, as described in § 301.22(a)(6), he shall apply on BND Form 227;

* * * * *

§ 301.33 [Reserved]

5. By deleting § 301.33 in its entirety and reserving it.

6. By amending § 301.44 by revising the final sentence of paragraph (b) to read as follows:

§ 301.44 Certificate of registration; denial of registration.

* * * * *

(b) * * * The registrant shall maintain the certificate of registration at the registered location in a readily retrievable manner and shall permit inspection of the certificate by any official, agent

or employee of the Bureau or of any Federal, State, or local agency engaged in enforcement of laws relating to controlled substances.

§ 301.45 [Amended]

7. By amending § 301.45 by adding the words "or suspending" after the words "order of the Director revoking" in the third sentence of paragraph (d), and by adding the words "upon service of the order of the Director revoking or suspending registration," after the word "Also," in the fourth sentence of paragraph (e).

8. By amending § 301.61 as follows:

a. By revising the first two sentences to read as set forth below.

b. By adding a new sentence at the end of the section to read as set forth below.

§ 301.61 **Modification in registration.**

Any registrant may apply to modify his registration to authorize the handling of additional controlled substances or to change his name or address, by submitting a letter of request to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Central Station, Washington, DC 20005. The letter shall contain the registrant's name, address, and registration number as printed on the certificate of registration, and the substances and/or schedules to be added to his registration or the new name or address and shall be signed in accordance with § 301.32(f). * * * If the modification in registration is approved, the Director shall issue a new certificate of registration (BND Form 223) to the registrant, who shall maintain it with the old certificate of registration until expiration.

9. By amending § 301.62 to read as follows:

§ 301.62 **Termination of registration.**

The registration of any person shall terminate if and when such person dies, ceases legal existence, or discontinues business or professional practice. Any registrant who ceases legal existence or discontinues business or professional practice shall notify the Director promptly of such fact.

10. By amending § 301.72 as follows:

a. By revising paragraph (a)(1) to read as set forth below.

b. By revising paragraph (a)(3)(ii) to read as set forth below.

§ 301.72 **Physical security controls for nonpractitioners: Storage areas.**

(a) * * *

(1) Where small quantities permit, a safe or steel cabinet:

(i) Which safe or steel cabinet shall have the following specifications or the equivalent: 30 man-minutes against surreptitious entry, 10 man-minutes against forced entry, 20 man-hours against lock manipulation, and 20 man-hours against radiological techniques.

(ii) Which safe or steel cabinet, if it weighs less than 750 pounds, is bolted or cemented to the floor or wall in such a way that it cannot be readily removed; and

(iii) Which safe or steel cabinet, if necessary, depending upon the quantities and type of controlled substances stored, is equipped with an alarm system which, upon attempted unauthorized entry, shall transmit a signal directly to a central protection company or a local or State police agency which has a legal duty to respond, or a 24-hour control station operated by the registrant, or such other protection as the Director may approve.

* * * * *

(3) * * *

(ii) The door and frame unit of which vault shall conform to the following specifications or the equivalent: 30 man-minutes against surreptitious entry, 10 man-minutes against forced entry, 20 man-hours against lock manipulation, and 20 man-hours against radiological techniques.

* * * * *

11. By amending § 301.76 by adding a new paragraph (c) to read as follows:

§ 301.76 **Other security controls for practitioners.**

* * * * *

(c) Whenever the registrant distributes a controlled substance (without being registered as a distributor, as permitted in § 301.22(b) and/or §§ 307.11–307.14), he shall comply with the requirements imposed on nonpractitioners in § 301.74 (a), (b), and (e).

PART 303—QUOTAS

12. By amending § 303.02(c) by revising the definition of "net disposal" to read as follows:

§ 303.02 **Definitions.**

* * * * *

(c) The term "net disposal" means, for a stated period, the quantity of a basic class of controlled substance distributed by the registrant to another person, plus the quantity of that basic class used by the registrant in the production of (or converted by the registrant into) another basic class of controlled substance or a noncontrolled substance, plus the quantity of that basic class otherwise disposed of by the registrant, less the quantity of that basic class returned to the registrant by any purchaser, and less the quantity of that basic class distributed by the registrant to another registered manufacturer of that basic class for purposes other than use in the production of, or conversion into, another basic class of controlled substance or a noncontrolled substance or in the manufacture of dosage forms of that basic class.

* * * * *

13. By amending § 303.11 by deleting the words, "on or before May 1 of each year." in paragraph (a) and by revising paragraph (c) to read as follows:

§ 303.11 **Aggregate production quotas.**

* * * * *

(c) The Director shall, on or before May 1 of each year, publish in the FEDERAL REGISTER, general notice of an aggregate production quota for any basic class determined by him under this section. A copy of said notice shall be mailed simultaneously to each person registered as a bulk manufacturer of the basic class. The Director shall permit any interested person to file written comments on or objections to the proposal and shall designate in the notice the time during which such filings may be made. The Director may, but shall not be required to, hold a public hearing on one or more issues raised by the comments and objections filed with him. In the event the Director decides to hold such a hearing, he shall publish notice of the hearing in the FEDERAL REGISTER, which notice shall summarize the issues to be heard and shall set the time for the hearing which shall not be less than 30 days after the date of publication of the notice. After consideration of any comments or objections, or after a hearing if one is ordered by the Director, the Director shall issue and publish in the FEDERAL REGISTER his final order determining the aggregate production for the basic class of controlled substance. The order shall include the findings of fact and conclusions of law upon which the order is based. The order shall specify the date on which it shall take effect. A copy of said order shall be mailed simultaneously to each person registered as a bulk manufacturer of the basic class.

§ 303.12 [Amended]

14. By amending § 303.12 by adding the words "being imported by the registrant pursuant to an import permit" after the words "except raw opium" within the parenthetical items in paragraph (a) and the first sentence of paragraph (b).

15. By adding a new § 303.13 to read as follows:

§ 303.13 **Adjustments of aggregate production quotas.**

(a) The Director may at any time increase or reduce the aggregate production quota for a basic class of controlled substance listed in Schedule I or II which he has previously fixed pursuant to § 303.11.

(b) In determining to adjust the aggregate production quota, the Director shall consider the following factors:

(1) Changes in the demand for that class, changes in the national rate of net disposal of the class, and changes in the rate of net disposal of the class by registrants holding individual manufacturing quotas for that class;

(2) Whether any increased demand for that class, the national and/or individual rates of net disposal of that class are temporary, short term, or long term;

(3) Whether any increased demand for that class can be met through existing inventories, increased individual manufacturing quotas, or increased importation, without increasing the aggregate production quota, taking into account production delays and the probability that other individual manufacturing quotas may be suspended pursuant to § 303.24(b);

(4) Whether any decreased demand for that class will result in excessive in-

ventory accumulation by all persons registered to handle that class (including manufacturers, distributors, practitioners, importers, and exporters), notwithstanding the possibility that individual manufacturing quotas may be suspended pursuant to § 303.24(b) or abandoned pursuant to § 303.27;

(5) Other factors affecting medical, scientific, research, and industrial needs in the United States and lawful export requirements, as the Director finds relevant, including changes in the currently accepted medical use in treatment with the class or the substances which are manufactured from it, the economic and physical availability of raw materials for use in manufacturing and for inventory purposes, yield and stability problems, potential disruptions to production (including possible labor strikes), and recent unforeseen emergencies such as floods and fires.

(c) The Director in the event he determines to increase or reduce the aggregate production quota for a basic class of controlled substance, shall publish in the FEDERAL REGISTER general notice of an adjustment in the aggregate production quota for that class determined by him under this section. A copy of said notice shall be mailed simultaneously to each person registered as a bulk manufacturer of the basic class. The Director shall permit any interested person to file written comments on or objections to the proposal and shall designate in the notice the time during which such filings may be made. The Director may, but shall not be required to, hold a public hearing on one or more issues raised by the comments and objections filed with him. In the event the Director decides to hold such a hearing, he shall publish notice of the hearing in the FEDERAL REGISTER, which notice shall summarize the issues to be heard and shall set the time for the hearing, which shall not be less than 10 days after the date of publication of the notice. After consideration of any comments or objections, or after a hearing if one is ordered by the Director, the Director shall issue and publish in the FEDERAL REGISTER his final order determining the aggregate production for the basic class of controlled substance. The order shall include the findings of fact and conclusions of law upon which the order is based. The order shall specify the date on which it shall take effect. A copy of said order shall be mailed simultaneously to each person registered as a bulk manufacturer of the basic class.

16. By amending § 303.22(b) by renumbering subparagraphs (2), (3), and (4) as subparagraphs (3), (4), and (5) and adding a new subparagraph (2) to read as follows:

§ 303.22 Procedure for applying for individual manufacturing quotas.

* * * * *

(b) * * *

(2) The actual or estimated quantity manufactured;

* * * * *

§ 303.23 [Amended]

17. By amending § 303.23(c) by deleting the words "January 31" and substituting the words "March 1."

§ 303.26 [Amended]

18. By amending § 303.26 by adding the words "and import permits" after the words "individual manufacturing quotas" in the seventh and 23d lines of the section, and by adding the words ", as adjusted pursuant to § 303.13" after the words "§ 303.11" in the 10th and 21st lines of the section.

§ 303.31 [Amended]

19. By amending § 303.31 by adding the words "or regarding the adjustment of an aggregate production quota pursuant to § 303.13(c)," immediately after the words "pursuant to § 303.11(c)," in paragraph (a).

20. By amending § 303.32 by revising paragraph (a) to read as follows:

§ 303.32 Purpose of hearing.

(a) The Director may, in his sole discretion, hold a hearing for the purpose of receiving factual evidence regarding any one or more issues (to be specified by him) involved in the determination or adjustment of any aggregate production quota.

* * * * *

21. By amending § 303.34 as follows:

a. By revising paragraph (b) to read as set forth below.

b. By replacing the words "303.11(c)" with the words "paragraph (b) of this section" in paragraphs (c) and (d).

§ 303.34 Request for hearing or appearance; waiver.

* * * * *

(b) Any interested person who desires to participate in a hearing on the determination or adjustment of an aggregate production quota, which hearing is ordered by the Director pursuant to § 303.11 (c) or § 303.13(c) may do so by filing with the Director, within 30 days of the date of publication of notice of the hearing in the FEDERAL REGISTER, a written notice of his intention to participate in such hearing in the form prescribed in § 316.48 of this chapter.

* * * * *

§ 303.35 [Amended]

22. By amending § 303.35 by adding the words "or adjustment" after the word "determination" in paragraph (a).

§ 303.36 [Amended]

23. By amending § 303.36 by adding the words "or § 303.13(c)" after the words "§ 303.11 (c)" in paragraph (b).

§ 303.37 [Amended]

24. By amending § 303.37 by adding the words "or adjustment" after the words "on the determination" in the first sentence of the section.

§§ 303.41, 303.42 [Deleted]

25. By deleting § 303.41 and § 303.42 ("Transitional Regulations") in their entirety.

PART 304—RECORDS AND REPORTS OF REGISTRANTS

26. By amending § 304.03 by deleting the parenthetical item "(e.g., when a registered manufacturer conducts chemical analysis, he shall maintain the records and inventories required of chemical analysis)" from the end of paragraph (a) and replacing it with the following:

§ 304.03 Persons required to keep records and file reports.

(a) * * * This latter requirement should not be construed as requiring stocks of controlled substances being used in various activities under one registration to be stored separately, nor that separate records are required for each activity. The intent of the Bureau is to permit the registrant to keep one set of records which are adapted by the registrant to account for controlled substances used in any activity. Also, the Bureau does not wish to acquire separate stocks of the same substance to be purchased and stored for separate activities. Otherwise, there is no advantage gained by permitting several activities under one registration. Thus, when a researcher manufactures a controlled item, he must keep a record of the quantity manufactured; when he distributes a quantity of the item, he must use and keep invoices or order forms to document the transfer; when he imports a substance, he keeps as part of his records the documentation required of an importer; and when substances are used in chemical analysis, he need not keep a record of this because such a record would not be required of him under a registration to do chemical analysis. All of these records may be maintained in one consolidated record system. Similarly, the researcher may store all of his controlled items in one place, and every two years take inventory of all items on hand, regardless of whether the substances were manufactured by him, imported by him, or purchased domestically by him, of whether the substances will be administered to subjects, distributed to other reseachers, or destroyed during chemical analysis.

* * * * *

27. By amending § 304.12(b) by adding the following to the end of the paragraph:

§ 304.12 Initial inventory date.

* * * * *

(b) * * * In the event a person commences business with no controlled substances on hand, he shall record this fact as his initial inventory.

§ 304.22 [Amended]

28. By amending § 304.22 by substituting the word "for" for the "of" in the title.

PART 305—ORDER FORMS

§ 305.03 [Amended]

29. By amending § 305.03 by deleting the numbers "(a)(3)" after the numbers "§ 301.28" in paragraph (e).

30. By amending § 305.07 to read as follows:

§ 305.07 Power of attorney.

Any purchaser may authorize one or more individuals, whether or not located at the registered location of the purchaser, to obtain and execute order forms on his behalf by executing a power of attorney for each such individual. The power of attorney shall be signed by the same person who signed (or was authorized to sign, pursuant to § 301.32(f) of this chapter or § 311.32(f) of this chapter) the most recent application for registration or reregistration and by the individual being authorized to obtain and execute order forms. The power of attorney shall be filed with the executed order forms of the purchaser, and shall be retained for the same period as any order form bearing the signature of the attorney. The power of attorney shall be available for inspection together with other order form records. Any power of attorney may be revoked at any time by executing a notice of revocation, signed by the person who signed (or was authorized to sign) the power of attorney or by a successor, whoever signed the most recent application for registration or reregistration, and filing it with the power of attorney being revoked. The form for the power of attorney and notice of revocation shall be similar to the following:

POWER OF ATTORNEY FOR BNDD ORDER FORMS

(Name of registrant)

(Address of registrant)

(BNDD registration number)

I, ----------, the
(name of person granting power)
undersigned, who is authorized to sign the current application for registration of the above-named registrant under the Controlled Substances Act or Controlled Substances Import and Export Act, have made, constituted, and appointed, and by these presents, do make, constitute, and appoint ----------, my true and
(name of attorney-in-fact)
lawful attorney for me in my name, place, and stead, to execute applications for books of official order forms and to sign such order forms in requisition for Schedule I and II controlled substances, in accordance with section 308 of the Controlled Substances Act (21 U.S.C. 828) and Part 305 of Title 21 of the Code of Federal Regulations. I hereby ratify and confirm all that said attorney shall lawfully do or cause to be done by virtue hereof.

(Signature of person granting power)

I, ----------, hereby affirm
(name of attorney-in-fact)
that I am the person named herein as attorney-in-fact and that the signature affixed hereto is my signature.

(Signature of attorney-in-fact)

Witnesses:
1. ----------
2. ----------
Signed and dated on the ------ day of ----------, 19--, at ----------

NOTICE OF REVOCATION

The foregoing power of attorney is hereby revoked by the undersigned, who is authorized to sign the current application for registration of the above-named registrant under the Controlled Substances Act of the Controlled Substances Import and Export Act. Written notice of this revocation has been given to the attorney-in-fact ---------- this same day.

(Signature of person revoking power)

Witnesses:
1. ----------
2. ----------
Signed and dated on the ------ day of ----------, 19--, at ----------

31. By amending § 305.08 to delete the word "and" at the end of paragraph (b), to add a semicolon and the word "and" at the end of paragraph (c), and to add a new paragraph to read as follows:

§ 305.08 Persons entitled to fill order forms.

* * * * *

(d) A person registered or authorized to conduct chemical analysis or research with controlled substances may distribute a controlled substance listed in schedule I or II to another person registered or authorized to conduct chemical analysis, instructional activities, or research with such substances pursuant to the order form of the latter person, if such distribution is for the purpose of furthering such chemical analysis, instructional activities, or research.

§ 305.16 [Deleted]

32. By deleting § 305.16 in its entirety on May 1, 1972.

PART 306—PRESCRIPTIONS

33. By amending § 306.14 by designating the current paragraph as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 306.14 Labeling of substances.

* * * * *

(b) The requirements of paragraph (a) of this section do not apply when a controlled substance listed in schedule II is prescribed for administration to an ultimate user who is institutionalized: *Provided*, That:

(1) Not more than 7-day supply of the controlled substance listed in schedule II is dispensed at one time;

(2) The controlled substance listed in schedule II is not in the possession of the ultimate user prior to the administration; and

(3) The institution maintains appropriate safeguards and records regarding the proper administration, control, dispensing, and storage of the controlled substance listed in schedule II; and

(4) The system employed by the pharmacist in filling a prescription is adequate to identify the supplier, the product, and the patient, and to set forth the directions for use and cautionary statements, if any, contained in the prescription or required by law.

34. By amending § 306.24 as follows:

a. By designating the current paragraph as paragraph (a); and

b. By adding a new paragraph (b) to read as follows:

§ 306.24 Labeling of substances.

* * * * *

(b) The requirements of paragraph (a) of this section do not apply when a controlled substance listed in Schedule III or IV is prescribed for administration to an ultimate user who is institutionalized: *Provided*, That:

(1) Not more than a 34-day supply or 100 dosage units, whichever is less, of the controlled substance listed in schedule III or IV is dispensed at one time;

(2) The controlled substance listed in schedule III or IV is not in the possession of the ultimate user prior to administration;

(3) The institution maintains appropriate safeguards and records the proper administration, control, dispensing, and storage of the controlled substance listed in schedule III or IV; and

(4) The system employed by the pharmacist in filling a prescription is adequate to identify the supplier, the product and the patient, and to set forth the directions for use and cautionary statements, if any, contained in the prescription or required by law.

PART 307—MISCELLANEOUS

35. By amending § 307.14 to read as follows:

§ 307.14 Distribution upon discontinuance or transfer of business.

(a) Any registrant desiring to discontinue business activities altogether or with respect to controlled substances (without transferring such business activities to another person) shall return for cancellation his certificate of registration, and any unexecuted order forms in his possession, to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Central Station, Washington, DC 20005. Any controlled substances in his possession may be disposed of in accordance with § 307.21.

(b) Any registrant desiring to discontinue business activities altogether or with respect to controlled substance (by transferring such business activities to another person) shall submit in person or by registered or certified mail, return receipt requested, to the Regional Director in his region, at least 14 days in advance of the date of the proposed transfer (unless the Regional Director waives this time limitation in individual instances), the following information:

(1) The name, address, registration number, and authorized business activity of the registrant discontinuing the business (registrant-transferor);

(2) The name, address, registration number, and authorized business activity of the person acquiring the business (registrant-transferee);

(3) Whether the business activities will be continued at the location regis-

tered by the person discontinuing business, or moved to another location (if the latter, the address of the new location should be listed);

(4) Whether the registrant-transferor has a quota to manufacture or procure any controlled substance listed in Schedule I or II (if so, the basic class or class of the substance should be indicated); and

(5) The date on which the transfer of controlled substances will occur.

(c) Unless the registrant-transferor is informed by the Regional Director, before the date on which the transfer was stated to occur, that the transfer may not occur, the registrant-transferor may distribute (without being registered to distribute) controlled substances in his possession to the registrant-transferee in accordance with the following:

(1) On the date of transfer of the controlled substances, a complete inventory of all controlled substances being transferred shall be taken in accordance with §§ 304.11–304.19 of this chapter. This inventory shall serve as the final inventory of the registrant-transferor and the initial inventory of the registrant-transferee, and a copy of the inventory shall be included in the records of each person. It shall not be necessary to file a copy of the inventory with the Bureau unless requested by the Regional Director. Transfers of any substances listed in Schedule I or II shall require the use of order forms in accordance with Part 305 of this chapter.

(2) On the date of transfer of the controlled substances, all records required to be kept by the registrant-transferor with reference to the controlled substances being transferred, under Part 304 of this chapter, shall be transferred to the registrant-transferee. Responsibility for the accuracy of records prior to the date of transfer remains with the transferor, but responsibility for custody and maintenance shall be upon the transferee.

(3) In the case of registrants required to make reports pursuant to Part 304 of this chapter, a report marked "Final" will be prepared and submitted by the registrant-transferor showing the disposition of all the controlled substances for which a report is required; no additional report will be required from him, if no further transactions involving controlled substances are consummated by him. The initial report of the registrant-transferee shall account for transactions beginning with the day next succeeding the date of discontinuance or transfer of business by the transferor-registrant, and the substances transferred to him shall be reported as receipts in his initial report.

36. By amending § 307.21 by designating paragraph (c) as paragraph (d) and adding a new paragraph (c) to read as follows:

§ 307.21 Procedure for disposing of controlled substances.

* * * * *

(c) In the event that a registrant is required regularly to dispose of controlled substances, the Regional Director may authorize the registrant to dispose of such substances, in accordance with paragraph (b) of this section, without prior approval of the Bureau in each instance, on the condition that the registrant keep records of such disposals and file periodic reports with the Regional Director summarizing the disposals made by the registrant. In granting such authority, the Regional Director may place such conditions as he deems proper on the disposal of controlled substances, including the method of disposal and the frequency and detail of reports.

* * * * *

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

37. By adding a new § 308.05 to read as follows:

§ 308.05 Submission of information by manufacturers.

(a) Each person who manufactures, packages, repackages, labels, relabels, or distributes under his own label any product (including any compound, mixture, or preparation, diagnostic, reagent, buffer, or biological) containing any quantity of any controlled substance (whether such product is itself controlled or is excepted, exempted, or excluded from some or all controls pursuant to § 308.21–24 or § 308.31–32) shall submit information required in paragraph (b) of this section for each such product being manufactured or sold on July 1, 1972. The information should be submitted by registered mail, return receipt requested, to the Assistant Director for Scientific Support. Attention: Label Project, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, by August 31, 1972. In the case of new products manufactured after July 1, 1972, or new dosage forms or other unit forms manufactured after July 1, 1972, or changes in information submitted by August 31, 1972, the registrant shall submit the information regarding such item within 30 days after the date on which the manufacture commences or information change occurs. In the case of products, the manufacture of which is discontinued after July 1, 1972, the registrant shall submit notice of such discontinuance within 30 days after the date on which manufacture ceases. In the case of products the manufacture of which was discontinued before July 1, 1972, which are still being sold, the registrant shall submit a notice of such discontinuance with his initial submission.

(b) Two labels or other documents reflecting the following information shall be submitted with reference to each dosage form or other unit form of each item containing any quantity of any controlled substance:

(1) The trade name, brand name, or other commercial name of the product;

(2) The generic or chemical name and quantity of each active ingredient, including both controlled and noncontrolled substances (if any of this information is a proprietary trade secret, please indicate those portions);

(3) The National Drug Code Number assigned to the product, if any; and

(4) The weight (in metric measure) of each dosage unit or the weight (in metric measure) of the controlled substance per 100 grams of finished product for all items containing any quantity of any narcotic controlled substance in solid dosage forms.

§ 308.12 [Amended]

38. By amending § 308.12 by adding the Bureau Controlled Substances Code No. "9650" after the item "Opium poppy and poppy straw" in paragraph (b)(3).

§ 308.13 [Amended]

39. By amending § 308.13 by adding the words "(A narcotic drug)" after the word "Nalorphine" in paragraph (d).

PART 311—REGISTRATION OF IMPORTERS AND EXPORTERS OF CONTROLLED SUBSTANCES

40. By deleting §§ 311.26 and 311.27, by renumbering § 311.28 to § 311.27 and by adding a new § 311.26 to read as follows:

§ 311.26 Exemption for ocean vessels, commercial aircraft, and certain other entities.

Owners or operators of vessels, aircraft, or other entities described in § 301.28 of this chapter or in Article 32 of the Single Convention on Narcotic Drugs, 1961, shall not be deemed to import or export any controlled substance purchased and stored in accordance with that section or article.

41. By amending § 311.42 by deleting the word "and" and substituting the word "or" at the end of paragraph (b)(6)(iii), and by adding a new paragraph (b)(6)(iv) to read as follows:

§ 311.42 Application for importation of Schedule I and II substances.

* * * * *

(b) * * *

(6) * * *

(iv) Such amounts of any controlled substance listed in Schedule I or II as the Director shall find to be necessary to provide for ballistics and other analytical or scientific purposes; and

* * * * *

§ 311.43 [Amended]

42. By amending § 311.43 by deleting the word "displayed" and replacing it with the word "maintained" in paragraph (b).

§ 311.44 [Amended]

43. By amending § 311.44 by adding the words "or suspending" after the words "order of the Director revoking" in the third sentence of paragraph (d), and by adding the words "upon service of the order of the Director revoking or suspending registration," after the words "Also," in the third sentence of paragraph (e).

44. By amending § 311.61 to read as follows:

§ 311.61 **Modification in registration.**

Any registrant may apply to modify his registration to authorize the handling of additional controlled substances or to change his name or address, by submitting a letter of request to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28083, Central Station, Washington, DC 20005. The letter shall contain the registrant's name, address, and registration number as printed on the certificate of registration, and the substances and/or schedules to be added to his registration or the new name or address, and shall be signed in accordance with § 311.32(f). No fee shall be required to be paid for the modification. The request for modification shall be handled in the same manner as an application for registration. If the modification in registration is approved, the Director shall issue a new Certificate of Registration (BND Form 223) to the registrant, who shall maintain it with the old certificate of registration until expiration.

45. By amending § 311.62 to read as follows:

§ 311.62 **Termination of registration.**

The registration of any person shall terminate if and when such person dies, ceases legal existence or discontinues business or professional practice. Any registrant who ceases legal existence or discontinues business or professional practice shall notify the Director promptly of such fact.

PART 312—IMPORTATION AND EXPORTATION OF CONTROLLED SUBSTANCES

§ 312.11 [Amended]

46. By amending § 312.11 by deleting the words "at least 15 days prior to importation" from paragraph (b).

47. By amending § 312.13 as follows:

a. By adding paragraph (a)(4) to read as set forth below.

b. By revising paragraph (b) to read as set forth below.

§ 312.13 **Issuance of import permit.**

(a) * * *

(4) That the importation of the controlled substance is for ballistics or other analytical or scientific purposes, and that the importation of that substance is only for delivery to officials of the United Nations, of the United States, or of any State, or to any person registered or exempted from registration under sections 1007 and 1008 of the Act (21 U.S.C. 957 and 958).

(b) The Director may require an applicant to submit such documents or written statements of fact relevant to the application as he deems necessary to determine whether the application should be granted. The failure of the applicant to provide such documents or statements within a reasonable time after being requested to do so shall be deemed to be a waiver by the applicant of an opportunity to present such documents or facts for consideration by the Director in granting or denying the application.

* * * * *

§ 312.18 [Amended]

48. By amending § 312.18 by deleting the words "A registrant" and substituting the words "Any person registered or authorized to import and" in paragraph (b), and by deleting the words "a registrant" and substituting the words "an applicant" in paragraph (d).

§ 312.19 [Amended]

49. By amending § 312.19 by deleting the words "at least 15 days prior to the proposed date of importation" from paragraph (b).

§ 312.21 [Amended]

50. By amending § 312.21 by deleting the reference "§ 312.26" and substituting the reference "§ 312.28" at the end of paragraph (b).

51. By amending § 312.23 by revising paragraph (b) to read as follows:

§ 312.23 **Issuance of export permit.**

* * * * *

(b) The Director may require an applicant to submit such documents or written statements of fact relevant to the application as he deems necessary to determine whether the application should be granted. The failure of the applicant to provide such documents or statements within a reasonable time after being requested to do so shall be deemed to be a waiver by the applicant of an opportunity to present such documents or facts for consideration by the Director in granting or denying the application.

* * * * *

52. By amending § 312.27 as follows:

a. By revising paragraph (a) to read as set forth below.

b. By adding the words ", if any," between the words "registration number" and the words "of the exporter" in paragraph (b)(1).

§ 312.27 **Contents of special controlled substances invoice.**

(a) A person registered or authorized to export and desiring to export any nonnarcotic controlled substance listed in Schedule III or IV or any person desiring to export any controlled substance listed in Schedule V must furnish a special controlled substances export invoice on BND Form 236 to the Registration Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Post Office Box 28082, Central Station, Washington, DC 20005, not less than 15 calendar days prior to the proposed date of exportation, and distribute four copies of same as hereinafter directed in this § 312.27.

* * * * *

53. By amending § 312.31 as follows:

a. By revising paragraph (a)(2) to read as set forth below.

b. By deleting the words "prior written approval" and substituting the words "a transshipment permit", and in the first sentence of paragraph (b).

c. By revising paragraph (f) to read as set forth below.

d. By revising paragraph (g) to read as set forth below.

§ 312.31 **Schedule I: Application for prior written approval.**

(a) * * *

(2) A transshipment permit has been issued by the Director.

* * * * *

(f) The Director may require an applicant to submit such documents or written statements of fact relevant to the application as he deems necessary to determine whether the application should be granted. The failure of the applicant to provide such documents or statements within a reasonable time after being requested to do so shall be deemed to be a waiver by the applicant of an opportunity to present such documents or facts for consideration by the Director in granting or denying the application.

(g) The Director shall, within 21 days from the date of receipt of the application, either grant or deny the application. The applicant shall be accorded an opportunity to amend the application, with the Director either granting or denying the amended application within 7 days of its receipt. If the Director does not grant or deny the application within 21 days of its receipt, or in the case of an amended application, within 7 days of its receipt, the application shall be deemed approved and the applicant may proceed.

§ 312.41 [Amended]

54. By amending § 312.41 by deleting the words "or export" and substituting the words, "export or transshipment" and by deleting the words "rule making" and substituting the word "adjudication".

55. By amending § 312.42 as follows:

a. By revising paragraph (a) to read as set forth below.

b. By deleting paragraph (b) and redesignating paragraph (c) to be paragraph (b).

§ 312.42 **Purpose of hearing.**

(a) If requested by a person applying for an import, export, or transshipment permit, the Director shall hold a hearing for the purpose of receiving factual evidence regarding the issues involved in the issuance or denial of such permit to such person.

* * * * *

56. By amending § 312.44 to read as follows:

§ 312.44 **Request for hearing or appearance; waiver.**

(a) Any applicant entitled to a hearing pursuant to § 312.42 and who desires a hearing on the denial of his application for an import, export, or transhipment permit shall, within 30 days after the date of receipt of the denial of his application, file with the Director a written request for a hearing in the form prescribed in § 316.47 of this chapter.

(b) Any applicant entitled to a hearing pursuant to § 312.42 may, within the

period permitted for filing a request for a hearing, file with the Director a waiver of an opportunity for a hearing, together with a written statement regarding his position on the matters of fact and law involved in such hearing. Such statement, if admissible, shall be made a part of the record and shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to matters of fact asserted therein.

(c) If any applicant entitled to a hearing pursuant to § 312.42 fails to appear at the hearing, he shall be deemed to have waived his opportunity for the hearing unless he shows good cause for such failure.

(d) If the applicant waives or is deemed to have waived this opportunity for the hearing, the Director may cancel the hearing, if scheduled, and issue his final order pursuant to § 312.47 without a hearing.

57. By amending § 312.45 to read as follows:

§ 312.45 Burden of proof.

At any hearing on the denial of an application for an import, export, or transshipment permit, the Bureau shall have the burden of proving that the requirements for such permit pursuant to sections 1002, 1003, and 1004 of the Act (21 U.S.C. 952, 953, and 954) are not satisfied.

58. By amending § 312.46 to read as follows:

§ 312.46 Time and place of hearing.

(a) If any applicant for an import, export, or transshipment permit requests a hearing on the issuance or denial of his application, the Director shall hold such hearing. Notice of the hearing shall be given to the applicant of the time and place at least 30 days prior to the hearing, unless the applicant waives such notice and requests the hearing be held at an earlier time, in which case the Director shall fix a date for such hearing as early as reasonably possible.

(b) The hearing will commence at the place and time designated in the notice given pursuant to paragraph (a) of this section but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

59. By amending § 312.47 to read as follows:

§ 312.47 Final order.

As soon as practicable after the presiding officer has certified the record to the Director, the Director shall issue his order on the issuance or denial of the application for and import, export, or transshipment permit. The order shall include the findings of fact and conclusions of law upon which the order is based. The Director shall serve one copy of his order upon the applicant.

PART 316—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

§ 316.08 [Amended]

60. By amending § 316.08 by deleting the words "of his" and substituting the words "That he has a" in paragraph (b)(2), and by deleting the words "Of the possibility that" and substituting the word "That" in paragraph (b)(3).

61. By amending § 316.34 to read as follows:

§ 316.34 Records of proceeding.

A formal record, either verbatim or summarized, of the hearing may be made at the discretion of the Regional Director. If a verbatim record is to be made, the person attending the hearing will be so advised prior to the start of the hearing.

62. By amending Subpart D—Administrative Hearings by revising the "Authority" section to read as follows:

AUTHORITY: The provisions of this Subpart D issued under secs. 201, 301, 501(b), 505, 1008(d), 1015, 84 Stat. 1245, 1246, 1247, 1253, 1271, 1272, 1289, 1291; 21 U.S.C. 811, 821, 271 (b), 875, 958(d), 965.

§ 316.41 [Amended]

63. By amending § 316.41 by deleting the word "or" in the second parenthetical item and adding the following references after the number "308.51" in the second parenthetical: "§§ 311.51–311.53, or §§ 312.41–312.47."

Effective date. This order is effective upon the date of its publication in the FEDERAL REGISTER (8–8–72).

Dated: August 1, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-12330 Filed 8-7-72;8:47 am]

Title 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

APPENDIX A—POLICY AND PROCEDURE AND INSTRUCTIONAL MEMORANDA

Public Hearings and Location Approval

The Acting Federal Highway Administrator has determined that pending revision of Policy and Procedure Memorandum 20–8 (PPM 20–8), Public Hearings and Location Approval, issued on June 14, 1969, that it is desirable to amend such PPM to permit additional information on the social, environmental and economic effects of a proposed location or design to be considered at a design hearing, whether or not a prior location hearing was held.

In consideration of the foregoing PPM 20–8 in Appendix A of Title 23, Code of Federal Regulations, Chapter I, is amended as follows:

1. Add to paragraph 4.a.(1) and 4.b.(1) between "proposal" and the following semicolon, "(except as provided in paragraph 6.(g).)."

(2. Add a new paragraph 6.(g), as follows:

(g) With respect to any project for which a public hearing has been held under Federal-aid procedures, and for which it is determined by the State highway department and the Division Engineer that a new hearing is desirable to consider supplemental information on social, economic, or environmental effects relative to proposals presented at a previous public hearing or with respect to additional proposals, then, as appropriate, a new corridor or design hearing should be held. When recommended by the State and approved by the Division Engineer, a new corridor hearing held in accordance with this paragraph may be combined with the design hearing, whether or not a design hearing for the project has been previously held. In such instances, the request for location approval shall be submitted together with the request for design approval.

This amendment is issued under the authority of 23 U.S.C. 128 and the delegation of authority in § 1.48(b) of the regulations of the Office of the Secretary, 35 F.R. 3949 (1970).

Issued on July 12, 1972.

R. R. BARTELSMEYER,
Acting Federal Highway Administrator.

[FR Doc.72-12355 Filed 8-7-72;8:50 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

San Carlos Indian Irrigation Project, Ariz.

On page 12502 of the FEDERAL REGISTER of June 24, 1972, there was published a notice of proposal to modify § 221.63 of Title 25, Code of Federal Regulations. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, nor objections have been received, and the proposed amendment is hereby adopted without change as set forth below.

§ 221.63 Assessment, joint works.

(a) Pursuant to the Act of Congress approved June 7, 1924 (43 Stat. 476), and supplementary acts, the repayment contract of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 221.69a–221.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1974 is estimated to be $300,000 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order, is hereby fixed at $3 for each acre of land.

DALE M. BELCHER,
Acting Assistant Area Director (Economic Development).

[FR Doc.72-12336 Filed 8-7-72;8:48 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 13—DEPARTMENT OF VETERANS' BENEFITS, CHIEF ATTORNEYS

Protection of Veterans' Administration Benefits

On page 12645 of the FEDERAL REGISTER of June 27, 1972, there was published a notice of proposed rule making to amend §§ 13.103 and 13.105 to protect Veterans' Administration benefits of incompetent beneficiaries. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective the date of approval.

Approved: August 2, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

Sections 13.103 and 13.105 of Title 38, of the Code of Federal Regulations, are amended as follows:

§ 13.103 Investments by legal custodians.

(a) Veterans Administration benefits paid a legal custodian in a beneficiary's behalf may be invested only in U.S. savings bonds, or in interest or dividend-paying accounts in State or federally insured institutions, whichever is to the beneficiary's advantage.

(b) When funds are invested in bonds, they will be registered in this form:

----------, under custodianship
(Beneficiary's name)
by designation of the Veterans Administration. ----------
(Beneficiary's address)

(c) When funds are invested in interest or dividend-paying accounts in State or federally insured institutions, the account will be registered in this form:

----------, as legal custodian
(Legal custodian's name)
of ----------
(Beneficiary's name)

§ 13.105 Surety bonds.

* * * * *

(b) *Federal fiduciary.* (1) The Chief Attorney may require a legal custodian, custodian-in-fact or chief officer of a private institution recognized to administer Veterans Administration benefits on behalf of a beneficiary, to furnish a corporate surety bond in an amount determined to be sufficient to protect the interest of the beneficiary. Such bond shall run to the Administrator of Veterans Affairs for the use and benefit of the beneficiary.

(2) The Chief Attorney may require a legal custodian to furnish an agreement in lieu of a surety bond or additional surety bond when funds are deposited in an interest or dividend-paying account in a State or federally insured institution. The agreement will provide that the legal custodian and institution agree that all funds received from the Veterans Administration on behalf of the beneficiary, which have been or will be deposited by the legal custodian in the account, will be withdrawn only with the written consent of the Chief Attorney or his designee.

* * * * *

[FR Doc.72-12360 Filed 8-7-72;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-690]

PART 0—COMMISSION ORGANIZATION

PART 78—CABLE TELEVISION RELAY SERVICES

Delegations of Authority to Chief, Cable Television Bureau, and Procedures for Special Temporary Authorizations

Order. In the matter of amendment of Part 0, Subpart B, and Part 78, Subparts B and D, of the Commission's rules and regulations concerning delegations of authority to the Chief, Cable Television Bureau, procedures in the Cable Television Relay Service and related matters.

1. In the "Cable Television Report and Order," FCC 72-108, 37 F.R. 3252, released February 3, 1972, we renamed the Community Antenna Relay Service as the Cable Television Relay Service and rearranged the rules, with slight modifications, in a new Part 78. We have examined the new CAR rules in the light of experience, and have concluded that certain modifications in procedures and various editorial revisions are desirable.

2. First, the Commission has received several requests for special temporary authorizations in the Cable Television Relay Service in recent months. These authorizations are usually of a routine nature and require prompt disposition; hence, we are amending § 0.289 of the Commission's rules to delegate authority to the Chief, Cable Television Bureau, to act on such requests. This delegation parallels similar delegations to the Chief, Common Carrier Bureau, and the Chief, Broadcast Bureau. At the same time, we are amending the rules (§ 78.33) to clarify the procedure to be used in applying for special temporary authorization.

3. Second, we are adding a rule (§ 78.35) reiterating the requirement of section 310(b) of the Communications Act that no assignment of the license or construction permit of a CAR station or transfer of control of a CAR licensee or permittee may occur without prior Commission authorization, and are amending § 0.289 to delegate additional authority to the Chief, Cable Television Bureau, to act on unopposed applications for assignment or transfer of control.

4. Finally, we have made editorial revisions in §§ 78.11 (permissible service), 78.19 (interference), 78.103 (emissions and bandwidth), and 78.107 (equipment and installation), and are adding new sections 0.290 (record of actions taken), 78.16 (who may sign applications), 78.17 (amendments of applications), 78.20 (acceptance of applications; public notice), 78.21 (dismissal of applications), and 78.22 (objections to applications). In general, the latter new sections codify previously applicable procedures that are found in Part 1 of the rules.

5. Since these amendments are either editorial or relate to Commission organization, procedures, or practice, or restate existing requirements, the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553 do not apply. Similarly, since the amendments are essential elements of our overall regulatory program for cable television relay stations, delay in their implementation would confuse the public and would be contrary to the public interest.

6. Authority for the rule amendments adopted herein is contained in sections 2, 3, 4 (i) and (j), 5 (b) and (d), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered,* That effective August 8, 1972, Parts 0 and 78 of the Commission's rules and regulations are amended as set forth below.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309)

Adopted: July 26, 1972.

Released: August 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

A.1. In § 0.289, paragraph (a) is revised and a new paragraph (d) is added, as follows:

§ 0.289 Authority delegated.

(a) The Chief of the Cable Television Bureau, in coordination with the Broadcast Bureau, is delegated authority to act on the following applications for authorizations in the Cable Television Relay Service, if such applications comply fully with the requirements of the Com-

[1] Chairman Burch absent; Commissioners Johnson and Reid concurring in the result; Commissioner Hooks not participating.

munications Act, the provisions of Part 78 of this chapter, and Commission policy and standards; if no mutually exclusive application has been filed; and if no petition to deny or other substantial objection to the application has been filed:

(1) Applications for construction permits for new stations;

(2) Applications for licenses to cover construction permits;

(3) Applications for modification, assignment, transfer of control, or renewal;

(4) Applications for assignment or transfer of control filed pursuant to § 78.35(b) of this chapter.

* * * * *

(d) The Chief of the Cable Television Bureau, in coordination with the Broadcast Bureau, is delegated authority to act on requests for temporary authority for special operations.

2. A new § 0.290 is added, as follows:

§ 0.290 Record of actions taken.

History cards, system or station files, and other appropriate files of the Cable Television Bureau are designated as the Commission's official records of actions taken by the Chief of the Cable Television Bureau pursuant to authority delegated to him.

B.1. In § 78.11, paragraph (i) is amended, as follows:

§ 78.11 Permissible service.

* * * * *

(i) The license of a CAR pickup station authorizes the transmission of program material, and related communications necessary to the accomplishment of such transmission, from the scenes of events occurring in places other than a cable television studio, to the studio or headend of its associated cable television system, or to such other cable television systems as are carrying the same program material. CAR pickup stations may be used to provide temporary CAR studio-to-headend links or CAR circuits consistent with this part without further authority of the Commission: *Provided, however,* That prior Commission authority shall be obtained if the transmitting antenna to be installed will increase the height of any natural formation or manmade structure by more than 20 feet and will be in existence for a period of more than 2 consecutive days: *And provided, further,* That if the transmitting equipment is to be operated for more than 1 day outside of the area to which the CAR station has been licensed, the Commission, the engineer in charge of the district in which the station is licensed to operate, and the engineer in charge of the district in which the equipment will be temporarily operated shall be notified at least 1 day prior to such operation. If the decision to continue operation for more than 1 day is not made until the operation has begun, notice shall be given to the Commission and the relevant engineers in charge within 1 day after such decision. In all instances, the Commission and the relevant engineers in charge shall be notified when the transmitting equipment has been returned to its licensed area.

2. A new § 78.16 is added as follows:

§ 78.16 Who may sign applications.

(a) Applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of government entities shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statments of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, United States Code, title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

3. Section 78.17 is renumbered as § 78.18, and a new § 78.17 is added, as follows:

§ 78.17 Amendment of applications.

Any application may be amended as a matter of right prior to the adoption date of any final action taken by the Commission with respect to the application, merely by filing the appropriate number of copies of the amendment in question duly executed in accordance with § 78.16. If a petition to deny has been filed, the amendment shall be served on the petitioner.

4. In § 78.19, paragraphs (c) and (d) (derived from former § 78.21) are added, as follows:

§ 78.19 Interference.

* * * * *

(c) *Radio Astronomy and Radio Research Installations.* In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, W. Va., an applicant for authority to construct a cable television relay station, except a CAR pickup station, or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south and 80°30′ W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, WV 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such application, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(d) *Location on Government land.* Applicants proposing to construct a cable television relay station on a site located under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

5. A new § 78.20 is added, as follows:

§ 78.20 Acceptance of applications; public notice.

(a) Applications which are tendered for filing in Washington, D.C., are dated upon receipt and then forwarded to the Cable Television Bureau, where an administrative examination is made to ascertain whether the applications are complete. Applications found to be complete or substantially complete are accepted for filing and are given a file number. In case of minor defects as to completeness, the applicant will be required to supply the missing information. Applications which are not substantially complete will be returned to the applicant.

(b) Acceptance of an application for filing means only that it has been the subject of a preliminary review by the Commission's administrative staff as to completeness. Applications which are determined to be clearly not in accordance with the Commission's rules or other requirements, unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing, or if inadvertently accepted for filing, will be dismissed. Requests for waiver shall show the nature of the waiver or exception desired and shall set forth the reasons in support thereof.

(c) The Commission will give public notice of all applications and major amendments thereto which have been accepted for filing. No application shall be acted on less than thirty (30) days from the date of public notice.

6. Section 78.21 is deleted. The provisions of this section are included in revised § 78.19. A new § 78.21 is added, as follows:

§ 78.21 Dismissal of applications.

(a) Any application may, on request of the applicant, be dismissed without prejudice as a matter of right prior to the adoption date of any final action taken by the Commission with respect to the application. An applicant's request for the return of an application will be regarded as a request for dismissal.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice if it occurs prior to the adoption date of any final action taken by the Commission with respect to the application.

7. A new § 78.22 is added, as follows:

§ 78.22 Objections to applications.

(a) Any party in interest may file a petition to deny any application (whether as originally filed or as amended) no later than thirty (30) days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto. Petitions to deny shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

(b) The applicant may file an opposition to any petition to deny, and the petitioner may file a reply to such opposition (see § 1.45 of this chapter), in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof.

(c) Notwithstanding the provisions of paragraph (a) of this section, before Commission action on any application for an instrument of authorization, other than a license to cover a construction permit, any person may file informal objections to the grant. Such objections may be submitted in letter form (without extra copies) and shall be signed by the objector. The limitation on pleadings and time for filing pleadings provided for in § 1.45 of this chapter shall not be applicable to any objections duly filed pursuant to this paragraph.

8. A new § 78.33 is added, as follows:

§ 78.33 Special temporary authority.

(a) Notwithstanding the requirements of §§ 78.15 and 78.20, in circumstances requiring immediate or temporary use of facilities, a request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different from that authorized in a station license. Any such request may be in letter form, and shall be submitted in duplicate: *Provided, however,* That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph with the understanding that a written request shall be submitted within ten (10) days thereafter.

(b) Special temporary authority may also be requested to conduct a field survey to determine necessary data in connection with the preparation of a formal application for installation of a radio system under this part. Such authority may be granted to equipment suppliers and others who are not operators of cable television systems, as well as to cable operators, to conduct equipment, program, service, and path tests.

(c) Any request for special temporary authority shall be clear and complete within itself as to the authority requested. In addition, such requests shall contain the following information:

(1) Name, address, and citizenship of applicant;

(2) Grounds for special action, including a description of any emergency or damage to equipment;

(3) Type of operation to be conducted;

(4) Purpose of operation;

(5) Time and date of proposed operation;

(6) Class of station and nature of service;

(7) Location of station;

(8) Equipment to be used, specifying manufacturer, model number, and number of units;

(9) Frequency or frequencies desired, consistent with § 78.18: *Provided, however,* That in the case of events of widespread interest and importance that cannot be transmitted successfully on these frequencies, frequencies assigned to other services may be requested on a showing that operation thereon will not cause interference to established stations: *And provided, further,* That in no case will a cable television relay operation be authorized on frequencies employed for the safety of life and property;

(10) Plate power input to final radio frequency stage;

(11) Type of emission;

(12) Description of antenna to be used, including height. In the event that the proposed antenna installations will increase the height of any natural formation, or existing manmade structure, by more than twenty (20) feet, a vertical plan sketch showing the height of the structures proposed to be erected, the height above ground of any existing structure, the elevation of the site above mean sea level, and the geographic coordinates of the proposed sites shall be submitted with the application.

(d) Except in emergencies involving safety of life or property or due to damage to equipment, a request for special temporary authority shall be filed at least ten (10) days prior to the date of proposed operation, or shall be accompanied by a statement of reasons for the delay in submitting such request.

(e) If the Commission finds that special temporary authority is in the public interest, it may grant such authority for a period not exceeding ninety (90) days, and, on a like finding, may extend such authority for one additional period not to exceed ninety (90) days.

9. A new § 78.35 is added, as follows:

§ 78.35 Assignment or transfer of control.

(a) No assignment of the license or construction permit of a cable television relay station or transfer of control of a CAR licensee or permittee shall occur without prior Commission authorization.

(b) If an assignment or transfer of control does not involve a substantial change of interests, the provisions of §§ 78.20(c) and 78.22, concerning public notice and objections, shall be waived.

10. In § 78.103, paragraph (a) is amended, as follows:

§ 78.103 Emissions and bandwidth.

(a) A cable television relay station may be authorized to employ any type of emission, for which there are technical standards incorporated in Subpart D of this part, suitable for the simultaneous transmission of visual and aural television signals.

* * * * *

11. In § 78.107, paragraph (b) is amended as follows:

§ 78.107 Equipment and installation.

* * * * *

(b) Each transmitter authorized for use in the Cable Television Relay Service (other than a CAR pickup station) must be of a type that has been type accepted pursuant to Part 2 (Subpart F) of this chapter, as capable of meeting the requirements of §§ 78.17, 78.101, 78.103, 78.111, and 78.115.

* * * * *

[FR Doc.72-12362 Filed 8-7-72;8:50 am]

— —

[Docket No. 19499; FCC 72-679]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Nansemond, Va.

Report and order. In the matter of amendment of § 73.202 *Table of assignments,* FM Broadcast Stations (city of Nansemond, Va.), Docket No. 19499.

1. The Commission here considers the notice of proposed rule making in this proceeding, adopted May 10, 1972 (FCC 72-410; 37 F.R. 10008), which was adopted in response to the petition for reconsideration of Messrs. Lloyd A. Gatling and James F. Hope, Jr. from that portion of the Second Report and Order in Docket No. 18883 denying their petition to assign Channel 221A to Whaleyville, Va. See § 1.106(k)(2) of the Commission's rules and regulations.

2. The notice was adopted on the basis of the incorporation of Whaleyville, Holland, and Nansemond County as the City of Nansemond effective July 1, 1972, with a population of 35,166.[1] The city of Nansemond consists of all of Nansemond County except the independent city of Suffolk (population 9,858). As pointed out in the notice, FM Station WFOG, Channel 225, and Class IV AM Station WLPM operate at Suffolk.

3. The notice proposed the assignment of Channel 295, presently assigned to Elizabeth City, N.C., as a possible Class B or C channel for Nansemond which could be made with the minimum disruption to the FM Table of Assignments. While the zone boundary passes through the city of Nansemond, it appears that in order for Channel 295 to cover the entire city with minimum principal grade service, the channel will have to be located in Zone II since a facility with 50 kw. power and 500-foot height or equivalent is needed for this purpose. Elizabeth City, population 14,069, the seat of Pasquotank County (population 26,824) is allocated Channels 229 and 295. A construction permit for Channel 229 was granted to Love Broadcasting on March 13, 1972. There also are two AM stations at Elizabeth City; Stations WGAI (Class III) and WCNC (Class IV).

4. The only comments filed were by Lloyd A. Gatling (Gatling). Gatling states that Channel 295 is the only FM channel available for assignment to the City of Nansemond, the reallocation of less than 40 miles would result in essentially no new preclusion areas, and there would be a more equitable distribution of aural facilities. Gatling also asserts that the rural character of Nansemond raises unique problems which a facility on Channel 295 could solve, e.g., the dissemination of agricultural information including that about vital emergencies. It is asserted that a facility which Gatling and other members of Nansemond community are prepared to apply for and construct could serve as an important news source in the City of Nansemond and serve as a link between Tidewater Community College (in Nansemond) and Paul D. Camp Community College (at Franklin) and the technical-vocational school to be located at Nansemond all in the primary service area.

5. While many of the assertions by Gatling would be more apt in support of an application, the fact is that a community of the size of Nansemond merits an FM channel of its own, and the reallocation of Channel 295 from Elizabeth City, N.C., seems to be warranted in the circumstances of making a fair and equitable distribution of facilities as required by section 307(b) of the Communications Act of 1934, as amended. In this respect, Channel 295 is fallow while the other FM channel at Elizabeth City has only recently been put to use and there also are two AM stations there. Moreover, the area is one where there are not many unused FM assignments.

6. Accordingly, effective September 8, 1972, the FM Table of Assignments (§ 73.202(b)) is amended as concerns the named cities as follows:

City:	Channel No.
City of Nansemond, Va	295
Elizabeth City, N.C	229

7. Authority for this action is found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That this proceeding is terminated.

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

Adopted: July 26, 1972.

Released: August 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-12367 Filed 8-7-72;8:51 am]

[1] At the time, a referendum had been held and the consolidation approved. See title 15.1, chapter 26, Article 4, Code of Virginia, as amended.

[2] Commissioner Burch absent; Commissioner Hooks not participating.

[FCC 72-669]

OPERATION OF AMATEUR RADIO STATIONS IN UNITED STATES BY PERMANENT RESIDENT ALIENS

Order. In the matter of amendment of Parts 0, 1, and 97 of the Commission's rules to implement the provisions of Public Law 92-81.

1. Effective August 10, 1971, sections 303(1) and 310(a) of the Communications Act were amended (see Public Law 92-81) to permit aliens who are permanent residents of the United States and who have filed a Declaration of Intention to become citizens to apply for amateur radio licenses and to qualify by successfully completing an examination.

2. Currently used forms FCC Form 610 (for U.S. amateur radio applicants) and FCC Form 610-A (for alien amateurs seeking permit to operate their station in the United States) do not meet the needs for use by alien applicants who are qualified under Public Law 92-81. Consequently, a new application form, FCC Form 610-C,[1] has been approved for such use.

3. In addition, the rules have been amended to implement the recent amendment of the Communications Act (Public Law 92-81).

4. The rule changes ordered herein are pursuant to Public Law 92-81, involve interpretative rules and rules of agency practices and procedures and, hence, the prior notice and effective date provisions of 5 U.S.C. section 553 are not applicable. Authority for the rule changes are contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, effective August 8, 1972, that Parts 0, 1, and 97 of the rules are amended as set forth below.

[1] Filed as part of the original document.

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

Adopted: July 26, 1972.

Released: August 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

PART 0—COMMISSION ORGANIZATION

I. Part 0 of the Commission's rules is amended as follows:

1. Section 0.332(i) is amended as follows:

§ 0.332 Additional authority delegated.

* * * * *

(i) To grant or deny applications for permits and to modify, suspend, or cancel, such permits, pursuant to Subparts G and H, Part 97 of this chapter.

* * * * *

PART 1—PRACTICE AND PROCEDURE

II. Part 1 of the Commission's rules is amended as follows:

1. Section 1.911 is amended by adding a new paragraph (f) as follows:

§ 1.911 Applications required.

* * * * *

(f) An alien admitted to the United States for permanent residence who has filed a Declaration of Intention to become a citizen of the United States and desiring to obtain a license under the provisions of sections 303(1)(3) and 310(a) of the Communications Act of 1934, as amended shall make application on FCC Forms 610 and 610-C which shall be filed with the Federal Communications Commission, Gettysburg, Pa. Forms may be obtained from the Secretary, Washington, D.C., or any field office of the Commission.

2. Section 1.922 is amended by adding to the list of forms the Form 610-C "Application of a permanent resident alien to obtain a U.S. Amateur Radio License" between the Forms 610-B and 701.

§ 1.922 Forms to be used.

FCC Form	*Title*
*	*
610-C	Application of a Permanent Resident Alien to Obtain a United States Amateur Radio License.
*	*

PART 97—AMATEUR RADIO SERVICE

III. Part 97 of the Commission's Rules is amended to read as follows: A new Subpart H is added to the rules as follows:

[2] Chairman Burch absent: Commissioner Hooks not participating.

Subpart H—Operation of Amateur Radio Stations in the United States by Permanent Resident Aliens

Sec.
97.401 Basis, purpose and scope.
97.403 License required.
97.405 Application for license.
97.407 Issuance, modification or cancellation of license.
97.409 Operating conditions.

AUTHORITY: The provisions of this Subpart H issued under secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303.

Subpart H—Operation of Amateur Radio Stations in the United States by Permanent Resident Aliens

§ 97.401 Basis, purpose and scope.

(a) The rules in this subpart are based on and are applicable solely to those provisions of section 303(1)(3) and 310(a) of the Communications Act of 1934, as amended (see Public Law 92–81, 85 Stat. and 78 Stat. 202) whereby certain aliens admitted to the United States for permanent residence should be eligible to operate amateur radio stations and to hold licenses for their stations.

(b) The purpose of this subpart is to implement Public Law 92–81 by prescribing the rules under which an alien, who is a permanent resident of the United States and has filed a declaration of intention with a State or Federal court may operate an amateur radio station in the United States.

§ 97.403 License required.

(a) Before an alien, under Public Law 92–81, may operate an amateur radio station in the United States under the provisions of sections 303(1)(3) and 310(a) of the Communications Act of 1934, as amended, he must obtain a license for such operation from the Federal Communications Commission. A license for such operation shall be issued only to an alien admitted to the United States for permanent residence who has filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States and has successfully completed an examination pursuant to § 97.29.

§ 97.405 Application for license.

(a) Application for license shall be made on FCC Forms 610 and 610–C. Both forms may be obtained from the Commission's Washington, D.C., office or any of the Commission's field offices.

(b) The application forms shall be completed in full in English and signed by the applicant. The Commission may require the applicant to file additional information. Both applications must be filed in accordance with the instructions contained in §§ 97.11 and 97.41.

§ 97.407 Issuance, modification, or cancellation of license.

(a) The Commission may issue a license under such conditions, restrictions, and terms as it deems appropriate.

(b) At any time the Commission may, in its discretion, modify or cancel any license issued under this subpart. In this event, the licensee will be notified of the Commission's action by letter.

§ 97.409 Operating conditions.

(a) The alien applicant may not under any circumstances begin operation until he has received a license issued by the Commission.

(b) Except as stated in any condition the operational rules and procedure contained in Subparts A through E of this part shall be applicable.

(c) When the licensee under this subpart becomes a citizen of the United States it will not be necessary for him to notify the Commission of this fact until such time as the licensee desires to renew or modify his license. At the time the licensee becomes a citizen of the United States all procedural rights shall attach to his license and the Communications Act and Administrative Procedure Act shall be applicable regarding any request or application for, or modification, suspension, or cancellation of, any such license.

[FR Doc.72–12363 Filed 8–7–72;8:50 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1105]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of July 1972.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer exists on the Maine Central Railroad Co.; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1105 Service Order No. 1105.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service.

(1) Return to owner empty, except as otherwise authorized in subparagraphs (4), (5), and (6) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 384, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM with inside length 50 feet or longer, bearing reporting marks issued to the Maine Central Railroad Co.

(2) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Except as otherwise authorized in subparagraphs (5) and (6) of this paragraph, boxcars described in subparagraph (1) of this paragraph, located in States other than Maine, Massachusetts, or New Hampshire, may be loaded to any station located in the States of Maine, Massachusetts, or New Hampshire. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(4) Boxcars described in subparagraph (1) of this paragraph, located at stations in the States of Maine, Massachusetts, or New Hampshire, may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(5) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(6) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(7) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty or loaded.

(8) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(9) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (3), (4), or (5) of this paragraph.

(b) *Application.* The provisions of this section shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This section shall become effective at 11:59 p.m., August 1, 1972.

(d) *Expiration date.* This section shall expire at 11:59 p.m., October 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.72-12397 Filed 8-7-72;8:53 am]

[S.O. 1089, Amdt. 2]

PART 1033—CAR SERVICE

New York Dock Railway Authorized To Operate Over Trackage Abandoned by Bush Terminal Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of July 1972.

Upon further consideration of Service Order No. 1089 (37 F.R. 2677 and 9118), and good cause appearing therefor:

It is ordered, That § 1033.1089 *Service Order No. 1089* (New York Dock Railway authorized to operate over trackage abandoned by Bush Terminal Railroad Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This section shall expire at 11:59 p.m., October 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., August 1, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.72-12398 Filed 8-7-72;8:54 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Browns Park National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-8-72).

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

COLORADO

BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting for cottontail rabbits is permitted on the Browns Park National Wildlife Refuge, Colo., from October 1, 1972 through February 28, 1973, inclusive, except in those areas designated by signs as closed to hunting. This open area, comprising 4,501 acres, is delineated on maps available at refuge headquarters, Greystone, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103.

Hunting will be in accordance with all applicable State regulations covering the hunting and possession of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1973.

H. J. JOHNSON,
Refuge Manager, Browns Park National Wildlife Refuge, Vernal, Utah.

JULY 26, 1972.

[FR Doc.72-12338 Filed 8-7-72;8:48 am]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-8-72).

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

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of cottontail rabbits and squirrel on the Quivira National Wildlife Refuge, Kans., is permitted during the early teal season from September 9 through September 17, 1972, inclusive, but only in the areas designated by signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of cottontail rabbits and squirrel subject to the following special conditions:

(1) The use of rifles is prohibited for taking rabbits and squirrel.

(2) The hunting of any species after sunset is prohibited.

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 September 17, 1972.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

JULY 31, 1972.

[FR Doc.72-12339 Filed 8-7-72;8:48 am]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-8-72).

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

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Crab Orchard National Wildlife Refuge, Ill., is permitted, from sunrise August 1, 1972, to sunset November 15, 1972, only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1972.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

AUGUST 1, 1972.

[FR Doc.72-12340 Filed 8-7-72;8:48 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-8-72).

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

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of antelope on the Seedskadee National Wildlife Refuge, Wyo., is permitted as follows: West of the Green River from September 2 through September 10, 1972, inclusive; east of the Green River from September 19 through October 14, 1972, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of antelope.

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 14, 1972.

JULY 27, 1972.

MERLE O. BENNETT,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyo.

[FR Doc.72-12341 Filed 8-7-72;8:48 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-8-72).

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

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of mule deer on the Seedskadee National Wildlife Refuge, Wyo., is permitted as follows: West of the Green River from October 15 through October 31, 1972, inclusive; east of the Green River from September 10 through October 14, 1972, inclusive. All of the refuge area, comprising 12,370 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of mule deer.

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 14, 1972.

MERLE O. BENNETT,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyo.

JULY 27, 1972.

[FR Doc.72-12342 Filed 8-7-72;8:48 am]

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

PART 201—STABILIZATION OF WAGES AND SALARIES

Exception With Respect to Those Individuals Earning Less than $2.75 Per Hour

The purpose of the amendments set forth below is to reflect recent decisions made by the Pay Board with respect to employees whose straight-time hourly earnings are less than $2.75 per hour, in light of an amendment to Cost of Living Council regulations effective July 15, 1972, 37 F.R. 14998 (1972), providing 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. Since such amendments are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11640, as amended, the Board finds that the time for submission of written comments by interested persons in accordance with the usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days. Interested persons may submit written comments regarding these amendments. Communications should be addressed to the Office of the General Counsel, Pay Board, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended (Public Law 92-210, 35 Stat. 743), E.O. 11640, 37 F.R. 1213 (1972), as amended by E.O. 11660, 37 F.R. 6175 (1972), and Cost of Living Council Order No. 3, 36 F.R. 20202 (1971), as amended)

Effective date. These amendments are effective on and after July 15, 1972.

By Direction of the Chairman.

ROBERT P. TIERNAN,
Executive Director.

PARAGRAPH 1. Section 201.11 is amended by adding a new subparagraph (9) to paragraph (a) and by revising paragraphs (b) and (c). The added and revised provisions read as follows:

§ 201.11 Criteria for exceptions.

(a) *In general.* * * *

(9) *Low wage employees*—(i) *General rule.* An exception to the standard may be claimed with respect to an appropriate employee unit which includes one or more low wage employees. The maximum permissible annual aggregate wage and salary increase with respect to such a unit shall be the sum of—

(*a*) The product of the base compensation rate of such unit and the otherwise permissible increase;

(*b*) Excepted wage and salary increases actually paid to low wage employees;

(*c*) Increases in the average hourly benefit rate of such unit required as the secondary effect of increases in the individual straight-time hourly rates of low wage employees in such unit, provided that such individual straight-time hourly rates do not exceed $2.75; and

(*d*) Increases in the individual hourly benefit rates of low wage employees permitted pursuant to subdivision (iii) of this subparagraph.

(ii) *Definitions.* For purposes of this subparagraph—

(*a*) *Low wage employee.* A "low wage employee" means an employee whose straight-time hourly rate in the base payroll period is less than $2.75.

(*b*) *Low wage base rate.* The "low wage base rate," with respect to an appropriate employee unit, means the average hourly rate of pay (stated in dollars and cents) of a group composed of all low wage employees in such unit. The low wage base rate shall be calculated, at the election of the parties, either—

(*1*) By adding to the average straight-time hourly rate of such group of low wage employees the average hourly rate of employer contributions to fringe benefits (both included and qualified) attributable to such low wage employees, or

(2) By dividing the average straight-time hourly rate of such group of low wage employees by the average straight-time hourly rate of such appropriate employee unit, and multiplying the resulting figure by the base compensation rate of such unit.

(*c*) *Otherwise permissible increase.* The "otherwise permissible increase," with respect to an appropriate employee unit, means the maximum permissible annual aggregate wage and salary increase for such unit (expressed as a percentage) determined pursuant to—

(*1*) The general wage and salary standard,

(*2*) The self-executing criteria for exception set forth in subparagraphs (3) and (5) of this paragraph, if appropriate, or

(*3*) A decision and order issued by the Pay Board (or a decision on an exception request issued by the Internal Revenue Service) applicable to pay adjustments in the unit during the control year.

(*d*) *Excepted wage and salary increase.* An "excepted wage and salary increase," with respect to an individual low wage employee in an appropriate employee unit, means that portion of a wage and salary increase (stated in dol-

lars and cents per hour) paid to such employee which—

(*1*) Is in excess of an amount equal to the product of the low wage base rate of the unit and the otherwise permissible increase; and

(*2*) Does not exceed the difference between $2.75 and the sum of—

(*i*) Such employee's straight-time hourly rate and

(*ii*) An amount equal to the product of the low wage base rate of such unit and the otherwise permissible increase.

(iii) *Special rule with respect to included benefits.* For purposes of this subparagraph—

(*a*) If the appropriate employee unit includes one or more employees who are not low wage employees, any increase in the individual hourly benefit rate of any low wage employee (other than an increase attributable to employer contributions to qualified benefits) may be claimed as an exception, without limitation.

(*b*) If the appropriate employee unit does not include any employee who is not a low wage employee, any increase in the average hourly benefit rate of such unit (other than an increase attributable to employer contributions to qualified benefits) which does not exceed the product of $2.75 and the otherwise permissible increase may be claimed as an exception.

(iv) *Effective date.* The exception provided in this subparagraph shall be applicable only to wages and salaries paid for work performed after July 14, 1972, and does not permit the retroactive payment of wages and salaries for work performed prior to July 15, 1972.

(v) *Prior approval.* A Category I pay adjustment which is within the provisions of this subparagraph may not be put into effect without prior approval of the Pay Board. Notwithstanding the provisions of Part 202 of this chapter, a Category II or Category III pay adjustment which is within the provisions of this subparagraph may be put into effect without prior approval.

(vi) *Reporting*—(*a*) *Category II pay adjustments.* A report of any Category II pay adjustment with respect to which an exception is claimed pursuant to this subparagraph shall be made to the Pay Board by the employer within 10 days after such pay adjustment is put into effect. Such report shall be made on forms prescribed by and pursuant to instructions issued by the Pay Board and shall include such information as is necessary to demonstrate the applicability of an exception claimed pursuant to this subparagraph.

(*b*) *Category III pay adjustments.* Notwithstanding the provisions of Part 202 of this chapter, a report of a Category III pay adjustment which is within the provisions of this subparagraph and which is not within the provisions of any other subparagraph of this paragraph shall not be required.

(b) *Overall limitation on exceptions.* Except as provided in paragraph (a)(4), (5)(iii), (6), (7), and (9) of this section, the maximum permissible annual aggregate wage and salary increase with respect to an appropriate employee unit, whether any or all of the above exceptions are applicable, shall not exceed 7 percent.

(c) *Procedures for exceptions.* Exceptions pursuant to subparagraphs (1), (2), (6), (7), and (8) of paragraph (a) of this section shall require prior approval of the Pay Board (or its delegate. Exceptions pursuant to subparagraphs (3), (4), (5), and (9) of paragraph (a) of this section shall be self-executing for Category II and Category III pay adjustments, but, except as provided in paragraph (a)(9)(vi)(*b*), of this section, reports of all such pay adjustments shall be made to the Pay Board (or its delegate). Category I pay adjustments, including those pursuant to subparagraphs (3), (4), (5), and (9) of paragraph (a) of this section, shall require prior approval of the Pay Board (or its delegate).

* * * * *

§ 201.57 [Amended]

PAR. 2. Section 201.57 is amended by deleting paragraph (h).

[F.R. Doc.72-12548 Filed 8-7-72;12:04 pm]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Parts 301, 303, 306]

DRUG ABUSE PREVENTION AND CONTROL

Notice of Proposed Rule Making

A notice was published in the FEDERAL REGISTER of May 20, 1972 (37 F.R. 10372), proposing amendments to the regulations implementing the Comprehensive Drug Abuse Prevention and Control Act of 1970. Several additional suggestions for amendments under consideration at that time were not included but are now in a form to be published. In addition, several sections of the May 20 proposals contained typographical errors and require clarification. Finally, certain proposals regarding limitations on prescriptions generated significant debate. The Bureau has drafted new proposals in this area which needs analysis and comment by affected persons.

Therefore, under the authority vested in the Attorney General by sections 301, 302(f), 306(f), 309, 501(b), and 1015 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby proposes that Parts 301, 303, and 306 of Title 21 of the Code of Federal Regulations be amended with the following changes:

PART 301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

The following changes are proposed to be made in Part 301:

1. *Power of attorney for registration purposes.* Section 301.32(f) will be revised to eliminate the need to submit a power of attorney to the Bureau to sign applications for registration. The proposed rule would require the applicant to maintain at his offices a power of attorney, in a form specified in the order, and to make it available for inspection together with other required records and documents.

1. By amending § 301.32 by revising paragraph (f) to read as follows:

§ 301.32 Application forms; contents; signature.

* * * * *

(f) Each application, attachment, or other document filed as part of an application, shall be signed by the applicant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if a corporation, corporate division, association, trust or other entity. An applicant may authorize one or more individuals, who would not otherwise be authorized to do so, to sign applications for the applicant by executing a power of attorney for each such individual. The power of attorney shall be retained by the applicant and a copy shall be kept with each certificate of registration. The power of attorney shall be signed by a person who is authorized to sign applications under this paragraph and shall contain the signature of the individual being authorized to sign applications. The power of attorney shall be valid until revoked by the applicant, any power of attorney may be revoked at any time by executing a notice of revocation, signed by the person who signed the power of attorney (or any other person authorized to execute such power of attorney). The form of the power of attorney and notice of revocation shall be similar to the following:

POWER OF ATTORNEY FOR BNDD APPLICATIONS FOR REGISTRATION

Name of applicant_____
(Name of agency, corporation, partnership or other entity)
Address of applicant_____
_____
Name of Authorized Individual_____
Title of Authorized Individual_____
(Title of officer, official, partner, or other position)

I, _____, am entitled
(Name of authorized individual)
to sign applications for registration of the above-named entity under the Controlled Substances Act or Controlled Substances Import and Export Act, and have made, constituted, and appointed, and by these presents, do make, constitute, and appoint _____, my true and lawful attorney for me in my name, place, and stead, to execute applications for registration under the Controlled Substances Act or Controlled Substances Import and Export Act, and to prepare, maintain, and submit to the Bureau of Narcotics and Dangerous Drugs any record, report, notification, declaration, order or order form, power of attorney for order form purposes, statement, invoice or information required, requested, or permitted under the Controlled Substances Act or Controlled Substances Import and Export Act.

I hereby ratify and confirm all that said attorney shall lawfully do or cause to be done by virtue hereof.

I, _____, the above-named attorney, hereby affirm that I am the person named herein as the attorney-in-fact and that the affixed hereto is my signature.

_____
(Signature of person granting power)

_____
(Signature of attorney-in-fact)

Signed and dated at_____
this_____ day of_____ 19____.

NOTICE OF REVOCATION

The foregoing power of attorney is hereby revoked by the undersigned, who is entitled to sign applications for registration of the above-named entity under the Controlled Substances Act or the Controlled Substances Import and Export Act. Written notice of this revocation has been given to the attorney-in-fact _____ this
(Name)
same day.

_____
(Signature of person revoking power)

Witnesses:
1. _____
2. _____

Signed and dated on the _____ day of _____, 19 ____.

PART 303—QUOTAS

The following change is proposed to be made in Part 303:

1. *Recognition of import permits.* Section 303.25 will be revised to take into account the existence of permits to import a quantity of a basic class when increasing individual manufacturing quotas for that class. This proposal was originally published on May 20, 1972, but was not clear because of typographical problems.

§ 303.25 [Amended]

2. By amending § 303.25 by adding, in paragraph (b), the words "as adjusted pursuant to § 303.13," after the words "under § 308.11" and by adding the words "and import permits" after the words "individual manufacturing quotas."

PART 306—PRESCRIPTIONS

The following changes are proposed to be made as prescription requirements:

1. *Duration of Schedule II prescriptions.* On May 20, 1972, the Bureau first proposed requiring a prescription for a Schedule II substance to be presented for filling within 1 week of issuance. The Bureau's purpose in this proposal is to prevent the dispensing of Schedule II drugs when there is not a real need for the medicine. It is felt that Schedule II items should only be prescribed when a clear and immediate need for the drug exists. If the need is too speculative (i.e., based on an unlikely situation that might occur later) the Schedule II drug should not be prescribed. If the patient's needs are met and passed, the prescription is no longer required and should not be filled. The period of 7 days was selected as a reasonable time within which a real need for the drugs could be determined by the patient and the drugs obtained.

Numerous persons, groups, associations, and institutions filed comments on the proposal, including: The Pharmaceutical Manufacturers Association, the National Association of Retail Druggists, the American Association of Retired Persons, the National Council of Senior Citizens, the ILGWU Health Services Plan, the United Mine Workers Welfare and Retirement Fund, the Group Health

Association of America, and McNeil Laboratories. The majority opposed it flatly; some suggested the period be extended from 7 to 30 days. A few supported the proposal; the Massachusetts Board of Pharmacy recommended the period be shortened to 5 days to coincide with Massachusetts law.

A summary of the arguments raised against the proposal, together with the Bureau's analysis of each of these objections, follows:

(a) A patient might already have a supply of the drug from a previous prescription and he may choose to use this supply before he has the new prescription filled. The new regulation would eliminate this choice. The result would be that either he would immediately have the prescription filled (in which case his supply might increase well beyond his actual needs) or he would not present the prescription for filling within the 7 days (in which case he would be compelled to revisit the physician). The Bureau has doubts about the main assumption underlying this argument, that patients will have supplies of Schedule II drugs on hand. Because of the limited use for, and the high potential for abuse of, these drugs, patients should have these prescribed infrequently and only in such quantities as will meet the immediate needs of the patient. Thus, users should not have large quantities (such as more than 1 week's supply) on hand after the medical needs are satisfied. This is especially true if the quantities prescribed and dispensed at any time are restricted to a 1 month supply, as is also being proposed by the Bureau. The only exception to this analysis could be maintenance drugs, used for conditions such as terminal cancer, narcolepsy, and hyperkinesis; in these instances, physician visits will probably be periodic and timed to coincide with the use of the last of the medication. In short, the assumption that a patient would have a supply on hand probably is not valid in most cases.

(b) A patient using a mail-order prescription supply house may not be able to "present" his prescription for filling within 1 week, because of delays in the postal system. The Bureau accepts the point, and believes that the proposed regulation could be satisfied if the prescription were mailed and postmarked within the 7-day period. However, the Bureau also believes that few Schedule II items are currently supplied by mail-order houses because postal regulations forbid mailing of narcotics and because the need for stimulants is limited.

(c) Certain Schedule II drugs are prescribed on a contingency basis; that is, to be taken if needed by the patient. If the contingency occurs after the 7-day deadline, the patient will be unable to obtain the prescribed medication without seeing the physician a second time. Again, the argument could be meritorious, but it raises a question about the nature of the contingency. Presumably the drugs being alluded to are analgesics, to be used if pain appears. (The Bureau cannot envision a contingency need for stimulants.) If so, it must be asked, how long a period should be allowed for the contingent need to manifest itself? If pain does not appear until 4 weeks after the prescription, can the patient diagnose this pain as the one anticipated by the physician? Or should he return to the practitioner before administering the drugs prescribed a month earlier? Obviously, a 6-month lapse would be too great, and the medical community would probably insist that a new prescription be obtained. The Bureau does not know whether 1 week, or 10 days, or 2 weeks, or 1 month, is the proper period to determine whether the contingency will appear; 1 week would, however, not seem unreasonable.

(d) A patient might be unable to purchase the drugs during the 7-day period. Many persons, particularly retired persons and others living on a limited income, must wait for as long as 1 month for their next income check from which they can purchase medicine. If the 7-day rule is adopted, it is argued, these patients will be forced to go back to their physicians to get a valid prescription. The Bureau is extremely sympathetic to this problem and has no desire to increase medical costs or to burden physicians unnecessarily. There is no data, however, on how many Schedule II drugs are affected by the situation described. Analgesics would supposedly be bought when the need (i.e., the pain) was present, not when they could be afforded. Other Schedule II drugs have a very limited use. The Bureau invites more information in this regard.

(e) A patient may be compelled to buy more drugs, or spend more money, than he needs, if he must decide whether to have a prescription filled within 1 week. The ailment may pass, or not appear at all (in a contingent need situation). The patient may have on hand, or be given by the physician, a small quantity that fills the entire need. Thus, it is argued, the rule can increase the cost of medical care to the patient and the quantity of Schedule II drugs actually being dispensed and thereby made available for abuse. The Bureau is also somewhat persuaded by this argument as well, but for reasons discussed earlier in paragraph (a), questions the underlying assumptions.

(f) The argument is made that this rule, if made effective, would be circumvented by physicians who would postdate prescriptions. Since this action would violate current regulations which require a prescription to be dated as of the day of issue (§ 306.05(a)), the Bureau disregarded the argument. An unworkable regulation should be eliminated (or, in this case, not adopted) on its own merits. The Bureau has no desire to compel a physician to engage in subterfuge as a way of achieving "legitimate" goals in medical practice.

In conclusion, the Bureau believes many possibly valid arguments have been raised against the proposed regulation. Rather than adopt the rule as final, the Director has decided to republish it for further comment. Interested persons, including those who have already commented on this proposal, are invited to submit further information and argument on this proposal. It is hoped that, by outlining and analyzing the major issues which have been raised so far, an informed debate will follow and a rational decision reached.

2. *Quantity limitations on dispensing.* On May 20, 1972, the Bureau proposed limiting the quantities which could be prescribed or dispensed at one time. The Bureau's purpose in this proposal is to reduce the quantity of controlled prescription drugs dispensed to and held by the consuming public. A major source of dugs being abused today is the family cabinet. Equally important, certain physicians have increased the size of prescriptions for stimulants transferred to Schedule II to circumvent the new prohibition on refilling such prescriptions.

Section 309 of the Controlled Substances Act (21 U.S.C. 829) distinguishes between Schedule II and Schedules III and IV by allowing prescriptions for drugs in the lower schedules to be refilled up to 5 times in a 6-month period, while forbidding the refilling of any prescription in Schedule II. This distinction clearly manifested Congress' intent that certain restrictions be placed on the practice of medicine with controlled substances. In effect, this legislation says that, when being treated with the most dangerous drugs (Schedule II), the patient should see his physician more frequently than when being treated with other drugs. This is because the danger of physical or psychological dependence is so great with these drugs. Similarly, use of the other dangerous drugs (Schedules III and IV) requires frequent physician review, although not as frequent as with Schedule II because of the lesser danger of dependence resulting.

In a sense, these restrictions are merely an extension of the entire philosophy underlying prescription requirements generally. Some drugs can be self-administered with minimal risk to the user; these are allowed to be sold over-the-counter without a prescription. Other drugs pose risks which must be balanced against the benefits for each individual; because professional assistance is essential in making this balance, the law requires physician approval (in the form of a prescription) before the patient can obtain the drug. After he obtains the prescription, the patient has reasonably free access to the drug by means of refills; the physician can indicate unlimited refills if he so desires. But because some prescription drugs threaten to create dependence or to be used for nonmedical purposes harmful to the patient, the law has required continual physcian approval by limiting, or forbidding, refills.

If there were no restrictions on the quantity of drugs dispensed on a prescription, these limitations would be meaningless. There is no difference between a prescription for 1,000 dosage units or one for 100 dosage units, refillable nine times. Recognizing this, the Bureau believes it should close loopholes in the prescription requirements by publishing regulations setting forth definite quantity limitations. For guidance, the

Bureau looked to the congressional mandate set forth in section 309(b), which states that a prescription for a Schedule III or IV cannot be filled or refilled more than 6 months after the date thereof nor be filled more than five times after the date thereof. Obviously, Congress was acting on the premise that such a prescription would provide sufficient quantity to last 1 month.

In light of this, the Bureau proposed that quantities of a prescription controlled substance that may be dispensed at any one time be limited to a 34-day supply or 100 dosage units, whichever is less. The 34-day measure was taken to permit 100 dosage units of a 3-times-a-day drug to be dispensed at one time.

As anticipated, numerous comments and objections were received from many groups, including: the Pharmaceutical Manufacturers Association, McNeil Laboratories, the National Association of Chain Drug Stores, the American College of Physicians, the Epilepsy Foundation of America, the International Bureau for Epilepsy, members of the staff of Duke University Medical Center, the Children's Mercy Hospital of Kansas City, Mo., the American Federation of Labor and Congress of Industrial Organizations, the United Mine Workers of America, the Group Health Association of America, the American Association of Retired Persons—National Retired Teachers Association, the National Council of Senior Citizens, the Department of Navy, and the Massachusetts Board of Pharmacy. In addition, considerable interest was shown by members of both Houses of Congress.

A summary of the arguments raised against the proposals, together with the Bureau's analysis of each of these objections, follows:

(a) Limitations on quantities dispensed at one time will increase the direct cost of medicine to the patient. Quantity discounts on purchase by the patient will be eliminated and frequent refills will increase the costs of the pharmacist which will be passed on the patient. The Bureau believes this argument is applicable only in the case of maintenance-type drugs. Other controlled drugs do not generally have such long-term use as to permit large quantity purchasing. Also, the Bureau has some information that quantity discounts really do not occur unless very large quantities of drugs are purchased by the patient at one time. This would appear to confine the validity of the argument to a very few controlled drugs.

(b) The limitations will increase the indirect costs to the patient and impose other burdens upon him. He will be required to make more visits to the pharmacist and this may require taking time from work, resulting in lost wages. Often these visits require travels over a long distance. Patients even run the risk of using up all of their existing supply before obtaining the next refill; this creates a risk of having to go without medication for a period of time. The greater the number of refills required, the more frequent is the possibility of running out of drugs. Again, these arguments seem valid only in the case of drugs being used for long-term maintenance therapy, such as the control of seizure disorders.

(c) It was pointed out that limitations would cause more frequent visits to physicians in order to obtain more prescriptions. This is particularly true of Schedule II drugs. Besides the direct cost of physician visits, some argue that the serious problem shortage of physicians in the United States will prevent some patients from getting enough treatment. The Bureau does not accept this argument. Because of the dangers involved in use of controlled substances, a physician who cannot properly monitor the patient's continuing medical needs should not be using these drugs to treat that patient. A physician has the direct responsibility for the health and well-being of his patient, and this cannot be be excused because of lack of time.

(d) Quantity limitations interfere with the professional practice of medicine by the physician and the professional practice of pharmacy by the pharmacist. Such restrictions would prevent the physician from prescribing as much as he believes proper in light of the patient's situation, including the need of the patient to save money through quantity discounts. Without any regulations, the pharmacist can use his judgment to determine which of the prescriptions is excessive and refuse to fill just those which are not justified; the proposals prevent this. The Bureau does not see the proposed regulations as a major interference. The standards coincide with the premises underlying the concept of limited prescription refills enacted by Congress in the Controlled Substances Act. As noted earlier, the Bureau is not going beyond the congressional mandate but merely effectuating it by plugging possible loopholes. The Bureau would be derelict in its responsibility if it premitted these loopholes to exist so that physicians and pharmacists could ignore the restrictions created by Congress.

(e) The 100 dosage unit standard set forth in the prosposed regulations does not provide a month's supply for drugs which are taken more frequently than three times a day. This argument was raised, but no information was given regarding of the specific controlled substances could be administered more frequently than assumed. Thus, the Bureau is not in a position to evaluate the significance of this argument.

After reviewing the arguments submitted, the Bureau has discerned four possible alternative courses of action. These are:

(1) Adopt no limitations. A few persons suggested that no restrictions be promulgated whatsoever. The Bureau believes that this is acceptable only if no other alternative exists which could accommodate legitimate needs.

(2) Adopt the original proposal. Technical changes could be made in the proposal by, for example, increasing the dosage unit limitations to 120 dosage units, which would permit a 1 month supply of four-times-a-day drugs. Such modifications could answer arguments summarized in paragraph (e) above, to the extent a real problem exists. The Massachusetts Board of Pharmacy suggested a flat 30-day rule (with no dosage unit alternative) in conformity with Massachusetts law. Several persons suggested a 90-day standard instead of a 34-day standard.

(3) Adopt the proposal but except certain situations. For example, the regulation could exclude prescriptions for control of seizures or other maintenance-type therapy. Other situations exempted from the limitations could include massive changes in dosage ordered by the physician or additional quantities dispensed to cover periods when either the patient or the physician is on vacation. It was suggested that the pharmacist have responsibility for determining whether an excepted situation exists and for putting the exception either on the prescription in his files or on the label of the prescription bottle. This exception would solve the most commonly raised problem, treatment of epilepsy, and answer most of the objections summarized in paragraphs (a), (b), and (c) above.

(4) Adopt proposal but except certain drugs. The maintenance therapy drugs specifically mentioned most often in the comments were phenobarbital and mephobarbital. Thus, another alternative would be to except certain drugs such as those two barbiturates. This would probably answer the objections summarized in paragraphs (a), (b), and (c) above. The Masachusetts Board of Pharmacy points out that Massachusetts law only puts limitations on Schedules II and III drugs. The implication is that the Bureau should draw a distinction between Schedules III and IV and except all (and only) Schedule IV drugs from the quantity restrictions. This might also resolve the problems raised in the objections.

The Bureau is republishing its original proposals for amending §§ 306.11(f) and 306.21(d) for additional comment. The Bureau invites comments on these proposals from all interested persons including those who have previously filed comments and objections. It is hoped that comments would discuss the merits of each of the alternatives outlined above, as well as elaborating with factual data on the objections summarized earlier, so that the Bureau can find the best course of action to follow.

3. *Special note.* Several comments were filed with the Bureau criticizing the American Pharmaceutical Association's role in the foregoing proposals and suggesting that these proposals were motivated by commercial interests of its membership. The Bureau wishes to clarify the Association's involvement in these proposed changes. After initially determining that some limitations on prescriptions were probably necessary, the Bureau contacted several experts in the areas of pharmacy, including the American Pharmaceutical Association, to assist in technical aspects of the proposals. The American Pharmaceutical Association made several contributions in this regard; for example, the Association noted that the Bureau's original

plan of a 3-day limitation on the duration of a Schedule II prescription was unrealistically short and suggested a 7-day rule instead. Thus, while the American Pharmaceutical Association deserves credit rendering valuable technical aid (which the Bureau wished to acknowledge in its May 20 statement), the Bureau initiated the ideas and is solely responsible for the proposals being made.

3. By amending § 306.11 as follows:

a. By adding new paragraphs (e) and (f) to read as follows:

§ 306.11 Requirement of prescription.

* * * * *

(e) No prescription for a controlled substance listed in Schedule II shall be filled unless presented for filling within 7 days following the date of issue.

(f) No pharmacist, individual practitioner, or institutional practitioner shall dispense, and no individual practitioner shall prescribe, a controlled substance listed in Schedule II in any quantity exceeding a 34-day supply or 100 dosage units, whichever is less.

4. By amending § 306.21 by adding a new paragraph (d) to read as follows:

§ 306.21 Requirement of prescriptions.

* * * * *

(d) No pharmacist, individual practitioner, or institutional practitioner shall dispense at any one time, and no individual practitioner shall prescribe for dispensing at any one time, a controlled substance listed in schedule III or IV in any quantity exceeding a 34-day supply or 100 dosage units, whichever is less.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 I Street NW., Washington, DC 20537, and must be received no later than August 31, 1972.

Dated: August 1, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-12331 Filed 8-7-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 815]

PUERTO RICO

1972 Direct-Consumption Portion of Mainland Sugar Quota; Notice of Determination on Proposed Allotment

This finding and determination by the Secretary of Agriculture is issued pursuant to and in accordance with section 205(a) of the Sugar Act of 1948, as amended, and the applicable rules of practice and procedure (7 CFR 801.1 et seq.), to conclude the proceeding for the allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for 1972, Docket SH 299.

Basis and consideration. A notice of hearing instituting this proceeding, published October 19, 1971 (36 F.R. 20246 included a preliminary finding that the allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for 1972 was necessary. That finding was preliminary and subject to change when Puerto Rican sugar production and marketing for 1971 became known and 1972 crop production and the availability of direct-consumption sugar for marketing in the mainland in 1972 could be more closely estimated.

Inventories of sugar in Puerto Rico on January 1, 1972, were approximately 42,000 tons. It is estimated that Puerto Rican sugar production during 1972 will not exceed 300,000 tons. Therefore, a maximum quantity of approximately 342,000 tons would be available for marketing by Puerto Rico during 1972. It is estimated that marketings for local consumption in Puerto Rico for 1972 will be approximately 135,000 tons and the December 31, 1972, inventory will be no less than 30,000 tons. To date, approximately 48,000 tons of raw sugar have been shipped to the mainland. After deducting these quantities from the total quantity of sugar available for marketing in 1972, the residual quantity available for the marketing as direct-consumption sugar on the mainland in 1972 will be less than the direct-consumption quota of 166,500 short tons, raw value.

Accordingly, it is hereby found and determined that allotment of the 1972 direct-consumption portion of the mainland sugar quota for Puerto Rico is not necessary to fulfill or to meet the objectives stated in section 205(a) of the Sugar Act of 1948, as amended.

Signed at Washington, D.C., July 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-12410 Filed 8-7-72;8:54 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-RM-21]

TRANSITION AREAS

Proposed Designation and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations to revoke the Carbondale, Colo. transition area and to designate a transition area at Aspen, Colo.

Interested persons may participate in the proposed rule making by submitting such data, views, or arguments as they desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

At the present time, there is no instrument approach to Sardy Airport at Aspen, Colo. Arriving aircraft descend in holding fixes at Glenwood Springs, Carbondale, and Frying Pan, Colo. Likewise, departing aircraft remain in VFR conditions to these holding fixes and obtain in-flight IFR clearances. Pilot to controller radio communication has recently been improved and radar service to transponder-equipped aircraft is also available northwest of Aspen.

The airspace requirements for the Aspen area have been reviewed, and it has been determined that additional controlled airspace is required to accommodate IFR operations. The 1,200-foot transition area will provide controlled airspace protection for aircraft climbing and descending in holding patterns at the Glenwood Springs, Carbondale, and Frying Pan fixes. The additional controlled airspace will also permit more expeditious control of departing aircraft transitioning to an IFR environment.

The airspace included in the proposed revocation of the Carbondale transition area is incorporated in the description of the Aspen transition area. This will simplify the description and charting of the required controlled airspace.

In consideration of the foregoing, the FAA proposes the following airspace actions:

In § 71.181 (37 F.R. 2143) delete the Carbondale, Colo. transition area.

In § 71.181 (37 F.R. 2143) add the following transition area:

ASPEN, COLO.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 39°41'00" N., 107°12'30" W.; to 39°31'30" N., 107°25'00" W.; to 39°17'30" N., 107°09'00" W.; to 39°09'45" N., 106°55'15" W.; then clockwise via a 5-mile arc from the Aspen-Pitken County Airport (39°13'30" N., 106°52'09" W.) to 39°15'12" N., 106°48'00" W.; to 39°27'30" N., 107°01'00" W.; to point of beginning.

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

Issued in Aurora, Colo., on July 31, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.72-12350 Filed 8-7-72;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-50]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the 700-foot transition area at College Station, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

COLLEGE STATION, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Easterwood Field (latitude 30°35'19" N. longitude 96°21'54" W.); within 2 miles each side of the College Station VORTAC 107° radial extending from the 5-mile-radius area to 18 miles east of the VORTAC; within 3.5 miles each side of the College Station northwest localizer course extending from the 5-mile-radius area to 13 miles northwest of the localizer site (latitude 30°85'59" N., longitude 96°21'48.3" W.); within 1.5 miles each side of the southeast localizer course extending from the 5-mile-radius area to 7 miles southeast of the localizer site.

The proposed amendment to the transition area will provide controlled airspace for aircraft executing proposed ILS/NDB instrument procedures on runway 16/34.

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

Issued in Fort Worth, Tex., on July 28, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-12353 Filed 8-7-72;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 72-RM-17]

CONTROL ZONE AND TRANSITION AREA

Proposed Establishment and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations to establish a control zone and alter the description of the transition area at Eagle, Colo.

Interested persons may participate in the proposed rule making by submitting such date, views, or arguments as they desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

New instrument approach procedures have been developed for Eagle County Airport. To protect these procedures, additional controlled airspace must be designated. Accordingly, it is necessary to designate a control zone and alter the transition area to adequately protect the aircraft executing the new approach procedures.

The control zone will provide controlled airspace for aircraft executing a microwave ILS approach and for departing aircraft climbing in holding patterns to minimum enroute altitude. The 1,200-foot transition area is required for aircraft holding and transitioning from outer fixes for approach.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (37 F.R. 2056) the following control zone is added:

EAGLE, COLO.

That airspace within a 3.5-mile radius of the Eagle County Airport (latitude 39°38'18" N., longitude 106°54'51" W.) and within 3 miles north and 2.5 miles south of the 093° bearing from the Eagle, Colo., RBN (latitude 39°38'37" N., longitude 106°54'36" W.), extending from the 3.5-mile-radius zone to 6 miles east of the RBN.

In § 71.181 (37 F.R. 2143) the description of the Eagle, Colo., transition area is amended to read:

EAGLE, COLO.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 39°34'30" N., 106°25'00" W.; to 39°45'30" N., 106°25'00" W.; to 39°47'00" N., 107°05'00" W.; to 39°41'00" N., 107°12'30" W.; to 39°27'30" N., 107°01'00" W.; to 39°33'30" N., 106°53'00" W.; to the point of beginning.

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

Issued in Aurora, Colo., on July 31, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.72-12349 Filed 8-7-72;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-11]

TRANSITION AREA AND ADDITIONAL CONTROL AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Florida transition area and Control Area 1216 by deleting Warning Area W-155 from the Florida transition area and expanding Control Area 1216 to include Warning Areas W-155, W-470, W-151, and W-453.

Consistent with this proposal, nonrule making action will also be required that would modify Warning Areas W-470, W-151, and W-453, as described herein and establish procedures for joint use of these areas by the using agency and the Federal Aviation Administration.

These actions will permit the Houston and Jacksonville Centers to provide additional services to aircraft en route to and from oceanic areas and to expedite traffic between CA-1226 and terminals along the gulf coast when the aforementioned warning areas are not in use for military activities.

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 amendments. The proposals contained in this notice may be changed in the light of comments received.

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

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the 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 these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace actions proposed in this docket would:

1. Amend the Florida transition area as follows: Delete that paragraph beginning with "Including the airspace south of Pensacola, Fla." and ending with "excluding the portion that coincides with the 1,200 foot transition area."

2. Amend Control Area 1216 to read as follows:

That airspace extending upward from 2,000 feet MSL bounded by a line beginning at latitude 28°59'00'' N., longitude 90°15'00'' W. thence northeast and east along the Louisiana, Mississippi, and Florida transition areas to the north boundary of Control 1226; thence west along the north boundary of Control 1226 to longitude 84°39'00'' W.; to latitude 28°41'30'' N., longitude 86°48'00'' W.; to latitude 28°55'00'' N., longitude 88°00'00'' W.; thence south along longitude 88°00'00'' W.; to and west along the north boundary of the Houston Oceanic Control Area; to and north along longitude 90°15'00'' W.; to point of beginning, excluding Control 1226.

The nonrule making action associated with these proposed alterations would modify certain Warning Areas as follows:

1. W-470: Add "Controlling Agency: FAA Jacksonville ARTC Center."

2. W-151: Add "Controlling Agency: FAA Jacksonville ARTC Center."

3. W-453: Add "Controlling Agency: FAA Houston ARTC Center."

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

Issued in Washington, D.C., on August 1, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-12351 Filed 8-7-72;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-40]

ALTERATION OF FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate to VOR Federal Airway No. 71 between Monroe, La., and Natchez, Miss.

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, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. 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.

The proposed east alternate would extend from Natchez, Miss., via the Natchez 329° magnetic radial (335° T.) to the Alto intersection, thence via the Monroe, La., 097° magnetic radial (103° T.) to Monroe.

V-71 between Monroe and Natchez is unusable due to restrictions on the Monroe 134° magnetic radial. To facilitate the movement of IFR traffic between these two points, it is proposed to designate an east alternate airway from Natchez via the Alto intersection to Monroe.

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

Issued in Washington, D.C., on August 1, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-12352 Filed 8-7-72;8:49 am]

[14 CFR Parts 103, 121, 135]

[Docket No. 12124; Notice 72-21]

LOADING AND CARRYING DANGEROUS ARTICLES AND MAGNETIZED MATERIALS ON AIRCRAFT

Proposed Training Requirements and Manual Requirements

The Federal Aviation Administration is considering amending Parts 121 and 135 of the Federal Aviation Regulations to require certificate holders under those parts to establish means for training personnel who have duties and responsibilities for the carriage and handling of dangerous articles and magnetized materials. It is also proposed to amend Part 103 to assure that the pilot in command of an aircraft is notified in writing of the presence of such articles aboard the aircraft.

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 regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before October 9, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket, for examination by interested persons.

Operating experience in the transportation of dangerous articles and magnetized materials has revealed several incidents involving improper packaging, marking, labeling, and certification or handling of dangerous articles offered to certificate holders for carriage in air commerce. The most serious of these instances have involved improperly packaged containers of acid which burst into flame after being unloaded; serious burns received by a cargo agent due to leaking acid containers that were improperly packaged, marked, labeled, and certified by the shipper; and a shipment of improperly packaged, marked, and labeled radioactive materials, certified by the shipper for air carriage and accepted by the air carrier, which leaked and contaminated not only the cargo compartment but other areas of the airplane.

In addition, information available to the FAA indicates that personnel of certificate holders under Parts 121 and 135 who handle dangerous articles are not always aware of, or familiar with, the applicable Federal Aviation Regulations prescribed in Part 103.

In view of the foregoing, the FAA proposes to amend Part 121 and require certificate holders to establish an approved training program to ensure that crewmembers and ground personnel having duties and responsibilities for the carriage and handling of dangerous articles and magnetized materials are adequately trained to properly perform those duties and responsibilities. Under this proposal, a certificate holder could not use a person to perform any assigned duties and responsibilities for the handling or carriage of dangerous articles and magnetized materials, unless that person had satisfactorily completed training under an approved program within the preceding 12 calendar months. As proposed, certificate holders would be given 6 months in which to achieve compliance with the training requirements.

The proposed amendment would also require each Part 121 certificate holder to include in its manual information regarding the carriage and handling of dangerous articles and magnetized materials for the use and guidance of flight and ground personnel. These proposals, if adopted, would apply to air taxi operators using large aircraft, pursuant to § 135.2.

The FAA is also considering amending Part 135 of the Federal Aviation Regulations to permit persons certificated under that part to perform, or use other persons to perform, duties for the handling and carriage of dangerous articles and magnetized materials governed by Part 103 only after having completed instruction in procedures for determining proper handling, storage, and loading of such materials. Part 135 certificate holders would also be required to maintain manuals containing procedures and instructions relating to all aspects of the handling of such materials. Although the course of instruction required to be established by certificate holders under Part 135 need not be approved by the FAA, it must be adequate to fulfill the requirements described in the proposed amendment.

In addition, it is proposed to amend Part 103 to clarify the manner in which the pilot in command is notified when dangerous articles or magnetized materials are carried in an aircraft.

Current § 103.25, which requires that the pilot in command be notified when dangerous articles or magnetized materials are carried in an aircraft, is not specific as to how this notification shall be given to the pilot in command. Consequently, there is considerable variance and confusion among carriers and operators on the proper method of complying with that section. Therefore, it is proposed to require that the notification be in writing and given to the pilot in command by the operator of the aircraft.

In consideration of the foregoing, it is proposed to amend Parts 103, 121, and 135 of the Federal Aviation Regulations as follows:

PART 103—TRANSPORTATION OF DANGEROUS AND MAGNETIZED MATERIALS

1. By amending § 103.25 to read as follows:

§ 103.25 Notification of pilot in command.

Whenever articles subject to the provisions of this part are carried in an aircraft, the operator of the aircraft shall inform the pilot in command, in writing, of the shipping name and the classification of each dangerous article as prescribed in 49 CFR 172.5, the quantity in terms of weight, volume or as otherwise appropriate, and the location of the dangerous articles in the aircraft. The person marking the cargo-load manifest shall mark it conspicuously to indicate the dangerous articles.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

2. By amending § 121.135(b) by amending subparagraph (23) and by adding a new subparagraph (24) to read as follows:

§ 121.135 Contents.

* * * * *

(b) * * *

(23) Where applicable, procedures and instructions relating to the handling of dangerous articles and magnetized materials, including:

(i) Procedures for determining the proper packaging, marking, labeling, shipping documents, compatibility of articles, and instructions on the loading, storage, and handling thereof.

(ii) Notification procedures for reporting dangerous article incidents as required by § 103.28 of this chapter.

(iii) Instructions and procedures for the notification of the pilot in command when there are dangerous articles aboard, as required by § 103.25 of this chapter.

(24) Other information or instructions relating to safety.

* * * * *

3. By amending the title of Subpart N of Part 121 to read as follows: "Subpart N—Training Program".

4. By amending § 121.400 to read as follows:

§ 121.400 Applicability and terms used.

(a) This subpart prescribes the requirements applicable to each certificate holder for establishing and maintaining a training program for crewmembers, aircraft dispatchers, and other operations personnel, and for the approval and use of training devices in the conduct of the program.

5. By amending § 121.401(a)(1) to read as follows:

§ 121.401 Training program: General.

(a) Each certificate holder shall—

(1) Establish, obtain the appropriate initial and final approval of, and provide, a training program that meets the requirements of this subpart and Appendices E and F and that insures that each crewmember, aircraft dispatcher, flight instructor and check airman, and each person assigned duties for the carriage and handling of dangerous articles and magnetized materials, is adequately trained to perform his assigned duties.

* * * * *

6. By adding a new § 121.433a after § 121.433 to read as follows:

§ 121.433a Training requirements: Handling and carriage of dangerous articles and magnetized materials.

(a) After (date 6 months after the effective date of this amendment) no certificate holder may use any person to perform, and no person may perform, any assigned duties and responsibilities for the handling or carriage of dangerous articles and magnetized materials governed by Part 103 of this chapter, unless within the preceding 12 calendar months that person has satisfactorily completed training in a program established and approved under this subpart which includes instruction in procedures for determining the proper packaging, marking, labeling, and documentation of dangerous articles and magnetized materials; and instruction on their compatibility, loading, storage and handling.

(b) Each certificate holder shall maintain a record of the satisfactory completion of the initial and recurrent training given to crewmembers and ground personnel assigned duties and responsibilities for the handling and carriage of dangerous articles and magnetized materials.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

7. By amending § 135.27(b) by deleting the word "and" in subparagraph

(13), by amending subparagraph (14), and by adding a new subparagraph (15) to read as follows:

§ 135.27 Manual requirements.

* * * * *

(b) * * *

(14) Where applicable, procedures and instructions relating to the handling of dangerous articles and magnetized materials, including:

(i) Procedures for determining the proper packaging, marking, labeling, shipping documents, compatability of articles, and instructions on the loading, storage, and handling thereof.

(ii) Notification procedures for reporting dangerous article incidents as required by § 103.28 of this chapter.

(iii) Instructions and procedures for the notification of the pilot in command when there are dangerous articles aboard, as required by § 103.25 of this chapter.

(15) Other procedures and policy instructions pertinent to the certificate holder's operations, that are issued by the certificate holder.

* * * * *

8. By adding a new § 135.140 to read as follows:

§ 135.140 Training requirements: Handling and carriage of dangerous articles and magnetized materials.

(a) Each certificate holder shall establish an appropriate initial and recurrent training program that insures that each crewmember and each person assigned duties and responsibilities for the handling and carriage of dangerous articles and magnetized materials is adequately trained to perform his assigned duties.

(b) After (date 6 months after the effective date of this amendment) no certificate holder may use any person to perform, and no person may perform, any assigned duties and responsibilities for the handling or carriage of dangerous articles and magnetized materials governored by Part 103 of this chapter, unless within the preceding 12 calendar months that person has satisfactorily completed training in a program of procedures for determining the proper packaging, marking, labeling, and documentation of dangerous articles and magnetized materials; and instruction on their compatability, loading, storage, and handling.

(c) Each certificate holder shall maintain a record of the satisfactory completion of the intial and recurrent training given to crewmembers and ground personnel assigned duties and responsibilities for the handling and carriage of dangerous articles and magnetized materials.

These amendments are proposed under the authority of sections 313(a), 601, and 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1472), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 1, 1972.

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

[FR Doc.72-12354 Filed 8-7-72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19561; FCC 72-680]

FM BROADCAST STATIONS IN CERTAIN CITIES IN ALABAMA AND FLORIDA

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Enterprise and Greenville, Ala.; Bonifay, Chipley, and Pensacola, Fla.), Docket No. 19561, RM-1844, RM-1855, RM-1982.

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules) with respect to Enterprise and Greenville, Ala., and Bonifay, Chipley, and Pensacola, Fla. As concerns Enterprise, Greenville, Bonifay, and Chipley, our action is based on the petition of Wallace Miller, D.V.M. (Miller), filed July 6, 1971, requesting the assignment of Channel 294C as a second assignment to Enterprise (RM-1844). As to Pensacola, Barba Investment Co. (Barba) and Roy L. Hess petitioned to assign another FM channel to Pensacola (RM's-1855 and 1982). These are considered together because of the conflict between Barba's proposal for Pensacola and the Commission's alternative proposal to Miller's as concerns Bonifay and Chipley.

2. In support of his petition (RM-1844), Dr. Wallace Miller (Miller), relies on the population growth of Enterprise and Coffee County, and other indicia of growth; e.g., the increase of tax collections (from about $100 million for fiscal 1961 to over $296 million for fiscal 1970), the increase of building permits (71 for 1960; 124 for 1965; and 295 for 1970), and certain other data. The population of Enterprise, according to the 1970 census, is 15,591 (about 36.6 percent increase since 1960); it is the largest city in Coffee County, population 34,872 (a 14 percent increase since 1960). Miller states that the Chamber of Commerce's estimates of present population and that within a 10-mile radius are 17,000 and 50,000. Radio service in Enterprise consists of AM Station WIRB (daytime-only) and Station WIRB-FM (Channel 245).[1] Petitioner asserts that assignment of Channel 294 would permit construction of another FM station at Enterprise which "would contribute much" to the cultural, social, religious, and educational life of the community which has "over 50 well organized civic, cultural, and garden clubs." Miller also states that there are 10 public schools in the city, numerous schools in the county system, and a State Junior college with an enrollment of about 1,000 at Enterprise.

3. According to the supporting engineering statement, Channel 294 may be assigned to Enterprise without changes elsewhere, although the transmitter would have to be sited at least 5 miles west of Enterprise to meet all mileage spacings. The accompanying engineering report says that a facility with 100 kw. E.R.P. with a 300-foot antenna would include 2,922 square miles with a population of 155,937 within the 1 mv./m. contour including Fort Rucker, an Air Force training base with a 1970 census population of 14,242. It is also asserted that Dothan, Andalusia, and Troy with a combined population of 58,307 would also receive "good service": Dothan has two FM assignments both occupied (Stations WOOF-FM and WTVY-FM); Andalusia and Troy each have one FM channel assignment—Station WNBX (FM) operates on the former and the applicants for the Troy channel (Troy Radio, Inc. (BPH-7253) and Pike Broadcasting, Inc. (BPH-7303) are in hearing (Dockets 19407 and 19408)). We note that at the stated height, the three named communities would not be within the 1 mv./m. contour of the proposed Enterprise station, although such service would be possible at a greater antenna height. Of the nine communities within the preclusionary area (all involving Channel 296A), seven already have FM channel assignments; Channel 296A could be allocated to either of the other two; i.e., Bonifay, or Chipley, Fla., respectively. Channel 296A may also be assigned to Greenville, Ala., if the transmitter is located at least 4 miles southwest of that community (to meet mileage spacing to Station WHYD-FM, Channel 297, Columbus, Ga.).

4. While on the basis of population criteria,[2] Enterprise possibly is entitled to another FM channel, nonetheless, it would appear that consideration should be given to allocation of Channel 296A to Bonifay or Chipley and Greenville, especially in the light of the abundance of service in the area which the proposed Enterprise station would serve. Including the channel assignments to Opp and Ozark, Ala., made in Docket No. 19326 (33 FCC 2d 656), and, assuming Class A stations at maximum height and power

[1] According to the 1972 Broadcasting Yearbook, these stations (licensed to Wiregrass Broadcasting Co.) program separately.

[2] See further notice of proposed rule making, Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order, adopted July 25, 1963, 23 R.R. 1859, 1871.

and Class C stations operating with 75 kw. and 500 feet antenna height a.a.t.,[3] there are from two to seven FM services available including five or seven at Enterprise and five or six at Fort Rucker, which military installation petitioner seems to want to serve.[4] Greenville has daytime-only AM Station WGYV, and Chipley has Class IV AM Station WBGC. All three communities are the seats of their respective counties. The population of each, county in which located, and the county population is as follows:

City	Population	County	Population
Greenville, Ala.	8,033	Butler	22,007
Bonifay, Fla.	2,068	Holmes	10,720
Chipley, Fla.	3,347	Washington	11,453

All population data is from the 1970 census.

5. Accordingly, it appears that the public interest, convenience, and necessity would be served by our considering the proposal to allocate Channel 294C to Enterprise, Ala., and as alternatives to the petition the assignment of Channel 296A to Greenville, Ala., and Bonifay or Chipley, Fla. The petitioner is specifically requested to comment on these alternatives including possible substitute channel assignments. In this respect, parties to this proceeding are requested to comment as to the following alternatives:

City	Channel No.	
	Present	Proposed
Plan I		
Enterprise, Ala.	245	245, 294
or Plan II		
Bonifay, Fla.		296A
Greenville, Ala.		296A
or Plan III		
Chipley, Fla.		296A
Greenville, Ala.		296A

6. Pensacola, Fla. (RM-1855 and RM-1982). As already noted, there are two petitions to assign an additional channel to Pensacola, Fla. Pensacola is the principal city, population 59,507, in the Pensacola Standard Metropolitan Statistical Area (SMSA), population 243,075, which consists of Escambia and Santa Rosa Counties, populations of 205,334 and 37,741, respectively. Pensacola is the seat of Escambia County and the largest city in western Florida. FM Channels 231, 264, and 268 are presently assigned to Pensacola; they are occupied by Stations WPEX-FM, WCOA-FM, and WBOP-FM, respectively. Other aural service consists of six AM stations—daytime Stations WBOP, WVIX, and WPFA and Stations WBSR, WCOA, and WNVY.

7. Barba Investment Co. filed a petition on August 31, 1971, of which public notice was given September 24, 1971, proposing the additional assignment of Channel 297C to Pensacola (RM-1855). This assignment then could be made without changes elsewhere, but it conflicts with the possible assignment of Channel 296A to either Bonifay or Chipley, Fla., discussed above. From the viewpoint of engineering criteria, the preclusion study filed by petitioner showed some preclusion but most of the communities within the preclusion areas have FM assignments and receive multiple FM services.

8. Barba recites a number of factors to show Pensacola's growth and importance; for example, the 19.4 percent increase of population of the SMSA between the 1960 and 1970 census; the increase of yearly building permits from over $16 million to $45 million; increases in the number of telephones, bank clearings, and other indicia of economic growth. Barba also points to advantages of location and climate, a burgeoning tourist industry, a center of higher education (a combined enrollment of over 15,000 at Pensacola Junior College, and the University of West Florida), extensive employment at the Pensacola Naval Air Station, increase in average farm size, and other details. Much of this data refers to the SMSA and "primary trade area" which includes Okaloosa and Walton Counties. The Barba petition was supported by Miracle Radio, Inc., licensee of Station WPFA, which intends to apply for the fourth channel, if added to Pensacola, in order to substantially expand its service to the public.

9. Roy L. Hess (Hess), described as a major stockholder of Station WVIX, filed a petition to additionally add Channel 243 to Pensacola and to change the Barba proposal to Channel 298.[5] Either assignment may be made without changes elsewhere, although, as to Hess' own proposal, a station on Channel 243 would have to be about 4 miles east of Pensacola in order to meet the 65-mile spacing to Station WLPR, Channel 241, at Mobile, Ala. Hess points out that the change of the Barba proposal to Channel 298 would substantially reduce preclusion areas on Channel 296 while the others would remain the same. This change, it should be noted, would also obviate conflict with the Bonifay/Chipley proposal. In other respects, Hess' contentions are the same ones made by Barba.

10. While we are willing to seek comment on the various proposals for Pensacola, it should be made clear that presently for purposes of allocation the criteria is the 59,507 population of Pensacola and not some greater number reflected by SMSA population. As pointed out in our memorandum opinion and order in Docket No. 19249, adopted June 28, 1972 (FCC 72-574), the concept of "community" in a larger sense may raise more problems than it might solve. Accordingly, while we are inviting comments as concerns the three proposals for a channel assignment to Pensacola, we shall only adopt one absent some compelling consideration. Accordingly, we invite comments as to the following:

City	Channel No.	
	Present	Proposed
Pensacola, Fla.	231, 264, 268	231, 264, 268, 243 or 297 or 298

11. Cutoff procedures: The following procedures will govern:

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

(b) With respect to petitions for rule making which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

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

13. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before September 8, 1972, and reply comments on or before September 18, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

14. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street NW., Washington, DC.

Adopted: July 26, 1972.

Released: August 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-12365 Filed 8-7-72;8:51 am]

[3] See the Roanoke Rapids-Goldsboro case, 9 FCC 2d 672 (1967).

[4] There are 10 possible stations—one each at Abbeville, Andalusia, Enterprise, Geneva, Opp, and Troy, Ala. and two each from Dothan and Ozark, Ala. Seven are operative. As already noted, the two applicants for the Troy channel are in hearing, the application of Opp Broadcasting Co., Inc. (BPH-7883) is pending for the Opp channel; Channel 280A at Ozark is still in allocation status.

[5] The reason for changing the Barba proposal is because of IF taboo spacings for Class C channels 10.6 and 10.8 megacycles apart (53 or 54 numerically) here requiring a 30-mile separation between Channels 243 and 297; see note to § 73.207(a) of the rules.

[6] Chairman Burch absent; Commissioner Hooks not participating.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Order 36, Corrected]

REGIONAL DIRECTORS

Delegation of Authority Regarding Additional Inspection of Taxpayer's Books of Account

1. Pursuant to authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms by Treasury Department Order No. 221, dated June 6, 1972, there is hereby delegated to each Regional Director the authority to sign in his name, after investigation, the notice to a taxpayer, required by section 7605(b), I.R.C., that an additional inspection of such taxpayer's books of account is necessary. Such authority shall be limited to taxpayers subject to the provisions of chapters 51, 52, and 53, I.R.C.

2. This authority may not be redelegated.

Issued and effective July 1, 1972.

[SEAL] REX D. DAVIS,
Acting Director.

[FR Doc.72-12344 Filed 8-7-72;8:49 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972-96]

CLASSIFICATION OF PRICE CATEGORY FIRMS

Cost of Living Council Ruling

Facts. X is a manufacturing firm whose fiscal year ends on June 30. For the fiscal year ending June 30, 1972, X had annual sales or revenues of $89 million and thus was a price category II firm under Economic Stabilization Regulations, 6 CFR 101.13 (1972). For the first 9 months of X's fiscal year ending June 30, 1973, X's interim reports showed annual sales or revenues of $110 million.

Issue. Is X required to comply with the prenotification requirements of Economic Stabilization Regulations, 6 CFR 101.11 (1972), or may it wait until the end of its fiscal year?

Ruling. X is not required to comply the prenotification requirements of § 101.11 until its next fiscal year. Subpart B of Part 101 of the Economic Stabilization Regulations defines price category firms on the basis of their annual sales or revenues. Annual sales or revenues is defined in Economic Stabilization Regulations, 6 CFR 101.2 (1972) as "the total gross receipts of a firm during its most recent fiscal year * * *"

X's classification is based on its annual sales or revenues at the end of its most recent fiscal year. Accordingly, X remains a price category II firm until the completion of its fiscal year. This is so regardless of the fact that X's annual sales or revenues exceeded $100 million prior to the end of its fiscal year.

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

Dated: August 1, 1972.

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

Approved: August 1, 1972.

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

[FR Doc.72-12370 Filed 8-7-72;8:48 am]

[Cost of Living Council Ruling 1972-95]

SMALL BUSINESS EXEMPTION FOR RUG SUPPLIERS

Cost of Living Council Ruling

Facts. X rug company is in the business of acting as a subcontractor in the sales and installation of carpeting in new buildings. Y rug company is also in the business of selling and installing carpeting; however, it only installs carpeting in existing structures to the orders of private customers.

Issue. Do X and Y qualify for the small business exemption?

Ruling. X company does not qualify for the exemption since it is engaged in construction as defined by section 11 of Executive Order No. 11588 3 CFR (1971) Comp., p. 147. X company sells and installs rugs as part of the construction of a building. Such rugs are considered fixtures of the building and are included in the total sales price. Hence, X company is partially engaged in the construction of the building and does not qualify for the small business exemption.

Y company does qualify for the small business exemption since Y is not considered to be engaged in construction. The distinction here is that unlike X, who is specifically engaged in the construction of a building, Y is performing a service to a private customer. Should Y expand his operations by bidding on and accepting contracts to install carpeting as part of the remodeling process of an existing building, then he would be engaged in construction. However, where, as is the case here, he continues to perform as a supplier and serviceman, he is exempt from coverage providing he otherwise qualifies under the Economic Stabilization Regulations, 6 CFR 101.51 (1972).

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

Dated: August 1, 1972.

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

Approved: August 1, 1972.

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

[FR Doc.72-12369 Filed 8-7-72;8:48 am]

[Pay Board Ruling 1972-63]

DIFFERENCE BETWEEN MERIT INCREASES AND LONGEVITY INCREASES

Pay Board Ruling

Facts. State employees are entitled to receive specific pay increases at periodic intervals according to a State statute enacted prior to August 15, 1971. An employee obtains such an increase only after a rating is made by his supervisor certifying that the employee's work is satisfactory.

Issue. May wage increases which are dependent upon a supervisor's rating be regarded as longevity raises?

Ruling. The fact that an increase is dependent upon a certification that an individual's performance is satisfactory is not of itself sufficient to determine whether the increase will be considered as a longevity increase. This determination will depend on an examination of all the terms of the employment situation. If the increases are "solely related to the employee's length of service and operate without significant affirmative exercise of employer discretion or subjective evaluation of the employee's work performance," then such raises are considered longevity increases. (See Economic Stabilization Regulations, 6 CFR 201.57(b) (1972)). On the other hand, if in providing for wage increases, there is consideration given for superior performance, then such raises would not be considered longevity increases.

The important question, then, is what the supervisor's rating is set up to do. In the instant case, the rating serves only as a review of whether the employee has performed his work satisfactorily. Section 201.57(b) states that "[i]f it is an established practice that once an individual's work performance for a certain length of time is determined to be satisfactory and the amount of the increase as determined in advance is not subject to any discretionary adjustment, the increase is due to longevity". As the periodic increases are fixed by State statute and an employee rating does not call for any review other than whether the employee's work is satisfactory, these wage increases are considered longevity increases.

This ruling has been approved by the general counsel of the Pay Board.

Dated: August 1, 1972.

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

Approved: August 1, 1972.

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

[FR Doc.72-12371 Filed 8-7-72, 8:48 am]

[Price Commission Ruling 1972-220]

REDETERMINATION OF BASE RENT

Price Commission Ruling

Facts. On April 1, 1972, tenant A renewed his 1-year lease for $175 per month which is equal to base rent as determined by the average transaction rent method under § 301.206. Had the lease been executed with a new tenant on that date, base rent as determined by the average transaction method would have been $190. On June 1, 1972, A vacates and the lessor rents the residence to tenant B for $190. The difference in base rent relates to determinations with respect to the different classes of lessees pursuant to § 301.206.

Issue. Is base rent following the transaction occurring on June 1, 1972, $190?

Ruling. No. The base rent for purposes of the Transaction occurring on June 1, 1972 is $175. Base rent runs with the residence. Economic Stabilization Regulations, 6 CFR 301.201(a) (1972). Thus, once determined following a transaction occurring after December 28, 1971, base rent becomes fixed. A's renewal of his 1-year lease on April 1, 1972, is a transaction occurring after December 28, 1971, and a subsequent change in the class of lessee occupying the residence is not such an event intended to affect an earlier base rent determination. The reference to the "same class of lessees" for eligible transactions in computing the average transaction under § 301.206 relates only to the initial base rent determination following the first transaction occurring after December 28, 1971. Economic Stabilization Regulations, 6 CFR 301.206(a) (1972).

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

Dated: August 3, 1972.

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

Approved: August 3, 1972.

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

[FR Doc.72-12372 Filed 8-7-72;8:48 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

Notice of New Procedures

The Bureau of Narcotics and Dangerous Drugs, in response to comments on the need to expedite registration of pharmacies under the Controlled Substances Act, has developed two new procedures for processing applications.

If at the time of application for a new pharmacy a State license has already been issued, the applicant may include with the application an affidavit as to the existence of State license. On the basis of this affidavit, the Bureau will issue a registration to the pharmacy. The Bureau will follow the normal procedures for approving an application to verify the statements in the affidavit. If the statements prove to be false, the Bureau may revoke the registration on the basis of section 304(a)(1) (21 U.S.C. 824(a)(1)) and suspend the registration immediately by pending revocation on the basis of section 304(d) (21 U.S.C. 824(d). At the same time, the Bureau may seize and place under seal all controlled substances possessed by the applicant under section 304(f) (21 U.S.C. 824(f)).

Intentional misuse of this new procedure can subject the applicant to prosecution under section 403(a)(4) (21 U.S.C. 843(a)(4)), and obtaining controlled substances under a registration fraudulently gotten may subject the applicant to prosecution under section 403(a)(3) (21 U.S.C. 843(a)(3)). The penalties for conviction of either offense include imprisonment for up to 4 years, a fine not exceeding $30,000 or both.

The following form should be utilized with applications for new pharmacies which have received a state license or permit:

FORM OF AFFIDAVIT FOR NEW PHARMACY

I, _____ of _____
(Corporation,
_____, doing business as ____
Partnership, or Sole
Proprietor)
_____ at _____, _____
(Store name) (Number and Street) (City) (State)
_____, hereby certify that said store
(Zip Code)
was issued a pharmacy permit No. _____ by
the _____ of the
(Board of Pharmacy or
Licensing Agency)
State of _____ on _____.
(Date)

This statement is submitted in order to obtain a Bureau of Narcotics and Dangerous Drugs registration number. I understand that if any information is false, the Bureau may immediately suspend the registration for this store and commence proceedings to revoke under 21 U.S.C. 824(a) because of the danger to public health and safety. I further understand that any false information contained in this affidavit may subject me personally and the above-named corporation/partnership/business to prosecution under 21 U.S.C. 843, the penalties for conviction of which include imprisonment for up to four years, a fine of not more than $30,000, or both.

_____
Signature (person who signs Federal Application)

State of _____
County of _____
Subscribed to and sworn before me this _____ day of _____, 19__.

_____
Notary Public

A new procedure has also been developed for the transfer of a pharmacy from one owner to another. This will permit the new owner to be registered by BNDD prior to the date of transfer and to obtain controlled substances at the time of transfer. This special procedure is only available, however, to applicants who have at least one pharmacy licensed in the State where the new pharmacy is located. Also, registration obtained under this procedure only entitles the pharmacy to acquire controlled substances; the pharmacy may not dispense until it has obtained a State license.

Under the new procedure, the person acquiring the pharmacy will submit an application for a BNDD registration together with an affidavit in the form set forth below. The same warnings concerning misuse and fraud that were given with regard to use of an affidavit with an application for new pharmacy apply to use of this affidavit as well.

FORM OF AFFIDAVIT FOR TRANSFER OF PHARMACY

I, _____, of _____
(Corporation,
_____, doing busi-
Partnership, or Sole Proprietor)
ness as _____ hereby certify:
(Store Name)

(1) That said business was issued a pharmacy permit No. _____ by the _____
(Board of
_____ of the State of____
Pharmacy or Licensing Agency)
_____ and a BNDD Registration Number
_____ for a pharmacy located at _____
(Number
_____ _____; and
and Street) (City) (State) (Zip Code)

(2) That said company is acquiring the pharmacy business of _____ doing
(Name of Seller)
business as _____ with BNDD Registration Number _____ on or about _____
(Date
_____ and that said company has applied
of Transfer)

(or will apply) on _____ for a pharmacy
(Date)
permit number from the board of pharmacy (or licensing agency) of the State of _____ to do business as _____ at
(Store Name)
_____, _____
(Number and Street) (City) (State) (Zip Code)

This statement is submitted in order to obtain a Bureau of Narcotics and Dangerous Drugs registration number.

I understand that if a BNDD registration number is issued, the pharmacy may acquire controlled substances but may not dispense them until a pharmacy permit or license is issued by the State board of pharmacy or licensing agency.

I understand that if any information is false, the Bureau may immediately suspend the registration for this store and commence proceedings to revoke under 21 U.S.C. 824(a) because of the danger to public health and safety. I further understand that any false information contained in this affidavit may subject me personally to prosecution under 21 U.S.C. 843, the penalties for conviction of which include imprisonment for up to 4 years, a fine of not more than $30,000 or both.

_____
Signature (person who signs Federal Application)

State of _____
County of _____
Subscribed to and sworn before me this _____ day of _____, 19__.

_____
Notary Public

The Bureau hopes that these new procedures will alleviate the problems which pharmacies claim to have in obtaining a BNDD registration number promptly. These procedures are optional and if the pharmacy prefers to follow the usual procedures, it may. The Bureau will appreciate any comments or suggestions on these new procedures and on any other area of BNDD's regulatory operations.

Dated: August 1, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-12329 Filed 8-7-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[I-5229]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture has filed an application, Serial No. I-5229, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as administrative sites and recreation areas in the Clearwater National Forest.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398, Federal Building, Post Office Box 042, 550 West Fort Street, Boise, ID 83702.

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

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

IDAHO

CLEARWATER NATIONAL FOREST

ELK SUMMIT—HOODOO LAKE AREA

Boise Meridan

A tract of land lying in unsurveyed section 1, T. 34 N., R. 14 E., and unsurveyed section 36, T. 35 N., R. 14 E., Boise Meridian, more particularly described as follows:

Beginning at U.S. Geological Survey Bench Mark 5761-B-1911 59 cemented in a drill hole in a large boulder in the yard at Elk Summit Guard Station; thence N. 72°36′ E., a distance of 1,282.06 feet to the true point of beginning which is a brass cap monument stamped Cor. 1; thence S. 07°54′ E., a distance of 549.54 feet to a brass cap monument stamped Cor. 2; thence S. 79°37′ W., a distance of 876.74 feet to a brass cap monument stamped Cor. 3; thence S. 27°48′ W., a distance of 3,388.88 feet to a brass cap monument stamped Cor. 4; thence N. 51°09′ W., a distance of 667.52 feet to a brass cap monument stamped Cor. 5; thence N. 08°05′ E., a distance of 1,882.93 feet to a brass cap monument stamped Cor. 6; thence N. 35°56′ E., a distance of 1,760.27 feet to a brass cap monument stamped Cor. 7; thence S. 89°43′ E., a distance of 1,588.86 feet to the true point of beginning, containing in the aggregate 101.76 acres, more or less. All monuments consist of 2″x30″ galvanized iron pipes with brass caps. In addition to the corner number, each cap contains the wording "Elk Summit Withdrawal, U.S.F.S. 1968."

The above description is all according to a plat titled "Metes and Bounds Survey of a Portion of Unsurveyed Section 1, T. 34 N., R. 14 E., and Section 36, T. 35 N., R. 14 E., Boise Meridian" prepared by Stanley J. Skousen, Montana Registration No. 2532S., and said plat is on file in the office of the Forest Supervisor, Clearwater ational Forest, Orofino, Idaho, and in the office of the Regional Forester, Northern Region, Missoula, Mont.

POWELL RANGER STATION EXPANSION AREA

T. 37 N., R. 14 E., Boise Meridian, Idaho,
Sec. 33, N½NE¼NW¼, N½NW¼NW¼, SW¼NW¼NW¼, W½SE¼NW¼NW¼, W½SW¼NW¼, NW¼NE¼SW¼NW¼, S½NE¼SW¼NW¼, SE¼SW¼NW¼, S½NW¼SE¼NW¼, and S½SE¼NW¼.
Total area: 117.5 acres.

The above areas aggregate 219.26 acres in Idaho County, Idaho.

VINCENT S. STROBEL,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-12324 Filed 8-7-72;8:47 am]

[I-5524]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture has filed an application, Serial No. I-5524, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as natural areas in the Boise National Forest, for research use by scientists and educators, and other compatible purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, ID. 83702.

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

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

IDAHO

BOISE NATIONAL FOREST

Lowman Research Natural Area

Boise Meridian:

T. 8 N., R. 7 E.,

Sec. 2, W½ of lot 4, NW¼SW¼NW¼;

Sec. 3, lots 1, 2, 3, E½ of lot 4, S½NE¼, NE¼SW¼NW¼, SE¼NW¼, NE¼SW¼, N½N½SE¼.

T. 9 N., R. 7 E.,

Sec. 34, W½SW¼NE¼, SE¼SW¼NE¼, S½NW¼NW¼, S½NW¼, E½W½SW¼, E½SW¼, W½NE¼SE¼, W½SE¼, SE¼SE¼.

The areas described total 770.86 acres.

Bear Creek Research Natural Area

Boise Meridian:

T. 10 N., R. 10 E.,

Sec. 24, S½NE¼SW¼, NE¼SW¼SW¼, S½SW¼SW¼, SE¼SW¼, W½NE¼SE¼, W½SE¼, SE¼SE¼;

Sec. 25, N½, NE¼SW¼, N½NW¼SW¼, W½NE¼SE¼, NW¼SE¼;

Sec. 26, NE¼NE¼NE¼, S½NE¼NE¼, E½SE¼NE¼, N½NW¼SE¼NE¼, SE¼NW¼SE¼NE¼, NE¼SW¼SE¼NE¼, S½SW¼SE¼NE¼, NE¼NE¼SE¼, E½NW¼NE¼SE¼.

The areas described total 750.00 acres.

The above areas aggregate 1,520.86 acres in Boise County.

VINCENT S. STROBEL,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-12325 Filed 8-7-72;8:47 am]

Office of the Secretary

[DES 72-76; Project No. 13-00214]

CHATTAHOOCHEE PALISADES STATE PARK LAND ACQUISITION, LAND AND WATER CONSERVATION FUND, ATLANTA, GA.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Chattahoochee Palisades State Park Land Acquisition, Land and Water Conservation Fund Project No. 13-00214, Atlanta, Ga., and invites written comments within forty-five (45) days of this notice.

The draft environmental statement considers an acquisition action for 17 parcels of land totaling 377.04 acres along the Chattahoochee River in Metropolitan Atlanta, Ga., for public outdoor recreation purposes by the Georgia Department of Natural Resources, Division of State Parks.

Copies are available for inspection at the following locations:

Office of Communications, Room 7260, Department of the Interior, Washington, D.C. 20240;

Bureau of Outdoor Recreation, Department of the Interior, Southeast Region, 810 New Walton Building, Atlanta, Ga. 30303;

Regional Clearinghouse, Atlanta Regional Commission, 100 Peach Tree Street NW., Suite 910, Atlanta, GA 30303.

A limited number of single copies are available and may be obtained by writing the Regional Director, Bureau of Outdoor Recreation, Southeast Region. In addition, copies are available from the National Technical Information Service Department of Commerce, Springfield, Va. 22151 for $3 each.

Please refer to statement number above.

Dated: August 2, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-12337 Filed 8-7-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

IMPORT QUOTAS FOR CHEESE

Submission of Information To Establish Eligibilty for Licenses

The import quotas for cheese provided for in items 950.10B, 950.10C, and 950.10D of Part 3 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) were amended by Presidential Proclamation 4138 of June 3, 1972 (37 F.R. 11227). Previously these quotas covered cheese described therein if having a purchase price per pound under 47 cents or if shipped otherwise than in pursuance to a purchase.

Proclamation 4138 added to the quotas provided for under these item numbers by establishing for the first time, import quotas for such cheese if having a purchase price per pound of 47 cents or more but less than the Commodity Credit Corporation purchase price for cheddar cheese under the milk price support program, plus 7 cents, as determined by the Secretary of Agriculture. In accordance with the Secretary's determination of June 5, 1972 (37 F.R. 11234), this price is now 62 cents per pound. The proclamation provided for the new quotas to be combined, effective January 1, 1973, with the quotas for cheese having a purchase price under 47 cents or if shipped otherwise than in pursuance to a purchase. Licenses will be issued under the authority of the Secretary of Agriculture, in accordance with Part 3 of the appendix to the Tariff Schedules of the United States, to authorize the entry on and after January 1, 1972, of these quota quantities.

In order for a person to establish eligibility on a historical basis for such licenses, records must be submitted on or before October 10, 1972, evidencing the quantity and purchase price of cheese as described below which was imported by such person during the period January 1, 1970 through December 31, 1970, having a purchase price of 47 cents or more but less than 62 cents per pound. (The price should be determined on the basis of the aggregate price received by the exporter, including all expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, but excluding transportation, insurance, duty and other charges incident to bringing the merchandise from the place of shipment from the country of exportation to the place of delivery in the United States.)

TSUS Item:	*Description*
(1)	(1) Swiss or Emmenthaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheeses.
(a) 950.10A	(a) Swiss or Emmenthaler cheese with eye formation.
(b) 950.10C	(b) Other than Swiss or Emmenthaler with eye formation.
(2) 950.10D	(2) Cheeses and substitutes for cheese provided for in items 117.75 and 117.85, Part 4C, Schedule 1 of TSUS (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat, and articles within the scope of other import quotas provided for in Part 3 of the appendix to the TSUS).

Copies of duty paid Customs Entry Forms No. 7501 or Customs Warehouse Withdrawal Forms No. 7505 provide the most acceptable evidence. If these forms are not available, other records may be submitted for a determination of their acceptability as evidencing the quantity and purchase price of such cheese imported during said periods. The records should be sent to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Issued at Washington, D.C. this 3d day of August 1972.

RAYMOND A. IOANES,
Administrator, Foreign Agricultural Service.

[FR Doc.72-12361 Filed 8-7-72;8:50 am]

Office of the Secretary

NAVAJO AND HOPI INDIANS IN ARIZONA, NEW MEXICO, AND UTAH, AND INDIANS IN SAN DIEGO COUNTY, CALIF.

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Navajo and Hopi Indian tribes located on Indian lands in Arizona, New Mexico, and Utah and Indians located on Indian lands in San Diego County, Calif., has been materially increased and become acute because of severe drought during the 1971 and 1972 growing seasons creating a serious shortage of livestock feeds. These

lands are reservation or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribes utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on August 2, 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-12411 Filed 8-7-72;8:54 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 10-8, Amdt. 1]

ASSISTANT SECRETARY FOR MARITIME AFFAIRS

Delegation of Authority Regarding Foreign Sale of Certain Passenger Vessels

This order, effective July 21, 1972, amends the material appearing at 37 F.R. 15179 of July 28, 1972.

Department Organization Order 10-8, effective June 19, 1972 is hereby amended as follows:

In Section 3. *Delegations of authority to the Assistant Secretary*, paragraph .01 is amended to add a new subparagraph 1. as follows:

1. The act of May 16, 1972 (86 Stat. 140) regarding the foreign sale of certain passenger vessels.

Effective date: July 21, 1972.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.72-12326 Filed 8-7-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-465]

AMERICAN CYANAMID CO. ET AL.

Certain Antibiotic-Containing New Animal Drugs; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of May 18, 1972 (37 F.R. 10014), proposing to withdraw approval of the following drugs:

1. (a) Polyotic Capsules, NADA (new animal drug application) No. 65-068; (b) Aureomycin chlortetracycline in oil Pigdoser, NADA No. 55-015; and (c) Aureomycin Capsules 50 mg., Aureomycin Capsules 100 mg., and Aureomycin Capsules 250 mg., NADA No. 65-299; by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

2. (a) Purina Check-R-Mycin-2X and (b) Purina Inject-R-Mycin; by Ralston Purina Co., St. Louis, Mo. 63188.

3. (a) Crysticillin 600 A.S. Veterinary and (b) Aqua-Strep; by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903, and

4. (a) Kao-Strep Powder, NADA No. 65-166; (b) Streptomagma Bolus, NADA No. 65-165; (c) Wycillin, and (d) Lentovet; by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

No written appearance has been received in response to said notice.

Therefore, based on the grounds set forth in the notice of opportunity for a hearing, the Commissioner of Food and Drugs concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of the new animal drug applications for the above-listed drugs, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document (8-8-72).

Dated: July 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12319 Filed 8-7-72;8:46 am]

DIAMOND FRUIT GROWERS, INC.

Canned Blackberries and Canned Purple Plums Deviating From Identity Standard; Extension of Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that the temporary permit held by Diamond Fruit Growers, Inc., Hood River, Oreg. 97031, to cover interstate market testing of canned blackberries and canned purple plums deviating from their respective standards of identity (21 CFR 27.35 and 27.45) in that they are packed in a medium of pear juice, is extended to May 1, 1973, or until an amendment to these standards to permit the use of such a packing medium becomes effective, whichever is sooner. (Notice of issuance of the permit was published in the FEDERAL REGISTER of Dec. 5, 1970 (35 F.R. 18554).)

The principal display panel of the label on each container bears the statement "packed in pear juice."

Dated: July 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12320 Filed 8-7-72;8:46 am]

[DESI 5504]

CERTAIN SYMPATHOMIMETIC DRUGS FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-up Notice

In a notice published in the FEDERAL REGISTER of February 23, 1971 (36 F.R. 3387) and amended in the FEDERAL REGISTER of September 3, 1971 (36 F.R. 17669), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following drugs:

1. Levophed Bitartrate 0.02 percent and 0.2 percent Injections containing levarterenol bitartrate; Winthrop Laboratories, Division of Sterling Drug Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 7-513).

2. Vasoxyl Injection containing methoxamine hydrochloride; Burroughs

Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 6-772).

3. Vasoxyl in 1 percent Procaine Hydrochloride Solution containing methoxamine hydrochloride and procaine hydrochloride; Burroughs Wellcome Co. (NDA 7-238).

4. Wyamine Sulfate Injection containing mephentermine sulfate; Wyeth Laboratories, Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 8-248).

5. Methedrine Injection containing methamphetamine hydrochloride; Burroughs Wellcome Co. (NDA 5-674).

6. Aramine Injection containing metaraminol bitartrate; Merck Sharp and Dohme, Division of Merck and Co., West Point, Pa. 19101 (NDA 9-509).

7. Drinalfa Injection containing methamphetamine hydrochloride; E. R. Squibb and Sons, Georges Road, New Brunswick, N.J. 08903 (NDA 5-757).

The notice stated that these drugs were regarded as effective probably effective, possibly effective and/or lacking substantial evidence of effectiveness for their various labeled indications. The indications classified as probably effective and possibly effective have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been received pursuant to the notice of February 23, 1971.

The new drug applications held by Winthrop Laboratories (NDA 7-513), Burroughs Wellcome Co. (NDA 6-772), and Wyeth Laboratories (NDA 8-248) have been supplemented to delete those claims for which substantial evidence of effectiveness is lacking. Other holders of applications approved for these drugs who distribute or intend to distribute such drugs should submit, within 60 days following publication of this notice in the FEDERAL REGISTER, supplements to their new drug applications to provide for revised labeling in accord with this notice. Such supplements 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.

Any such preparation, for human use, introduced into interstate commerce after 60 days following publication of this notice in the FEDERAL REGISTER with labeling bearing indications for which the drug lacks substantial evidence of effectiveness, may be subject to regulatory proceedings.

This notice is issued pursuant to the 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 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12321 Filed 8-7-72;8:47 am]

[DESI 12467; Docket No. FDC-D-415; NDA No. 12-467]

SMITH, KLINE AND FRENCH LABORATORIES

Combination Containing Trimeprazine Tartrate, Phenylpropanolamine Hydrochloride, and Acetaminophen for Oral Use; Notice of Withdrawal of Approval of New Drug Application

On February 12, 1972, there was published in the FEDERAL REGISTER (37 F.R. 3200) a notice of opportunity for hearing (DESI 12467) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new drug application in the absence of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

NDA 12-467, Coplexen Liquid (trimeprazine tartrate, phenylpropanolamine hydrochloride, and acetaminophen); Smith, Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, PA 19101.

Neither Smith, Kline and French Laboratories nor any other interested person has filed a written apperance of election as provided by said notice. The failure to file such an appearance is construed as a election by such persons not to avail themselves of the opportunity for a hearing.

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

Therefore, pursuant to the foregoing finding, approval of the above new drug application, and all amendments and supplements applying thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER.

Dated: July 26, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12322 Filed 8-7-72;8:47 am]

[DESI 12486]

CHLORPROTHIXENE

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

In a notice (DESI 12486), published in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13610), the Commissioner of Food and Drugs announced his conclusions pursuant to an evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Taractan Tablets (NDA 12-486) and Taractan Injection (NDA 12-487) containing chlorprothixene, marketed by Roche Laboratories, Division of Hoffman-LaRoche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110.

The notice stated that the drugs were regarded as probably effective, possibly effective, and lacking substantial evidence of effectiveness for their various labeled indications.

Based upon further review and evaluation of additional studies, the Commissioner finds it appropriate to amend the announcement of August 26, 1970 by:

1. Changing the probably effective indications to effective and rewording the indications section as follows:

INDICATIONS

This drug is indicated for the management of manifestations of psychotic disorders.

2. Reclassifying the possibly effective indications as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been received pursuant to the August 26, 1970 announcement.

Holders of applications approved for these drugs should submit, within 60 days following publication of this amended announcement in the FEDERAL REGISTER, supplements to their new drug applications to provide for revised labeling in accord with the indications section above. Such supplements 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.

Any such preparations, for human use, introduced into interstate commerce after 60 days following publication of this notice in the FEDERAL REGISTER with labeling bearing indications that lack substantial evidence of effectiveness may be subject to regulatory proceedings.

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 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12323 Filed 8-7-72;8:47 am]

[Docket No. FDC-D-502; NADA No. 9-928V]

DARIBIOTIC TABLETS

Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of August 12, 1970 (35 F.R. 12789, DESI 9928V) the

Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group on certain drug products containing neomycin sulfate and polymyxin B sulfate.

Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc., Bristol, Tenn. 37620, responded to said announcement by advising the Commissioner of Food and Drugs that the marketing of Dari-biotic Tablets, NADA (new animal drug application) No. 9-928V, has been discontinued.

Beecham-Massengill Pharmaceuticals requested that said NADA be withdrawn. Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that the new animal drug application for the above-named product should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9-928V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document (8-8-72).

Dated: July 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12318 Filed 8-7-72;8:46 am]

[Docket No. FDC-D-492; NDA 3-317, etc.]

MERRELL-NATIONAL LABORATORIES, ET AL.

New Drug Applications: Notice of Withdrawal of Approval

The holders of the new-drug applications listed herein have not submitted annual reports of experience with the drugs as required and have advised the Food and Drug Administration that the new drugs involved were never marketed or marketing has been discontinued and have requested withdrawal of approval of the new-drug applications, thereby waiving opportunity for hearing.

Therefore pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053 as amended; 21 U.S.C. 355(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of the following new-drug applications and supplements thereto, is hereby withdrawn on the grounds that the applicants have failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j) and 130.13 or 130.35(e) and (f) of the new-drug regulations (21 CFR 130.13, 130.35)).

NDA No.	Drug name	Applicant's name and address
3-317	Beta Concemin Tablets (thiamine hydrochloride, riboflavin, niacinamide, pyridoxine hydrochloride, pantothenic acid).	Merrell-National Labs., Cincinnati, Ohio, 45215.
5-632	Norodin Tablets (d-desoxyephedrine hydrochloride).	Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, NY 11530.
6-390	Amphedroxyn Hydrochloride Tabs. (methamphetamine hydrochloride).	Eli Lilly & Co., Box 618, Indianapolis, IN 46206.
6-505	Tubadil Injection (tubocurarine chloride).	Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, NY 11530.
8-431	Dimacid B Tablets (magnesium carbonate, calcium carbonate, bismuth subcarbonate, magnesium glycinate).	Otis Clapp, 143 Albany St., Cambridge, MA 02139.
9-345	Rauwolfia Serpentina Tabs. (rauwolfia serpentina).	Meer Corp., 9412 Railroad Ave., North Bergen, NJ 07047.
9-588	F-Cortef Acetate (fludrocortisone acetate).	The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001.
12-562	Alvinine Shampoo (biphenamine hydrochloride).	Wampole Laboratories, 35 Commerce Rd., Stamford, CT 06904.
12-760	Old Spice Spray Deodorant (tribromsalan).	Shulton, Inc., Clifton, N.J. 07015.
16-170	Temp Pediatric Drops (dipyrone).	Table Rock Laboratories, Box 1968, Greenville, SC 29602.
16-629	Pentaerythritol Tetranitrate Tablets (pentaerythritol) tetranitrate).	Rexall Drug Co., 3901 North Kingshighway, St. Louis, MO 63115.

This order shall become effective on its date of publication in the FEDERAL REGISTER (8-8-72).

Dated: July 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12250 Filed 8-7-72;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-192]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to Rehabilitation Loan Program

SECTION A. *Authority redelegated.* Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, and Director, Housing Management Division, Area Office, of the Department of Housing and Urban Development is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b), except the power and authority to:

1. Approve applications for section 312 rehabilitation loans and execute documents in connection therewith.

2. Delegate to or use as agent any Federal or local public or private agency or organization pursuant to section 312(f) (42 U.S.C. 1452b(f)).

3. Make the determination to:

a. Foreclose on any property or to commence any legal action to protect or enforce any right conferred upon the Secretary by any law, contract, or other agreement;

b. Accept deeds in lieu of foreclosure; or

c. Purchase prior liens on such property.

4. Establish the rate of interest on Federal loans.

5. Issue notes or other obligations for purchase by the Secretary of the Treasury.

6. Issue rules and regulations.

7. Sue or be sued.

8. Exercise the powers and authorities under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749(a)).

SEC. B. *Authority redelegated to the Section 312 Rehabilitation Loan Service, Area Office or HUD-FHA Insuring Office.* Each section 312 Rehabilitation Loan Servicer (title I Representative), Area Office or HUD-FHA Insuring Office, is authorized to service loans under the section 312 Rehabilitation Loan Program.

(Secretary's delegation of authority to redelegate published at 36 F.R. 5005, March 16, 1971)

Effective date. This redelegation of authority is effective as of February 15, 1972.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.72-12412 Filed 8-7-72;8:54 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-142N]

BOATING SAFETY ADVISORY COUNCIL

Notice of Open Meeting

This is to give notice pursuant to Executive Order 11671, section 13(a), dated June 5, 1972, that the Boating Safety Advisory Council, U.S. Coast Guard, will conduct an open meeting on Tuesday and Wednesday, September 12 and 13, 1972, at Coast Guard Headquarters, 400

Seventh Street SW., Washington, DC, beginning at 9 a.m. in Room 2232.

Members of the Council and their affiliations are as follows:

Mr. Edward J. Heine, Jr., Chairman, President, United States Lines, Inc., New York.
Mr. Donald L. Beghin, Supervisor, Boating Activities, State of Wisconsin.
Mr. Norman C. Blanchard, President, Blanchard Boat Co., Washington.
Mrs. Nadean J. Brummett, President, Louis H. Brummett, Inc., California.
Mr. Jose R. Garcia, Superintendent of Operations, Puerto Rico.
Mr. William A. Getz, President, Williams, White & Co., Illinois.
Mr. Howard F. Larson, Vice President, Outboard Marine Corp., Wisconsin.
Mr. Thomas J. Legere, Director, Division of Motorboats, State of Massachusetts.
Mr. Robert G. Lowry, Vice President and Manager, Appleton & Cox Corp., New York.
Mr. James R. McQueen, Jr., President, Trojan Yacht, Pennsylvania.
Mr. Donald A. Milton, General Manager, Marine and Industrial Products Operations, Chrysler Corp., Michigan.
Mr. James J. O'Brien, Director, Division of Marine and Recreational Vehicles, State of New York.
Mr. George H. Page, President, Marmac Products, Inc., Ohio.
Mr. Robert F. Rittenhouse, Director, Oregon State Marine Board.
Mr. Robertson Ross, Vice President and General Manager, Lake Washington Yacht Basin, Inc., Washington.
Mr. Tom G. Shackelford, Chief, Division of Water Safety, State of Alabama.
Mr. Carl F. Sheppard, Boating Editor, Philadelphia Bulletin, Pennsylvania.
Mr. F. Ritter Shumway, Commodore, Great Lakes Cruising Club, New York.
Mr. Alvin Simon, President, National Boating Federation, Inc., Washington, D.C.
Mr. Ralph Thacher, Vice President, Burr Brothers Boats, Massachusetts.
Mrs. Florence B. Wade, Supervisor, Boat Registration, State of Virginia.

The agenda for the September 12 and 13 meeting consists of the following: Review of Boating Education and Enforcement, Proposed Additional Safety Equipment Carriage Regulations, Federal Equipment Requirements Decal Concept, Proposed Addition to Correction of Especially Hazardous Conditions Regulations, Hull Identification Numbers and Defect Notification Concept, Status and Update of Standards and Regulations, Preemption Timetable, Hull Identification Number Concept for Home-Built and Kit-Built Boats, Second Generation Standards—Safe Loading, Safe Powering and Flotation, Personal Flotation Device Exemptions, Standards—Navigation Lights, Fire Safety, Distress Signals, Miscellaneous Standards now in 46 CFR Subchapter C—reworking and transfer to 33 CFR Subchapter S.

The Boating Safety Advisory Council is authorized by section 33 of the Federal Boat Safety Act of 1971. This law requires the Secretary to consult with the Council in establishing a need for formulating and prescribing regulations and standards which establish minimum safety standards for boats and associated equipment or require the installation, carrying, or using of associated equipment which does not conform with safety standards established under the Act. In addition, the Secretary is required to consult with the Council on any other major boat safety matters related to the Act. By amending § 1.46 of Part 1 of Title 49, Code of Federal Regulations, effective October 5, 1971 the Secretary of Transportation delegated to the Commandant of the Coast Guard the responsibilities and authority vested in the Secretary to carry out the Federal Boat Safety Act of 1971 (85 Stat. 164). The Secretary of Transportation approved members for the Council and the Commandant, U.S. Coast Guard, sent letters of appointment to the members listed in this document on November 12, 1971. Interested persons may request additional information concerning the September 12 and 13 meeting and other matters relating to the Boating Safety Advisory Council (pursuant to Executive Order 11671, section 9(3), dated June 5, 1972) from Capt. Forrest E. Stewart, Executive Director, Boating Safety Advisory Council, U.S. Coast Guard Headquarters (GBL/62), 400 Seventh Street SW., Washington, DC 20590 or by calling 202-426-1060.

Dated: August 3, 1972.

J. W. HUME,
Captain, U.S. Coast Guard,
Acting Chief, Office of Boating Safety.

[FR Doc.72-12357 Filed 8-7-72;8:50 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM-1, rule making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during July 1972:

Special permit No.	Issued to—subject	Mode or Modes of transportation
6637	Shippers registered with this Board to ship corrosive liquids, for which the DOT-34 container is prescribed in non-DOT specification reusable, molded polyethylene containers of 55 gallon capacity.	Highway, Rail.
6638	Shippers registered with this Board to ship flammable liquids, n.o.s. in non-DOT specification portable tanks constructed of Type 304 stainless steel.	Highway, Rail.
6639	Shippers registered with this Board to ship large quantities of fissile radioactive materials, n.o.s. in the U.S. Army Reactors Program MH-1A Shipping Cask.	Highway, Rail, and Water.
6641	Shippers registered with this Board to ship ethylene imine, inhibited in DOT Specification 105A100W tank cars.	Rail.
6643	Shippers registered with this Board to ship fissile radioactive materials, n.o.so including Type B and large quantities of radioactivity in 15-gallon size DOT-6M containers.	Highway, Rail, Passenger-carrying Aircraft and Cargo-only Aircraft.
6644	Explosives Corporation of America, Issaquah, Washington, to ship oxidizing materials, n.o.s. in polyethylene bags overpacked in a fiberboard box.	Highway, Rail.
6649	Shippers registered with this Board to ship large quantites of radioactive materials, special form in packaging identified as Model 520 (Husman Irradiator).	Highway.
6654	General Electric Co., San Jose, Calif., to make one shipment of flammable solid/radioactive material, otherwise described as sodium metallic and sodium/potassium alloy liquid in various non-DOT specification stainless steel vessels.	Highway.

ALAN I. ROBERTS,
Secretary.

[FR Doc.72-12373 Filed 8-7-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-27 to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. (the applicants) which authorizes the applicants to operate the Point Beach Nuclear Plant Unit No. 2 (facility), a pressurized water reactor, at power levels not to exceed 300 megawatts thermal (slightly less than 20 percent of the rated power level of 1,518 megawatts thermal). The facility is located in the town of Two Creeks, Manitowoc County, Wisc. The facility is designed for operation at approximately 1,518 megawatts thermal, but in accordance with the provisions of Amendment No. 2 to Facility Operating License No. DPR-27 and the Technical Specifications which were appended to Amendment No. 1 to the license and incorporated and made a part thereby, the applicants are authorized to operate the facility at power levels not to exceed 300 megawatts thermal (slightly less than 20 percent of the rated power level of the facility).

A notice of proposed issuance of a facility operating license for the facility was issued by the Commission on March 6, 1971 (36 F.R. 4518). The notice provided that within 30 days from the date of publication, any person whose interest might be affected by the issuance of the license could file a petition for leave to intervene in accordance with the requirements of 10 CPR Part 2, Rules of Practice. On April 5, 1971, a petition for leave to intervene and request for a hearing was jointly filed by Businessmen for the Public Interest, an Illinois not-for-profit corporation; the Sierra Club, a not-for-profit California corporation; and Protect our Wisconsin Environment Resources, an unincorporated association of residents of Two Creeks, Wis. By Commission Memorandum and Order dated May 6, 1971, the petition for leave to intervene and request for a hearing

was granted and a presiding Atomic Safety and Licensing Board was appointed. As of this date the matter of issuance of a full term, full power license is still pending before the Atomic Safety and Licensing Board.

On December 10, 1971, the applicants filed a motion requesting that the Atomic Safety and Licensing Board issue an order authorizing the Director of Regulation of the Commission to issue an amendment to Operating License DPR-27 authorizing operation of Point Beach Nuclear Plant Unit No. 2 at power levels not to exceed 300 megawatts thermal (slightly less than 20 percent of the facility's rated power level of 1,518 megawatts thermal). Under the Commission's regulations such a license amendment may be issued pending the completion of an ongoing NEPA environmental review of the full term, full power license, upon a showing that such licensing action will not have a significant adverse impact on the quality of the environment or after considering and balancing the factors described in section D.2 of Appendix D of 10 CFR Part 50 and upon satisfaction of the requirements of 10 CFR 50.57(c). Subsequently, the applicants and the Commission's staff presented information to the Board as to the environmental impact of such limited operation. On May 17, 1972, the Atomic Safety and Licensing Board issued an order authorizing the Director of Regulation to issue an amendment to Facility Operating License No. DPR-27 authorizing operation at steady state power levels not to exceed 300 megawatts thermal (slightly less than 20 percent of the rated power level of 1,518 megawatts thermal). This action was subsequently modified by the Atomic Safety and Licensing Appeal Board which in a Memorandum and Order dated May 25, 1972, only authorized issuance of a license amendment for operation at steady state power levels not to exceed 15 megawatts thermal (approximately 1 percent of rated power), and remanded the proceeding back to the Licensing Board for further hearings on the matter of issuance of a license to operate at 20 percent of power. This action by the Appeal Board was eventually affirmed by the Commission in a Memorandum and Order dated May 26, 1972.

Further hearings on the matter of issuance of a license for 20 percent of power were held on June 1-6, 1972.

On June 12, 1972, the Board in this proceeding issued a Memorandum and Order authorizing operation of the Point Beach Nuclear Plant, Unit No. 2, at power levels not to exceed 300 megawatts thermal (slightly less than 20 percent of the rated power level of the facility).

The Commission's regulatory staff has inspected the facility and has determined that, for proposed operation at 300 megawatts thermal, the facility has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-47. The applicants have satisfied the requests of 10 CFR Part 140.

The Commission's Director of Regulation has made the findings set forth in the license, and has concluded for the purposes of operation at 300 megawatts thermal that the application for construction permit and facility license, as amended, complies with the Atomic Energy Act, as amended, and the Commission's regulations in 10 CFR Chapter 1, that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public, and that in accordance with the requirements of Appendix D to 10 CFR Part 50, the operating license should be issued.

The license amendment is effective as of the date of issuance and shall expire on July 28, 1973 unless extended or superseded by a subsequent licensing action.

Copies of (1) the Memorandum and Order of the Atomic Safety and Licensing Board dated June 12, 1972, (2) Amendment No. 1 to Facility Operating License No. DPR-27, complete with Technical Specifications, (3) Facility Operating License No. DPR-27, complete with Technical Specifications, (4) the Safety Evaluation for the Point Beach Nuclear Plant Unit No. 1 and No. 2, dated July 15, 1970, and Addenda 1, 2, 3, and 4 thereto, dated March 24, 1971, May 1971, May 24, 1971 and November 2, 1971, respectively, (5) the report of the Advisory Committee on Reactor Safeguards on the Point Beach Nuclear Plant Units 1 and 2, dated April 16, 1970, (6) "Discussion and conclusions by the Division of Reactor Licensing, U.S. Atomic Energy Commission, pursuant to Appendix D of 10 CFR Part 50 supporting the issuance of a license to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. authorizing limited operation of the Point Beach Nuclear Plant, Unit 2, at power levels 300 megawatts thermal or less, Docket No. 50-301, dated February 4, 1972," are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the License Amendment, and items (2), (3), (5), and (6) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md. this 28th day of July 1972.

For the Atomic Energy Commission.

D. J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.72-12332 Filed 8-7-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 294]

CANADIAN BROADCAST STATIONS

Notification List

JULY 21, 1972.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna Height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		800 kHz							
CJBQ (correction to coordinates and height of towers).	Belleville, Ontario, N. 43° 58'08", W. 77°28'10".	10	DA-2	U	II				
		1340 kHz							
(New)	Sussex, New Brunswick, N. 45°44'00", W. 65°29'53".	0.25	ND-182.4	U	IV	140	120	294	E.I.0.7.21.73.
		1340 kHz							
CKFL (delete assignment immediately—VIDE: 1400 kHz).	Lac Megantic, Quebec, N. 45° 33'38", W. 70°53'30".	1D/0.25N	DA-D ND-N-190	U	IV				
		1400 kHz							
CKFL (now in operation).	Lac Megantic, Quebec, N. 45°33'38", W. 70°53'30".	1D/0.25N	ND-190	U	IV	183	120	222-293	
		1490 kHz							
CJOC-1 (assignment of call letters).	Coleman, Alberta, N. 49°37' 39", W. 114°27'59".	1D/0.25N	ND-236	U	IV	330	120 120	300 40	

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.72-12366 Filed 8-7-72;8:51 am]

FEDERAL MARITIME COMMISSION

A/S GOODWILL ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

David C. Nolan, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104

Agreement No. 9859 is a joint service agreement among A/S Goodwill on its own behalf and on behalf of Kommandittselskapet A/S Goodwill & Co., Det Bergenske Dampskibsselskab on its own behalf and on behalf of Kommandittselskapet Det Bergenske Dampskibsselskab Star Cruises and Det Nordenfjeldske Dampskibsselskab (which are designated as the principal parties) and Royal Viking Line A/S (which will manage the cruise service to be known as Royal Viking Line).

Each of the three principal parties will furnish a new passenger vessel to be operated to and between various ports in the world.

The stated purpose of the Agreement is to provide for and confirm basic cooperative arrangements among the principal parties towards the objective of coordinated management of their vessels in such cruise service and related activities.

The Agreement provides for, among other things, operation and management of the cruise service through Royal Viking Line A/S and Royal Viking Line, Inc. which is intended to become a subsidiary of Royal Viking Line A/S.

The principals agree to pool and share financial burdens and benefits of the venture details of which will be filed with this Commission.

The Agreement is to be valid through December 31, 1979, but provides for renewal and also for earlier termination.

Dated: August 3, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12414 Filed 8-7-72;8:55 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01011	Aktieselskabet Det Ostasiatiske Kompagni: Selandia.
01334	American President Lines, Ltd.: SS President Taft.
01439	Cory Maritime Ltd.: Waikiwi Pioneer.
01562	G. W. Gladders Towing Co. Inc.: Jean Gladders.
01605	d'Amico Societa Di Navigazione S.p.A.: Cielo Bianco.
01910	Deutsche Dampfschifffahrts-Gesellschaft "Hansa": Strahlenfels.
02038	Polskie Linie Oceaniczne: Zygmunt August. Wislica.
02150	Cook Inlet Tug and Barge Company: Annalee.
02168	D/SA/S Vestland: Sneland.
02202	Humble Oil & Refining Company: ESSO 108. ESSO 109.
02209	Flota Mercante Grancolombiana S.A.: Ciudad de Cali. Rio Amazonas.
02293	China Marine Investment Co., Ltd.: Liberty Retailer. Hongkong Gallantry.
02295	The Great Eastern Shipping Co. Ltd.: Jag Laadki.
02441	Quebec & Ontario Transportation Company, Limited: Thorold.
02471	P.N. Djakarta Lloyd: Hadji Agus Salim.
02602	Fyffes Group Limited: Manistee.
02716	Aktieselskabet det Dansk-Franske Dampskibsselskab: Zaire.
02832	Compania Trasatlantica Espanola, S.A.: Roncesvalles.
02858	Intermarine, Inc.: Fidelity.
02956	Ashland Oil, Inc.: M/G 10-A. M/G 10-B. M/G 10-C. M/G 10-D. M/G 11. Tracy. Governor. Grace. George. STC-2509. STC-2019. STC-2015. STC-2518.
03091	Universial Marine Corporation, Liberia: Pacific Conveyor.
03160	Libra Navigation Corporation: Nimar.
03294	Companhia de Navegacao Lloyd Brasileiro: Itaquatia.
03328	Mid-Ohio Towing Inc.: St. Louis Zephyr.
03363	Compania de Navegacion "Somerset" S.A.: Galicia.
03506	Taiheiyo Kaiun K.K.: Car Castle.
03520	Tokyo Shosen K.K.: Ryoyo Maru.
03637	P.A. Van Es & Co. N.V.: Breewijd.
03869	Silver Coast Shipping Company Ltd. of Cyprus: Silver Sky.
04004	Koninklijke Java-China-Paketvaart Lijnen N.V.: Straat Napier.
04170	Dillingham Corporation: HTB-36.
04173	Foss Launch & Tug Co.: Foss 91. Foss 101.
04196	Otto Candies, Inc.: OC-240. OC-187. OC-188. OC-189. OC-190. OC-191. OC-192. OC-193. OC-194. OC-195. OC-196. OC-197. OC-198.
04398	Hapag-Lloyd Aktiengesellschaft: Bremen Express. Hamburg Express.
04499	Junko Gyogyo Kabushiki Kaisha: Junkomaru No. 5.
04511	Showa Gyogyo Kabushiki Kaisha: Showamaru No. 12.
04612	O. F. Shearer & Sons, Inc.: James K. Ellis.
04670	Standard Products Company, Inc.: Atlantic Queen.
05033	Connecticut Towing, Inc. & Gasland, Inc.: Eileen T. New Haven.
05368	Kyowa Kaiun Kabushiki Kaisha: Wakashio Maru No. 32.
05372	Rowan Companies, Inc.: Drilling Tender Jack Cleverley. Drilling Tender Rowan I. Drilling Tender Rowan II. Rig. No. 4.

Certificate No.	Owner/Operator and Vessels
05494	Moore Terminal & Barge Co., Inc.: MTB 500. MTB 501.
05579	Black Sea Shipping Company: Tovarishch.
05636	Takashiremaru Kaiun Kabushiki Kaisha: Takashiro Maru No. 21.
05700	The Trans Oceanic Steamship Co. Ltd.: Ocean Endurance.
05848	Navimex, S.A.: Rio Frio.
05858	Interislands Shipping Co. Ltd.: Jade Islands.
06029	Associated Container Transportation Limited (Austrialia): ACT 1. ACT. 2.
06064	TMT Trailer Ferry, Inc.: TMT Fortaleza. TMT Jacksonville.
M-06133	General Dynamics Corporation: Vessels held for purposes of construction, scrapping or sale, but not including vessels over 100,000 gross tons.
06199	Naviera Del Sureste, S.A.: Cancun.
06248	Commercial Corportion "Sovrybflot": Mys Yarmak.
06314	Fuku Maru Gyogyo K.K.: Fuku Maru No. 38. Fuku Maru No. 18.
06322	Dilmun Navigation Co. Ltd.: Pacific Trader.
06566	Occidental Petroleum Corporation: 289.
06726	Bore Steamship Company: Hansa.
06727	Drys Shipping Corporation of Monrovia: Drys.
06903	Sun Shipbuilding and Dry Dock Company: Mobil Arctic.
06905	Condor Reederei: Inger.
06926	South Shipping Lines—Iran Line: Iran Mehr.
06946	Bath Iron Works Corporation: Yard hull No. 357. Yard hull No. 358. Yard hull No. 359.
06966	Seatrader Maritime Inc.: Ruthie Michaels.
06969	Waterfront Services Co.: Hines-6. Hines-7.
07003	Santa Fe-Pomeroy International Ltd.: Azteca.
07006	Aztamar De Centroamerica, S.A.: El Centroamericano.
07033	Heiner Braasch Kauffahrtei Reederi-gesellschaft MS "Hamburger Senator" KG., Lubeck: Hamburger Senator.
07040	Chemical Transportation Company: Marine Dow Chem.
07046	Plaza Shipping Corp.: Julie.
07050	Maxim Shipping Company Incorporated, Panama: Maritime Fortune.
07053	Tidewater-Raymond-Kiewit: Barge No. 146. T.B.E.C. No. 1. Mount Pleasant. Summerville. Barge F6A. Barge F6B.
07055	Ellodoxia Maritime Corporation: Anangel Ambition.
07059	Roscoe Shipping Company: World Apollo.
07062	Compania De Navigacione Malteza S.A.: Iatis.
07064	Pacific Overseas Tanker Service Inc.: Oriental Majesty.
07070	Channel Enterprises, Ltd.: La Belle Simone.
07071	Epidavros Shipping Co. Ltd.: Tagma.
07072	United Ram Corporation: Saas Grund.
07073	Seereederei Howaldt KG.: Edith Howaldt Russ.
07074	Hae Woi Industrial Co., Ltd.: St. Thomas No. 101. St. Thomas No. 102.
07076	Petrofina S.A.: Fina America. Fina Norvege. Fina Allemagne. Reine Fabiola.
07078	Kommanditgesellschaft Turmalin Schiffahrtsgesellschaft M.B.H. & Co.: Turmalin.
07080	Intermare Transport Limited: Aegis Stoic.
07081	Aurelia Maritime Company Limited: Aegis Wisdom.
07082	Sail Fisheries Co., Ltd.: Woojung No. 1. Woojung No. 2.
07083	Cisne Compania Naviera S.A.: Amvourgon.
07084	Controlled Explosives, Inc.: Clamshell Dredge No. 615.
07085	Ocean Search, Inc.: Alcoa Seaprobe.
07086	Siciloil Societa Di Navigazione S.p. A.: Luigi Esse.
07087	Arion Shipping Corporation: Arion.
07090	Western Trading Company Inc.: Cape Ann.
07093	Roal Shipping Co. S.A.: Kyriaki.
07094	Sky Ploutos Shipping Co. S.A.: Sea Bird.
07097	Gerani Compania Naviera S.A.: Demosthenes V.
07098	Gladiole Shipping Corporation S.A.: Eleni V.
07099	Jasmine Compania Naviera S.A.: Iosif V.
07100	Kaktus Compania Naviera S.A.: Neil Armstrong.
07101	Sunflower Shipping Company S.A.: Theodoros V.
07102	Agrambeli Compania de Navigation S.A.: Vardis V.
07104	Academy Trading Ltd.: Evelyn.
07105	Astrosureno Armadores, S.A.: Stolt Pacific.
07106	Lindinger Amber K/S: Lindinger Amber.
07114	Artemis Navigation Co., Ltd.: Suzeric.
07116	Jack W. Grigsby: M/V 225.
07117	Interessentskapet Byggenr. 101 Seutelven, Oslo: Leiv Eirlksson.
07118	Mingtai Navigation Co., Ltd.: Bright Hope.
07119	Armosy Corporation: Lattuga.
07120	A/S Octav: Saga Surf.
07122	Atheltemplar Tankers Company Limited: Anco Templar.
07124	Spetsai Shipping Company Limited: Lenio.
07126	Ramses Shipping A/S: Rubi Binti.
07128	Alagonia Compania Naviera S.A. of Panama: Ariadne.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12413 Filed 8-7-72;8:55 am]

LITTLE ROCK PORT AUTHORITY AND ATLANTIC & GULF STEVEDORES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by: Mr. Ross Mauney, Executive Director, Little Rock Port Authority, Lindsey Road at Arkansas River, Little Rock, AR 72206.

Agreement No. T-2669, between the Little Rock Port Authority (Port) and Atlantic & Gulf Stevedores, Inc. (A&G), provides for the 10-year lease to A&G of the Little Rock Port Terminal for operation by A&G as a public marine terminal

facility. As compensation, the Port is to receive rental based on a schedule of rates set forth in detail in the agreement subject to a minimum annual rental of $18,500 for the first 10 years. Any change in A&G's tariff will be subject to the Port's approval.

Dated: August 3, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12415 Filed 8-7-72;8:55 am]

FEDERAL RESERVE SYSTEM

FIDELITY AMERICAN BANKSHARES, INC.

Acquisition of Bank and Proposed Acquisition of Nonbanking Activities

Fidelity American Bankshares, Inc., Lynchburg, Va., 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)) of the indirect acquisition of voting shares of Citizens Bank and Trust Co. of Charlottesville, Charlottesville, Va., through acquisition of 90 percent or more of the voting shares of Citizens Commonwealth Corp., Charlottesville, Va., a one-bank holding company which owns all of the voting shares of Citizens Bank and Trust Co. of Charlottesville. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has also applied (in two separate applications as indicated below), pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to indirectly acquire voting shares of Citizens Mortgage Corp., Charlottesville, Va., and Blue Ridge Finance Corp., Crozet, Va., both of which are wholly-owned subsidiaries of Citizens Commonwealth Corp. Notice of the applications was published on July 13, 1972, in the Daily Progress, a newspaper circulated in Charlottesville, Va.

Applicant states that Citizens Mortgage Corp. would engage in the activities of making real estate and commercial loans for itself and for other institutional lenders, and of acting as agent in the sale of mortgage cancellation insurance. Applicant states that Blue Ridge Finance Corp. would engage in such consumer finance operations as are authorized under the Virginia Small Loan Act and to act as agent in the sale of credit life insurance. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposals filed pursuant to section 4(c)(8) can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 1, 1972.

Board of Governors of the Federal Reserve System, August 1, 1972.

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

[FR Doc.72-12304 Filed 8-7-72;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Formation of Bank Holding Company

First International Bancshares, Inc., Dallas, Tex., 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 acquisition of 100 percent of the voting shares (less directors' qualifying shares) of First National Bank in Dallas, Dallas, Tex., and Houston-Citizens Bank and Trust Co., Houston, Tex. In addition, Applicant will become the indirect owner of 6.67 percent of the voting shares of First Alief Bank, Alief, Tex., as well as between 10.6 percent and 24.9 percent of the voting shares of the following commercial banks in the Dallas metropolitan area: American Bank and Trust Co.; Citizens State Bank; The Dallas County State Bank; De Soto State Bank; East Dallas Bank & Trust Co.; First National Bank of Richardson; Grove State Bank; North Dallas Bank and Trust Co.; North Park National Bank; Park Cities Bank and Trust Co.; Southwest Bank and Trust Co.; Texas National Bank; White Rock National Bank; and South Oak Cliff Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 25, 1972.

Board of Governors of the Federal Reserve System, July 31, 1972.

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

[FR Doc.72-12305 Filed 8-7-72;8:45 am]

NCNB CORP.

Order Approving Acquisition of C. Douglas Wilson & Co., Inc.

NCNB Corp., Charlotte, N.C., a bank holding company within the meaning of the Bank Holding Company Act, 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 C. Douglas Wilson & Co., Inc., Greenville, S.C., a company that engages in the activity of mortgage banking. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (37 F.R. 1427). The time for filing comments and views has expired, and none has been timely received.

Applicant controls the North Carolina National Bank (Bank), the second largest bank in North Carolina, and nonbanking subsidiaries engaged principally in installment loan financing, factoring, mortgage banking, and furnishing investment advice. Bank's deposits of $1.5 billion[1] represent 18.5 percent of the total commercial bank deposits in the State. Through its mortgage banking subsidiary, NCNB Mortgage Corp., Applicant offers a complete line of mortgage banking services in North Carolina. However, NCNB Mortgage Corp. has no offices in South Carolina and substantially all of its servicing portfolio of $186.1 million[2] represents mortgages originated in the State of North Carolina.

C. Douglas Wilson & Co., Inc. (Wilson), engages in the origination and servicing of all types of mortgage loans throughout South Carolina. However, it obtains the majority of its business in 18 counties in close proximity to its six offices in that State. Of Wilson's total mortgage originations of $29.6 million in 1970, over 75 percent were secured by residential property. Wilson competes for these mortgage originations with a number of savings and loan associations, other mortgage banking companies, and commercial banks in each of the local markets in which it maintains offices, including both South Carolina based firms and firms headquartered in other States. The record indicates that Wilson is a strong but not a dominant competitor in South Carolina mortgage markets, and that the demand for mortgage funds in the State may be expected to rise significantly. Between 1967 and 1970, new housing unit authorizations increased by 40.4 percent

[1] Data as of December 31, 1971.
[2] Data as of June 30, 1971.

in the State, compared to a national increase of 18.4 percent.[3]

The proposed acquisition would not result in any elimination of existing competition between NCNB Mortgage Corp. and Wilson in the residential mortgage market on one–four family homes or in the servicing of mortgages for the public. While the two institutions might on occasion be approached to make construction loans or loans on new income producing properties in the other's markets, there is no significant existing competition between them in either of these product markets.

Applicant's capability for de novo entry into local mortgage markets in South Carolina is limited partially by its lack of personnel who are experienced in those markets. Consummation of the proposed acquisition eliminates the possibility of future competition between the two firms. However, because of numerous other mortgage companies and other financial institutions which both originate and service mortgages in South Carolina, the market is sufficiently unconcentrated to allow approval of the instant proposal without a substantial lessening of future competition.

South Carolina's need for an increasing supply of mortgage funds, including financing of large-scale developments, seems clear. The State's urban population increased by approximately 25 percent between the period 1960–1970, and is expected to maintain this rate during the next decade. Consummation of the proposed acquisition would provide Wilson with access to financial and other resources of Applicant that would enable Wilson to provide more effectively for these needs, and at the same time enable it to compete more effectively for large commercial and construction loans in the State. The resulting benefits in terms of public needs and convenience, and increased competition would, in the Board's judgment, outweigh any possible adverse effect on competition.

In its consideration of the application, the Board noted that Applicant has substantial short-term debt, utilized to carry receivables of nonbank subsidiaries. In addition, long-term debt has been used for purchasing capital notes of Bank and for other long-term investments; as a consequence, the resulting debt level is relatively high in relation to other bank holding companies. Debt of Applicant's nonbank subsidiaries appears to be reasonably comparable to that of other similar businesses, and reasonably supportable without dependence upon the prestige or resources of Bank. The Board believes it essential that bank holding companies and their nonbank subsidiaries be soundly financed so that they will, if anything, be in a position to add to the strength of their affiliated banks and in no way dilute or "trade on" that banking strength.

In this, as in every application, the Board looks to the quality of management of the holding company itself, as well as to its banking and nonbanking subsidiaries. Applicant and its subsidiaries are considered capably managed and appear able to operate satisfactorily with the level of the holding company's debt.

The Board notes further that the instant proposal involves an exchange of stock rather than a stock purchase; that Applicant's existing debt level will not be increased materially; that the earnings record of Wilson has reasonably provided for debt servicing; and that prospects are good for continued favorable earnings under Applicant's control. The Board concludes that the acquisition of Wilson will not place additional demands on Applicant's earnings or adversely affect Applicant's financial condition in any manner. Under these circumstances, the Board concludes that financial factors are consistent with approval.

Based on the foregoing and other considerations reflected in the record,[4] 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,[5] effective August 1, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12306 Filed 8-7-72;8:45 am]

[4] 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 Richmond.

[5] Voting for this action: Chairman Burns and Governors Sheehan and Bucher. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governors Mitchell and Daane.

[3] New Housing Units Authorized in South Carolina and the United States, 1967–1970*

	1967		1968		1969		1970		Percent change 1967–70	
	S.C.	U.S.	S.C.	U.S.	S.C.	U.S.	S.C.	U.S.	S.C.	U.S.
Number of units (000's)	15.6	1,168.6	16.2	1,387.8	16.8	1,352.4	21.9	1,384.0	40.4	18.4
Value of units ($ millions)	18.4	15,367	19.6	18,799	21.9	19,045	26.7	19,664	45.1	28.0

*Based on local building permits issued in 13,000 places. The data exclude hotels, motels, and other groud residential structures.
Source: Bureau of the Census, Construction Reports, Series C-40.

NCNB CORP.

Order Approving Acquisition of Trust Company of Florida

NCNB Corp., Charlotte, N.C., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Trust Company of Florida (Trust), Orlando, Fla., a company that engages in the activities performed or carried on by a trust company in the manner authorized by State law, but not the acceptance of demand deposits. Such activity has been determined by the Board to be closely related to the business of banking or managing or controlling banks (12 CFR 225.4(a)(4)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 F.R. 7272). The time for filing comments and views has expired, and none have been timely received.

Trust, which administered total trust assets of approximately $35 million as of December 31, 1971, operates its sole office in Orlando, and primarily serves Orange and all but the northern portion of Seminole Counties. With 7.3 percent of the total trust assets held by institutions in the area, Trust is the fourth largest of seven corporate fiduciaries in that area and does not appear to be dominant.

North Carolina National Bank (Bank), a subsidiary of Applicant, engages, among other things, in a fiduciary business. Bank is located in Charlotte, N.C., and does not solicit trust business in the State of Florida. Bank's only trust business originating in Trust's service area is as trustee under a bond indenture for which it receives an annual fee of $250. Bank also does a nominal amount of trust business with former residents of North Carolina who, subsequent to the establishment of fiduciary relationships with Bank, moved into Trust's service area. Bullock-NCNB Co., the only other subsidiary of Applicant which performs services that are performed by trust companies, provides investment advisory and management services principally for pension and profit-sharing plans and tax-exempt institutional and endowment funds; it derives no business from Trust's service area. Nor does Trust derive any business from the service area of any subsidiary of Applicant. It therefore does not appear that any significant existing competition will be eliminated by consummation of the proposed acquisition. Nor does it appear that consummation would have any adverse effect on potential competition in that a recently enacted Florida statute, inapplicable to the transaction proposed in this case, appears to prohibit the acquisition or ownership of Florida trust companies by out-of-State corporations.

There is no evidence in the record indicating that consummation of the

proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest. On the other hand, consummation of the proposal would enhance Trust's ability to offer a broadened range of fiduciary and trust-related services to the residents of the Orlando area by providing Trust with investment research and portfolio management services, computer services, and marketing materials. Consequently, Trust would be better able to serve the public and to compete more effectively with the three larger trust departments of commercial bank subsidiaries of Florida holding companies which together hold approximately 80 percent of the total trust assets in the area.

The Board also concludes for reasons evident from its order of this date approving Applicant's acquisition of shares of C. Douglas Wilson & Co., Inc., Greenville, S.C., that financial factors are consistent with approval.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. 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 evasion thereof.

By order of the Board of Governors,[3] effective August 1, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12307 Filed 8-7-72;8:46 am]

RIBSO, INC.

Order Approving Acquisition of Bank

Ribso, Inc., Rock Island, Ill., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to retain ownership of 2.276 percent of the voting shares of Rock Island Bank and Trust Co., Rock Island, Ill. (Bank).[1]

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)).

As a result of the enactment of the 1970 amendments to the Bank Holding Company Act, Applicant became a bank holding company by operation of law on December 31, 1970, because it then owned 23.1 percent of the voting shares of Bank and controlled the election of a majority of Bank's directors. Subsequently, during the first 6 months of 1971, Applicant acquired an additional 2.276 percent of the voting shares of Bank without the prior approval of the Board as required by section 3(a)(3) of the Act. The proposal herein is for the Board's approval to retain the shares so acquired.

Applicant, organized in 1955, is principally engaged in the ownership of shares of Bank and Bank's premises, and has no other banking subsidiaries. Bank ($59.1 million deposits) is the second largest of three banks in Rock Island, a community 160 miles west of Chicago. (Banking data are as of December 31, 1971.) Approval of Applicant's proposal would not result in the elimination of either existing or potential competition, nor does it appear that there would be any adverse effects on any bank in the area.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval of the application. Approval of the proposal would have no effect on convenience and needs of the community. It is the Board's judgment that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.

By order of the Board of Governors,[2] effective August 1, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12308 Filed 8-7-72;8:46 am]

THIRD NATIONAL CORP.

Proposed Acquisition of Friendly Finance, Inc.

Third National Corp., Nashville, Tenn., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Friendly Finance, Inc., Paducah, Ky. Notice of the application was published in newspapers of general circulation in each of the 19 communities in Kentucky, Tennessee, Mississippi, and Oklahoma, in which Friendly Finance, Inc. maintains offices.

Applicant states that the proposed subsidiary would engage in the activities of making installment loans direct to borrowers and discounting installment notes receivable issued to dealers by purchasers and acting as insurance agent or broker in selling insurance to borrowers from such finance subsidiaries, to include credit life, accident and health, and property damage insurance for collateral supporting loans made by such finance subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 30, 1972.

Board of Governors of the Federal Reserve System, July 31, 1972.

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

[FR Doc.72-12309 Filed 8-7-72;8:46 am]

TWIN CITY CORP.

Formation of Bank Holding Company and Proposed Acquisition of Twin City Financial Services, Inc.

Twin City Corp., Kansas City, 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 direct acquisition of 75.37 percent and, through a proposed nonbanking subsidiary described below, an indirect acquisition of 4.69 percent of the voting shares of the Twin-City State Bank, Kansas City, Kans. The factors that are considered in acting on the ap-

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Voting against this action: Governor Robertson, who dissents from this order for reasons enumerated in his Statement dissenting from the Board's Order of December 7, 1971, approving the acquisition of Security Trust Company, Miami, Fla., by Nortrust Corp., Chicago, Ill. (58 Federal Reserve Bulletin 67 (1972)). Absent and not voting: Governors Mitchell and Daane.

[1] On June 22, 1971, the Board ordered that any company which acquired an interest in a bank between December 31, 1970, and June 22, 1971, without first securing prior Board approval because of lack of knowledge of that requirement might file for such approval by August 31, 1971, unless such time was extended for good cause. The application herein was filed pursuant to the Board's June 22, 1971, order.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

plication are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Twin City Corp., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Twin City Financial Services, Inc., Kansas City, Kans. (Twin City Financial Services, Inc., owns 4.69 percent of Twin-City State Bank.) Notice of the application was published on June 17, 1972, in the Kansas City Times, a newspaper circulated in Kansas City Kans.

Applicant states that the proposed subsidiary would engage in the activities of: (1) Acting as agent for the sale of property, casualty and surety insurance for Twin City Corp., and its subsidiaries; (2) acting as agent for the sale of life, disability, and hospital insurance, a portion of the premiums of which are paid by Twin City Corp. or its subsidiaries, for the protection of employees of Twin City Corp. and its subsidiaries; and (3) acting as agent for the sale of credit life, credit accident, and health insurance on borrowers who have been extended credit by bank or bank related firms.

Applicant states that these activities are consistent with the activities specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views on these applications or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 28, 1972.

Board of Governors of the Federal Reserve System, July 26, 1972.

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

[FR Doc.72-12310 Filed 8-7-72;8:46 am]

GENERAL SERVICES ADMINISTRATION

AUTOMOTIVE, SEDANS AND STATION WAGONS, LIGHT TRUCKS

Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with the following specifications and standards:

Int. Fed Spec. KKK-A-00811L, automobiles, sedans.

Int. Fed. Spec. KKK-A-00850J, automobiles, station wagons.

Int. Fed. Std. No. 00122M, automobiles, sedans and station wagons (gasoline engine-powered, rear-wheel drive).

Int. Fed. Spec. KKK-T-00723H, truck, commercial 4 x 2, 3,000 to 10,000 pounds g.v.w.r. (gasoline engine-powered).

Int. Fed. Std. No. 00307A, trucks, commercial 4 x 2, 3,000 to 10,000 pounds g.v.w.r. (gasoline engine-powered, rear-wheel driven).

Int. Fed. Spec. KKK-T-00645F, truck, commercial 4 x 4, 3,000 to 10,000 pounds g.v.w.r. (gasoline engine-powered).

Int. Fed. Std. No. 00292B, trucks, commercial 4 x 4, 3,000 to 10,000 pounds g.v.w.r. (gasoline engine-powered, 4-wheel driven).

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specification to: (1) Promote mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) enhance the quality of the products shipped to the Government. It will be open to all those in the private sector who have an interest or concern for these matters and all other Government departments or agencies having an interest therein are also invited to send their representatives.

The conference will be held on August 17-18, 1972, at 11 a.m., Room 513, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, Va. Anyone who wants to attend or desires further information should contact Mr. Carl M. Medved, General Services Administration, Federal Supply Service, at telephone number (Area Code 703) 557-7874 or write General Services Administration, Federal Supply Service (FMA), Washington, D.C. 20406.

Issued in Washington, D.C., on July 28, 1972.

L. E. SPANGLER,
Acting Commissioner.

[FR Doc.72-12334 Filed 8-7-72;8:48 am]

NATIONAL LABOR RELATIONS BOARD

ORGANIZATION AND FUNCTIONS

The National Labor Relations Board is amending its organization and functions as follows:

PART 201—DESCRIPTION OF ORGANIZATION

SUBPART A—DESCRIPTION OF CENTRAL ORGANIZATION

Section 202 is amended to read as follows:

SEC. 202 *The General Counsel.* The General Counsel is appointed by the President, with the approval of the Senate, for a term of 4 years. He derives specific authority for some of his functions from the provisions of section 3(d) of the National Labor Relations Act, as amended, and derives certain other authority by delegation from the Board (20 F.R. 2175, as amended at 23 F.R. 6966, 24 F.R. 666, and 26 F.R. 3911). By virtue of these combined authorities, the General Counsel exercises general supervision over attorneys employed by the Board (other than trial examiners, legal assistants to Board Members, the Executive Secretary, and the Solicitor), and over the officers and employees in the regional offices. He has final authority, on behalf of the Board, in respect to the investigation of charges and issuance of complaints under section 10, and in respect to the prosecution of such complaints before the Board. He prosecutes, on behalf of the Board, injunction proceedings pursuant to section 10(e) and 10(j) of the Act. He handles U.S. Courts of Appeals proceedings to enforce or review Board orders, other miscellaneous court litigation, and efforts to obtain compliance with Board orders. He is responsible for the processing by field personnel of representation petitions under section 9 of the Act and jurisdictional dispute cases under section 10(k), and in the conduct of employee referenda under sections 209(b) and 203(c) of the Labor Management Relations Act, 1947.

The Deputy General Counsel is vested with the authority to speak and act for the General Counsel in all phases of his responsibility to the full extent permitted by law, and he is responsible for overall coordination of the General Counsel's organization. References to the General Counsel hereinafter may refer to the General Counsel and Deputy General Counsel collectively.

SEC. 202.1 *The General Counsel's Washington staff.* The General Counsel's Washington staff, reporting to the General Counsel and the Deputy General Counsel, consists of four main divisions: Division of Operations Management, Division of Advice, Division of Enforcement

Litigation, and Division of Administration.

SEC. 202.1.1 *Division of Operations Management.* The Associate General Counsel for Operations Management assists in the coordination and integration of all operations in Washington and of Washington operations with the field offices. He develops systematic methods for the integration of case processing activities in all field and Washington operational units and for the implementation of General Counsel and Board policies, including time and quality standards for case processing at all stages. He is responsible for continuing liaison with field offices and for supervising and coordinating both substantive and administrative phases of their operations.

SEC. 202.1.2 *Division of Advice.* The Associate General Counsel for Advice is responsible for legal research and analysis on broad areas of labor law administration, and for legal advice to regional directors on all issues arising in the administration of the Act, including questions involving mandatory or discretionary injunction proceedings which are coordinated with the Special Counsel to the General Counsel for Priority Injunction Litigation. He is also responsible for legal information retrieval systems and for analyses and digest to be used by both the agency staff and the public.

SEC. 202.1.3 *Division of Enforcement Litigation.* The Associate General Counsel for Enforcement Litigation is responsible for all the agency's litigation in the U.S. Courts of Appeals and the Supreme Court of the United States, whether within the General Counsel's statutory authorization or delegated by the Board, including contempt litigation and enforcement and review of Decisions and Orders of the Board, and is also responsible for miscellaneous litigation in Federal and State courts to protect the agency's processes and functions.

The Office of Appeals is another principal part of the Division of Enforcement Litigation. This office reviews appeals from regional directors' refusals to issue complaints in unfair labor practice cases and recommends the action to be taken thereon by the General Counsel. Pursuant to request, the director of the office may also hear informal oral presentations in Washington of argument by counsel or other representatives of the parties in support of, or in opposition to, the appeals.

SEC. 202.1.4 *Division of Administration.* The Director of Administration is responsible generally for the administrative management, service, and fiscal functions of the General Counsel. His activities are carried out with the assistance of branches dealing with personnel, budget, finance, general services, organization and methods, and administrative statistics. These functions are also performed in behalf of the Board and its members.

This change is pursuant to a reorganization effective July 23, 1972.

SUBPART B—DESCRIPTION OF FIELD ORGANIZATION

Areas served by Regional and Subregional Offices: Region 9 is corrected to read as follows:

Region 9. Cincinnati, Ohio 45202, Room 2407, Federal Office Building, 550 Main Street. In Ohio, services Adams, Athens, Brown, Butler, Clark, Clermont, Clinton, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Lawrence, Madison, Meigs, Monroe, Montgomery, Morgan, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Vinton, Warren, and Washington Counties; services all counties in Kentucky except Daviess and Henderson; in Indiana, services Clark, Dearborn, and Floyd Counties; and in West Virginia, services Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pleasants, Putnam, Raleigh, Ritchie, Roane, Summers, Tyler, Wayne, Wirt, Wood, and Wyoming Counties.

[SEAL] GEORGE A. LEET,
Associate Executive Secretary.

[FR Doc.72-12359 Filed 8-7-72;8:50 am]

OFFICE OF EMERGENCY PREPAREDNESS

MINNESOTA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on August 1, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Minnesota from severe storms and flooding, beginning about July 21, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Minnesota. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Robert E. Connor, Regional Director, OEP Region 5, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Minnesota to have been adversely affected by this declared major disaster:

The Counties of:

Aitkin.	Mille Lacs.
Carlton.	Morrison.
Crow Wing.	Otter Tail.
Douglas.	Pine.
Isanti.	Todd.
Kanabec.	

Dated: August 2, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-12368 Filed 8-7-72;8:52 am]

TARIFF COMMISSION

[TEA-I-EX-8]

INCREASED TARIFFS ON CERTAIN PIANOS

Notice of Investigation and Hearing Regarding Probable Effect of Termination

Investigation instituted. On August 2, 1972, the U.S. Tariff Commission, upon a petition filed on behalf of the National Piano Manufacturers Association, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to pianos (including player pianos, whether or not with keyboards) except grand pianos, of the kinds described in item 924.00 in part 2A of the Appendix to the Tariff Schedules of the United States.

Increased rates of duty were imposed by Presidential proclamation upon imports of the above described pianos in 1970 following an industry investigation by the Tariff Commission under section 301(b)(1) of the Trade Expansion Act of 1962.

The Commission's function under section 351(d)(3) is to advise the President of its judgment as to the probable economic effect that a termination of these rates would have on the industry concerned.

Public hearing ordered. A public hearing in connection with this investigation will be held at 10 a.m., e.s.t., on October 31, 1972, in the hearing room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: August 3, 1972.

By order of the Commission.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.72-12399 Filed 8-7-72;8:53 am]

DEPARTMENT OF LABOR

Office of the Secretary

MINNESOTA

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Emmet J. Cushing, Commissioner of the Minnesota Department of Manpower Services, has determined that there was a State "off" indicator in Minnesota for the week ending June 17, 1972 and that an extended benefit period terminated in the State with the week ending July 8, 1972.

Signed at Washington, D.C., this 2d day of August 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-12343 Filed 8-7-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 47]

ASSIGNMENT OF HEARINGS

AUGUST 3, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 112989 Sub 22, West Coast Truck Lines, Inc., now assigned September 12, 1972, at Seattle, Wash., is postponed indefinitely.

MC-97394-11, Bowling Green Express, Inc., now assigned continued hearing October 2, 1972 (3 days) at Cave City, Ky., in a hearing room to be dater designated.

I&S No. 8676, Penn Central Passenger Fares, between New York, N.Y. and New Jersey, now assigned August 28, 1972, will be held in Room E-2222, 26 Federal Plaza, New York, NY.

MC 107012 Sub 152, North American Van Lines, Inc., now being assigned September 25, 1972 (1 week), at Salt Lake City, Utah, in a hearing room to be later designated.

MC-F-11372, Roadway Express, Inc.—control and merger—Poole Transfer, Inc., now being assigned hearing October 30, 1972 (1 week), at Chicago, Ill., in a hearing room to be later designatd.

MC 112989 Sub 23, West Coast Truck Lines, Inc., now being assigned hearing November 6, 1972, at Portland, Oreg., in a hearing room to be later designated.

MC 108053 Sub 113, Little Audrey's Transportation Co., Inc., now being assigned hearing November 13, 1972 (1 week), at Seattle, Wash., in a hearing room to be later designated.

MC 134082 Sub 6, K. H. Transport, Inc., now assigned August 8, 1972, at Washington, D.C., postponed indefinitely.

MC-116073 Subs 86, 87, and 98, Barrett Mobile Home Transport, Inc., now being assigned hearing October 2, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119991 Sub 3, Young Transport, Inc., MC 135407 Sub 1, Tri-State Air-Freight, Inc., now assigned September 27, 1972, MC 115841 Sub 413, Colonial Refrigerated Transportation, Inc., now assigned September 28, 1972, MC 106644 Sub 133, Superior Trucking Co., Inc., MC 128273 Sub 123, Midwestern Express, Inc., now assigned October 4, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124211 Sub 211, Hilt Truck Line, Inc., now being assigned hearing October 10, 1972 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC-F-11529, Refrigerated Foods, Inc.—control—Kodiak Refrigerated Lines, Inc., now being assigned hearing October 12, 1972 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC-F-11445, Ashworth Transfer, Inc.—purchase—Westates Transportation Co., and MC 1872 Sub 78, Ashworth Transfer, Inc., now being assigned hearing October 16, 1972 (1 week), at Phoenix, Ariz., in a hearing room to be later designated.

W-497 Sub 7, United States Lines, Inc.—extension—Norfolk, Va., continued to September 19, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11534, Associated Freight Lines—control—Best-Way Transportation, MC 112123 Sub 7, Best-Way Transportation, MC-F-11602, Associated Freight Lines—purchase (portion)—Doudell Trucking Co., MC 112123 Sub 8, Best-Way Transportation, now being assigned October 10, 1972 (2 weeks), at Phoenix, Ariz., in hearing rooms to be later designated.

MC 124211 Sub 197, Hilt Truck Line, Inc., now being assigned October 2, 1972 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-C-7723, Bulk Haulers, Inc.-V-Central Transport, Inc., now assigned September 26, 1972, at Raleigh, N.C., advanced to August 29, 1972, at the North Carolina Utility Commission, Ruffin Building, 1 West Morgan Street, Raleigh, N.C.

MC 133095 Sub 8, Texas-Continental Express, Inc., now assigned August 10, 1972, at Washington, D.C., is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12393 Filed 8-7-72;8:52 am]

[Notice 48]

ASSIGNMENT OF HEARINGS

AUGUST 3, 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.

CORRECTION

MC 135461 Sub 2, M B Interstate, Inc., now assigned August 15, 1972 (2 days), at Portland, Oreg., in Room 401, Multnomah Building, 319 Southwest Pine Street, Portland, OR (title added).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12394 Filed 8-7-72;8:53 am]

[Ex Parte No. 241; Rule 19; Exemption 1]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that the Bangor and Aroostook Railroad Co. has declared that its supply of refrigerator cars, bearing reporting marks BAR and having mechanical designations RB-RBLH, and RS, as published in the official Railway Equipment Register, I.C.C.R.E.R. No. 383, issued by E. J. McFarland, or successive issues thereof, is adequate, and requests that such cars be made exempt from the provisions of Car Service Rules 1 and 2.

It is hereby ordered, That under authority vested in me by Car Service Rule 19, such cars be exempt from the provisions of Car Service Rules 1 and 2; and

It is further ordered, That such cars, when empty, be handled in accordance with instructions issued by the Bangor and Aroostook Railroad Co.

Effective July 3, 1972, and to remain in effect until further order of the Commission.

Issued at Washington, D.C., June 30, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12376 Filed 8-7-72;8:51 am]

[Ex Parte No. 241; Rule 19; Exemption 1, Revised]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing that the following railroads have declared that their supplies of refrigerator cars described in the Of-

ficial Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having the reporting marks and mechanical designations shown herein, are adequate and request that such cars be made exempt from the provisions of Car Service Rules 1 and 2.

Bangor and Aroostook Railroad Co., Reporting marks—BAR, Mechanical Designations—RB, RBLH, RS.

The San Luis Central Railroad Co.,[1] Reporting marks—SLC, Mechanical Designation—RS.

It is hereby ordered, That under authority vested in me by Car Service Rule 19, such cars be exempt from the provisions of Car Service Rules 1 and 2; and

It is further ordered, That such cars, when empty, be handled in accordance with instructions issued by the car owners.

Effective July 20, 1972, and to remain in effect until further order of the Commission.

Issued at Washington, D.C., July 20, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12377 Filed 8-7-72; 8:51 am]

[Ex Parte No. 241; Rule 19; Exemption 2]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that special-type freight cars bearing railroad reporting marks and having mechanical designations XL, XLI, XLIH, XP, XPI, XR, RBL, RPL, GBC, GBR, GBS, GBSR, GDC, GDS, GSC, GSS, GSSR, GTC, GTS, GTCR, FA, FC, FCS, FMS, LB, LC, LF, LFA, LFR, LG, LM, LP, LRC, LS, and LU, as identified in the Official Railway Equipment Register, I.C.C. R.E.R. 383, issued by E. J. McFarland, or successive issues thereof, which are not assigned to the exclusive use of a designated shipper, are handled, when empty, subject to the instructions of the car owner.

It is ordered, That under authority vested in me by Car Service Rule 19, such cars be exempt from the provisions of Car Service Rules 1 and 2; and

It is further ordered, That all movements of such cars, whether loaded or empty, shall be on standard form waybills; that a copy of all waybills authorizing movements of such cars, whether loaded or empty, shall be preserved at each station responsible for preparing waybills covering such cars; and that each such waybill and station waybill copy shall be endorsed "Unassigned Special-type Car ICC Exemption No. 2 (CSD No. 150)."

Effective July 3, 1972, and continuing in effect until further order of this Commission.

---

[1] Addition.

Issued at Washington, D.C., June 30, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc. 72-12378 Filed 8-7-72;8:51 am]

[Ex Parte No. 241; Rule 19; Exemption 3]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that there are regular movements of traffic from Canadian origins routed into the United States via junctions west of Lake Superior destined to points on the following railroads:

The Baltimore and Ohio Railroad Co.
The Chesapeake and Ohio Railway Co.
Erie Lackawanna Railroad Co.
Norfolk and Western Railway Co.
Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees;

that the empty return, under Car Service Rule 2, to the Canadian National Railways or to the CP Rail of plain boxcars bearing reporting marks CN or CP and having mechanical designation XM as described in the Official Railway Equipment Register, I.C.C. R.E.R. 383, issued by E. J. McFarland, or successive issues thereof, results in serious dislocations of the car supplies and excessive empty car mileage on the Canadian lines to relocate equipment in loading territory.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars of mechanical designation XM bearing reporting marks CN or CP that have been loaded with freight originating in Canada and that have been received in road-haul movement by railroads named in group (1) above from any of the carriers named in group (2) below, shall be exempt from the provisions of paragraphs (c) and (d) of Car Service Rule 2.

The Alton & Southern Railway Co.
The Atchison, Topeka and Santa Fe Railway Co.
The Baltimore and Ohio Chicago Terminal Railroad Co.
The Belt Railway Co. of Chicago.
Burlington Northern Inc.
Chicago & Eastern Illinois Railroad Co.
Chicago & Illinois Midland Railway Co.
Chicago and North Western Railway Co.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
The Chicago River and Indiana Railroad Co.
Chicago, Rock Island and Pacific Railroad Co.
Des Moines Union Railway Co.
Elgin, Joliet and Eastern Railway Co.
Gulf, Mobile and Ohio Railroad Co.
Illinois Central Railroad Co.
Illinois Terminal Railroad Co.
Indiana Harbor Belt Railroad Co.
Indiana Northern Railway
Kansas City Terminal Railway Co.
Peoria and Pekin Union Railway Co.
Peoria Terminal Co.
Terminal Railroad Association of St. Louis.
Toledo, Peoria & Western Railroad Co.
Union Pacific Railroad Co.

It is further ordered, That if proper loading is not available, such cars may be returned empty by the railroads named in group (1) to the railroads named in group (2) for return to the Canadian railroads via reverse of the loaded route;

It is further ordered, That railroads invoking the provisions of this order must prepare a nonrevenue form waybill to accompany the car, showing all routing, including all junctions to and including the junction where the car left the owner's rails under original load. The nonrevenue waybill must be endorsed:

Authority ICC Exemption No. 3 (SCO No. 36).

And it is further ordered, That a copy of such nonrevenue waybill, bearing all required routing, junctions, and the endorsement, must be retained in the office issuing the waybill authorizing the empty return movement.

Effective July 3, 1972, and continuing in effect until further order of the Commission.

Issued at Washington, D.C., June 30, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12379 Filed 8-7-72;8:51 am]

[Ex Parte No. 241; Rule 19; Exemption 4]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that there are regular movements of traffic from Mexican origins into the United States that move within the United States under authority of bills of lading issued by U.S. railroads at the Mexican border points of entry; that the U.S. railroads have no control over the selection of cars which are utilized for loading at the various points of origin within Mexico; that compliance with Car Service Rules 1 and 2 by the U.S. carriers issuing such bills of lading at Mexican border points of entry would require the transfer of lading from many of these cars into other cars of proper ownership; and that such transfers of lading would result in substantial delays to the shipments and would place severe economic burdens upon the shippers and carriers of freight imported from Mexico.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, cars containing freight imported from Mexico and moving under bills of lading issued by U.S. railroads at the Mexican border points of entry and not unloaded at such points of entry shall be exempt from the provisions of Car Service Rules 1 and 2;

It is further ordered, That all bills of lading and waybills issued by the United

States railroads at Mexican border points of entry authorizing movement within the United States of freight imported from Mexico, and not unloaded at such points of entry shall be endorsed:

Import freight. Exemption No. 4

Effective July 6, 1972, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 6, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.72-12380 Filed 8-7-72;8:51 am]

[Ex Parte No. 241; Rule 19; Exemption 5]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that there are substantial movements of traffic in intra-terminal and inter-terminal switching service at various points served by two or more carriers; that many such switching movements originate on the lines of switching and terminal carriers which own no freight cars; that compliance with Car Service Rule 1 by switching and terminal companies when furnishing cars for intra-terminal and inter-terminal switching services would result in excessive delays to the shipments and, in some instances, would effectively prevent such shipments, and would place severe economic burdens upon the shippers served by the switching and terminal companies.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, cars containing intra-terminal or inter-terminal shipments, as defined in the applicable freight tariffs, loaded on the lines of switching and terminal railroad companies shall be exempt from the provisions of Car Service Rule 1.

Effective July 13, 1972, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 13, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12381 Filed 8-7-72;8:51 am]

[Ex Parte No. 241; Rule 19; Exemption 6]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that railroads and shippers are uncertain of the application of Car Service Rules 1 and 2 to cars furnished by the owner for loading by shippers served by two or more railroads; or by shippers served by short lines dependent upon their trunk line connections for their car supplies; that such uncertainties result in delays to shipments pending determination of the proper application of Car Service Rules 1 and 2 to the particular shipments held; that such delays cause economic burdens upon shippers and unnecessary loss of car days.

It is ordered, Pursuant to the authority vested in me by Car Service Rule 19:

(a) That empty cars furnished by the owner for loading by industries served by two or more railroads, and empty cars furnished by the owner to another carrier for placement at industries located within the same switching or station limits, may be loaded via any carrier serving that station or switching district. Such cars shall be exempt from the provisions of Car Service Rule 1(a).

(b) That empty cars furnished by the owner to dependent short lines with which it had direct connections, for loading by industries on such short lines, may be loaded via any line having a direct connection with such dependent short lines. Such cars shall be exempt from the provisions of Car Service Rule 2(a).

(c) That, subject to the consent of the car owner, empty cars owned by direct connections may be appropriated by lines performing switching service for the loading authorized in part (a) above, or by dependent short lines for the loading authorized in part (b) above.

Effective July 13, 1972, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 13, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12382 Filed 8-7-72;8:51 am]

[Ex Parte No. 241; Rule 19; Exemption 7]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that there are substantial movements of grain and grain products moving in plain, 40-foot, narrow-door boxcars between points on the following railroads:

The Atchison, Topeka, and Santa Fe Railway Co., Burlington Northern, Inc., Chicago and North Western Railway Co., Chicago, Milwaukee, St. Paul, and Pacific Railroad Co., Chicago, Rock Island, and Pacific Railroad Co., Missouri Pacific Railroad Co., Soo Line Railroad Co., and Union Pacific Railroad Co.

and that unlimited exchange of such cars among these railroads will increase car utilization by reductions in switching and other movements of empty cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC RER No. 384, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide owned by any of the aforementioned railroads and located empty on such lines, may be loaded with grain or grain products, as defined herein, to stations located on any of the aforementioned railroads. When so loaded, such cars shall be exempt from the provisions of Car Service Rules 1 and 2.

The term grain and grain products shall comprise the commodities specifically named in lists 1, 2, 5, 6, 7, and 8 published in Western Trunk Lines Freight Tariff 330-U, ICC A-4797, issued by Fred Ofcky, supplements thereto or consecutive issues thereof.

Effective July 14, 1972.

Expires August 31, 1972.

Issued at Washington, D.C., July 14, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12383 Filed 8-7-72;8:51 am]

[Ex Parte No. 241; Rule 19; Exemption 8]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that the Lake Superior and Ishpeming Railroad Co. (LSI) owns numerous plain boxcars and general service flatcars; that, under present conditions, there is virtually no demand for these cars on the LSI; that return of these cars to LSI would result in their being stored idle on that line; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the LSI; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars and general service flatcars owned by the LSI, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, and general service flatcars described therein as having mechanical designation FM and capacity less than 200,000 lbs., and bearing reporting marks assigned to the Lake Superior and Ishpeming Railroad Co., shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Effective July 18, 1972, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 18, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12384 Filed 8-7-72;8:52 am]

[Ex Parte No. 241; Rule 19, Exemption 9]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that the Chicago & Illinois Midland Railway Co. (CIM) owns numerous plain boxcars; that, under present conditions, there is virtually no demand for these cars on the CIM, that

return of these cars to the CIM would result in their being stored idle on that line; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the CIM; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the CIM, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the Chicago & Illinois Midland Railway Co., shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Effective July 21, 1972.

Expires September 1, 1972.

Issued at Washington, D.C., July 21, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12385 Filed 8-7-72;8:52 am]

[Ex Parte No. 241; Rule 19; Exemption 10]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that the Detroit and Mackinac Railway Co. (D&M) owns numerous 40-foot plain boxcars; that under present conditions, there is virtually no demand for these cars on the D&M; that return of these cars to the D&M would result in their being stored idle on that line; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the D&M; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the D&M, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length less than 49 feet 8 inches, and bearing reporting marks assigned to the Detroit and Mackinac Railway Co., shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Effective July 21, 1972.

Issued at Washington, D.C., July 21, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12386 Filed 8-7-72;8:52 am]

[Ex Parte No. 241; Rule 19; Exemption 11]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that Car Service Rule 2 authorizes the loading of cars owned by indirect connections of the lines having physical possession of the cars to destinations closer to the car owner than is the point of loading; that there is need for a quick reference guide to enable shippers and carriers to make a selection of the proper car for loading to remote destinations; and that the Car Service Division of the Association of American Railroads has prepared a Car Selection Chart which will enable shippers and carriers to determine whether or not such cars owned by indirect connections properly may be used for transporting the traffic available.

It is ordered, That, under authority vested in me by Car Service Rule 19, cars owned by indirect connections of the lines having physical possession of the cars, which are loaded to points in the districts shown in the Car Selection Chart issued by the Car Service Division of the Association of American Railroads, dated April 1970, and attached hereto,[1] shall be deemed to be in compliance with the provisions of Car Service Rule 2(b).

Effective July 24, 1972.

Expires October 31, 1972.

Issued at Washington, D.C., July 24, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12387 Filed 8-7-72;8:52 am]

[Ex Parte No. 241; Rule 19; Exemption 11, Corrected]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that Car Service Rule 2 authorizes the loading of cars owned by indirect connections of the lines having physical possession of the cars to destinations closer to the car owner than is the point of loading; that there is need for a quick reference guide to enable shippers and carriers to make a selection of the proper car for loading to remote destinations; and that the Car Service Division of the Association of American Railroads has prepared a Car Selection Chart which will enable shippers and carriers to determine whether or not such cars owned by indirect connections properly may be used for transporting the traffic available.

It is ordered, That, under authority vested in me by Car Service Rule 19, cars loaded in conformity with the Car Selection Chart issued by the Car Service Division of the Association of American Railroads, dated April 1970, and attached hereto, shall be deemed to be in compliance with the provisions of Car Service Rule 2(b).

Effective July 25, 1972.

Expires October 31, 1972.

Issued at Washington, D.C., July 24, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12388 Filed 8-7-72;8:52 am]

[Ex Parte No. 241; Rule 19; Exemption 12]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that the Louisville, New Albany & Corydon Railroad Co. (LNAC) owns numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the LNAC; that return of these cars to the LNAC would result in their being stored idle on that line; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the LNAC; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the LNAC, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the Louisville, New Albany & Corydon Railroad Co., shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Effective July 24, 1972, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 24, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12389 Filed 8-7-72;8:52 am]

[Ex Parte No. 241; Rule 19; Exemption 13]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that there is a substantial short-time movement of grain traffic in intraterminal switching service between Maumee, Ohio, and Toledo, Ohio, both being within the Toledo, Ohio, switching district of the Norfolk and Western Railway Co. (N&W); that the N&W is unable to supply sufficient plain boxcars of its system ownership to fully

[1] Chart filed as part of original document.

meet the car supply needs of this traffic; that there is a regular movement of empty foreign boxcars of eastern railroad ownership, en route to owners via the Toledo, Ohio, terminals of the N&W; that use of such cars for a single trip in intraterminal grain traffic within the Toledo, Ohio, terminal of the N&W will enable that line to protect fully the freight-car requirements of the shippers originating this traffic; and that such limited use of eastern line boxcars by the N&W would have no significant effect on the box car supplies of the car owners.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 49 feet 8 inches, equipped with doors 8 feet wide or less, and bearing reporting marks assigned to railroads not serving Toledo, Ohio, which are classified by the Car Service Division, Association of American Railroads, Supplement No. 113 to Circular CCS-1, as being in the Eastern District, may be loaded for one trip only with grain originating at Maumee, Ohio, on the N&W and consigned to Toledo, Ohio, on the N&W, both points being within the switching district of Toledo, Ohio.

When so loaded, such cars shall be exempt from the provisions of Car Service Rule 2; and

It is further ordered, That after being unloaded at Toledo, Ohio, after a single trip in the aforementioned intraterminal movements of grain, such cars shall be subject to all of the provisions of Car Service Rule 2.

Effective July 25, 1972.

Expires September 15, 1972.

Issued at Washington, D.C., July 25, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12390 Filed 8-7-72;8:52 am]

[Ex Parte No. 241; Rule 19; Exemption 14]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that the Maryland and Pennsylvania Railroad Co. (M&PA) owns numerous plain boxcars and general service hopper cars; that, under present conditions there is virtually no demand for these cars on the M&PA; that return of these cars to the M&PA would result in their being stored idle on that line; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the M&PA; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars and general service hoppers owned by the M&PA, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and general service hopper cars having mechanical designation HM, and bearing reporting marks assigned to the Maryland and Pennsylvania Railroad Company, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Effective July 27, 1972, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 27, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc. 72-12391 Filed 8-7-72; 8:52 am]

[Ex Parte No. 241; Rule 19; Exemption 15]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

It appearing, that there are substantial movements of lumber and other commodities moving in plain, 40-foot, wide-door boxcars or in plain 50-foot boxcars, originating at points in northern California and southern Oregon; that railroads serving southern California and Arizona frequently develop surpluses of these cars; that loadings in the directions of the car owners are often not available on the lines having such cars available in surplus quantities; that return of these surplus cars to owners results in excessive empty car miles and loss of effective car utilization; that the carriers serving northern California and southern Oregon have regular needs for such cars for eastbound loading; and that such loadings will relocate such cars in areas on or close to car owners' lines with a minimum of empty-car mileage, thereby increasing car utilization.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, except as otherwise provided herein, railroads serving the States of California and Arizona may interchange empty plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors 9 feet or wider, or with inside length in excess of 44 feet 6 inches regardless of door width without regard to the provisions of Car Service Rule 2(c), 2(d), or 2(e).

It is further ordered, That the final carrier receiving such cars empty from another carrier in the States of California or Arizona, under authority of this exemption, shall be subject to the requirements of Car Service Rules 1 or 2 in its subsequent movements of such cars.

It is further ordered, That the billing on all such empty cars requiring movement over an intermediate carrier shall clearly show the name of the carrier to which such cars are being sent for loading; and that all waybills authorizing the movements of such empty cars shall carry a reference to this exemption.

Exception: This exemption shall not apply to empty cars subject to Car Service Rule 1; to empty cars subject to an applicable service order of this Commission requiring specific handling of designated cars; to cars subject to car relocation directives issued by the Car Service Division of the Association of American Railroads; nor to cars of Canadian or Mexican ownership.

Effective July 28, 1972.

Expires October 31, 1972.

Issued at Washington, D.C., July 27, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12392 Filed 8-7-72;8:52 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 3, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42491—*Vinyl Chloride from Points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-343), for interested rail carriers. Rates on vinyl chloride, in tank-car loads, as described in the application, from specified points in Louisiana and Texas, to Perryville, Md. and Pottstown, Pa.

Grounds for relief—Market competition.

Tariff—Supplement 35 to Southwestern Freight Bureau, agent, tariff ICC 4966. Rates are published to become effective on September 1, 1972.

FSA No. 42492—*Seeds Between Points in Southwestern Territory and Points in Wyoming.* Filed by Southwestern Freight Bureau, agent (No. B-333), for interested rail carriers. Rates on seeds, not crushed nor ground, in carloads, as described in the application, between points in southwestern territory, on the one hand, and specified points in Wyoming, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping. Rates are published to become effective on September 10, 1972.

FSA No. 42493—*Bakery Refuse or Sweepings Between Points in Southwestern, IFA and WTL Territories.* Filed by Southwestern Freight Bureau, agent (No. B-334), for interested rail carriers. Rates on bakery refuse or sweepings, in bulk or in bags or in boxes, in carloads, as described in the application, between points in southwestern territory, on the

one hand, and points in Illinois Freight Association and western trunk-line territories, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 137 to Southwestern Freight Bureau, agent, tariff ICC 4883. Rates are published to become effective on September 10, 1972.

By the Commission.

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

[FR Doc.72-12395 Filed 8-7-72;8:53 am]

[Rev. S.O. 994; Rev. ICC Order 71]

RAILROADS IN CERTAIN DISASTER AREA STATES

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, railroads operating in the states of Maryland, Delaware, Pennsylvania, and New York are unable to transport traffic over their lines because of severe floods.

It is ordered, That:

(a) Rerouting traffic: Railroads operating in the states of Maryland, Delaware, Pennsylvania, and New York being unable to transport traffic in accordance with shippers' routing because of severe floods, are hereby authorized to divert and reroute such traffic over another available route to expedite the movement regardless of the routing shown on the waybill. Traffic necessarily diverted from junctions applicable via the waybill routing shall be rerouted so as to preserve the participation and revenues of intermediate and other connecting carriers to the greatest extent possible. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:59 p.m., August 3, 1972.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 1, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.72-12376 Filed 8-7-72;8:53 am]

FEDERAL POWER COMMISSION

[Docket No. G-4904 etc.]

AMOCO PRODUCTION CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 28, 1972.

Amoco Production Company (succ. to Graham-Michaelis Drilling Company, et al.) and other applicants listed herein, Docket No. G-4904, et al.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4904 E 6-16-72	Amoco Production Co. (successor to Graham-Michaelis Drilling Co. et al.), Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., Hugoton Field, Kearny County, Kans.	12.5	14.65
G-4904 E 6-19-72	Amoco Production Co. (successor to Amax Petroleum Corp.), Security Life Bldg., Denver, Colo. 80202.	do	12.5	14.65
G-4904 E 6-16-72	do	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	12.5	14.65
G-11832 E 5-25-72	Amoco Production Co. (successor to Allied Materials Corp.), Security Life Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., South Bernstein Field, Hansford County, Tex.	19.0	14.65
CI68-642 E 5-11-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Dorchester Gas Producing Co., Big Lake Field, Reagan County, Tex.	[1] 9.0	14.65
CI68-1269 E 5-12-72	do	Cities Service Gas Co., Northeast Waynoka Field, Woodward County, Okla.	[2] 14.25	14.65
CI71-300 E 5-12-72	do	Southern Union Gathering Co., Fulcher-Kutz Pictured Cliffs Field, San Juan County, N. Mex.	[3] 13.0551	15.025
CI72-798 (G-7526 and G-14693) F 6-2-72	do	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	[4] 21.33	14.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI72-837 (CI61-813) F 6-16-72	do	Transwestern Pipeline Co., Feldman South Field, Hemphill County, Tex.	[5] 19.0	14.65
CI72-848 [6] A 6-20-72	Coastal States Gas Producing Co., Post Office Box 521, Corpus Christi, TX 78403.	United Gas Pipe Line Co., Sardis Church Field, Caldwell Parish, La.	[7] 15.0	15.025
CI72-860 A 6-27-72	American Petrofina Co., of Texas, Post Office Box 2159, Dallas, TX 75221.	El Paso Natural Gas Co., Jacquez No. 2 and Burrough Com A No. 2 Wells, San Juan County, N. Mex.	[7] 24.0	14.73
CI72-861 B 6-21-72	Holly Exploration No. 1, Suite 1038, Guaranty Bank Bldg., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	Depleted	
CI72-862 (CI64-175) F 6-27-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	[8] 14.0	15.025
CI72-863 B 6-19-72	Inexco Oil Co., 1200 Houston Club Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp. Van Meter Field, Hardin County, Tex.	(9)	
CI72-864 (CI67-805) F 6-23-72	Clinton Oil Co. (successor to Exchange Oil & Gas Corp. (Operator) et al.), 217 North Water St., Wichita, KS 67202.	Michigan Wisconsin Pipe Line Co., West Cameron Block 17 Field, Offshore Cameron Parish, La.	22.25	15.025
CI72-865 A 6-26-72	Coastal Production Co., Post Office Box 44, Winter Park, FL 32789.	Florida Gas Transmission Co., North Chacahoula Field, Assumption and Lafourche Parishes, La.	[10] 26.0	15.025
CI72-866 B 6-27-72	Warren B. Pinney, Jr., Room 1809, 211 North Ervay Bldg., Dallas, TX 75201.	Tennessee Gas Pipe Line Co., a division of Tenneco Inc., Kohler Field, Duval County, Tex.	Depleted	
CI72-867 A 6-26-72 [11]	The Rodman Corp., 1206 ABC Bldg., Odessa, Tex. 79761.	Arkansas Louisiana Gas Co., Sooner Trend Field, Major County, Okla.	[12] 16.5	14.65
CI72-868 A 6-28-72	Amoco Production Co., Post Office Box 591, Tulsa OK 74102.	United Gas Pipe Line Co., Cecelia Field, St. Martin Parish, La.	[7] 35.0	15.025
CI72-869 B 6-29-72	Union Oil Co., of California, Union Oil Center, Los Angeles, Calif. 90017.	Lone Star Gas Co., Big Mineral Creek Field, Grayson County, Tex.	Depleted	
CI72-870 (CI65-1261) F 6-26-72	Terra Energies, Inc. (successor to Humble Oil & Refining Co.), 3608 South Washington, Amarillo, TX 79110.	Kansas-Nebraska Natural Gas Co., Inc., Hamilton County, Kans.	13.5	14.65
CI72-871 B 6-29-72	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Trunkline Gas Co., San Salvador Field, Hidalgo County, Tex.	Depleted	
CI72-872 B 6-29-72	Texaco, Inc., Post Office Box 52332, Houston, TX 77052.	Tennessee Gas Pipeline Co., Block 69, Chandeleur Sound Field, St. Bernard Parish, La.	(13)	
CI72-873 B 6-23-72	Kirkpatrick Supply Co., 1300 North Broadway, Oklahoma City, OK 73103. Attention: Dan J. Talley.	Panhandle Eastern Pipeline Co., Northeast Cedardale Field, Woodward County, Okla.	Uneconomical	
CI72-874 A 6-26-72 [14]	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Cities Service Gas Co., Southeast Eureka Field, Alfalfa County, Okla.	15.0	14.65
CI72-875 A 6-26-72 [15]	Amoco Production Co., Post Office Box 3092, Houston, TX 77001.	United Gas Pipe Line Co., Willow Springs Field, Gregg County, Tex.	11.92978	14.65
CI72-876 B 6-26-72	R. J. Patrick, 14 West 2d St., Post Office Box 299, Liberal, KS 67901.	Panhandle Eastern Pipeline Co., acreage in Beaver County, Okla.	Depleted	
CI72-877 (CI64-419) F 6-29-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	El Paso Natural Gas Co., Chimney Butte Unit Area, Sublette County, Wyo.	[16] 19.64625	15.025
CI72-878 (G-15387) F 6-29-72	do	El Paso Natural Gas Co., East La Barge Field, Sublette County, Wyo.	[17] 18.135	15.025
CI72-879 A 6-30-72	Austral Oi Co., Inc., 2700 Humble Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Agua Dulce (8,250' Sand) Field, Nueces County, Tex.	[7] 24.0	14.65
CI72-881 B 6-30-72	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	El Paso Natural Gas Co., Winters "B" Lease SW¼ sec. 7-25 S.-37 E, Lea County, N. Mex.	(18)	
CI73-3 (CI64-1506) F 7-3-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	El Paso Natural Gas Co., Cha Cha Gallup Field, San Juan County, N. Mex.	[19] 14.0	15.025
CI73-4 (CI64-964) F 7-3-72	do	El Paso Natural Gas Co., Bita Peak Field, Apache County, Ariz.	[20] 16.06	15.025
CI73-5 (CI61-1428) F 7-3-72	do	El Paso Natural Gas Co., Big Piney Field, Sublette County, Wyo.	[21] 18.135	15.025
CI73-15 (CI67-619) F 7-7-72	do	El Paso Natural Gas Co., Mickelson Creek Field, Sublette County, Wyo.	[22] 14.46609	15.025

[1] Contract provides for 6 cents per Mcf plus 50 percent of sale value in excess of 11 cents per Mcf.
[2] Pursuant to Opinion No. 586.
[3] Rate in effect subject to refund in Docket No. RI71-621.
[4] Rate in effect subject to refund in Docket No. RI72-70.
[5] Rate in effect subject to refund in Docket No. RI70-1101.
[6] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI65-1368 to be made pursuant to Houston Oil & Minerals Corp. (operator) et al., FPC Gas Rate Schedule No. 2.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Rate in effect subject to refund in Dockets Nos. RI69-743, RI69-375, and RI70-1188.
[9] Acreage is nonproductive.
[10] Includes 0.2476 percent of Mcf upward B.t.u. adjustment and 0.2600 cents/Mcf downward Btu adjustment.
[11] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI70-486 to be made pursuant to White Shield Oil & Gas Corp., FPC Gas Rate Schedule No. 17.
[12] Includes 1.275 cents/Mcf upward B.t.u. adjustment.
[13] Expiration oi lease.
[14] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-13798 to be made pursuant to Davenport Drilling Co., FPC Gas Rate Schedule No. 1.
[15] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI61-932 to be made pursuant to Louis Dorfman et al., FPC Gas Rate Schedule No. 1
[16] Rate in effect subject to refund in Dockets Nos. RI69-374, and RI70-171.
[17] Rate in effect subject to refund in Dockets Nos. RI69-374, RI70-171, and RI72-128.
[18] Applicant has transferred all interest in the Winters B" Lease to Dalport Oil Corp.
[19] Rate in effect subject to refund in Dockets Nos. RI69-325 and RI69-743.
[20] Rate in effect subject to refund in Docket No. RI69-429.
[21] Rate in effect subject to refund in Dockets Nos. RI69-374, RI70-190, and RI71-1159.
[22] Rate in effect subject to refund in Docket No. RI70-190.

[FR Doc.72-12166 Filed 8-7-72;8:45 am]

[Docket No. CI73-43]

BRAZOS GAS COMPRESSING CO.

Notice of Petition for Declaratory Order or Application for a Certificate of Public Convenience and Necessity

AUGUST 1, 1972.

Take notice that on July 12, 1972, Brazos Gas Compressing Co. (Brazos), 1101 Republic National Bank Tower, Dallas, Tex. 75201, filed in Docket No. CI73-43 a petition for a declaratory order that certain gas compression services Brazos proposes to provide are not subject to the jurisdiction of the Commission or in the alternative an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas compression facilities, all as more fully set forth in the petition/application which is on file with the Commission and open to public inspection.

Brazos states that pursuant to a contract between it and Florida Gas Transmission Co. (Florida Gas) it proposes to compress gas delivered to Florida Gas from the Palacious Field to a pressure of 1,000 p.s.i.g. Brazos indicates that Florida Gas' purchase contract with respect to said gas, on file with the Commission as George Mitchel & Associates, Inc., et al., FPC Gas Rate Schedule No. 20, calls for a maximum delivery pressure of 500 p.s.i.g. which is below the 1,000 p.s.i.g. pressure of the line which receives the purchased gas. In order to provide the increased pressure, Brazos proposes to construct and operate up to five portable compressors with 963 brake horsepower at a cost of $71,498 on the gathering lines behind the Leabo Gasoline plant, Matagorda County, Tex. Brazos asserts that the installation and operation of the proposed facilities are incidental to the behind-the-plant gathering and, therefore, are exempt from Commission jurisdiction pursuant to section 1(b) of the Natural Gas Act. Brazos requests a declaratory order to the effect that said compression service would be nonjurisdictional and, in the event of a decision unfavorable to its position, issuance of a certificate of public convenience and necessity authorizing the construction and operation of the proposed facilities.

Brazos states that it proposes to charge a rate of 1.625 cents per Mcf for the compression service.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before August 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceed-

ing or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12299 Filed 8-7-72;8:45 am]

[Docket No. RP-73-4]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 2, 1972.

Take notice that Great Lakes Gas Transmission Co. (Great Lakes) on July 15, 1972, tendered for filing, proposed changes in its FPC Gas Tariff, Revised Sheets to First Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase annual revenues by $12,575,122 on the basis of volumes for the 12-month period ending March 31, 1972, as adjusted. Great Lakes states that this filing is necessitated by increases in its cost of service. The company states that the increase in cost of service is primarily attributable to the following: Reduction in transportation volumes which results in an inability to earn revenues commensurate with the cost of service, an increase in depreciation rate for transmission properties from 3 percent to 4 percent, and to produce a minimum rate of return of 9.77 percent on Great Lakes' investment. The company proposes September 4, 1972, as the effective date for this rate increase.

Copies of this application have been served on all interested parties and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12300 Filed 8-7-72;8:45 am]

[Docket No. CP73-22]

INDUSTRIAL GAS CORP.

Notice of Application

AUGUST 2, 1972.

Take notice that on July 24, 1972, Industrial Gas Corp. (applicant), Post Office Box 1473, Charleston, WV 25325, filed in Docket No. CP73-22 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction during the period July 1, 1972, through June 30, 1973, and operation of facilities to effect miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that the proposed facilities are necessary to rearrange, change, or replace existing transportation and sales facilities when required by highway construction, replacement, and other similar reasons. The cost of construction will not exceed $100,000 and will be financed from cash on hand and from cash generated from normal internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 21, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12301 Filed 8-7-72;8:45 am]

[Docket No. E-7739]

ROCKLAND ELECTRIC CO.

Order Accepting for Filing, Suspending Revised Tariff Sheets, Providing for Hearing, and Granting Intervention

JULY 31, 1972.

On June 2, 1972, Rockland Electric Co. (Rockland) tendered for filing revised charges for wholesale service to its fuel requirements customer, Borough of Park Ridge, N.J. (Park Ridge).[1]

The proposed changes specify a demand charge of $3 per kw. per month plus energy changes of 93 cents per kw.-hr. for the first 250 kw.-hr. per kw. demand and 70 cents per kw.-hr. for the excess. Additionally, the proposal would raise the billing demand ratchet from 50 percent to 80 percent of the maximum billing demand of the preceding 11 months. Also, the filing adds a "purchased power adjustment" clause which provides that for each 0.001 cent per kw.-hr. change above or below $2.84 per kw., in Rockland's purchased power costs from Orange and Rockland Utilities, Inc.,[2] Rockland's energy and demand charges to Park Ridge will be increased, respectively, an equivalent amount.

On June 16, 1972, Park Ridge filed a petition for leave to intervene.

Review of the filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforce-

[1] Designated as: Rockland Electric Co., Supplement No. 1 to Rate Schedule FPC No. 6.

[2] Rockland is a subsidiary of, and purchases its entire energy requirements from Orange and Rockland Utilities, Inc. (O&R).

ment of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Rockland's filing as proposed to be amended in this docket, and that the tendered rate schedule be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(4) Park Ridge's participation in this proceeding may be in the public interest.

The Commission orders:

(A) Pending hearing and a final decision in this proceeding, Rockland's proposed increases tendered on June 2, 1972, are suspended and the use thereof deferred until January 1, 1973.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held, commencing with a prehearing conference on December 5, 1972, at 10 a.m. e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Rockland's tariff as proposed to be revised herein.

(C) At the prehearing conference Rockland's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case in chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(D) On or before November 21, 1972, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before December 4, 1972. Any rebuttal evidence by Rockland shall be served on or before December 22, 1972. Cross-examination of the evidence filed will commence on January 9, 1973.

(E) A presiding examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) The above-named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12302 Filed 8-7-72;8:45 am]

[Docket No. RP72-133]

UNITED GAS PIPE LINE CO.

Notice of Filing of Revised Purchased Gas Cost Clause and Petition for Waiver

AUGUST 2, 1972.

Take notice that on July 18, 1972, United Gas Pipe Line Co. (United) filed a revised purchased gas costs adjustment provision and a petition for waiver of certain aspects of the Commission's regulations governing purchased gas adjustment clauses. United requests that the Commission waive the notice requirements of § 154.22 of the regulations to permit the purchased gas adjustment clause to become effective June 1, 1972.

Copies of United's filing were served on each of United's jurisdictional customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12303 Filed 8-7-72;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

3 CFR

Page

PROCLAMATIONS:

2914 (see EO 11677) 15483
4074 (see EO 11677) 15483
4145 15853

EXECUTIVE ORDERS:

11322 (see EO 11677) 15483
11419 (see EO 11677) 15483
11533 (see EO 11677) 15483
11677 15483

5 CFR

213 15365, 15501, 15855

6 CFR

200 15516
201 15931
300 15366, 15429

PROPOSED RULES:

300 15523

7 CFR

26 15911
29 15501
331 15911
908 15501
910 15366, 15885, 15912
911 15366
927 15855
931 15366
1030 15368
1464 15856
1861 15502

PROPOSED RULES:

55 15517
815 15936
911 15707
926 15380
944 15874
1079 15380
1108 15874
1207 15380, 15381

8 CFR

212 15419
238 15419
242 15419

9 CFR

76 15419, 15420, 15912
82 15111, 15913, 15914
83 15914
308 15368
309 15368
310 15368
318 15368
325 15368
327 15368
331 15368

10 CFR

9 15624

12 CFR

Page

220 15378, 15421
545 15379

PROPOSED RULES:

226 15522

14 CFR

39 15369, 15421, 15423, 15512, 15697, 15914
43 15698
61 15698
71 15370, 15423, 15424, 15512, 15513, 15698, 15857, 15915
73 15857
91 15698
97 15698
135 15698
212 15424
214 15424
217 15513
241 15425
372 15425

PROPOSED RULES:

39 15434
61 15435
63 15435
71 15383–15385, 15435, 15436, 15936–15938
75 15708
91 15435, 15436
103 15938
121 15435, 15938
123 15435
127 15435
135 15435, 15938
141 15435
Ch. II 15518
288 15711
399 15711

15 CFR

387 (see EO 11677) 15483

16 CFR

240 15699

18 CFR

2 15857
260 15425

PROPOSED RULES:

Ch. I 15710

19 CFR

153 15700

PROPOSED RULES:

10 15707, 15872

21 CFR

3 15858
121 15426, 15859, 15915, 15916
135e 15701
149h 15701
301 15918

21 CFR—Continued

Page

303 15919
304 15920
305 15920
306 15921
307 15921
308 15922
311 15922
312 15923
316 15924

PROPOSED RULES:

19 15875
121 15434
301 15933
303 15933
306 15933

22 CFR

9 15624
41 15372

23 CFR

App. A 15924

PROPOSED RULES:

Ch. II 15602

24 CFR

203 15426
207 15426
220 15426
270 15701
271 15704
275 15427
1914 15427
1915 15428
1930 15706

PROPOSED RULES:

203 15383

25 CFR

221 15924

26 CFR

1 15485

28 CFR

17 1564.

29 CFR

PROPOSED RULES:

103 15710
1910 15880
1951 15880
2200 15470

31 CFR

342 15514

32 CFR

159 15655
1900 15686

PROPOSED RULES:

1660 15522
1661 15522

33 CFR

Page

179 — 15776
181 — 15777
183 — 15780
211 — 15371
402 — 15516

38 CFR

13 — 15925

39 CFR

PROPOSED RULES:
3001 — 15437

40 CFR

PROPOSED RULES:
162 — 15522

41 CFR

1–1 — 15372
3–3 — 15859
3–4 — 15861
3–75 — 15861
101–11 — 15687
105–61 — 15688

42 CFR

Page

57 — 15863

43 CFR

2 — 15865
20 — 15373
PUBLIC LAND ORDERS:
5180 (revoked in part by PLO 5242) — 15513
5186 (revoked in part by PLO 5242) — 15513
5242 — 15513

45 CFR

233 — 15866
PROPOSED RULES:
Ch. I — 15970

46 CFR

PROPOSED RULES:
90 — 15518
94 — 15518
112 — 15518
308 — 15866

47 CFR

Page

0 — 15428, 15925, 15928
1 — 15928
73 — 15927
78 — 15925
81 — 15866
97 — 15928
PROPOSED RULES:
1 — 15436, 15711
2 — 15714
73 — 15436, 15437, 15741, 15940
76 — 15437

49 CFR

571 — 15430, 15514
1033 — 15369, 15433, 15514, 15515, 15929, 15930
1048 — 15701
1131 — 15867
1306 — 15868, 15869
1307 — 15868, 15869
PROPOSED RULES:
391 — 15708

50 CFR

32 — 15515, 15516, 15930, 15931

LIST OF FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	*Date*
15361–15412	Aug. 1
15413–15475	2
15477–15689	3
15691–15846	4
15847–15904	5
15905–15971	8

federal register

TUESDAY, AUGUST 8, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 153

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

Educational Broadcasting Facilities Program

■

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Ch. I]

EDUCATIONAL BROADCASTING FACILITIES PROGRAM

Notice of Proposed Rule Making

Pursuant to the authority contained in Part IV of title III of the Communications Act of 1934, as amended (47 U.S.C. 390–99) and Part 60 of Title 45 of the Code of Federal Regulations, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, hereby proposed to establish a closing date for receipt of applications and priorities to govern educational broadcasting facilities grants for fiscal year 1973.

Pursuant to 45 CFR 60.12, the Commissioner of Education is authorized to establish and announce cutoff dates for the filing of aplications for assistance under the Act for the construction of noncommercial educational television and radio facilities when he deems it necessary for the efficient administration of the program. Under this authority, the Commissioner has determined that it is necessary to establish a cutoff date for the receipt of such applications for fiscal year 1973 funds.

At present, there is a backlog of applications requesting a total amount of Federal assistance substantially in excess of the amount of funds which is expected to be appropriated for noncommercial educational broadcasting facilities grants for fiscal year 1973. Accordingly, with a view to promoting equitable distribution of Federal grants and otherwise promoting the efficient administration of the program, the proposed rule sets forth policies and procedures to be observed in the submission and review of applications. The priorities proposed for grant awards are intended to reflect current and timely needs for new noncommercial educational broadcasting stations, expansion of existing stations, and improved facilities consistent with rapidly changing communications technology in order that limited Federal resources may have the maximum positive impact upon the national noncommercial educational broadcasting system.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulation to the Educational Broadcasting Facilities Program, U.S. Office of Education, 400 Maryland Avenue SW., Washington, DC 20202, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Comments received in response to this notice will be available for public inspection at the Office of the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, 400 Maryland Avenue SW., Washington, DC 20202, between 8 a.m. and 4:30 p.m. Monday through Friday.

Dated: July 18, 1972.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: August 3, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Sec.
1. Scope.
2. Closing date.
3. Project summary.
4. Complete applications; operating budget
5. Limit on applications.
6. FCC and FAA filing.
7. Prior grantees.
8. Funding emphases.
9. Awards schedule.
10. Further information.

AUTHORITY: The provisions of this rule issued under Part IV of Title III of the Communications Act of 1934, as amended (47 U.S.C. 390–99); 45 CFR Part 60.

Section 1. Scope.

This temporary rule establishes a closing date for receipt of applications and priorities and procedures to govern educational broadcasting facilities grants for fiscal year 1973 awarded under Part IV or Title III of the Communications Act of 1934, as amended (47 U.S.C. 390–99) and 45 CFR Part 60 (40 U.S.C. 390, 392(d), 394; 45 CFR 60.1).

Sec. 2. Closing date.

(a) Both new applications and documents required to be filed under paragraph (b) of this section to reactivate pending applications must be received by the Commissioner of Education, Office of Education, 400 Maryland Avenue SW., Washington, DC 20202, postmarked not later than September 15, 1972.

(b) To reactivate any pending application, an applicant must either: (1) Submit a statement that it wishes the application to be reviewed as it stands, together with any new exhibits not included in the original application and required by sections 3 and 4 and by application form OE–4152 revised as of October 1970 or (2) amend its application, including any new exhibits required by such sections and by such revised form. (47 U.S.C. 392(a); 45 CFR 60.5, 601.12(a)(3)).

Sec. 3. Project summary.

Applicants will be required to prepare a project summary of the application (OE Form 3167), summarizing essential data and the project justification. (47 U.S.C. 392(a), 45 CFR 60.5).

Sec. 4. Complete applications; operating budget.

Only complete or substantially complete applications filed on or before the closing date will be accepted for filing. It is emphasized that an application must contain information with respect to the proposed operating budget of the applicant, since particular stress in evaluation will be placed upon the adequacy of such budget to provide program services on a scale consistent with the purposes of the Act and regulations. (47 U.S.C. 392(a); 45 CFR 60.5, 60.8, 60.9(e)(3)).

Sec. 5. Limit on applications.

Only one application in radio and one in television by any single applicant in a single State (other than a State radio or television agency which may be permitted to file additional applications upon approval of the Commissioner) will be accepted for filing. Applicants may by the closing date withdraw a pending application and replace it with a new application. Applicants with more than one application on file must indicate by the closing date which application or applications are to be withdrawn. (47 U.S.C. 392(d); 45 CFR 60.12).

Sec. 6. FCC and FAA filing.

Applicants whose projects require filing for operational authority with the FCC (and the FAA) are urged to recognize and resolve problems related to such authorization as soon as possible. Applications with problems relating to FAA and/or FCC approval which cannot be resolved within a reasonable period of time following September 15, 1972 will be subject to deferral until the following fiscal year. (45 CFR 60.6).

Sec. 7. Prior grantees.

Applicants who have received grant awards in a given fiscal year may file applications under the foregoing provisions in the next fiscal year. However, in determining grant awards among competitive applications having the same priority, the lapse of time between grant awards to an applicant may be taken into account. (47 U.S.C. 392(d), 394).

Sec. 8. Funding emphases.

In order to provide adequately for required expansion and improvement of individual stations within the national television system, it is anticipated that the largest portion of television funds will be used for expansion and improvement projects. In radio, the initial funding emphasis will be on the activation of new stations and the expansion of existing low powered stations where substantial audiences remain unserved. In the light of this program emphasis, priorities which are set forth in Appendix A will be assigned to applications, in accordance with the provisions of Appendix B. (47 U.S.C. 392(d), 394; 45 CFR 60.12(a)(2), 60.13).

Sec. 9. Awards schedule.

In order to allow for evaluation and priority interrelation of new applications with those which are pending, at least two-thirds (67 percent) of the appropriation will not be obligated until after the submission deadline. (45 CFR 60.12).

Sec. 10. Further information.

Further information with respect to the Educational Broadcasting Facilities Program including program bulletins and application forms and instructions (for pending as well as for new applications) may be obtained from the Director, Educational Broadcasting Facilities

Program, U.S. Office of Education, 400 Maryland Avenue SW., Washington, DC 20202. (47 U.S.C. 390–99; 45 CFR 60.1-60.22).

APPENDIX A—PROJECT PRIORITIES

In evaluation of applications the Educational Broadcasting Facilities Program will consider the criteria in 45 CFR 60.13. Subject to these criteria, projects will be funded in the order of the priorities and sub-priorities listed below, except as provided in the limitations described in paragraphs 3, 4, and 5 of Appendix B.

PRIORITY I

A. Proposals to activate new stations in areas currently without a public broadcasting station with appropriate local or State license, to serve populations of 500,000 or more. Proposals to activate the first broadcasting station in a State.

B. Projects to acquire transmitter/antenna apparatus necessary to increase power or otherwise extend station coverage where the in-state population to be served increases substantially, or which are necessary to provide improved signal (including color, SCA, or stereo signals) for larger population groupings, and provide comparability with commercial station coverage.

C. Projects to provide stations with first state-of-the-art reproduction capability. This refers to color capability of a videotape recorder and film chain, stereo capability of an audio turntable and tape recorder and other associated radio or television apparatus.

D. Projects to acquire apparatus for the interconnection of stations in a State network (or a particular geographical region across State lines) where applicant ownership of interconnection facilities can be fully justified as advantageous in comparison with leasing of interconnection services.

PRIORITY II

A. Proposals to activate new stations in areas currently without a public broadcasting station under appropriate local or State license, to serve populations between 250,000 and 500,000.

B. Projects to provide local stations with first state-of-the-art "live" production capability (i.e., first studio color cameras, stereo apparatus) where this need can be justified by proven production requirements to meet identified community needs.

C. Projects to provide production capability for stations providing program services beyond their local requirements for distribution over national, regional, and statewide interconnection. (To qualify in this category, a project justification must be verified by production commitment from recognized national, regional, or State network program clients supporting such production need, the applicant must demonstrate the inability of presently owned apparatus to meet production requirements, and the apparatus requested may not exceed the reasonable requirements of the verified production commitments.)

D. Projects to acquire transmitter/antenna apparatus necessary to increase power or otherwise extend or improve station coverage where the increase in population does not justify inclusion in Category IB.

PRIORITY III

A. Projects to activate new stations in areas currently without a public broadcasting station under appropriate local or State license where population to be served is less than 250,000.

B. Projects to augment production and reproduction capabilities of local stations beyond the basic or initial capability. Such proposals will require documentation of local live production requirements in excess of existing capability.

PRIORITY IV

A. Projects to activate second (or more) public broadcasting stations in areas already served by such a station under appropriate local or State license.

B. Projects to equip auxiliary studios at other than the main studio.

(47 U.S.C. 392(d), 394; 45 CFR 60.12)

APPENDIX B—ASSIGNMENT OF PRIORITIES TO APPLICATIONS

1. Upon receipt of application (or amendment to a pending application), it will be accorded the priority of the lowest component in the project.

For example, an application to relocate a new, more powerful transmitter which increases audience by 300,000 (Priority I–B); which includes the station's first color cameras (Priority II–B); and also requests matching funds for 3d and 4th color VTR's (Priority III–B) would be assigned a priority of III–B.

2. To avoid low priority rating, applicants should limit their requests to apparatus to meet their most immediate needs at the priority level which in their judgment will qualify within limitations of available funds in relation to the national backlog of needs for equipment.

If an applicant feels it is warranted by his evaluation of the national appropriation, the other demands to be made from within his State, the State maximum limitation, and his awareness of the national backlog of needs, he may file an application with components of lower priorities, provided he indicates clearly the financial parameters of each component and states clearly a willingness to "phase" out the project. In that event, the applicant must be prepared to accept a grant award for whatever portion, if any, of the project which the Commissioner determines can be accommodated within funding limitations for the current fiscal year. (In such an application, using the above example, EBFP would rank the appplication at Priority IB, for the transmitter component, and would fund components of lower priority only if relative priority among applications competing in such lower category would make such a step possible.)

3. To the extent permitted by categorical allowances, projects will be funded in the order of listed priorities.

Proportions of total available funds to be awarded in the various priority categories will be determined, with the counsel of national advisors, after the total requests are known following the cut-off date for submission of applications. It will be an administrative objective to achieve a fair distribution of funds over the major priority categories consistent with the pattern of needs reflected in the FY 1973 applications.

4. Where projects have identical priorities, preference will be given to those having the earlier date of filing, with reasonable allowance for the relative population groupings being served.

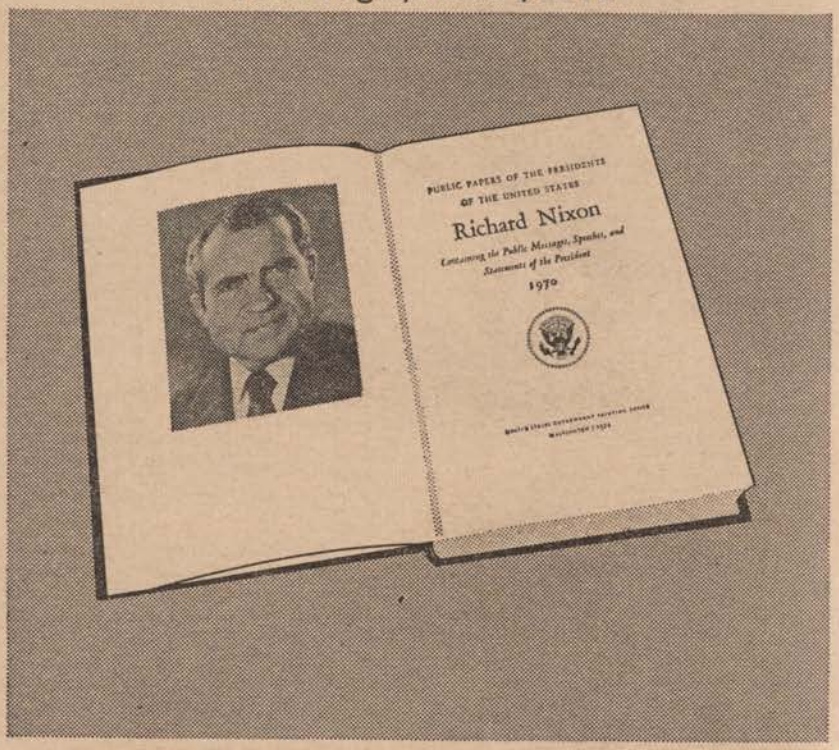
5. The order of funding according to the priority structure may be affected by consideration of geographical equity or the State maximum limitation (47 U.S.C. 392 (b) and (d), 394).

[FR Doc.72-12439 Filed 8-7-72;8:55 am]

Public Papers of the Presidents of the United States

Richard Nixon/1970

1305 Pages/Price: $15.75



Contents

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

Published by

Office of the Federal Register
National Archives and Records Service
General Services Administration

Order from

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Prior Volumes

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson, and the first year of President Nixon are available at varying prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.