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Title 3—The President

EXECUTIVE ORDER 11688

Amending Executive Order No. 11399 With Respect to the Membership of the National Council on Indian Opportunity

Executive Order No. 11399¹ of March 6, 1968, as amended by Executive Order No. 11551 of August 11, 1970, provides that the National Council on Indian Opportunity shall consist of the Vice President of the United States, who serves as the Chairman of the Council, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, and eight Indian leaders appointed by the President of the United States for terms of two years. Experience has demonstrated that it would be advisable to stagger the terms of the Indian-leader members of the Council so that the terms of only four of those members will expire in any year. That change would provide continuity in the Indian-leader membership of the Council.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, section 1 of Executive Order No. 11399 of March 6, 1968, as amended, is hereby further amended by adding, at its end, the following:

"In order to provide staggered terms for Indian-leader members of the Council appointed after August 31, 1972, the President shall, notwithstanding the terms prescribed by the last phrase of the preceding sentence, appoint four Indian-leaders to serve as members of the Council for terms ending August 31, 1973, and four for terms ending August 31, 1974. Each of their successors shall be appointed for a term of two years from the date of the expiration of the term for which his predecessor was appointed. Any Indian-leader member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term."



THE WHITE HOUSE,
December 1, 1972.

[FR Doc. 72-20968 Filed 12-4-72; 9:39 am]

¹ 32 F.R. 4245; 3 CFR, 1966-1970 Comp., p. 717.

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Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE

Correction

In F.R. Doc. 72-19244 appearing on page 23813 of the issue for Thursday, November 9, 1972, the entry for Lincoln County, Idaho, should not be footnoted.

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

[Amdt. 16]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container, Pack, and Container Marking Regulations

On November 18, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 24675) regarding a proposal, applicable to § 906.340 Container, pack, and container marking regulations (7 CFR 906.340; 37 F.R. 2765; 4707; 21800; 23626; 24814), recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 7 days during which they could submit written data, views, or arguments pertaining to the proposal. None were submitted. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This action reflects the Department's appraisal of the need for restricting the use of containers and pack sizes to those most suitable for the packing and handling of fruit to promote orderly marketing, so as to provide consumers with good quality fruit, while improving returns to producers pursuant to the declared policy of the act. The amendment updates the language of paragraph (a) (2) (i) in § 906.340, so that it conforms to the current U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona). Specifically, the

amendment: (1) Specifies, except as otherwise provided by regulations issued pursuant to this part, that oranges shall be packed within the diameter limits specified in § 51.691(c) of the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona); (2) requires oranges when packed in boxes or cartons to be packed in accordance with the requirements of standard pack; and (3) specifies that the packing tolerances set forth in the U.S. Standards for Oranges shall apply to the pack requirements for Navel oranges and Valencia and similar late-type oranges, and makes a few nonsubstantive changes in such provisions.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee, and other available information, it is hereby found and determined that the amendment, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The handling of fruit is now in progress and to be of maximum benefit the provisions of this amendment should be effective upon the date hereinafter specified, (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, (3) this amendment was recommended by members of the Texas Valley Citrus Committee in an open meeting at which all interested persons were afforded opportunity to submit their views, (4) 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 (5) notice of proposed rule making concerning this amendment, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (37 F.R. 24675), and no objection to this amendment or such effective date was received. Order. Therefore, the provisions of paragraph (a) (2) (i) of § 906.340 (7 CFR 906.340; 37 F.R. 2765; 4707; 21800; 23626; 24814) are amended, reading as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) * * *

(2) * * *

(i) Oranges. (a) Oranges, except Navel oranges and Valencia and similar late-type oranges, when packed in any

box, bag, or carton, shall, except as otherwise provided by regulations issued pursuant to this part, be within the diameter limits specified for the various pack sizes in § 51.691(c) of the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona);

(b) Oranges, except Navel oranges and Valencia and similar late-type oranges, when packed in boxes or cartons shall be packed in accordance with the requirements of standard pack; and

(c) Navel oranges and Valencia and similar late-type oranges, when placed packed in any box or carton shall be sized in accordance with the sizes set forth in the following table I, except as otherwise provided by regulations issued pursuant to this part, and otherwise meet the requirements of standard pack; and when in containers not packed according to a definite pattern shall be sized in accordance with the sizes set forth in the following table I and otherwise meet the requirements of standard sizing: *Provided*, That the packing tolerances, which are set forth in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona), shall be applicable to fruit so packed: *And provided further*, That the variation from the smallest to the largest fruit in any container is not more than the following applicable amount:

(1) 46, 54, 64, 70 or 72, or 80 sizes—not more than eight-sixteenths inch in diameter;

(2) 110, 112, or 125 sizes—not more than six-sixteenths inch in diameter;

(3) 163, or 200 sizes—not more than five-sixteenths inch in diameter; and

(4) 252, 288, or 324 sizes—not more than four-sixteenths inch in diameter.

TABLE I—1½ BUSHEL BOX
(DIAMETER IN INCHES)

Pack size	Minimum	Maximum
46.....	4 3/16	5
54.....	4	4 1/2
64.....	3 13/16	4 1/2
70 or 72.....	3 1/2	4 1/2
80.....	3 1/2	4 1/2
100.....	3 1/2	3 3/4
112.....	3 1/2	3 3/4
125.....	3 1/2	3 3/4
163.....	2 13/16	3 1/2
200.....	2 1/2	3 1/2
252.....	2 1/2	2 3/4
288.....	2 1/2	2 3/4
324.....	2 1/2	2 3/4

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

Dated, November 30, 1972, to become effective December 4, 1972.

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

[FR Doc. 72-20877 Filed 12-4-72; 8:51 am]

[Lemon Reg. 561, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**Limitation of Handling**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because 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 § 910.861 (Lemon Regulation 561, 37 F.R. 25038) during the period November 26, through December 2, 1972, is hereby amended to read as follows:

§ 910.861 Lemon Regulation 561.

(b) *Order.* (1) * * * 205,000 cartons.

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

Dated: November 30, 1972.

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

[FR Doc.72-20827 Filed 12-4-72; 8:48 am]

Title 12—BANKS AND BANKING**Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury****PART 11—SECURITIES ACT DISCLOSURE RULES****Exemption of Dispositions of Securities of National Banks Pursuant to Certain Mergers and Consolidations**

By notice published July 27, 1972, in the FEDERAL REGISTER, 37 F.R. 15000, the Comptroller of the Currency proposed to amend Part 11, Chapter I, Title 12, of the Code of Federal Regulations to exempt dispositions of equity securities of national banks pursuant to certain mergers and consolidations from section 16(b) of the Securities Exchange Act of 1934.

Interested persons were invited to submit relevant data, views, or comments. The written comments received were favorable.

After considering the views and comments submitted pursuant to the previously mentioned rule making notice herein and other pertinent information and material available to the Comptroller, the Comptroller has determined to amend the rules and regulations in the manner set forth below.

Such amendment is issued pursuant to the authority contained in section 12(i) and section 16(b) of the Securities Exchange Act of 1934, as amended.

Section 11.6 of Part 11, Chapter I, Title 12, of the Code of Federal Regulations is revised, effective upon publication in the FEDERAL REGISTER (12-5-72), by adding the following paragraph:

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

(r) *Exemption from section 16(b) of dispositions of equity securities pursuant to certain mergers or consolidations incident to formation of a bank holding company.* (1) There shall be exempt from the provisions of section 16(b), as not comprehended within the purpose of that section, the disposition of any equity security, pursuant to a merger or consolidation, of a national bank which, prior to said merger or consolidation, held over 85 percent of the combined assets of all the companies undergoing merger or consolidation, computed according to their book values prior to the merger or consolidation, as determined by reference to their most recent available financial statements for a 12-month period prior to the merger of consolidation, if, in such merger or consolidation, there are issued, in exchange for such equity securities of

such bank, equity securities of a bank holding company as defined in the Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841.

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

Dated: November 30, 1972.

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

[FR Doc.72-20887 Filed 12-4-72; 8:50 am]

Title 14—AERONAUTICS AND SPACE**Chapter I—Federal Aviation Administration, Department of Transportation**

[Docket No. 72-SO-127, Amdt. 39-1569]

PART 39—AIRWORTHINESS DIRECTIVES**Brantly Model B-2, B-2A, and B-2B Helicopters**

Amendment 39-1534 (37 F.R. 21527), AD 72-21-2, revised the service life limits of Parts Nos. 280-5 and 280-6, pylon outboard bearing shafts, on Brantly Model B-2, B-2A, and B-2B helicopters.

After issuing Amendment 39-1534, due to service experience, the Administration has determined that the life limit should be further reduced. Therefore, AD 72-21-2 is being amended to impose a life limit of 500 hours on Parts Nos. 280-5 and 280-6 pylon bearing shafts.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment 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), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1534 (37 F.R. 21527), AD 72-21-2, is amended

by further reducing the service life limits published in Type Certificate Data Sheet Number 2H2 for Parts Nos. 280-5 and 280-6 pylon outboard bearing shafts to 500 hours time in service from the 835 hours time in service given in paragraphs two and three of AD 72-21-2.

This amendment becomes effective on December 8, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 24, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-20813 Filed 12-4-72; 8:47 am]

[Airworthiness Docket No. 72-NW-9-AD, Amdt. 39-1560]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes.

Cracks have been detected in the main landing gear trunnion support beam on many airplanes. In four cases the cracks emanating from the bearing bore resulted in complete beam failure and main landing gear collapse. Since this condition is likely to develop in other Model 727 airplanes, an airworthiness directive is being issued to require inspection, rework, and replacement of the landing gear beam.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER (12-5-72).

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

BOEING. Applies to main landing gear beams made from 7079-T6 material on all Model 727 series airplanes certificated in all categories.

Compliance required as indicated:
To detect cracks in the main landing gear trunnion support beam, accomplish the following:

(a) Inspect all beams in accordance with (c) below within 500 hours time in service or 60 days from the effective date of this AD, whichever occurs first, and at intervals thereafter not to exceed 500 hours time in service or 60 days, whichever occurs first.

(b) Inspect all beams in accordance with (c) below within 1,000 hours time in service or 120 days, whichever occurs first, except Parts Nos. 65-16230-23, -24, -25, and -26, and those beams sleeved in accordance with Boeing Service Bulletin No. 57-122 dated October 15, 1971, or later FAA approved revisions.

(c) Ultrasonically inspect the bearing bore in accordance with Boeing Service Bulletin No. 57-119, Revision 2, dated November 14,

1972, or later FAA approved revision, or an equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(d) Eddy-current inspect inside the trunnion bore in accordance with Boeing nondestructive test document No. D6-7170, Section 06-01-00, or an equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Reinstall the bearing in accordance with Boeing Service Bulletin No. 57-120, Revision 1, dated July 9, 1971, or later FAA approved revisions.

(e) Any beam in which evidence of a crack in the bearing bore is found must, prior to further flight, be replaced with a beam inspected per this AD and found to be uncracked, or reworked in accordance with instructions in Boeing Service Bulletin No. 57-120, Revision 1, dated July 9, 1971 or later FAA approved revisions, or in accordance with instructions approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

(f) (1) Landing gear beams, Parts Nos. 65-16230-23, -24, -25, and -26, and those beams sleeved in accordance with Boeing Service Bulletin No. 57-122 dated October 15, 1971 or later FAA approved revisions, must be replaced with the redesigned beam (P/N 65-62335) no later than July 1, 1974. (2) All other beams must be replaced with the redesigned beam (P/N 65-62335) no later than January 1, 1974.

(g) Airplanes having cracked landing gear beams which require replacement under this AD may be flown in accordance with FAR 21.197(a) (1) after issuance of individual special flight permits.

This supersedes Amendment 39-1162 as amended by 39-1306 (AD 71-5-4).

This amendment becomes effective upon publication in the FEDERAL REGISTER (12-5-72), for all persons except those to whom it was made effective immediately by telegram dated November 10, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on November 27, 1972.

C. B. WALK, JR.,
Director, FAA Northwest Region.

[FR Doc.72-20814 Filed 12-4-72; 8:47 am]

[Docket No. 72-EA-119, Amdt. 39-1570]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31 type airplanes. There has been a report of failure of the right forward rudder cable assembly which created a hazard in flight on Piper PA-31P airplanes. Subsequent investigation determined additional wearing with broken strand wires on other aircraft.

Because of the nature of the deficiency, an airmail dispatch was sent to all known owners of PA-31P airplanes which contained this airworthiness di-

rective. For purposes of publication in the FEDERAL REGISTER, the deficiency still exists and cause exists for waiving notice and public procedure as being impracticable and for publishing the amendment with less than 30 days notice.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-31P aircraft certificated in all categories.

Compliance required as indicated unless already accomplished.

To prevent hazards in flight as a result of the failure of the forward right rudder cable assembly, P/N 41947-04, accomplish the following:

1. On aircraft with less than 100 hours in service, inspect in accordance with paragraph (4.) before the accumulation of 100 hours in service and at intervals not to exceed 100 hours in service from the last inspection.

2. On aircraft with 100 hours to and including 499 hours in service, inspect in accordance with paragraph (4.) within the next 25 hours in service after the effective date of this airworthiness directive and thereafter at intervals not to exceed 100 hours in service from the last inspection.

3. On aircraft with 500 or more hours in service, inspect in accordance with paragraph (4.) within the next 10 hours in service after the effective date of the airworthiness directive and thereafter at intervals not to exceed 100 hours in service from the last inspection.

4. A. Remove and inspect the clamps attaching the right forward rudder cable to the nose gear steering cable. If the clamps are 1.12 inches long, replace with new 2.12-inch long clamps, P/N 47126-00 (two required) or equivalent and replace the right forward rudder cable and nose gear steering cable with new cables P/N 41947-04 and P/N 46845-03 or equivalent.

B. If the clamps are 2.12 inches long, inspect the nose gear steering cable and right forward rudder cable for frayed or worn cable strands. If either cable has frayed or worn cable strands, replace both cables with new cables P/N 41947-04 and P/N 46845-03 or equivalents. Reinstall 2.12-inch long clamps.

5. Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the repetitive inspection interval specified in this airworthiness directive. Equivalent parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. (Piper Aircraft Corp. Service Bulletin No. 372A pertains to this subject.)

This amendment is effective December 12, 1972, and was effective upon receipt by all recipients of the airmail dispatch dated November 16, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 27, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.72-20815 Filed 12-4-72; 8:47 am]

[Airspace Docket No. 72-SO-125]

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 London, Ky., transition area.

The London transition area is described in § 71.181 (37 F.R. 2143). A revision to VOR Runway 5 Instrument Approach Procedure, effective December 7, 1972, requires an extension predicated on the London VORTAC 202° radial 9 miles wide and extending to 10 miles south of the VORTAC, which is an estimated additional 13 square miles of controlled airspace. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 7, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the London, Ky., transition area is amended as follows:

"* * * long. 84°04'38" W) * * *" is deleted and "* * * long. 84°04'38" W); within 4.5 miles each side of London VORTAC 202° radial, extending from the 12.5-mile radius area to 10 miles south of the VORTAC * * *" is substituted therefor.

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

Issued in East Point, Ga., on November 24, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 72-20816 Filed 12-4-72; 8:48 am]

[Airspace Docket No. 72-RM-26]

PART 73—SPECIAL USE AIRSPACE**Alteration of Special Use Airspace**

On November 10, 1972, F.R. Doc. 72-19312 was published in the FEDERAL REGISTER (37 F.R. 23904) which amends Parts 71 and 73 of the Federal Aviation Regulations, effective 0901 G.m.t., January 4, 1973, by dividing R-6408 into a northern portion (R-6408A) and a southern portion (R-6408B) and making a small increase in the northern portion. Inaccurate information in the text was noted after publication. Therefore, action is taken herein to correct affected information.

Since this amendment is minor in nature with no substantive change in the regulations, notice, and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (12-5-72), F.R. Doc. 72-19312 (37 F.R. 23904) is amended as hereinafter set forth.

The last sentence in the first paragraph is hereby deleted.

In the fourth paragraph, subparagraphs 2.b. and c. "Longitude 109°21'30" W." is deleted and "Longitude 109°23'30" W." is substituted therefor.

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

Issued in Washington, D.C., on November 29, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 72-20817 Filed 12-4-72; 8:48 am]

[Airspace Docket No. 71-WA-3B]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES**Designation of Area High Routes****Correction**

In F.R. Doc. 72-20164 appearing on page 24894 of the issue for Thursday, November 23, 1972, the reference in the penultimate line of the second airspace description, reading "40°02'01" ", should read "47°02'01" ".

Title 21—FOOD AND DRUGS**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare****SUBCHAPTER C—DRUGS**

[DESI 11048]

PART 148i—NEOMYCIN SULFATE**Antiperspirants and Deodorants
Certifications Revoked**

In the FEDERAL REGISTER of July 8, 1972 (37 F.R. 13481), the Commissioner of Food and Drugs announced (DESI 11048) the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following products for topical use containing aluminum chlorohydroxide complex in combination with neomycin sulfate:

1. Deocin Deodorant-Antiperspirant Lotion; The Upjohn Co., 7171 Portage Road, Kalamazoo, MI 49001 (NDA 11-048).

2. Top Brass Roll-On Deodorant; Revlon, Inc., 767 Fifth Avenue, New York, NY 10022 (NDA 60-762).

3. Hi and Dri Antiperspirant Roll-On Deodorant; Revlon, Inc. (NDA 60-762).

4. Hi and Dri Cream Deodorant; Revlon, Inc. (NDA 60-761).

5. Neomycin Antiperspirant Lotion; Chas Pfizer and Co., Inc., 235 East 42d Street, New York, NY 10017 (NDA 11-805).

6. Biodorant Roll-On Deodorant; Helena Rubinstein Laboratories Inc., Northern Boulevard, Greenvale, Long Island, N.Y. 11548 (NDA 61-165).

The announcement gave notice that the Food and Drug Administration concluded that there is a lack of substantial evidence that the effectiveness of the above combination products is sufficient to warrant their use in view of the known risks involved.

The Commissioner announced his intention to initiate proceedings to amend the antibiotic drug regulations to delete provisions for certification or release of such combinations.

Interested persons were invited to submit, within 30 days after publication of the announcement in the FEDERAL REGISTER, written comments on the proposal to so amend the antibiotic drug regulations.

Revlon Research Center responded to the proposal; however the Commissioner concludes that no new data on which a different decision could be based have been presented.

Accordingly the Commissioner concludes: (1) That the antibiotic drug regulations should be amended to revoke provision for certification or release of such antibiotic drugs for human use, and (2) that all outstanding certificates and releases heretofore issued for such drugs should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148i is amended as follows.

Part 148i is amended by revoking § 148i.30 Neomycin sulfate (commercial grade)—aluminum chlorohydroxide cream deodorant; § 148i.30a Neomycin sulfate (commercial grade)—aluminum chlorohydroxide deodorant lotions; neomycin sulfate (commercial grade)—aluminum chlorohydroxide-aluminum chloride deodorant lotion; § 148i.30b Neomycin sulfate-aluminum chlorohydroxide deodorant lotion; and § 148i.31 Neomycin sulfate (commercial grade).

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order and request a hearing, showing reasonable grounds therefor. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic regulations should not be so amended, and shall include a well-organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order the Commissioner will enter an order on

these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) (21 U.S.C. 371 (f) and (g)) of the Federal Food, Drug, and Cosmetic Act. (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferable in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20352. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended as necessary to rule thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended, 21 U.S.C. 352, 357)

Dated: November 29, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-20790 Filed 12-4-72; 8:45 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture PART 200—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Subpart A—Organization

ADDRESS CHANGES

Subpart A of Part 200, Title 36, Code of Federal Regulations, is revised to reflect minor organizational changes, several address changes, and some corrections.

§ 200.1 Central organization.

(a) **Central office.** The central office of the Forest Service is in Washington, D.C., in the South Agriculture Building. It consists of the Office of the Chief and Associate Chief, and a Deputy Chief for each of the following five activities: Programs and Legislation, National Forest System, Research, State and Private Forestry, and Administration. All communications should be addressed to the Forest Service, Department of Agriculture, 14th Street and Independence Avenue, Washington, D.C. 20250.

(b) **Chief of the Forest Service.** The Chief of the Forest Service, under the direction of the Secretary of Agriculture, administers the formulation, direction, and execution of Forest Service policies, programs, and activities.

(c) **Major activities.** The major activities of the Forest Service are as follows:

(1) **Programs and legislation.** Overall planning of Forest Service programs, policy formulation and analysis, legislative development, reporting and liaison, and environmental coordination.

(2) **National Forest System.** Management of the lands and natural resources of the National Forest System under the multiple use-sustained yield principle. This System includes National Forests, National Grasslands, Purchase Units, Land Utilization Projects, Research and Experimental Areas, and other areas. Management includes planning, coordinating, and directing programs for timber, range, watershed, wildlife, fire, lands, recreation, and engineering.

(3) **Research.** Plan, coordinate, and direct research programs to learn how man for his well-being and enjoyment can best use and protect the plant, animal, soil, water, and esthetic resources of nonagricultural rural and exurban lands. These programs include research on timber management, forest products and engineering, forest economics and marketing, watersheds, wildlife and fish habitat, range, recreation and other environmental concerns, forest insects and disease, forest fire and atmospheric science. Plans and directs international forestry activities and disseminates forestry research information throughout the world.

(4) **State and private forestry.** Coordinate and provide leadership for intergovernmental resource programs for technical and financial assistance to improve and protect State and privately owned forest resources and urban and community forestry. Carries out this action through cooperative forestry, flood prevention and river basin programs, cooperative forest fire and pest control, cooperative tree planting, and overall Forest Service participation in rural development and environmental concern.

(5) **Administration.** Provide support for Forest Service programs through management improvement, budgeting and finance, administrative services, personnel management, information and education, manpower and youth conservation, antipoverty programs, communication and electronics, management information system, inspections and external audits, civil defense and other emergency activities, and coordination of civil rights activities.

§ 200.2 Field organization.

The field organization of the Forest Service consists of regions, stations, and areas as described below:

(a) **Regions of the National Forest System.** For the purpose of managing the lands administered by the Forest Service, the United States is divided into nine geographic regions of the National Forest System. Each region has a headquarters office and is supervised by a Regional Forester who is responsible to the Chief for the activities assigned to his region. Within each region are located national forests and other lands of the Forest Service.

(1) **National forests.** Each forest has a headquarters office and is supervised by a Forest Supervisor who is responsible to the Regional Forester. Each forest is divided into ranger districts.

(2) **Ranger districts.** Each district may include a portion of a national forest, a national grassland, or portion thereof, a national recreation area, and other lands administered by the Forest Service. Each district has a headquarters office and is supervised by a District Ranger who is responsible to the Forest Supervisor. The district constitutes the basic land management unit.

(b) **Experiment stations for forest and range research.** To facilitate forestry research in the field, the United States is divided into eight geographic regions referred to as experiment stations. Each station has a headquarters office and a Director who is responsible to the Chief for all research activities assigned to his station. The Forest Products Laboratory and Institute of Tropical Forestry are additional research organizations headed by Directors. Each experiment station has research project locations dispersed within its geographic boundaries.

(1) **Laboratories.** Research activities are at 88 locations including 47 modern laboratories.

(2) **Field facilities.** Within experiment stations there are 81 experimental forests and ranges and 100 research natural areas.

(c) **Areas for State and private forestry cooperation.** Field-level cooperation between the Forest Service, States, and the private sector on forestry activities is accomplished within two geographic areas in the Eastern United States, and within the national forest regions in the Western United States. Each of the two Eastern areas has a headquarters office and is supervised by an Area Director, who is responsible to the Chief for the activities assigned to his Area. Regional Foresters in Western Regions 1 through 6 and 10 are responsible for State and private forestry activities within their regions.

(d) **Field addresses.** The addresses of Regional Foresters, Research Station Directors, Area Directors, and Forest Supervisors are given below. Location of specific ranger district headquarters may be obtained from Forest Supervisors.

NATIONAL FORESTS BY REGIONS

REGION 1, NORTHERN REGION

Regional Forester, Federal Building, Missoula, Mont.
59801

State in which forest is located	National Forest	Headquarters of Supervisor
Idaho.....	Clearwater.....	Orofino.
	Coeur d'Alene.....	Coeur d'Alene.
	Kaniksu.....	Sandpoint.
	Neperce.....	Grangeville.
	St. Joe.....	St. Maries.
Montana.....	Beaverhead.....	Dillon.
	Bitterroot.....	Hamilton.
	Custer.....	Billings.
	Deerlodge.....	Butte.
	Flathead.....	Kalispell.
	Gallatin.....	Bozeman.
	Helena.....	Helena.
	Kootenai.....	Libby.
	Lewis and Clark.....	Great Falls.
	Lolo.....	Missoula.

REGION 1, NORTHEASTERN REGION—continued

State in which forest is located	National Forest	Headquarters of Supervisor
Washington	Colville	Colville.

REGION 2, ROCKY MOUNTAIN REGION

Regional Forester, Federal Center, Building 85, Denver
Colo. 80225

Colorado	Arapaho	Golden.
	Grand Mesa	Delta.
	Uncompaggre.	
	Gunnison	Gunnison.
	Pike	Spring.
	Rio Grande	Monte Vista.
	Roosevelt	Fort Collins.
	Routt	Steamboat
		Spring.
	San Isabel	Pueblo.
	San Juan	Durango.
	White River	Glenwood
		Spring.
Nebraska	Nebraska	Chadron.
	Samuel R.	Chadron.
	McKelvie.	
South Dakota	Black Hills	Custer.
Wyoming	Bighorn	Sheridan.
	Medicine Bow	Laramie.
	Shoshone	Cody.

REGION 3, SOUTHWESTERN REGION

Regional Forester, 517 Gold Avenue SW., Albuquerque,
N. Mex. 87101

Arizona	Apache	Springerville.
	Coconino	Flagstaff.
	Coronado	Tucson.
	Kalbar	Williams.
	Prescott	Prescott.
	Sitgreaves	Holbrook.
	Tonto	Phoenix.
New Mexico	Carson	Taos.
	Gila	Albuquerque.
	Lincoln	Silver City.
	Alamogordo.	Alamogordo.
	Santa Fe	Santa Fe.

REGION 4, INTERMOUNTAIN REGION

Regional Forester, 324 25th Street, Ogden, Utah 84401

Idaho	Boise	Boise.
	Caribou	Pocatello.
	Challis	Challis.
	Payette	McCall.
	Salmon	Salmon.
	Sawtooth	Twin Falls.
	Targhee	St. Anthony.
Nevada	Humboldt	Elko.
	Toiyabe	Reno.
Utah	Ashley	Vernal.
	Catch	Logan.
	Dixie	Cedar City.
	Fishlake	Richfield.
	Manti-LaSal	Price.
	Uinta	Provo.
	Wasatch	Salt Lake City.
Wyoming	Teton	Jackson.
	Bridge	Kemmerer.

REGION 5, CALIFORNIA REGION

Regional Forester, 630 Sansome Street, San Francisco,
CA 94111

California	Angeles	Pasadena.
	Calaveras	Sonora.
	Bigtree	
	Cleveland	San Diego.
	Eldorado	Placerville.
	Inyo	Bishop.
	Klamath	Yreka.
	Lassen	Susanville.
	Los Padres	Goleta.
	Mendocino	Willows.
	Modoc	Alturas.
	Plumas	Quincy.
	San Bernardino	San Bernardino.
	Sequoia	Porterville.
	Shasta-Trinity	Redding.
	Sierra	Fresno.
	Six Rivers	Eureka.
	Stanislaus	Sonora.
	Tahoe	Nevada City.

REGION 6, PACIFIC NORTHWEST REGION

Regional Forester, 319 Southwest Pine Street, Portland,
Oreg. 97208 (Post Office Box 3623)

Oregon	Deschutes	Bend.
	Fremont	Lakeview.
	Malheur	John Day.
	Mount Hood	Portland.
	Ochoco	Prineville.
	Rogue River	Medford.
	Siskiyou	Grants Pass.
	Siuslaw	Corvallis.
	Umatilla	Pendleton.
	Umpqua	Roseburg.
	Wallowa	Baker.
	Whitman	
	Willamette	Eugene.
Washington	Winema	Klamath Falls.
	Gifford Pinchot	Vancouver.
	Mount Baker	Bellingham.
	Okanogan	Okanogan.
	Olympic	Olympia.
	Snoqualmie	Seattle.
	Wenatchee	Wenatchee.

REGION 8, SOUTHERN REGION

Regional Forester, 1720 Peachtree Road, NW., Atlanta,
Ga. 30309

Alabama	William B.	Montgomery.
	Bankhead	
	Conecuh	Do.
	Talladega	Do.
	Tuskegee	Do.
Arkansas	Ouchita	Hot Springs.
	Ozark-St. Francis	Russellville.
Florida	Apalachicola	Tallahassee.
	Ocala	Do.
	Osceola	Do.
Georgia	Chattahoochee	Gainesville.
	Oconee	
Kentucky	Daniel Boone	Winchester.
Louisiana	Kisatchie	Pineville.
Mississippi	Blenville	Jackson.
	Delta	Do.
	DeSoto	Do.
	Holly Springs	Do.
	Homochitto	Do.
	Tombigbee	Do.
North Carolina	Croatan	Asheville.
	Nantahala	Do.
	Pisgah	Do.
	Uwharrie	Do.
South Carolina	Francis Marion	Columbia.
	and Sumter	
Tennessee	Cherokee	Cleveland.
Texas	Angelina	Lufkin.
	Davy Crockett	Do.
	Sabine	Do.
	Sam Houston	Do.
Virginia	George Wash-	Harrisonburg.
	ington	
	Jefferson	Roanoke.

REGION 9, EASTERN REGION

Regional Forester, 633 West Wisconsin Avenue, Mil-
waukee, Wis. 53203

Illinois	Shawnee	Harrisburg.
Indiana and Ohio	Wayne-Hoosier	Bedford.
Michigan	Hiawatha	Escanaba.
	Huron-Manistee	Cadillac.
	Ottawa	Ironwood.
Minnesota	Chippewa	Cass Lake.
	Superior	Duluth.
Missouri	Clark	Rolla.
	Mark Twain	Springfield.
New Hampshire	White Mountain	Laconia, N.H.
Pennsylvania	Allegheny	Warren.
Vermont	Green Mountain	Rutland.
West Virginia	Monongahela	Elkins.
Wisconsin	Chequamegon	Park Falls.
	Nicolet	Rhineland.

REGION 10, ALASKA REGION

Regional Forester, Federal Office Building, P.O. Box
1628, Juneau, Alaska 99801

Alaska	Chugach	Anchorage.
	North Tongass	Juneau.
	South Tongass	Ketchikan.

FOREST AND RANGE EXPERIMENT STATIONS

NAME OF STATION AND HEADQUARTERS OF
DIRECTOR

Intermountain—507 25th Street, Ogden,
UT 84401.

North Central—Forest Service, Folwell Ave-
nue, St. Paul, Minn. 55101.

Northeastern—6816 Market Street, Upper
Darby, PA 19082.

Pacific Northwest—809 Northeast Sixth
Avenue, Post Office Box 3141, Portland,
OR 97208.

Pacific Southwest—1960 Addison Street, Post
Office Box 245, Berkeley, CA 94701.

Rocky Mountain—240 West Prospect Street,
Fort Collins, CO 80521.

Southeastern—Post Office Building, Post
Office Box 2570, Asheville, NC 28802.

Southern—Federal Building, 701 Loyola Ave-
nue, New Orleans, LA 70113.

Institute of Tropical Forestry—University of
Puerto Rico Agricultural Experiment Sta-
tion Grounds, Post Office Box AQ, Rio
Piedras, PR 00928.

Forest Products Laboratory—Post Office Box
5130, North Walnut Street, Madison, WI
53705.

STATE AND PRIVATE FORESTRY AREAS

Director, Northeastern Area—6816 Market
Street, Upper Darby, PA 19082.

Director, Southeastern Area—1720 Peachtree
Road NW, Atlanta, GA 30309.

NOTE: In Regions 1 through 6 and 10,
State and private forestry activities are di-
rected from Regional headquarters.

Effective date. This revision is effective
on date of publication in the FEDERAL
REGISTER (12-5-72).

JOHN R. MCGUIRE,
Chief, Forest Service.

NOVEMBER 28, 1972.

[FR Doc 72-20722 Filed 12-4-72; 8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14R—Office of Saline Water,
Department of the Interior

PART 14R-9—PATENTS AND DATA

Subpart 14R-9.1—Inventions and Patents

REMOVAL OF LICENSING REQUIREMENT

NOVEMBER 29, 1972.

On August 31, 1972, a notice of pro-
posed rule making was published in the
FEDERAL REGISTER (37 F.R. 17763) with
respect to a proposed amendment to the
Office of Saline Water patents and data
regulations and contract clauses (41
CFR Part 14R-9), in § 14R-9.101-9,
paragraph (c)(4) thereof, which re-
moves any requirement on the part of the
contractor taking rights in foreign pat-
ents to license others (except the Gov-
ernment) under such rights.

Interested persons were given thirty
(30) days within which to submit writ-
ten comments, suggestions, or objections
to the proposed amendment. Comments
which have been received have been con-
sidered. The proposed amendment, with-
out change, is hereby adopted and is set
forth below. This amendment shall be-
come effective on the date of this publi-
cation in the FEDERAL REGISTER (12-
5-72).

(5 U.S.C. 301 and 40 U.S.C. 486(c))

1. Amend § 14R-9.101-9 by deleting the last two sentences of paragraph (c) (4). As amended, the subparagraph will read:

§ 14R-9.101-9 Patent clause.

(c) *Foreign rights and obligations.* . . .
(4) If the Contractor files patent applications in foreign countries pursuant to authorization granted under subparagraph (2) of this paragraph, the Contractor agrees to grant to the Government an irrevocable, nonexclusive, royalty-free license to practice the invention under any patents which may issue thereon in any foreign country, including the power to issue sublicenses, either for governmental purposes or pursuant to any existing or future treaties or agreement between the Government and a foreign government for governmental purposes of said foreign government, or both.

CHARLES G. EMLEY,
Deputy Assistant Secretary,
Department of the Interior.

NOVEMBER 29, 1972.

[FR Doc.72-20796 Filed 12-4-72;8:46 am]

Chapter 105—General Services
Administration

PART 105-62—DOCUMENT SECURITY
AND DECLASSIFICATION

Procedures for Safeguarding National
Security Information and Material

This regulation prescribes procedures for safeguarding national security information and material within GSA and outlines the responsibilities and restrictions that are imposed on organizational elements of GSA in which classified material is received, handled, or stored.

Chapter 105 is amended by the addition of new Part 105-62 as follows:

Sec.
105-62.000 Scope of part.

Subpart 105-62.1—Classified Materials

105-62.101 Security classification categories.
105-62.102 Authority to classify.
105-62.103 Access to GSA-originated materials.

Subpart 105-62.2—Declassification and
Downgrading

105-62.201 Declassification and downgrading.
105-62.202 Review of classified materials for declassification purposes.
105-62.203 Declassification of Presidential papers.

AUTHORITY: The provisions of this Part 105-62 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); Executive Order 11652 dated March 8, 1972.

§ 105-62.000 Scope of part.

This part prescribes procedures for safeguarding national security information and material within GSA. They explain how to identify, classify, downgrade, declassify, disseminate, and protect such information in the interest of national security. They also supplement and conform with Executive Order 11652 dated March 8, 1972, subject: Classification and Declassification of National

Security Information and Material, and the Directive of the President dated May 17, 1972, issued through the National Security Council.

Subpart 105-62.1—Classified
Materials

§ 105-62.101 Security classification
categories.

As set forth in Executive Order 11652, official information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of three categories; namely, Top Secret, Secret, or Confidential, depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute. These classification categories are defined as follows:

(a) *Top Secret.* Top Secret refers to that national security information or material which requires the highest degree of protection. The test for assigning the Top Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave danger" include armed hostilities against the United States or its allies, disruption of foreign relations vitally affecting the national security, the compromise of vital national defense plans or complex cryptologic and communications intelligence systems, the revelation of sensitive intelligence operations, and the disclosure of scientific or technological developments vital to national security. This classification shall be used with the utmost restraint.

(b) *Secret.* Secret refers to that national security information or material which requires a substantial degree of protection. The test for assigning the Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security, significant impairment of a program or policy directly related to the national security, revelation of significant military plans or intelligence operations, and compromise of significant scientific or technological developments relating to national security. The classification "Secret" shall be sparingly used.

(c) *Confidential.* Confidential refers to other national security information or material which requires protection. The test for assigning the Confidential classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

§ 105-62.102 Authority to classify.

The authority to classify information or material is restricted solely to those

offices within the executive branch which are concerned with matters of national security and is limited to the minimum number absolutely required for efficient administration. The authority to classify information originating in GSA is as follows:

(a) *Top Secret.* GSA is not one of those agencies designated and authorized by the President to classify information or material as Top Secret.

(b) *Secret.* Authority to classify information or material as secret may be exercised only by the Administrator of General Services; Deputy Administrator of General Services; Assistant Administrator; Assistant Administrator for Administration; General Counsel; Archivist of the United States; Commissioners, Automated Data and Telecommunications Service, Federal Supply Service, Property Management and Disposal Service, and Public Buildings Service; and Regional Administrators.

(c) *Confidential.* Authority to classify information or material as confidential may be exercised by officials who have secret classification authority and by officials at the deputy commissioner level and the Director of Investigations.

§ 105-62.103 Access to GSA-originated
materials.

(a) *Access by historical researchers.* Access to classified information or material is granted to persons who are engaged in historical research projects. In each instance the Administrator of General Services will:

(1) Determine that access is clearly consistent with the interests of national security;

(2) Take appropriate steps to ensure that classified information or material is not published or otherwise compromised;

(3) Determine that the information or material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort;

(4) Make certain that the historical researcher agrees to safeguard the information or material in a manner consistent with Executive Order 11652 and the directives of the President issued through the National Security Council; and

(5) Insure that the historical researcher will agree to authorize a review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained therein.

(b) *Validity of authorization for access.* An authorization for access shall be valid for the period required but for no longer than 2 years from the date of issuance unless it is renewed.

(c) *Access by former Presidential appointees.* Persons who previously occupied policymaking positions to which they were appointed by the President may be authorized access to classified information or material which they originated, reviewed, signed, or received while in public office. Upon the request of any such former official, such information and material as he may identify shall be reviewed for declassification in accordance with the provisions of § 105-62.201.

(d) *Requests for classified information.* All requests from persons engaged in historical research projects for classified information originated within GSA shall be referred to the GSA Security Officer (Assistant Administrator for Administration) who will seek the approval of the Administrator on the release of such information based on compliance with the conditions of release set forth in paragraph (a) of this section.

(e) *Access to material in NARS custody.* The Archivist of the United States prepares procedures governing access to materials transferred to NARS custody. The procedures are issued by the Administrator of General Services in 41 CFR Part 105-61.

(f) *Release of classified information to contractors and others in U.S. industry.* Procedures for safeguarding classified information required to be disclosed to industry in connection with the solicitation of bids and offers, and the award, performance, and termination of contracts are contained in 41 CFR 5-53.2.

Subpart 105-62.2—Declassification and Downgrading

§ 105-62.201 Declassification and downgrading.

(a) *Scheduling declassification.* Classified information and material shall be declassified as soon as there are no longer any grounds for continued classification within the classification category definitions set forth in § 105-62.101. At the time of origination the classifier shall, whenever possible, clearly mark on the information or material a specific date or event upon which downgrading or declassification shall occur. Such dates or events shall be as early as is permissible without causing damage to the national security as defined in § 105-62.101. Whenever earlier dates or events cannot be determined, the General Declassification Schedule set forth in subparagraphs (1) through (3) of this paragraph, shall apply. If the information or material is exempted from the General Declassification Schedule, the classifier shall clearly mark the material to show that it is exempt and shall indicate the applicable exemption category. Unless impossible, the exempted information or material shall be assigned and clearly marked by the classifier with a specific date or event upon which declassification shall occur. Downgrading and declassification dates or events established in accordance with the foregoing, whether scheduled or nonscheduled, shall to the extent possible be carried forward and applied whenever the classified information or material is incorporated in other documents or material. Classified information and material unless declassified earlier by the original classifying authority shall be declassified and downgraded in accordance with the following rules:

(1) *Top Secret.* Information or material originally classified top secret is automatically downgraded to secret at the end of the second full calendar year following the year in which it was originated, downgraded to confidential at the

end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the 10th full calendar year following the year in which it was originated.

(2) *Secret.* Information and material originally classified secret is automatically downgraded to confidential at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(3) *Confidential.* Information and material originally classified confidential is automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

(b) *Exemptions from General Declassification Schedule.* Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. Executive Order 11652 provides that an official authorized to originally classify information or material top secret may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision if it falls within one of the categories described below. In each case such official shall specify in writing on the material the exemption category being claimed and, unless impossible, a date or event for automatic declassification. The use of the exemption authority shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

(1) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.

(2) Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.

(3) Classified information or material disclosing a system, plan, installation, project, or specific foreign relations matter the continuing protection of which is essential to the national security.

(4) Classified information or material the disclosure of which would place a person in immediate jeopardy.

(c) *Agencies which do not have authority for original classification.* The provisions of Executive Order 11652 relating to the declassification of national security information or material apply to GSA which under the terms of this order does not have current authority to originally classify information or material top secret but which formerly had such authority under previous Executive orders.

(d) *Mandatory review of exempted material.* All classified information and material originated after June 1, 1972, the effective date of Executive Order 11652, which is exempted under paragraph (b) of this section, from the General Declassification Schedule is subject to a classification review by the originating agency at any time after the ex-

piration of 10 years from the date of origin provided:

(1) An agency or member of the public requests a review;

(2) The request describes the record with sufficient particularity to enable the agency to identify it; and

(3) The record can be obtained with only a reasonable amount of effort.

Information or material which no longer qualifies for exemption under paragraph (b) of this section, shall be declassified. Information or material continuing to qualify under paragraph (b) of this paragraph, shall be so marked and, unless impossible, a date for automatic declassification shall be set.

(e) *Applicability of the General Declassification Schedule to previously classified material.* Information or material classified before the effective date of Executive Order 11652 and which is assigned to Group 4 under Executive Order 10501, as amended by Executive Order 10964, shall be subject to the General Declassification Schedule. All other information or material classified before June 1, 1972, whether or not assigned to Group 1, 2, or 3 of Executive Order 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of 10 years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after June 1, 1972, as set forth in paragraphs (b) and (c) of this section.

(f) *Declassification of classified information or material after 30 years.* All classified information or material which is 30 years old or more, whether originating before or after June 1, 1972, shall be declassified under the following conditions:

(1) All information and material classified after the effective date of Executive Order 11652, whether or not declassification has been requested, is automatically declassified at the end of 30 full calendar years after the date of its original classification except for such specifically identified information or material that the head of the originating agency personally determines in writing at that time to require continued protection which is essential to the national security or disclosure of which would place a person in immediate jeopardy. In such a situation the head of the agency shall also specify the period of continued classification.

(2) All information and material classified before the effective date of Executive Order 11652 and more than 30 years old shall be systematically reviewed for declassification by the Archivist of the United States by the end of the 30th full calendar year following the year in which it was originated. In his review, the Archivist will separate and keep protected only such information or material as is specifically identified by the head of the agency in accordance with subparagraph (1) of this paragraph. In such instances the head of the agency shall also specify the period of continued classification.

§ 105-62.202 Review of classified material for declassification purposes.

(a) *Systematic reviews.* All information and material classified after the effective date of Executive Order 11652 and determined in accordance with chapter 21, 44 U.S.C. (82 Stat. 1287) to be of sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis for the purpose of making such information and material publicly available in accordance with the determination regarding declassification made by the classifier. During each calendar year all such information and material warranting preservation and becoming declassified at or prior to the end of that year shall be segregated to the maximum extent possible. Promptly after the end of each year the declassified information and material shall be made available to the public to the extent permitted by law.

(b) *Review for declassification of classified material over 10 years old.* Members of the public or agencies may direct requests for mandatory review for declassification to the General Services Administration, GSA Security Office (B), Washington, D.C. 20405. The GSA Security Office shall immediately acknowledge receipt of the request and forward the request to the GSA Document Classification Review Committee. The Committee shall assign it to the appropriate service or staff office for action. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to title 5 of the Independent Offices Appropriations Act, 1952, 65 Stat. 290, 31 U.S.C. 483a, the requester shall be so notified. The office which has been assigned action shall thereafter make a determination within 30 calendar days of receipt or shall explain to the GSA Document Classification Review Committee the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the GSA Document Classification Review Committee for a determination. Should the office assigned action on a request for review determine that under the provision set forth in § 105-62.201 (b) continued classification is required, the requester shall promptly be notified and, whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the GSA Document Classification Review Committee, and the notice of determination shall inform him of this right.

(c) *The GSA Document Classification Review Committee.* The GSA Document Classification Review Committee shall establish procedures to review and act within 30 calendar days upon all applications and appeals regarding requests for declassification of GSA documents. The Administrator of General Services acting through the Committee is authorized to overrule previous determinations in whole or in part when in his judgment continued protection is no longer required. If the Committee determines

that continued classification is required under the provision of § 105-62.201 (b), it shall promptly so notify the requester and inform him that he may appeal the denial to the Interagency Classification Review Committee.

(d) *Review of classified material over 30 years old.* A request by a member of the public or by an agency under section 5 (C) or (D) of Executive Order 11652 to review for declassification documents more than 30 years old shall be referred directly to the Archivist of the United States, and he shall have the requested documents reviewed for declassification. If the information or material requested has not been transferred to GSA for accession into the Archives, the Archivist, together with the head of the agency having custody, shall have the requested documents reviewed for declassification. Classification shall be continued in either case only where the head of the agency concerned makes at that time the personal determination required by section 5 (E) (1) of Executive Order 11652. The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(e) *Classification review requests.* A request for classification review must describe the document with sufficient particularity to enable the agency to identify it and obtain it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If nonetheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

§ 105-62.203 Declassification of Presidential papers.

The Archivist of the United States has the authority to review and declassify information and material which has been classified by a President, his White House staff, or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential library. Such declassification shall only be undertaken in accord with: (a) The terms of the donor's deed of gift, (b) consultations with the agencies having a primary subject-matter interest, and (c) the provisions of § 105-62.201.

Effective date. These regulations are effective upon publication in the *Federal Register* (12-5-72).

Dated: November 28, 1972.

ARTHUR F. SAMPSON,
Acting Administrator
of General Services.

[FR Doc. 72-20792 Filed 12-4-72; 8:45 am]

Title 30—MINERAL RESOURCES

Chapter V—Interim Compliance Panel (Coal Mine Health and Safety)

SUBCHAPTER C—GENERAL ADMINISTRATION

PART 505—PRACTICE AND PROCEDURE FOR HEARINGS UNDER SUBCHAPTERS A AND B OF THIS CHAPTER

Filings of Requests

Correction

In F.R. Doc. 72-19629 appearing at page 24175 of the issue of Wednesday, November 15, 1972, the following changes should be made:

1. In the eighth line of the first paragraph the reference to "mg./g." should read "mg./m.³".

2. In § 505.12(c) the word "publi" in the second line should be deleted and replaced with the word "the".

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5304]

[Idaho 09113]

IDAHO

Withdrawal for National Forest Public Service Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SALMON NATIONAL FOREST

BOISE MERIDIAN

Gibbonsville Public Service Site

T. 26 N., R. 21 E.,

Beginning at corner 7 of Mineral Survey 955a in SW¼ of sec. 25, unsurveyed, T. 26 N., R. 21 E., B.M., Idaho, which is 3,717.9 feet north 27°57' east of U.S. Mineral Monument No. 1; thence north 62°12' west, 533.1 feet to set stone which is northwest corner of A. D. & M. placer claim; thence south 20°18' east, 879.7 feet to corner 8 of Mineral Survey 955a; thence north 16°6' east, 600 feet to point of beginning; containing 3.58 acres, more or less. Situated in approximately what will probably be when survey the SW¼ SW¼ sec. 25 and the NW¼ NW¼ sec. 36.

This area described contains 3.58 acres in Lemhi County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease,

license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary
of the Interior.

NOVEMBER 28, 1972.

[FR Doc.72-20797 Filed 12-4-72;8:46 am]

[Public Land Order 5305]

[Nevada 5999]

NEVADA

Withdrawal for Air Navigation Site

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 49 U.S.C., sec. 214 (1970), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for use by the Federal Aviation Administration, Department of Transportation, as an air navigation site:

MOUNT DIABLO MERIDIAN

T. 19 S., R. 57 E.,

Sec. 10, two parcels of land more particularly described as follows:

Parcel 1. From the quarter corner common to secs. 3 and 10, T. 19 S., R. 57 E., thence south 9°20' east, 1,141 feet to a U.S. Air Force survey marker which is a cross in the top of a 2-inch bolt set in the foot of an abandoned radar height-finder tower and immediately adjacent to and above a USGS brass top reference marker, said point of departure located at latitude 36°19'07.886" N., longitude 115°34'27.748" W., thence S. 64°22'25" W., 177.36 feet, to a 2½" x 2½" angle iron driven flush with the surface, which is the point of beginning of the plot; thence S. 23°29'55" E., 79.35 feet, to a point, which is a tack in pavement, thence S. 79°13'45" E., 104.76 feet, to a point which is a tack in pavement; thence S. 10°46'15" W., 15 feet, to a point which is a tack in pavement; thence N. 79°13'45" W., 149.05 feet, to a point which is a 2-foot section of reinforcing bar driven flush with the surface; thence N. 44°01'05" W., 23 feet, to a point which is a 2-foot section of reinforcing bar driven flush with the surface; thence N. 06°57'20" E., 49 feet, to a point which is a 2-foot section of reinforcing bar driven flush with the surface; thence N. 41°06'50" E., 73.21 feet, to a point which is a 2-foot section of reinforcing bar driven flush with the surface; thence S. 32°00'50" E., 81 feet, to the point of beginning.

Parcel 2. From the point of beginning described above, thence N. 64°22'25" E., 3 feet, to a point which is the beginning of Parcel 2; thence N. 25°37'35" W., 4.30 feet, to a point; thence N. 64°22'25" E., 3 feet, to a point; thence S. 25°37'35" E., 4.30 feet, to a point; thence S. 64°22'25" W., 3 feet, to the beginning of Parcel 2.

The areas described aggregate approximately 0.3 of an acre in Clark County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Federal Aviation Administration finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

HARRISON LOESCH,
Assistant Secretary
of the Interior.

NOVEMBER 28, 1972.

[FR Doc.72-20798 Filed 12-4-72;8:46 am]

[Public Land Order 5306]

[Utah 13853]

UTAH

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. sec. 416 (1970), it is ordered as follows:

1. The departmental order of June 12, 1943, and Public Land Order No. 2126 of June 15, 1960, withdrawing lands for the Emery County Project, are hereby revoked so far as they affect the following described lands:

MANTI-LASAL NATIONAL FOREST

SALT LAKE MERIDIAN

T. 17 S., R. 6 E.,

Sec. 31, lots 2 to 7, incl., and 10 to 15, incl.; sec. 32, W½SE¼SW¼.

T. 18 S., R. 6 E.,

Sec. 5, lot 1, N½ of lot 8;
sec. 6, W½SE¼NW¼, SW¼ of lot 6;
sec. 7, W½NE¼SE¼, W½E½NE¼SE¼.

The area described aggregates 516.82 acres in Emery County.

2. The lands described as lots 5, 6, 11, 12, sec. 31, T. 17 S., R. 6 E., are withdrawn from all forms of appropriation under the public land laws, including location and entry under the U.S. mining laws, but not from leasing under the mineral leasing laws or disposal of materials under the Act of July 31, 1947, as amended, 30 U.S.C. 601-604 (1970), by Public Land Order No. 1391 of February 13, 1957, for the Joe's Valley Administrative Site, and will remain so withdrawn. The remaining unappropriated public lands described above shall at 10 a.m. on January 3, 1973, be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary
of the Interior.

NOVEMBER 28, 1972.

[FR Doc.72-20799 Filed 12-4-72;8:46 am]

[Public Land Order 5307]

[Riverside 290]

CALIFORNIA

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 45 Stat. 729, 43 U.S.C. sec. 214 (1970), it is ordered as follows:

1. The departmental order of October 12, 1937, withdrawing lands as Air Navigation Site No. 112, is hereby revoked as to the remaining land withdrawn thereby, described as follows:

SAN BERNARDINO MERIDIAN

T. 6 N., R. 17 E.,

Sec. 10, NE¼SW¼SE¼, W½SE¼SE¼, SE¼SE¼SE¼.

T. 8 N., R. 21 E.,

Sec. 32, W½E½NW¼SE¼, W½NW¼SE¼, NE¼SW¼SE¼, E½NW¼SW¼SE¼.

The areas described aggregate 85 acres in San Bernardino County. The lands are located west and southwest of Needles, Calif. Topography is mountainous and rough with soils of a granitic origin. Vegetation is sparse, consisting of creosote bush and annual grasses.

2. At 10 a.m., on January 3, 1973, the land shall be open to operation of the public land laws generally, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 3, 1973, shall be considered as simultaneously filed at that time. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, District and Land Office, Bureau of Land Management, Riverside, Calif. 92502.

HARRISON LOESCH,
Assistant Secretary
of the Interior.

NOVEMBER 28, 1972.

[FR Doc.72-20800 Filed 12-4-72;8:46 am]

[Public Land Order 5308]

[New Mexico 11512]

NEW MEXICO

Partial Revocation of National Forest Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1120 of April 12, 1955, reserving lands within the Carson National Forest for use of the Forest Service as a public service site, is hereby revoked so far as it affects the following described land:

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Mallette Canyon Public Service Site

T. 29 N., R. 14 E.,

Sec. 36, lot 8, and that portion of lot 9, formerly described as all that portion of lot 1 lying south of MS 1072.

The area described contains approximately 21.67 acres in Taos County.

2. The described land has been patented pursuant to the consummation of a forest exchange.

HARRISON LOESCH,

Assistant Secretary of the Interior.

NOVEMBER 28, 1972.

[FR Doc. 72-20801 Filed 12-4-72; 8:46 am]

Title 45—PUBLIC WELFARE

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

PART 130—LIBRARY SERVICES, PUBLIC LIBRARY CONSTRUCTION, AND INTERLIBRARY COOPERATION

Procedures for Financial Assistance

Notice of proposed rule making was published in the *FEDERAL REGISTER* on January 12, 1972, at 37 F.R. 470, setting forth certain requirements and provisions for programs under the Library Services and Construction Act, as amended by the Library Services and Construction Amendments of 1970, Public Law 91-600, 20 U.S.C. 351.

Comments were received, as a result of public participation in the proposed rule making, with respect to the nature and functions of the State advisory councils on libraries (§ 130.8), participation of municipal governing bodies in the development of State plans (§§ 130.15, 130.16), and the qualifications of independent auditors for purposes of State and local audit requirements of (§ 130.38 (b)). Following review of such comments and additional consideration of the proposed regulation by interested units of the Department, the following changes were made:

A. SUMMARY OF CHANGES

1. A cross reference to the applicable requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, has been added as § 130.5(b) (16).

2. Other minor changes have been made either to correct typographical errors or to effect solely technical changes.

B. SUMMARY OF COMMENTS

1. *Consideration of needs of municipalities.*—Several commenters on § 130.8 expressed concern that municipalities might have difficulty in obtaining proper consideration of their particular needs in the development of a State plan by the State library administrative agency. These commenters also suggested the ad-

dition of an appeals procedure for a local government which considered that its interests had not been appropriately recognized by the State library administrative agency and a "more open" State planning and development system. They also suggested that the State Advisory Councils might be formed in a more "democratic and representative" fashion.

(a) It is, of course, the goal of the Commissioner of Education to encourage openness and full participation in the development of State plans under all federally assisted education programs for the administration of which he is responsible. The proposed regulations under the LSCA provide that all parts of the State plan must be made public (§ 130.16(b) (3)), including the three parts of the plan described in § 130.15(b). (A clarifying change in the regulation has been made to underscore this understanding.) This requirement should assist in facilitating the open State planning and development system called for in the comment. The concern expressed by these commenters as described above is one of the reasons for also requiring that a State advisory council be broadly representative of all types of library services and users (§ 130.8). States are required to develop long-range and annual programs with advice of the State Advisory Council (§ 130.8(c) (1); § 130.19 (a); § 130.20). It would appear that metropolitan interests are represented on these councils. An analysis of the council memberships for fiscal year 1972 in the aggregate shows that 46 States have 109 identifiable representatives from metropolitan areas classified as follows: 48 librarians, 11 trustees, and 50 users. Beyond this, State agencies are encouraged by the Office of Education to make preliminary drafts of the plan generally available during the course of its development.

The regulatory provision on the formation of State Advisory Councils tracks the statutory provision (§ 130.8 of the regulation; 20 U.S.C. 351a (8)).

Further, it should be noted, the regulation requires that a basic State plan shall contain, among other things, a statement of criteria developed for use by the State library administrative agency in determining the adequacy of public library services, specifically including criteria designed to assure that priority will be given to programs and projects which serve urban and rural areas with high concentrations of low-income families (§ 130.16(a) (2)). Other provisions of the regulation reflect this same orientation toward the needs of library users in urban and rural poverty areas (§ 130.17(a); § 130.18).

(b) Section 203(3) of the LSCA contemplates a formal hearing procedure on the State level in the case of the denial by the State agency of an application for construction under title II of the LSCA. This requirement is not specified under titles I and III. Thus the statutory scheme establishes a formal appeals proceeding under title II but not titles I and III. The regulations reflect this statutory pattern (45 CFR 130.19(b) (3) (v)). If in

the administration of the program it develops that a different approach is called for (involving appeals mechanisms under each title), the Office of Education will explore what, if any, steps can be taken to implement such an approach.

In light of the foregoing considerations, no further changes have been made in the regulation with respect to the development of State plans, the formation of State advisory councils, and the revision of State agency appeal procedures.

2. *State Advisory Councils.*—One commenter suggested the need for language requiring that a representative of the State library administrative agency be a member, ex officio, of the State advisory council on libraries.

As indicated above, the regulatory provisions as to the membership of an advisory council follow the provisions of the statute. Since the State library administrative agency has final responsibility for administration of the Act and is directed to seek the advice of the Council, close communication between the two bodies and their staffs obviously must be maintained.

Concern was expressed by several commenters with respect to the functions and responsibilities of a State advisory council formed under § 130.8. To assure that function is entirely of an advisory nature, a recommendation was made that subparagraph (3) of § 130.8(c) be reworded to direct that the Council to advise in the evaluation of services, programs, and activities under the plan rather than "assist" in such evaluation as set forth in the proposed subparagraph. Another comment calls attention to the fact that the concept "assist the State agency" appears to place such committee in an administrative rather than an advisory role.

The use of the language "assist", in § 130.8(c) (3) follows the wording of the statute (38 (c)), which appears to be quite deliberate (compare 3(8) (A) and (B)), and is intended to provide for more involvement of an advisory council in the actual evaluation of programs about which it has previously rendered advice. This should result in improved understanding by the council of program operations and a better basis for more valid advice by the council on subsequent year programs. There is no intention that the State advisory council on libraries should operate to "control" the State library administrative agency.

3. *State and local audits.*—A comment was received about the auditing requirements under § 130.38(b) in regard to a letter of September 15, 1970, in which the U.S. Comptroller General set forth certain standards concerning the qualification of independent auditors.

The primary difference between the proposed regulation and the guidelines contained in the September 15 letter (which applies by its terms only to audits of private organizations), is that the letter would place certain additional restrictions on the use of non-certified public accountants.

Audit standards for all HEW programs are provided by the Department's Audit Agency to which the comment has been referred. Since the issue raised by the commenter is currently under consideration by that Agency, it would be inappropriate to alter the usual regulatory policy for an individual Office of Education program. The Audit Agency will continue to consider the matter, on a Department-wide basis, with a view to possible regulatory changes.

After consideration of the above comments, Part 130 of Title 45 of the Code of Federal Regulations is amended as set forth below:

Effective date. As appears from the above summary, the modifications do not involve any changes of a substantial nature from the provisions which were published in the FEDERAL REGISTER on January 12, 1972, as proposed rule making. Accordingly, these regulations should be effective upon publication in the FEDERAL REGISTER (12-5-72), except for any portions thereof which have become effective by operation of law.

Dated: October 19, 1972.

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

Approved: November 28, 1972.

ELLIOT L. RICHARDSON,
Secretary, Department of
Health, Education,
and Welfare.

Subpart A—General

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Subpart C—Federal Financial Participation

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- 130.50 Conditions for payments to States.
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AUTHORITY: The provisions of this Part 130 are issued under the Library Services and Construction Act (20 U.S.C. 351 et seq.) as amended by Public Law 91-600.

Subpart A—General

§ 130.1 Purpose and scope.

The purpose of the regulations in this part is to implement the provisions of the Library Services and Construction Act, as amended, which provides for Federal grants to States to assist them in the establishment, extension, and improvement of public library services in areas of the States which are without such services or in which such services are inadequate; with public library construction; in the establishment, extension, and improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons; in strengthening State library administrative agencies; and in promoting interlibrary cooperation among all types of libraries. (20 U.S.C. 351)

§ 130.2 Applicability of civil rights regulation.

Federal financial assistance under this part is subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88-352, 78 Stat. 252, 42 U.S.C. 2000d et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in Part 80 of this title and the State plan shall contain in assurance to this effect. (42 U.S.C. 2000d et seq.)

§ 130.3 Definitions.

(a) "Act" means the Library Services and Construction Act, as amended by section 2 of the Library Services and Construction Amendments of 1970 (Public Law 91-600, 20 U.S.C. 351).

(b) "Commissioner" means the Commissioner of Education, U.S. Department of Health, Education, and Welfare.

(c) "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). (Also see § 130.43(b).)

(d) "Department" means the U.S. Department of Health, Education, and Welfare.

(e) "Disadvantaged persons" means persons who have educational, socioeconomic, cultural, or other disadvantages that prevent them from receiving the benefits of library services designed for persons without such disadvantages and who for that reason require specially designed library services. The term includes persons whose needs for such special services result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large, but does not include physically or other handicapped persons unless such persons also suffer from the disadvantages described in this paragraph.

(f) "Equipment", as distinguished from consumable supplies and other materials, means a fixed or movable article or set of articles which meets all the following conditions: (1) The article retains its original shape and general appearance with reasonable care and use over a period of at least 1 year; (2) it is nonexpendable, that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit; and (3) it does not lose its identity through incorporation into a different or more complex unit or substance. For purposes of § 130.43, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

(g) "Fiscal year" means a period beginning on July 1 and ending on the following June 30. A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.

(h) "Interlibrary cooperation", for the purpose of title III of the Act, means the establishment, expansion and operation of local, regional, and interstate cooperative library networks which will provide for the systematic and effective coordination of the resources of school, public, academic and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center. Such networks may be designed to serve a community, metropolitan area, or region within a State, or may serve a statewide or multistate area and shall consist of two or more types of libraries.

(i) "Library materials" means books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, processed video and magnetic tapes, printed, published, and audiovisual materials, nonconventional materials designed specifically for the handicapped, and other materials of a similar nature.

(j) "Library service" means the performance of all activities of a library

relating to the collection and organization of library materials and making the materials and information of a library available to the public or a special clientele.

(k) "Library services for the physically handicapped" means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

(l) "Public library" means a library that serves free of charge all residents of a community, district, or region without discrimination and receives its financial support in whole or in part from public funds. The term does not include libraries such as law, medical, school, and academic libraries, which are organized to serve a special clientele or purpose.

(m) "Public library services" means library services which are provided by or on behalf of a public library free of charge. The term does not include those library services that are properly the responsibility of the schools.

(n) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(o) "State institutional library services" means the providing of books and other library materials, and of library services, to (1) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (2) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired persons who by reasons thereof require special education) operated or substantially supported by the State.

(p) "State library administrative agency" or "State agency" means the official agency of a State charged by the law of that State with the extension and development of public library services throughout the State, which has adequate authority under the law of the State to administer State plans in accordance with the provisions of the Act. (20 U.S.C. 351a, 355e-1)

§ 130.4 Library services.

Funds appropriated under section 4(a) (1) of the Act (20 U.S.C. 351b(a) (1)) and allotted to States for the purposes of section 101 of title I of the Act (20 U.S.C. 352) shall, except as provided in § 130.7, be used solely for paying the Federal share of the cost of the following activities pursuant to the State plan submitted under Subpart B of this part:

(a) Planning for, and taking other steps leading to the development of, pro-

grams and projects as provided in paragraph (b) of this section;

(b) Programs and projects designed to extend and improve library services; that is

(1) Establishing, expanding, and operating programs and projects to provide:

(i) Library services for the disadvantaged in urban and rural areas; and

(ii) Library services to the physically handicapped, and

(iii) State institutional library services,

(2) Extending public library services to geographical areas and groups of persons without such services;

(3) Improving such services in such areas and for such groups as may have inadequate public library services;

(4) Strengthening metropolitan public libraries which serve as national or regional resource centers. (20 U.S.C. 352, 353(a))

§ 130.5 Public library construction.

(a) *General.* Funds appropriated under section 4(a) (2) of the Act (20 U.S.C. 351b(a) (2)) and allotted to States for the purposes of section 201 of title II of the Act (20 U.S.C. 355a) may be used solely for the purpose of paying the Federal share of the cost of public library construction projects which will result in a usable public library building pursuant to the State plan submitted under Subpart B of this part.

(b) *Terms and conditions with respect to construction.* The State agency shall assure that the following terms and conditions will be complied with on all construction projects approved by the State agency for assistance under title II of the Act:

(1) *Labor standards.* All laborers and mechanics employed by contractors and subcontractors on all construction projects assisted under the Act will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-5) and 29 CFR Part 1 (29 F.R. 95), and shall receive overtime compensation in accordance with, and otherwise comply with, the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327-333); that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3; and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c) (29 F.R. 100, 101, 13463).

(2) *Equal employment opportunity.* All construction contracts exceeding \$10,000 shall include the employment nondiscrimination clause prescribed by section 203 of Executive Order No. 11246 as amended by Executive Order No. 11375, and the State or local agency shall otherwise comply with the requirements of section 301 of said Executive order.

(3) *Avoidance of flood hazards.* In the planning of the construction of library facilities under the Act, the State or local agency shall, in accordance with the provisions of Executive Order No. 11296 of

August 10, 1966 (33 U.S.C. 701 note), and such rules and regulations as may be issued by the Department to carry out those provisions, evaluate flood hazards in connection with such library facilities, and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(4) *Accessibility to handicapped persons.* Except as otherwise provided for in the regulations issued by the Administrator of General Services (41 CFR Part 101-17) to implement Public Law 90-480 (42 U.S.C. ch. 51), all library facilities shall be designed, constructed, or altered with funds under the Act in accordance with the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1-1961," approved by the American Standards Association, Inc. (subsequently changed to United States of American Standards Institute). All library facilities using Federal funds shall display in a prominent place the "International Symbol of Access for the Handicapped".

(5) *Competitive bidding.* All construction contracts shall be awarded to the lowest qualified bidder on the basis of open competitive bidding except that, if one or more items of construction specified in § 130.43(b) are covered by an established alternative procedure consistent with State and local laws and regulations, which is approved by the State agency as designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure may be followed.

(6) *Elaborate or extravagant design or materials.* The projects will be undertaken in an economic manner and will not be elaborate or extravagant in design or materials.

(7) *Display of signs.* The sites of all construction projects shall display a sign stating that Federal funds under the Library Services and Construction Act are being used for such construction. When specifications call for a plaque in the completed building indicating the date of completion and source of funds, funds under the Act shall be noted.

(8) *Compliance with National Environmental Policy Act of 1969.* The applicant, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and Executive Order No. 11514 (34 F.R. 4247), will assess the impact of the project on the quality of the human environment and will comply with such procedures in that regard as may be established by the Department;

(9) *Interest in site.* The State or local agency has or will have a fee simple title or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the expected useful life of the facility.

(10) *Final drawings and specifications.* The final working drawings and specifications will be submitted to the

State agency for final approval before the project is placed on the market for bidding.

(11) *Prompt construction.* The construction approved pursuant to the project proposal will be undertaken promptly.

(12) *Fire and safety codes.* In developing plans for public library facilities, the local and State codes with regard to fire and safety will be observed; and in situations where local and State codes do not apply, recognized codes shall be observed.

(13) *On-site supervision and inspection.* Architectural or engineering supervision and inspection will be provided at the construction site to insure that completed work conforms to the approved plans and specifications; and representatives of the State agency will have access at all reasonable times; for the purpose of inspection, to all construction work being done under the Act, and the contractor will be required to facilitate such access and inspection.

(14) *Progress reports.* The local agency undertaking the construction will furnish progress reports and such other information relating to the proposed construction as the State agency may require.

(15) *Interest in completed facilities.* Upon completion of the construction, title to the facilities will be in and retained by a public State or local agency.

(16) *Relocation assistance.* Programs or projects receiving Federal financial assistance for construction pursuant to this part are subject to the regulations on Relocation Assistance and Real Property Acquisition Policies contained in Part 15 of this title, and prior to approval, a State agency (as defined in § 15.4(b) of this title) must notify the Department Regional Office of all such programs or projects affected by Part 15 (36 F.R. 18838, September 22, 1971). (20 U.S.C. 355a, 355b, 1232b; 33 U.S.C. 446 note, 701 note; 40 U.S.C. 327-333; 42 U.S.C. 2000e note, 4151-4156, 4321-4347)

§ 130.6 Interlibrary cooperation.

Funds appropriated under paragraph 4(a)(3) of the Act (20 U.S.C. 351b(a)(3)) and allotted to States for the purposes of section 301 of title III of the Act (20 U.S.C. 355e) shall be used solely to pay the cost of carrying out the State plan as it relates to interlibrary cooperation, including:

(a) Planning for, and taking other steps leading to the development of interlibrary cooperation, and

(b) Programs and projects of interlibrary cooperation. (20 U.S.C. 355e, 355e-1)

§ 130.7 Activities of State library administrative agency.

In addition to the activities specified in § 130.4, funds appropriated under section 4(a)(1) of the Act (20 U.S.C. 351b(a)(1)) and allotted to States for the purposes of section 101 of title I of the Act may also be used to pay the cost of the following activities of the State library administrative agency:

(a) Administration of the State plan submitted and approved under the Act

pursuant to Subpart B of this part (including obtaining the services of consultants);

(b) Statewide planning for and evaluation of library services;

(c) Dissemination of information concerning library services;

(d) The activities of the State advisory council pursuant to § 130.8;

(e) Activities of such other advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions;

(f) Training of librarians and other library personnel engaged in activities under the Act; and

(g) Otherwise strengthening the capacity of State library administrative agencies for meeting the needs of the people of the State in carrying out the purposes of the Act as stated in § 130.1. (20 U.S.C. 353(b))

§ 130.8 State advisory council on libraries.

(a) *General.* Each State which desires to receive funds under the Act and the regulations in this part for any fiscal year shall establish a State advisory council on libraries; and shall submit with its State plan for each fiscal year a certification with respect to such establishment, including the names of the council members and a statement of identification of each such member which shows the representation required by section 3(8) of the Act (20 U.S.C. 351a(8)) and paragraph (b) of this section.

(b) *Membership.* The membership of the State advisory council on libraries shall include persons broadly representative of each of the following:

- (1) Public libraries;
- (2) School libraries;
- (3) Academic libraries;
- (4) Special libraries, such as law or medical libraries;
- (5) Institutional libraries, such as reformatory or hospital libraries;
- (6) Libraries serving the handicapped in the State; and
- (7) Users of such libraries, who shall comprise at least one-third of the council membership, and of whom at least one shall be representative of disadvantaged persons.

(c) *Functions and responsibilities.* The State advisory council on libraries shall

(1) Advise the State agency on the development of the State plan, including the preparation of long-range and annual programs pursuant to §§ 130.19 and 130.20;

(2) Advise the State agency on policy matters arising in the administration of the State plan submitted pursuant to the Act and the regulations in this part; and

(3) Assist the State agency in evaluating library programs, services, and activities under the State plan. (20 U.S.C. 351a(8), 351d(a))

Subpart B—State Plan Provisions

§ 130.15 State plan—General.

(a) *Purpose.* The purpose of the State plan is to provide a framework within which the State will encourage the establishment or expansion of programs to

carry out the purpose set forth in § 130.1 and to provide the basis on which Federal payments to the State under this part are made. State agencies desiring to continue to participate under the Act shall submit to the Commissioner a revised State plan which shall meet the requirements of section 6 of the Act (20 U.S.C. 351d) and the regulations in this subpart.

(b) *Format.* The State plan shall be composed of three parts:

(1) The basic State plan provided for in § 130.16 which shall be submitted for fiscal year 1972 and for each fiscal year thereafter;

(2) The long-range program provided for in § 130.19, which shall be submitted on or before July 1, 1972; and

(3) The annual program provided for in § 130.20, which shall be submitted for fiscal year 1972 and on or before July 1 of each succeeding fiscal year. (20 U.S.C. 351d(a))

§ 130.16 Basic State plan.

(a) *Form and content.* The basic State plan shall consist of the following:

(1) A State-Federal Agreement consisting of assurances and certifications, which shall be submitted in a form prescribed by the Commissioner, the text of which is attached hereto as an appendix and made a part hereof; and

(2) A statement of criteria developed pursuant to § 130.17 for use by the State library administrative agency in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs and projects which serve urban and rural areas with high concentrations of low-income families as determined pursuant to § 130.18.

(b) *Approval.* Of the three parts of the State plan referred to in § 130.15(b), only the basic State plan shall require the approval of the Commissioner (20 U.S.C. 351d(c), 351d(d), 352, 355a, 355e; H.R. Rept. No. 1659, 91st Cong. Second sess. 6 (1970)). The Commissioner will approve the basic State plan for fiscal year 1972, and for each fiscal year thereafter, only upon his specific determination that

(1) The plan fulfills the conditions of a basic State plan specified in paragraph (a) of this section;

(2) The information set forth in the long-range and annual programs indicates that adequate procedures are subscribed to therein to insure that the assurances and provisions of the basic plan will be carried out; and

(3) All three parts of the State plan will be made public.

The Commissioner will not finally disapprove any basic State plan or amendment thereto without first affording the State reasonable notice and opportunity for a hearing. (20 U.S.C. 351a(11), 351d(b) and (c))

§ 130.17 Criteria for determining adequacy of public library services.

In developing the criteria in the basic State plan for determining the adequacy of public library services to geographic

areas and groups of persons in the State (section 2 of the State-Federal Agreement (See appendix)), special consideration shall be given to the library needs of the following, among other factors deemed pertinent by the State agency:

(a) Disadvantaged persons residing in urban or rural areas with high concentrations of low-income families, as determined pursuant to § 130.18;

(b) Persons residing in areas of the State which are without public library services or in which such services are inadequate;

(c) Physically handicapped persons (including the blind and other visually handicapped); and

(d) Inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, residential schools for handicapped persons, and other general or special institutions or hospitals operated or substantially supported by the State. (20 U.S.C. 351d(b))

§ 130.18 Urban and rural areas with high concentrations of low-income families.

In developing criteria in the basic State plan designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families pursuant to § 130.16(a)(2), the State library administrative agency shall, on the basis of the most recent information available to it, determine which areas of the State constitute such areas. In making such determinations, the State agency may, for example, rely upon determinations made by the Secretary of Commerce of areas eligible for designation as "redevelopment areas" pursuant to section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161); or determinations made by the Secretary of Housing and Urban Development of urban areas eligible for assistance under the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301 et seq.). The description of criteria included and incorporated by reference in section 2 of the Basic State Plan (see appendix) shall indicate—

(a) The areas of the State designated as urban and rural areas with high concentrations of low-income families;

(b) The criteria used by the State agency in designating such areas; and

(c) The sources of information on which such criteria were based, and the frequency with which this information is updated. (20 U.S.C. 351d(b))

§ 130.19 Long-range program.

(a) The long-range program shall be developed by the State library administrative agency with the advice of the State advisory council and in consultation with appropriate staff of the U.S. Office of Education, and shall be annually reviewed and revised in accordance with changing needs in the States for assistance under the Act and the results of

evaluations and surveys of the State agency and the State advisory council. Such annual revisions shall be incorporated as a part of the annual program for each fiscal year.

(b) The long-range program shall contain the following:

(1) A description of the State's identified present and projected library needs;

(2) A plan of action for meeting those identified needs with funds under the Act over the next 5 fiscal years beginning with the fiscal year in which the program is submitted;

(3) A statement of the following policies, criteria, priorities, and procedures, to be updated as progress toward meeting the State's library needs requires:

(i) Policies and procedures for the periodic evaluation of the effectiveness of programs and projects supported under the Act;

(ii) Policies and procedures for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects;

(iii) Policies and procedures for the effective coordination of programs and projects supported under the Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools (including those receiving Federal assistance under title II-A of the Higher Education Act of 1965 and title II of the Elementary and Secondary Education Act of 1965) and with other public or private library service programs;

(iv) Criteria used in allocating funds under title I of the Act among the purposes set forth in section 102 of the Act and § 130.4, which criteria shall be consistent with the criteria set forth in the basic State plan pursuant to § 130.16(a)(2), and insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services and library services to the physically handicapped during fiscal year 1971;

(v) Criteria, policies, and procedures for the approval of applications for the construction of public library facilities under title II of the Act, which criteria, policies and procedures will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

(vi) Criteria, policies and procedures for the approval of applications for interlibrary cooperation under title III of the Act. (20 U.S.C. 351a(12), 351d(d), 354, 355c, 355e-2)

§ 130.20 Annual program.

The annual program shall be developed by the State library administrative agency with the advice of the State advisory council and in consultation with appropriate staff of the U.S. Office of Education, and shall contain the following:

(a) A description of a program for the use of funds under each of the titles of the Act in such detail as may be required by the Commissioner, and of how such program will achieve fulfillment of the State's library needs set forth in the long-range program (to be submitted on or before July 1, 1972) in a manner consistent with the policies, criteria, priorities, and procedures specified in the long-range program. The program description shall include—

(1) A description of the specific activities to be carried out by the State in the fiscal year with funds for library services under title I of the Act for the purposes set forth in section 102 of the Act and § 130.4;

(2) A description of the specific activities to be carried out by the State in the fiscal year with funds for interlibrary cooperation under title III of the Act for the purposes set forth in section 302 of the Act and § 130.6.

(b) An annual extension of the 5-year long-range program for 1 additional year, taking into consideration the results of evaluations of the State's library program by the State agency and the State advisory council. (20 U.S.C. 351a(13), 354, 355c, 355e-2)

§ 130.21 Notification of construction project approval and completion.

The State agency shall submit to the Commissioner written notification of its approval and of the completion of each library construction project under Title II of the Act. Such notification shall include the project name and number, location, population served, type of library, type of construction, size of facility, the funds budgeted by source and major category, construction schedule, and completion date. Such notification shall be submitted within 30 days after such approval and again within 30 days after project completion. Forms for such purposes will be furnished by the Commissioner. (20 U.S.C. 355c)

§ 130.22 Amendment of State plan.

(a) *Basic State plan.* The basic State plan shall be amended to reflect any changes in pertinent State law, or any changes in the designation or organization of operations, policies, and methods of administration to be followed by the State. Amendments will be submitted and certified in the same manner as the basic State plan.

(b) *Long-range program.* The long-range program shall be amended to reflect changes in

(1) Estimates of present and projected program needs;

(2) The plan of action for meeting these needs; and

(3) Policies, criteria, priorities and procedures.

These amendments shall be submitted each year as part of the annual extension of the long-range program submitted pursuant to § 130.20(b).

(c) *Annual program.* Minor deviations in actual allocations of funds from specific amounts estimated for allocations

among programs, services, and activities described in the annual program made available pursuant to § 130.20 shall not constitute such a change in the program as to require amendment of the annual program in order to be in conformity with Federal requirements if otherwise made in accordance with the Act, the regulations in this part, and other parts of the State plan. Such deviations and the reasons therefor (such as, for example, a change in the total amount of funds available to the State for programs, services, and activities under the State plan) shall be indicated and explained in the annual report of the State agency made available pursuant to § 130.56. (20 U.S.C. 351d, 354, 355c, 355e-2)

Subpart C—Federal Participation

§ 130.30 Application of Federal requirements.

Federal funds under the Act may be used to share only in expenditures which are made in accordance with the State plan and which meet the requirements of the Act and the regulations in this part. State and local funds used to match the Federal funds must also meet such requirements. (20 U.S.C. 353, 355b, 355e-1)

§ 130.31 Custody of Federal funds.

The State Treasurer (or if there is no State Treasurer, the officer designated by the State to exercise similar functions for the State) shall be responsible for receiving, and for the proper safeguarding, of all Federal funds granted to the State under the Act. (20 U.S.C. 351e)

§ 130.32 Effective date of allowable expenditures.

Except with respect to certain expenditures under § 130.43(b) (3) and (5) which are later incorporated in an approved construction project, Federal financial participation under the Act shall be available only with respect to amounts expended after the effective date of the State plan, which shall be the date on which the State plan is submitted in substantially approvable form, but in no case earlier than July 1 of the fiscal year in which it is submitted. (20 U.S.C. 353, 355b, 355e-1)

§ 130.33 Availability of funds.

(a) Funds allotted to States under the Act for each fiscal year shall be available for use by the State and local agencies only during such fiscal year, except for funds for construction under title II of the Act, which shall be available for such use during such fiscal year and the succeeding fiscal year.

(b) A use of funds under the Act by such agencies shall be determined as that prescribed by State and local laws and regulations which govern the allocation of uses of State and local funds to a particular time period (such as a fiscal year or biennium); or, if there is no State or local law governing a particular use of funds, such a use of funds shall be determined on a basis which is not inconsistent

with State and local laws, rules, regulations, and customs.

(c) Notwithstanding paragraphs (a) and (b) of this section, any funds allotted to the States to carry out the programs under the Act for any fiscal year ending prior to July 1, 1973, which are not used prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for use by State and local agencies during such succeeding fiscal year, provided that such carryover funds as may be available are accurately reflected and assigned for use in the proposed budget for the next fiscal year. (31 U.S.C. 200, 20 U.S.C. 351b and 1225(b))

§ 130.34 Application of State rules.

Subject to the provisions and limitations of the Act and regulations in this part, Federal financial participation under the State plan shall be available only for expenditures made in accordance with applicable State and local laws, rules, regulations, and standards governing expenditures by the States and their political subdivisions, or agencies thereof. (16 Comp. Gen. 948 (1937))

§ 130.35 Payments by State.

Payments may be made by the State agency to local library agencies and other participating agencies for activities under the State plan in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments. (20 U.S.C. 1232d)

§ 130.36 Proration of costs.

Only costs attributable to the carrying out of the provisions of the State plan are allowable costs. To cover situations where an expenditure is only partly attributable to an eligible purpose or activity under the State plan or where an expenditure is attributable to two or more eligible purposes or activities, each State agency and other participating agencies shall maintain records, documented on an after-the-fact basis, to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, supplies, equipment, and construction. (20 U.S.C. 1232c)

§ 130.37 Adjustments.

The State agency shall adjust its accounts, records, and reports to reflect refunds, credits, underpayments, or overpayments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State's annual reports filed with the Commissioner. (20 U.S.C. 1232d)

§ 130.38 Audits.

(a) *Federal audits.* Audit agencies representing the Department will audit the State agency's program records available at the State agency to determine whether the program funds have been properly accounted for and administered. Audit reports of local library agencies and other participating agencies and the State review and other control procedures will be evaluated to deter-

mine the adequacy of information upon which to base the audit findings. Only where the available information is deemed to be inadequate will the auditor arrange, through the State agency, to audit the records of the participating agencies.

(b) *State and local audits.* Accounts and supporting documents of the State agency, local library agencies, and other participating agencies relating to program expenditures involving Federal financial participation shall be adequate to permit an accurate and expeditious audit. All expenditures claimed for Federal financial participation shall be audited either by an appropriate State audit agency or by an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other subdivision of the United States. Such State and local audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. Copies of audit reports shall be made available to the State agency to assure that proper use has been made of the funds expended. (20 U.S.C. 1232c)

§ 130.39 Retention of records.

(a) *General rule.* The State agency shall provide for keeping accessible and intact all (1) records identified as to individual program allotments to which they relate supporting claims for Federal grants or relating to the accountability of the State agency, or any local library agency or other agency participating under the plan for the expenditure of such grants and matching funds; and (2) records supporting compliance with maintenance-of-effort and other requirements of the Act, the regulations in this part, and the State plan.

(b) *Time period.* Records referred to in paragraph (a) of this section shall be retained for 3 years after the close of the fiscal year in which the expenditure was made under the State plan; or, if a Federal audit has not occurred within 3 years, (1) for 5 years after the close of the fiscal year in which the expenditure was made under the State plan or (2) until the State agency is notified of the completion of the Federal audit, whichever is earlier.

(c) *Questioned expenditures.* The records involved in any claim or expenditure which has been questioned by the Federal audit shall be maintained until necessary adjustments have been made and the adjustments have been approved by the Commissioner. (20 U.S.C. 351d(b), 1232c)

§ 130.40 Disposition of facilities and equipment.

Whenever public library facilities or items of equipment, in which cost the Federal Government has participated, are no longer used for a purpose permitted under the Act, or are sold and the proceeds from such sale are not used for such a purpose, the Federal Government

shall be credited with its proportionate share of the value of such facilities or equipment at the time of such diversion or sale, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case of discontinuance of use or diversion for other than library purposes. (20 U.S.C. 351)

§ 130.41 Inventories.

State agencies and other participating agencies shall maintain inventories of items of equipment acquired by it with funds under the Act, and costing more than \$200 per unit. These inventories shall be maintained at least until depreciation of such equipment results in a fair market value of less than \$200 per unit or until its disposition in accordance with § 130.40. The records of inventories required by this section shall be subject to the records retention requirements of § 130.39. (20 U.S.C. 1232c)

§ 130.42 Federal and State shares of eligible expenditures.

(a) *General.* The Federal share for each State under titles I and II of the Act shall be as promulgated by the Commissioner pursuant to section 7(b) of the Act (20 U.S.C. 351e(b)). The State share for each State for titles I and II shall be the difference between the cost of activities under the State plan and the applicable Federal share. The Federal share for each State under title III shall be 100 percent.

(b) *Limitation.* (1) The expenditures which are to be considered in computing the State share for library services under title I of the Act are only those that are made from public funds. Such public funds may include contributions from private organizations or individuals if they are deposited in accordance with State and local laws and regulations to the account of the State or political subdivision, or agency thereof, without such conditions or restrictions as would negate their character as public funds.

(2) The expenditures which are to be considered in computing the State share for construction under title II of the Act are all expenditures made by the applicant for that purpose, regardless of the source of funds (20 U.S.C. 351e(b), 355(e)-1(b)).

§ 130.43 Eligible costs.

(a) *Title I.* Funds under title I of the Act may, at the discretion of the State agency, be applied to expenditures in categories such as the following which are attributable to the activities specified in §§ 130.4 and 130.7:

(1) Salaries, wages, fees, and other personnel service costs of permanent and temporary staff employees, members of advisory groups, and consultants for the performance of services reasonably related to programs, services, and activities under the State plan, including (i) the costs of regular contributions of employers and employees to retirement, workmen's compensation, and other welfare funds, and (ii) payments for leave earned with respect to such services, in-

cluding educational leave: *Provided*, That such leave is approved in advance by the State agency and is in conformity with the policy of the State. The fact that funds are used for the salary of an employee on such leave does not preclude Federal financial participation in the salary of the person employed to replace him, as long as the replacement is otherwise eligible;

(2) Fees, tuition charges, or other payments for the education or training of employees whether or not on educational leave, while attending courses, workshops, conferences, or seminars, approved in advance by the State agency for the benefit of programs, services, and activities under the State plan;

(3) Travel expenses of staff and consultants thereto, including advisory council members, in accordance with applicable State travel regulations;

(4) Communications costs;

(5) Supplies, printing, and printed materials;

(6) Acquisition, maintenance (including insurance), and repair of equipment and library materials as defined in § 130.3(i), including necessary binding or rebinding;

(7) Rental of space (including the cost of utilities and janitorial services) in privately or publicly owned buildings if:

(i) The expenditures for the space are necessary, reasonable, and properly related to the efficient administration of the program;

(ii) The State or local agency will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures;

(iii) The amounts paid by the State or local agency are not in excess of comparable rental in a particular locality;

(iv) Expenditures represent a current cost to the State or local agency; and

(v) In publicly owned buildings like charges are made to other agencies occupying similar space for similar purposes;

(8) Minor remodeling of space in publicly owned buildings to the extent that such costs are not included in rental; and

(9) Utilities and custodial services to the extent not included in any other item of this section.

(b) *Title II—Construction projects.* The following costs attributable to a public library construction project approved pursuant to § 130.5 are eligible at the discretion of the State agency if incurred after the date of project approval or after such other date as is indicated in subparagraphs (3) and (5) of this paragraph:

(1) Erection of new buildings to be used for public library facilities;

(2) Expansion, remodeling, and alteration (as distinguished from maintenance and repair) of existing buildings to be used for public library purposes;

(3) Expenses (other than interest and the carrying charges on bonds) related to the acquisition of land on which there is to be construction of new buildings or expansion of existing buildings which are incurred within three fiscal years

preceding the fiscal year in which the project was approved by the State agency, if such expenses constitute an actual cost or transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions pursuant to § 130.34;

(4) Site grading and improvement of land on which such facilities are located;

(5) Architectural, engineering, and inspection expenses incurred subsequent to site selection;

(6) Expenses (other than interest and the carrying charges on bonds) related to the acquisition of an existing building to be used for public library facilities, if such expenses constitute an actual cost or transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions pursuant to § 130.34; and

(7) Expenses related to the acquisition and installation of initial equipment to be located in a public library facility provided by a construction project, including all necessary building fixtures and utilities, office furniture, and public library equipment such as library shelving and filing equipment, card catalog cabinets, circulation desks, reading tables and study carrels, booklifts, elevators, and information retrieval devices (but not books or other library materials).

(c) *Title III.* Funds under title III of the Act may, at the discretion of the State agency, be applied to expenditures in categories such as those specified in paragraph (a) but only to the extent attributable to the activities specified in § 130.6. (20 U.S.C. 355a(2) 351e, 353, 355b, 355e-1)

§ 130.44 Computation of allowable expenditures.

Allowable expenditures referred to in § 130.43 shall be computed in accordance with plans submitted by States and approved by the Department pursuant to Office of Management and Budget Circular No. A-87 and implementing instructions of the Department. (20 U.S.C. 351e)

Subpart D—Payments and Reports

§ 130.50 Conditions for payments to States.

Payments to States under the Act will be made only after the Commissioner determines that:

(a) The State has on file (1) a basic State plan approved by the Commissioner pursuant to § 130.16, (2) a long-range program submitted and updated pursuant to § 130.19, and (3) an annual program submitted pursuant to § 130.20 for the fiscal year of the allotment from which payment is to be made.

(b) The State has given assurances to the Commissioner's satisfaction that it will have available for expenditure under title I of the Act during the fiscal year of the allotment (1) from State and local sources:

(i) Sums sufficient to earn its basic minimum allotment;

(ii) Not less than the total amount actually expended, in areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and (2) from State sources, not less than the total amount actually expended for such purposes for such sources in the second preceding fiscal year;

(c) The State will expend during the year of the allotment from Federal, State, and local sources, an amount not less than the amount expended by the State from such sources for State institutional library services and library services to the physically handicapped during the fiscal year ending June 30, 1971; and

(d) The State has established a State advisory council on libraries pursuant to § 130.8. (20 U.S.C. 351d(a), 351e(a), 354(2))

§ 130.51 Withholding of payments.

(a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, determines on the basis of information available to him that (1) the State plan (as described in § 130.15(b)) has been so changed that it no longer complies with any State plan requirements in the Act and the regulations in this part, or (2) in the administration of the State plan or of any program under this part, there is a failure to comply substantially with any such requirement or with any assurance or other provision contained in such plan, the Commissioner will notify such State agency that no further payments will be made to the State until he is satisfied that the State has complied with such requirements, assurances, or other provisions.

(b) At his discretion, the Commissioner may notify the State agency that payment of Federal funds will be limited to support of programs under the State plan or portions of the State plan not affected by the State's failure to comply with such requirements. (20 U.S.C. 351d(e))

§ 130.52 Method of payment.

(a) For title I and title III payment of Federal funds to States having approved State plans will be accomplished through the DHEW-OE letter-of-credit procedures (See "Office of Education Letter of Credit Financing System Implementing Instructions", distributed in April 1972 and subsequent supplemental special memos concerning the payment system.) Payment vouchers may be issued by the States as often as necessary to procure cash to meet current disbursement needs only and under no circumstances in such amounts that will result in the accumulation of large cash balances at either the State or local agency levels. Title II payments will be made by Treasury checks.

(b) Continued authorization for a State to utilize the letter-of-credit payment method is dependent upon the appropriate use thereof and the furnishing of accurate report data on a timely basis. (20 U.S.C. 351e)

§ 130.53 Effect of Federal payments.

(a) *No waiver.* Neither the approval of the State plan, the issuance of a letter of credit, the approval of withdrawals thereunder, nor the making of any direct payments to the State shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of failure of the State to observe any Federal requirements set out in the Act or regulations related thereto or any other relevant Federal Act or order, either before or after such administrative action respecting payment.

(b) *Settlement of accounts.* The final amount to which a State is entitled for any period is determined on the basis of expenditures under the State plan with respect to which Federal financial participation is authorized. (20 U.S.C. 351d(e), 351e)

§ 130.54 Reallocation.

The amount of any State's allotment for any fiscal year under section 5(a) of the Act (20 U.S.C. 351c(a)) which the Commissioner determines will not be required in the period during which such allotment is available for carrying out that State's plan may be reallocated by the Commissioner on such dates during such period as he may fix, to other States for carrying out their plans in the same proportion as the original allotments were made for such purposes to such other States in the manner provided for in section 5(b) of the Act. Any amounts reallocated shall be determined by the Commissioner on the basis of (a) reports filed by the States of the amounts required to carry out the State plan and (b) such other information as he may have available. Any amounts reallocated shall be deemed part of the State's allotment for that fiscal year. (20 U.S.C. 351c(b))

§ 130.55 Disposition of unexpended Federal funds.

Whenever the Commissioner determines that any portion of an allotment to any State under the Act has not been used in the State for the purposes of the Act, and has not been reallocated to other States pursuant to § 130.54 in the period during which such allotment was available, the unused portion will be deobligated. Federal expenditures reported in any fiscal year cannot exceed the amount of the grant awards. Federal payments to States which are not earned through adequate expenditures, will be deducted from the next payment of funds allotted to such State. (20 U.S.C. 351e)

§ 130.56 Reports.

(a) *Annual report of program activities.* The State agency shall submit at such times, in such form, and in accordance with procedures established by the Commissioner an annual report concerning the conduct of activities described in the annual program pursuant to § 130.20 and the extent to which these activities carried out the objectives set forth in the long-range program pursuant to § 130.19 for the preceding fiscal

year. The annual report shall also set forth the total receipts and expenditures of Federal funds for that year.

(b) *Other reports.* The State agency shall submit to the U.S. Office of Education, one copy of all surveys, films, and of all publications considered to be of interest to agencies and organizations planning public library programs in other States, which are developed with Federal funds granted under the Act. All such documents shall bear the notation that Library Services and Construction Act funds were used in developing the particular document. Furthermore, all publicity regarding services and programs undertaken pursuant to the Act shall give credit to the sources of funding. (20 U.S.C. 351d(b))

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION

BASIC STATE PLAN

(State-Federal Agreement)

LIBRARY SERVICES AND CONSTRUCTION ACT, AS AMENDED BY PUBLIC LAW 91-600

The _____
(Officially Designated State Library Administrative Agency)

of the State of _____, hereinafter called the State Agency, hereby agrees and assures that this Basic State Plan which serves as an agreement between State and Federal Governments under the Library Services and Construction Act, as amended, for which Federal funds are being requested for the fiscal year ending June 30, 19____, will be administered in accordance with the following provisions:

1. The State Agency:

a. Assures that it will administer, or supervise the administration of, the programs authorized by the Act; and has adequate fiscal and legal authority to do so. (See appended Certificate of Legal Authority.)

b. Assures that it has provided for such fiscal control and funds accounting procedures as will assure proper disbursement of, and accounting for, Federal funds paid to the State under the Act (including any funds paid by the State to any other public or private nonprofit agency under this Basic State Plan).

c. Assures that it will submit to the Office of Education, and otherwise make public (1) the State's long-range program on or before July 1, 1972, and (2) the State's annual program on or before July 1 of each fiscal year. Both programs will be developed in consultation with the Office of Education, and with the advice of the State Advisory Council on Libraries.

d. Assures that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated.

e. Assures that it will make such reports, including reports of evaluations, in such form and containing such information as the Commissioner may reasonably require to carry out his functions under the Act, and to determine the extent to which funds provided under the Act have been effective in carrying out its purposes.

f. Assures that it will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of all reports submitted to him.

g. Assures that it will establish and specify in the State's long-range program its policies, priorities, criteria and procedures necessary to the implementation of all programs in which the State will participate under the provisions of the Act, which are incorporated by reference herein.

h. Assures that it will set forth in the State's long-range program its policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools, with other public or private library services programs, and with other related service programs.

i. Assures that it has established a State Advisory Council on Libraries as required by the provisions of the Act and § 130.8 of the regulations. (See attached certification.)

j. Assures that it has available for expenditure under Title I of the Act in this fiscal year (fiscal year 19--).

A. From State and local sources:

1. Sums sufficient to earn its basic minimum allotment.

2. Not less than the total amount actually expended, in areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year (fiscal year 19--).

B. From State sources:

1. Not less than the total State amount actually expended for such purposes from such sources in the second preceding fiscal year (fiscal 19--).

k. Assures that it will expend in this fiscal year (fiscal year 19--.) from Federal, State, and local sources, an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971.

2. The State Agency herewith sets forth (a) criteria to be used in determining the adequacy of public library services to geographical areas, and for groups of persons in the States, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentration of low-income families. (See attached statement of Criteria.)

3. This Basic State Plan has been submitted to the Governor for his review; and his comments, or a statement that no comments have been made, is attached. Any amendment to this Plan, as well as projections required under the program, will also be submitted for the Governor's review; and comments, if any, will accompany the amendments or other required program material when they are submitted to the U.S. Office of Education.

4. The State Agency will make public the Basic State Plan as approved by the Commissioner.

5. The State agency assures that it will otherwise comply with the requirements of the Act and the Regulations of the Commissioner of Education issued thereunder (45 CFR Part 130).

6. Assurance is hereby given that in accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations issued thereunder by the Department of Health, Education, and Welfare (45 CFR Part 80), no individual shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Plan. The State Agency has established and will maintain methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with the preceding paragraph of this statement. The State

Agency will amend its methods of administration from time to time as necessary to carry out the purposes for which this statement is given. The State Agency recognizes and agrees that Federal financial assistance will be extended in consideration of, and in reliance on, the representations and agreements made in this statement; and that the United States shall have the right to seek administrative and judicial enforcement thereof.

(State Library Administrative Agency)

(Address)

(Signature of Authorized State Agency Official)

(Title)

CERTIFICATE OF APPROPRIATE STATE LEGAL OFFICER

I hereby certify that

(Name of State Agency)

(Name of State)

is the sole State agency with authority under State law to develop, submit and administer, or supervise the administration of, the State plan under the Library Services and Construction Act, as amended by Public Law 91-600; that

(Name of authorized State Agency Official)

is the Officer authorized to submit the State plan for the named State agency; that the State Treasurer or

(Title of Officer other than State Treasurer)

has authority under State law to receive, hold and disburse Federal funds under the State plan; and that all provisions contained in the plan are consistent with State law.

(Signature, Attorney General or Other State Legal Officer)

(Title)

(Date)

(20 U.S.C. 351a(11), 351d(b))

[FR Doc.72-20848 Filed 12-4-72; 8:53 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER Q—SPECIFICATIONS

[CGD 72-48R]

PART 161—ELECTRICAL EQUIPMENT

Floating Electric Water Lights

The primary purpose of these amendments is to adapt the Floating Electric Water Light Regulations to current methods for determining the effective intensity of flashing incandescent lights used by industry. The amendments also eliminate redundancies and clarify language.

Most of the changes concern temperature measurements and requirements. The amendments convert all measurements from the Fahrenheit to the more universally accepted Centigrade thermometer. In addition, they adjust tem-

perature requirements partly to make consistent various interrelated provisions and partly to increase leeway on the basis of recent test results and experience.

The rest of the amendments make editorial improvements and add requirements to the construction rules for the lights.

The Coast Guard published these amendments as proposals on pages 5059 and 5060 of the FEDERAL REGISTER on March 9, 1972. In the notice, the Coast Guard encouraged interested persons to participate in the proposal proceedings. It invited written comments within 45 days and oral comments at the public hearing which it announced in the notice and held as scheduled on April 18, 1972.

Since no objections were received, the Coast Guard adopts the amendments as proposed without change and sets them out below.

(46 U.S.C. 362, 363, 367, 375, 390b, 391, 391a, 392, 395, 396, 404, 405, 411, 416, 435, 481, 489, 526p, 1333; 49 U.S.C. 1655(b)(1), and 49 CFR 146(b))

Effective date. These amendments are effective on December 4, 1972.

Dated: November 28, 1972.

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

Part 161 of Chapter I of Title 46 of the Code of Federal Regulations is amended, as follows:

1. In § 161.010-1(a)(1), by striking out the words "Federal Test Method Standard No. 406 Plastics. Methods of Testing Federal Standard No. 595-Colors." and inserting the words "Federal Test Method Standard No. 406, Plastics: Methods of Testing, Federal Standard No. 595e-Colors." in place thereof.

2. By revising § 161.010-2(a), to read as follows:

§ 161.010-2 Type.

(a) The requirements of this specification pertain to water lights that are required by Coast Guard Regulations to be attached to life ring buoys, liferafts, lifeboats, or other buoyant apparatus.

3. In § 161.010-3(a)(2)(ii), by striking out the figure "54" and inserting "34" in place thereof.

§ 161.010-4 [Amended]

4. In § 161.010-4(a), by deleting the last sentence.

5. In § 161.010-4(d), by striking out the last sentence and inserting the following sentence in place thereof: "A hole in either the exterior or interior of the case shall not completely penetrate the case".

6. In § 161.010-4(e), by deleting the last sentence: "As a result of the accelerated weathering test specified in § 161.010-5(b)(7), the globe shall not have crazed or appreciably discolored."

7. In § 161.010-4(f), by inserting the word "nonabsorbent" immediately after the words "Filler material (A)".

8. By revoking §§ 161.010-4 (k), (l), (m).

9. In § 161.010-4(n), by deleting the words "compatible with the electronic circuit and shall be" in the second sentence and by deleting the third sentence.

10. By adding the following new sentence at the end of § 161.010-4(o) "If improper connection of the battery leads can result in damage to the electronic circuit, then the configuration of the connections shall be such that improper connection to the battery is physically impossible."

11. In § 161.010-4(p), by striking out the words "30° to plus 160° Fahrenheit" in the third sentence and inserting the words "34° to plus 85° Centigrade" in place thereof.

12. In § 161.010-4(q)(2), by striking out the word "and" immediately after the words "circuit and lens" in the first sentence and inserting a period followed by the words ". The flashtube shall" in place thereof.

13. In § 161.010-4(q)(2), by striking out the word "may" immediately following the words "section of the flashtube" and inserting the word "shall" in place thereof.

14. By striking out the last sentence in § 161.010-4(r)(3) and inserting the following in place thereof: "The effective intensity of the light shall not be less than 2.0 candelas in all directions of the upper hemisphere with the globe in place. For purposes of this section, effective intensity is determined by the following formula:

$$I_e = \frac{G}{0.2 + t_1 - t_2}$$

where

I_e = Effective intensity.

G = Integral of $I dt$ evaluated between the limits of t_1 and t_2 .

t_1 = Time in seconds of the beginning of the flash.

t_2 = Time in seconds of the end of the flash.

I = Instantaneous intensity during the flash.

(the limits, t_1 and t_2 , are chosen so as to maximize I_e)

15. By revising § 161.010-4(s)(3) to read as follows:

(3) *Light output.* Light shall be continuously emitted for a period of not less than 15 hours. The light output shall be not less than 2 candelas in all directions of the upper hemisphere with the globe in place.

§ 161.010-5 [Amended]

16. By revising § 161.010-5(b)(3) to read as follows:

(3) *Float test.* The light, complete with battery, shall be allowed to float vertically for 15 hours in water. The center of the lamp or flashtube shall not be less than 2 inches above the surface of the water. The light shall be disassembled after the test and examined. The presence of water in the interior of the case shall be cause for rejection.

17. In § 161.010-5(b)(4), by striking out the words "for conformance with the requirements of § 161.010-4(1)." and in-

serting a period followed by the following sentence: "The presence of water in the interior of the case shall be cause for rejection."

18. By striking out "0°F" in § 161.010-5(b)(5) and inserting the words "minus 18°C" in place thereof.

19. By § 161.010-5(b)(5), by striking out the words "in accordance with paragraph (m) of § 161.010-4" and inserting a period followed by the following sentence: "Any damage or distortion that might impair the serviceability or watertightness of the light will be cause for rejection."

20. In § 161.010-5(b)(6), by striking out the words "checked in accordance with § 161.010-4(k)" and inserting the following words and sentences in place thereof: "examined. Any damage, shrinkage, or distortion that might impair its serviceability, watertightness, or vapor-proofness will be cause for rejection. The light shall be considered vapor-proof when examination of the interior reveals no moisture and no fog or cloudiness of the lens."

21. In the Table 161.010-5(b)(6), by striking out in the heading of the central column "F(2°F)" and inserting "C(±1°C)" in place thereof; striking out the figures in the central column and inserting:

85
—34
85
85
—34
85
21

in place thereof; and, in the last column, striking out the figures "95-100" wherever they appear and inserting the word "uncontrolled" in place thereof.

22. In § 161.010-5(b)(7), by striking out at the end the words "shall then be examined for conformance with § 161.010-4(e) and tested for light output in accordance with subparagraph (8) of this paragraph." and inserting the words "shall not have crazed or appreciably discolored." in place thereof.

23. In § 161.010-5(b)(9), by striking out the last sentence and inserting the following sentence in place thereof: "Separation of the ring, loss of watertightness, or any other damage to the light will be cause for rejection."

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Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 27th Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

Miscellaneous Amendments

Sections 309.1-309.101 of this part are hereby revised to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

Sec.
309.3 Vessels built during or after 1939.
309.4 Vessels built prior to 1939.

GENERAL PROVISIONS

309.5 Adjustments for condition, equipment, and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Values effective July 1, 1972.

AUTHORITY: Sections 309.1 through 309.101 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Ship Valuation Committee, Maritime Administration, has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), and the authority delegated to the Assistant Secretary of Commerce for Maritime Affairs by the Secretary of Commerce in section 3 of (Commerce) Department Organization Order 10-8, 36 F.R. 1223, and redelegated to the Ship Valuation Committee.

§ 309.2 Scope.

(a) *Vessels included.* (1) This part establishes values for self-propelled oceangoing iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administration pursuant to title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281-1294). The values established by §§ 309.1-309.101 represent the maximum amounts for which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid by the Maritime Administration with respect to insurance attaching during the period July 1, 1972, to December 31, 1972, inclusive, under the standard forms of war risk hull insurance in interim binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., as amended): *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period.

(2) It is contemplated that the next revised values will be published as soon as practicable after January 1, 1973, to be effective with respect to insurance attaching during the period January 1, 1973, to June 30, 1973, inclusive.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administration finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b) shall be specifically determined by the Maritime Administration and set forth in § 309.101, revised, as provided therein.

(c) *Fuel, stores, and supplies.* Values for fuel, stores, and supplies shall be determined in accordance with §§ 309.201 through 309.204 (General Order 100, 29 F.R. 2944, March 4, 1964; 29 F.R. 3706, March 26, 1964).

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (1) which have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel	Value
VC2-S-AP2	\$180,000
C2-S-B1	180,000
C3-S-A2	250,000
C4-S-B5	450,000
T1-M-BT	50,000
T2-SE-A1	245,000
T3-S-A1	300,000

(2) The values of the standard subtypes of war-built vessels under U.S. flag listed in this subparagraph (2) which have the lawful right to engage in the coastwise trade of the United States shall be determined by multiplying the basic value of the standard type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the following table:

Subtype	Factor
VC2-S-AP3	100%—VC2-S-AP2.
C2-S-AJ1	100%—C2-S-B1.
C2-S-AJ5	100%—C2-S-B1.
C2-S-E1	102%—C2-S-B1.
C3	95%—C3-S-A2.
C3-S-A3	76%—C3-S-A2.
C3-S-A4	106%—C3-S-A2.
C3-S-BH1	100%—C3-S-A2.
C3-S-BH2	100%—C3-S-A2.
T1-M-BT2	100%—T1-M-BT.

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administration.

§ 309.4 Vessels built prior to 1939.

The values of vessels built prior to 1939 shall be specifically determined by the Maritime Administration and set forth in § 309.101.

GENERAL PROVISIONS

§ 309.5 Adjustments for condition, equipment, and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (c) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administration determined that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there will be subtracted from the basic value of such vessel, as determined pursuant to § 309.3, the amount estimated by the Maritime Administration as the cost of putting the vessel in class or the amount estimated by the Maritime Administration as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of \$50,000, an allowance in such amount as the Maritime Administration shall determine to be the fair and reasonable value of such equipment shall be added to the basic value.

(c) *Government installations.* The values provided by §§ 309.1–309.101 shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1966, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts, and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d Rev.).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than 12 passengers.

(e) *Vessel.* The stated valuation of a vessel in this part applies to a vessel in Class A-1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the U.S. Coast Guard, Department of Transportation, with all outstanding requirements

and recommendations necessary for retention of class accomplished, without regard to any grace period; and so far as due diligence can make her so, tight, staunch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to § 309.5 (a). The stated valuation of a vessel provided in this part does not include vessel stores and supplies, which consist of (1) consumable stores, (2) subsistence stores, (3) slop chest, (4) bar stock, and (5) fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part I, and Maritime Administration Inventory Books Forms MA-4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administration reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Rev., as amended) shall be accompanied by information relating to the vessel for use by the Maritime Administration in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, NY 10038, or the Chief, Office of Marine Insurance, Maritime Administration, Washington, DC 20235.

(b) *Vessels of 1,500 gross tons or more.* Vessel data for all vessels of 1,500 gross tons or more shall be submitted on Form MA-510.

(c) *Vessels under 1,500 gross tons.* Vessel data for all vessels under 1,500 gross tons shall be submitted on Form MA-511.

(d) *Modification to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by five percent or more.

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Values effective July 1, 1972.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) The Maritime Administration has found that the values established in accordance with §§ 309.3–309.5 constitute just compensation for the vessel to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of the vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed by Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended

RULES AND REGULATIONS

as of July 1, 1972, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period July 1, 1972, to December 31, 1972, inclusive: *Provided, however, That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period: And provided further, That the Assured shall have the right within 60 days after date of publication of these §§ 309.1-309.101 or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended.*

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
870	Achilles	281702	\$5,375
1660	Adabelle Lykes	291609	2,467
2316	Adam E. Cornelius	278853	5,230
2144	Afoundria	244018	1,025
1426	African Comet	289281	2,845
720	African Crescent	250561	250
1683	African Dawn	291781	2,955
725	African Lightning	251451	250
1558	African Mercury	290143	2,910
1508	African Meteor	289792	2,870
726	African Moon	251175	250
1607	African Neptune	290485	2,910
730	African Planet	249800	250
732	African Star	281026	2,955
1656	African Sun	292514	2,467
1751	Alme Lykes	292514	6,395
2501	Alaskan Mail	509957	865
2452	Albany	293817	2,467
1828	Allison Lykes	288287	2,290
2975	Alpha Reserve	270296	1,860
453	America Bear	523846	18,500
2764	America Sun	267275	4,740
567	American Accord	295143	4,740
572	American Ace	296832	4,740
568	American Alliance	529004	7,595
2812	American Apollo	530999	7,595
2869	American Aquarius	267444	4,740
571	American Archer	268181	4,740
566	American Argosy	520694	6,900
2583	American Astronaut	289699	2,910
1403	American Challenger	290524	2,910
1618	American Champion	290089	2,910
1557	American Charger	291020	2,910
1652	American Chieftan	252347	250
1972	American Condor	291629	2,910
1670	American Corsair	290225	2,910
1605	American Courier	278327	3,335
831	American Eagle	252524	250
1769	American Falcon	514261	6,900
2446	American Lancer	518444	6,900
2550	American Lark	266256	4,740
570	American Leader	268243	4,740
569	American Legacy	267033	4,740
574	American Legend	515155	6,900
2466	American Legion	516464	6,900
2485	American Liberty	517480	6,305
2518	American Lynx	521866	250
2749	American Mail	252304	3,950
1688	American Oriole	297001	3,950
1924	American Racer	285270	3,950
1989	American Ranger	293371	250
2039	American Reliance	242941	9,675
1679	American Robin	3234	8,730
2734	Amoco Baltimore	242851	1,070
2513	Amoco Brishane	2926	8,180
2854	Amoco Connecticut	245058	6,600
2496	Amoco Cremona	243329	1,155
2444	Amoco Delaware	243518	1,155
1768	Amoco Louisiana	3233	9,675
2857	Amoco Virginia	247303	184
2620	Amoco Yorktown	149	825
2884	Andrew Jackson	2215	4,820
1040	A. N. Kemp	536496	18,600
2025	Arco Colombia	539313	19,100
2900	Arco Prudhoe Bay	3372	24,300
2948	Arco Sag River		
2789	Arctic Tokyo		

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
678	Arizona	266534	1,675
1444	Arizona Standard	248736	245
2115	Aripa	251507	1,025
1716	Ashley Lykes	292191	2,467
1089	Atholl McBean	141	820
282	Atlantic Communicator	268196	2,500
232	Atlantic Endeavor	277623	3,520
1004	Atlantic Enterprise	276911	3,480
1348	Atlantic Heritage	293290	8,640
1006	Atlantic Navigator	261423	2,165
1560	Atlantic Prestige	289972	4,870
2209	Atlantic Trader	248007	1,150
1435	Austin	247455	1,510
2631	Austral Patriot	500539	3,950
2632	Austral Pilot	292353	3,950
210	Avila	267181	705
2839	Azalea City	243436	1,025
2968	Baltimore Trader	270179	13,120
980	Barbara	248079	1,455
347	Barbara Jane	278103	3,915
1915	Beauregard	251508	1,025
2076	Beta Reserve	266365	2,190
607	Bethlor	256034	1,000
608	Bethlex	255339	1,000
2840	Blenville	243438	1,025
1816	Bradford Island	247640	6,600
1490	Brazos	247583	2,100
1414	Brinton Lykes	288099	2,467
2394	Buckeye	2758	3,975
353	Buckeye State	244577	250
1969	Burl S. Watson	2198	4,865
1348	California	287232	3,310
425	California Bear	269977	1,675
19	Californian	243882	2,200
1949	Calmar	294756	2,700
1974	Canada Mail	297570	3,885
1370	Cantigny	247452	1,490
7	Carbide Seadrift	241851	1,275
8	Carbide Texas City	242532	1,275
2872	Carrier Dove	252478	250
596	Catawba Ford	245620	505
1600	C. E. Dant	290262	3,310
1931	Chancellorsville	244460	1,410
2141	Charles E. Spahr	2255	5,965
1753	Charlotte Lykes	292782	2,467
1682	Chevron Antwerp	820	820
2750	Chevron Frankfurt	6815	8,490
1679	Chevron Genoa	530	530
1584	Chevron Liege	820	820
1041	Chevron Transporter	132	805
1586	Chevron Venice	540	540
1408	China Bear	258604	3,780
2977	China Bear	530141	12,750
1788	Christopher Lykes	293220	2,467
1813	Cities Service Baltimore	271866	3,575
1814	Cities Service Miami	272077	3,890
1815	Cities Service Norfolk	272839	3,460
1050	Cities Service Valley Forge	401	1,465
2875	Citrus Packer	247321	250
2237	Colorado	245104	7,115
2478	Colorado	515976	5,080
2540	Columbia	247519	1,245
1997	Commander	245309	1,215
2227	Connecticut	277291	4,200
2762	Conoco Dubai	1650	1,135
2753	Conoco Libya	2114	4,725
2761	Conoco Sopi	1695	1,150
712	Copper State	244137	250
2468	Cortland	244878	180
1305	Council Grove	247896	1,440
1051	Cradle of Liberty	467	1,400
2549	C. V. Lightning	518063	4,530
2490	C. V. Sea Witch	680644	4,530
2626	C. V. Staghound	520743	4,530
2449	DaGama	249174	180
2705	David D. Irwin	248880	1,540
212	David E. Day	519102	1,255
2819	Defiance	267097	2,350
221	Delaware Getty	286185	2,805
1225	Del Oro	246680	2,805
324	Del Rio	285171	2,805
327	Del Sol	512953	3,380
2500	Delta Argentina	514768	3,380
2497	Delta Brazil	517540	3,380
2532	Delta Mexico	515910	3,380
2498	Delta Paraguay	516600	3,380
2499	Delta Uruguay	245398	184
2855	De Soto	269187	4,250
2317	Detroit Edison	249063	250
376	Doctor Lykes	508378	3,710
2330	Dolly Turman	522854	10,000
2778	Eagle Charger	277561	3,600
700	Eagle Courier	520839	9,805
2698	Eagle Leader	277710	3,795
699	Eagle Transporter	278442	4,200
697	Eagle Traveler	278624	4,220
698	Eagle Voyager	267144	2,170
2715	Eclipse	528567	13,320
2806	Edgar M. Queeny	500702	3,565
2085	Elizabeth Lykes	297001	2,925
1917	Elizabethport	249283	180
2451	Ericson		

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
2870	Eric K. Holzer	530067	23,771
830	Erna Elizabeth	280193	4,690
2048	Esso Australia	3877	1,065
2150	Esso Austria		6,680
2503	Esso Baltimore	282272	6,885
2530	Esso Bangkok		3,915
2591	Esso Bangor	294791	2,350
2049	Esso Barcelona		5,805
1312	Esso Bogota		800
2563	Esso Bombay		3,995
2595	Esso Boston	283784	6,995
2503	Esso Castellon		9,025
2596	Esso Chester	264445	2,240
2598	Esso Florence	266855	2,300
2599	Esso Glentworth	273932	4,670
2732	Esso Gon		4,135
1958	Esso Honduras		1,720
2601	Esso Houston	297151	9,210
2602	Esso Huntington	266829	2,440
2733	Esso Interamerica		3,155
2603	Esso Jamestown	276519	4,875
2564	Esso Karachi		4,050
2533	Esso Kobe		3,965
2610	Esso Lexington	276270	4,960
2123	Esso Libya		7,875
2604	Esso Lima	259142	1,895
2784	Esso Malacca		4,205
2611	Esso Miami	269357	1,930
2785	Esso Nagasaki		4,170
2605	Esso Newark	264231	2,220
2606	Esso New Orleans	268216	9,390
1959	Esso Nicaragua		1,515
2533	Esso Penang		4,105
1960	Esso Philippines		5,445
2621	Esso Port Dickson		4,050
1315	Esso Santos		820
1898	Esso Seattle	277935	3,885
2117	Esso Spain		7,020
2609	Esso Washington	273896	4,785
2623	Esso Yokohama		4,650
2050	Esso Zurich		5,450
842	Exbrook	249173	180
849	Exchequer	248120	190
850	Executor	248747	190
853	Exford	249354	190
858	Expedit	251971	190
860	Export Adventurer	284024	2,270
851	Export Agent	283936	2,270
862	Export Aide	284516	2,270
863	Export Ambassador	283150	2,270
1236	Export Banner	286124	2,900
1354	Export Bay	286965	2,900
1372	Export Builder	287381	2,900
1401	Export Buyer	288076	2,900
1726	Export Challenger	292227	3,945
1771	Export Champion	292669	3,980
1712	Export Commerce	291731	3,035
1601	Export Courier	289947	2,975
2871	Esra Sensibar	532555	8,290
2841	Fairland	242073	1,025
2901	Falcon Countess	530850	14,000
2902	Falcon Duchess	533611	14,000
2903	Falcon Lady	531154	14,000
2954	Falcon Princess	538811	14,000
1351	Floridian	282733	735
584	Fort Fetterman	244965	1,150
1211	Fort Hoskins	245735	1,455
180	Fort Worth	247276	2,420
2300	Frederick Lykes	508812	8,710
962	F. S. Bryant	250827	295
1035	Gage Lund	217	880
585	Gaines Mill	244644	1,085
2955	Gamma Reserve	263078	2,280
2842	Gateway City	231506	1,025
2421	Genevieve Lykes	518140	3,860
2895	Golden Bear	530138	12,750
2791	Golden Gate	526972	16,610
355	Gopher State	244979	250
2820	Great Republic	521302	6,800
2408	Green Forest	508061	900
2711	Green Lake	248700	865
2400	Green Port	510015	900
2712	Green Ridge	247322	250
2406	Green Springs	248701	900
2407	Green Wave	508060	900
1803	Gulf Banker	265249	2,560
792	Gulfcrest	270334	3,685
793	Gulfdeer	245727	1,085
1849	Gulf Farmer	294625	2,560
795	Gulfling	275103	3,800
796	Gulflighthouse	277183	4,035
797	Gulflion	246990	1,090
808	Gulflube	254406	315
1952	Gulf Merchant	277329	2,680
798	Gulfoil	283424	3,530
800	Gulfpriide	279769	3,945
801	Gulfrince	276084	3,900
802	Gulfrunner	275583	1,155
805	Gulfsail	247857	655
811	Gulf Service	264224	2,680
1903	Gulf Shipper	268880	3,570
806	Gulfsolar	280223	3,705
1358	Gulf Supreme	287186	4,270

Bind- er No.	Name of vessel	Official No.	Stated valuation (in thou- sands)	Bind- er No.	Name of vessel	Official No.	Stated valuation (in thou- sands)	Bind- er No.	Name of vessel	Official No.	Stated valuation (in thou- sands)
804	Gulftiger	247767	1, 105	2067	Mormacargo	206216	3, 540	1920	San Juan	242653	2, 925
1888	Gulf Trader	246404	2, 680	2068	Mormacargo	206216	2, 755	2034	San Mateo	3290	1, 455
2577	Hastings	246417	184	2069	Mormacargo	206216	2, 810	2046	San Pedro	248238	6, 000
1421	Hawaii	289110	3, 310	2070	Mormacargo	206216	2, 870	2018	Sansonea II	535020	18, 000
2703	Hawaiian Enterprise	524219	18, 950	2071	Mormacargo	206216	3, 540	891	Santa Adela	242243	180
2803	Hawaiian Progress	528400	18, 950	2072	Mormacargo	206216	2, 810	2205	Santa Alicia	252747	250
1445	Hawaiian Standard	248802	245	2073	Mormacargo	206216	2, 810	2259	Santa Ana	252746	250
965	H. D. Collier	248737	245	2074	Mormacargo	206216	2, 810	2297	Santa Anita	252748	250
2946	Helen H.	245029	1, 275	2075	Mormacargo	206216	2, 810	2370	Santa Barbara	509186	3, 795
634	Hess Bunker	243804	1, 410	2076	Mormacargo	206216	2, 810	2296	Santa Clara	506249	3, 795
638	Hess Petrol	244735	1, 410	2077	Mormacargo	206216	2, 810	2257	Santa Cruz	504681	3, 795
1373	Hess Refiner	242944	1, 435	2078	Mormacargo	206216	2, 810	2314	Santa Elena	507696	3, 795
629	Hess Trader	246104	1, 395	2079	Mormacargo	206216	2, 810	2287	Santa Elena	251812	250
1913	Hess Voyager	206863	8, 310	2080	Mormacargo	206216	2, 810	2376	Santa Isabel	510570	3, 795
961	Hillier Brown	266233	710	2081	Mormacargo	206216	2, 810	2155	Santa Lucia	242774	3, 795
2622	Hong Kong Mail	520392	6, 305	2082	Mormacargo	206216	2, 810	1574	Santa Magdalena	290270	5, 155
176	Houston	242636	1, 575	2083	Mormacargo	206216	2, 810	211	Santa Maria	263781	645
2387	Houston	245542	3, 200	2084	Mormacargo	206216	2, 810	1756	Santa Maria	292838	5, 155
2116	Howard G. Vesper	2442	5, 810	2085	Mormacargo	206216	2, 810	1678	Santa Mariana	291811	4, 825
2306	Howell Lykes	507344	3, 710	2086	Mormacargo	206216	2, 810	1830	Santa Mercedes	209343	5, 155
2472	Hurricane	257262	250	2087	Mormacargo	206216	2, 810	2863	Santa Monica	257213	250
431	Iberville	264428	1, 675	2088	Mormacargo	206216	2, 810	2917	Santa Paula	277703	10, 855
2534	Idaho	518434	5, 080	2089	Mormacargo	206216	2, 810	1766	Sarah C. Getty	1812	7, 735
968	Idaho Standard	245461	245	2090	Mormacargo	206216	2, 810	1970	Seamar	294729	2, 700
677	Illinois	264957	1, 675	2091	Mormacargo	206216	2, 810	2794	Sea Star	517896	925
2526	Indian Mail	517717	6, 395	2092	Mormacargo	206216	2, 810	2304	Seatrail Carolina	246066	3, 105
1787	Inger	248011	1, 785	2093	Mormacargo	206216	2, 810	2291	Seatrail Delaware	245682	3, 114
2861	Ios 3301	531048	6, 800	2094	Mormacargo	206216	2, 810	2309	Seatrail Florida	503326	3, 195
387	James Lykes	280564	2, 265	2095	Mormacargo	206216	2, 810	65	Seatrail Georgia	262558	2, 984
2940	Japan Bear	530140	12, 750	2096	Mormacargo	206216	2, 810	66	Seatrail Louisiana	262835	2, 877
1418	Japan Mail	287976	6, 165	2097	Mormacargo	206216	2, 810	2346	Seatrail Maine	504714	3, 195
1304	Jean Lykes	287108	2, 375	2098	Mormacargo	206216	2, 810	2329	Seatrail Maryland	245283	3, 195
2156	J. E. Gosline	2519	5, 945	2099	Mormacargo	206216	2, 810	67	Seatrail New Jersey	239688	56
2316	Jeff Davis	248742	250	2100	Mormacargo	206216	2, 810	68	Seatrail New York	231905	56
2880	Jefferson City Victory	247345	180	2101	Mormacargo	206216	2, 810	2400	Seatrail Ohio	244610	3, 195
1965	J. Frank Drake	2116	4, 180	2102	Mormacargo	206216	2, 810	2305	Seatrail Puerto Rico	246095	3, 195
970	J. H. Macgregor	245896	245	2103	Mormacargo	206216	2, 810	2279	Seatrail San Juan	245622	3, 114
973	J. H. Tuttle	242955	325	2104	Mormacargo	206216	2, 810	69	Seatrail Savannah	231916	56
967	J. L. Hanna	245381	245	2105	Mormacargo	206216	2, 810	70	Seatrail Texas	239549	56
437	John B. Waterman	264652	1, 675	2106	Mormacargo	206216	2, 810	2357	Seatrail Washington	245460	3, 195
2267	John Dykstra	265808	18, 000	2107	Mormacargo	206216	2, 810	1610	Sheldon Lykes	290506	2, 467
389	John Lykes	282772	2, 265	2108	Mormacargo	206216	2, 810	1428	Shirley Lykes	289283	2, 467
2801	Joseph D. Potts	526588	19, 000	2109	Mormacargo	206216	2, 810	1714	Shirley Lykes	291990	7, 790
200	Joseph Lykes	281326	5, 040	2110	Mormacargo	206216	2, 810	1266	Shirley Lykes	277996	4, 100
586	Julesburg	243523	1, 220	2111	Mormacargo	206216	2, 810	2722	Shirley Lykes	268801	2, 495
2641	Keva Ideal	242939	923	2112	Mormacargo	206216	2, 810	2872	Shirley Lykes	533270	20, 000
598	Keystoner	266730	735	2113	Mormacargo	206216	2, 810	2898	Shirley Lykes	533270	20, 000
599	Keytanker	265644	725	2114	Mormacargo	206216	2, 810	982	Solon Turman	263889	5, 400
600	Keytrader	267905	755	2115	Mormacargo	206216	2, 810	2489	Statue of Liberty	516521	9, 400
2054	K. H. Crandall	2274	4, 345	2116	Mormacargo	206216	2, 810	1049	Statue of Liberty	420	1, 355
434	Korea Bear	266668	1, 860	2117	Mormacargo	206216	2, 810	1016	Steel Advocate	252403	250
2565	Korean Mail	518517	6, 395	2118	Mormacargo	206216	2, 810	439	Steel Advocate	245731	250
2876	Lafayette	252476	250	2119	Mormacargo	206216	2, 810	441	Steel Apprentice	252498	250
2754	Lamyra	1996	5, 385	2120	Mormacargo	206216	2, 810	443	Steel Artisan	247833	250
2838	La Salle	257231	250	2121	Mormacargo	206216	2, 810	445	Steel Designer	247832	250
2864	Lash Italia	529255	12, 750	2122	Mormacargo	206216	2, 810	447	Steel Executive	248843	250
2865	Lash Turkey	530143	12, 750	2123	Mormacargo	206216	2, 810	450	Steel King	252499	250
13	Leland I. Doan	284217	6, 225	2124	Mormacargo	206216	2, 810	451	Steel King	247221	250
1352	Leslie Lykes	287416	2, 375	2125	Mormacargo	206216	2, 810	452	Steel King	248846	250
2403	Letitia Lykes	512187	3, 860	2126	Mormacargo	206216	2, 810	456	Steel Navigator	248738	250
1052	Liberty Bell	519	1, 440	2127	Mormacargo	206216	2, 810	458	Steel Navigator	247198	250
392	Lipscomb Lykes	248897	250	2128	Mormacargo	206216	2, 810	460	Steel Navigator	252501	250
2374	Lompoc	248553	245	2129	Mormacargo	206216	2, 810	2248	Stella Lykes	504982	3, 710
267	Longview Victory	247977	180	2130	Mormacargo	206216	2, 810	2847	Tampa	201928	3, 200
1918	Los Angeles	241153	2, 925	2131	Mormacargo	206216	2, 810	1415	Tampico	246344	1, 575
393	Louise Lykes	247582	180	2132	Mormacargo	206216	2, 810	1071	Texas Arizona	404356	965
2062	Louise Lykes	299988	3, 565	2133	Mormacargo	206216	2, 810	1593	Texas Brighton	444559	2, 570
2023	Louisiana Brimstone	247767	4, 420	2134	Mormacargo	206216	2, 810	1430	Texas Bristol	3481 G E	540
2929	Louisiana Getty	246173	2, 195	2135	Mormacargo	206216	2, 810	463	Texas California	266910	920
367	Louisiana Sulphur	242964	800	2136	Mormacargo	206216	2, 810	2058	Texas Caribbean	3916 H	3, 835
179	Lyons Creek	245450	440	2137	Mormacargo	206216	2, 810	1961	Texas Colombia	3873 K J	9, 065
2867	Madaket	246992	184	2138	Mormacargo	206216	2, 810	465	Texas Connecticut	266501	11, 700
2233	Mallory Lykes	504077	3, 565	2139	Mormacargo	206216	2, 810	466	Texas Florida	271820	12, 100
1356	Manhattan	287263	11, 500	2140	Mormacargo	206216	2, 810	1897	Texas Georgia	263819	4, 660
2881	Mankato Victory	248739	180	2141	Mormacargo	206216	2, 810	469	Texas Illinois	246993	1, 395
1800	Margaret Lykes	293555	2, 467	2142	Mormacargo	206216	2, 810	471	Texas Kansas	244220	1, 325
2952	Marine Dow Chem.	267278	3, 940	2143	Mormacargo	206216	2, 810	1077	Texas Kentucky	243950	730
1510	Marine Electric	245675	1, 395	2144	Mormacargo	206216	2, 810	1596	Texas Maine	450050	2, 500
2123	Marine Floridian	240836	4, 540	2145	Mormacargo	206216	2, 810	1965	Texas Maryland	3835 L I	9, 215
1812	Marine Texan	247563	4, 280	2146	Mormacargo	206216	2, 810	1823	Texas Massachusetts	292735	4, 555
98	Marine Victory	247680	785	2147	Mormacargo	206216	2, 810	475	Texas Minnesota	290306	4, 395
1513	Marjorie Lykes	289873	2, 467	2148	Mormacargo	206216	2, 810	476	Texas Mississippi	243202	1, 355
1940	Marymar	294730	2, 700	2149	Mormacargo	206216	2, 810	1079	Texas Missouri	414357	1, 085
2260	Mason Lykes	505406	3, 710	2150	Mormacargo	206216	2, 810	2028	Texas Montana	298918	5, 190
1789	Mayo Lykes	293224	2, 467	2151	Mormacargo	206216	2, 810	478	Texas Nebraska	242345	1, 360
1512	Meadowbrook	289879	1, 525	2152	Mormacargo	206216	2, 810	480	Texas New Jersey	245831	1, 245
2543	Merrimack	245673	1, 335	2153	Mormacargo	206216	2, 810	1080	Texas New Mexico	438258	1, 290
2630	Michigan	521550	5, 080	2154	Mormacargo	206216	2, 810	481	Texas New York	250811	11, 700
587	Mill Spring	244468	1, 195	2155	Mormacargo	206216	2, 810	483	Texas North Dakota	265006	895
1530	Missouri	248885	1, 025	2156	Mormacargo	206216	2, 810	1081	Texas Ohio	244750	775
2716	M. M. Dant	289547	3, 310	2157	Mormacargo	206216	2, 810	1083	Texas Pennsylvania	243850	4, 730
2717	Mobil Aero	274588	3, 090	2158	Mormacargo	206216	2, 810	1899	Texas Rhode Island	296380	7, 200
2718	Mobil Fuel	274588	3, 090	2159	Mormacargo	206216	2, 810	1085	Texas Texas	244850	725
2719	Mobil Gas	274588	3, 090	2160	Mormacargo	206216	2, 810	1598	Texas Trinidad	433658	2, 495
2423	Mobilian	246388	250	2161	Mormacargo	206216	2, 810	1966	Texas Venezuela	3879	5, 470
2719	Mobil Lubric	275681	3, 240	2162	Mormacargo	206216	2, 810	1087	Texas Vermont	404456	1, 070
2442	Mobil Meridian	286479	6, 390	2163	Mormacargo	206216	2, 810	1270	Texas Wisconsin	277805	3, 805
2720	Mobil Oil	279064	3, 740	2164	Mormacargo	206216	2, 810	489	Texas Wyoming	243048	1, 410
2721	Mobil Power	274966	3, 370	2165	Mormacargo	206216	2, 810	209	Texasan	240352	670
2406	Mohawk	248913	845	2166	Mormacargo	206216	2, 810	2140	Texasan	2443	4, 545
2525	Monmouth	242426	6, 300	2167	Mormacargo	206216	2, 810	925	Thetis	279627	5, 200
2495	Montana	517617	5, 080	2168	Mormacargo	206216	2, 810	2096</			

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
2412	Thomas M.	266338	2,070
2823	Thomas Q.	261167	2,145
405	Thompson Lykes	283413	5,040
602	Ticonderoga	242244	270
406	Tillie Lykes	248461	250
1797	Timbo	1778	550
2888	Topa Topa	247906	184
231	Transcendental	279438	5,800
2391	Transerle	245959	2,050
2301	Transhuron	506349	2,100
2738	Transneida	510399	2,535
2739	Transontario	244545	2,395
2463	Transpanama	257381	1,730
2338	Transsuperior	508404	2,070
1492	Trinity	246600	2,310
1886	Trinity Mariner	1079	1,620
2744	Trojan	247177	1,580
590	Tullahoma	246662	1,385
2635	Universe Iran	3267	36,000
2570	Universe Ireland	3044	34,520
2617	Universe Japan	3182	35,550
2636	Universe Korea	3266	35,550
2571	Universe Kuwait	3045	34,520
2618	Universe Portugal	3183	35,550
966	Utah Standard	251140	295
2270	Valley Forge	505786	8,500
2788	Vantage Horizon	247181	2,535
2354	Velma Lykes	509652	3,710
1786	Walter Rice	245203	1,785
2002	W. Alton Jones	2281	4,380
1308	Washington	288903	3,310
2097	Washington Getty	2371	245
1349	Washington Mail	287238	6,165
974	Washington Standard	246203	245
1302	Western Hunter	287156	7,750
2053	William Larimer Mellon	1886	4,070
1795	William M. Allen	1880	5,800
2650	William T. Steele	240143	1,240
2932	Winnington Getty	246557	2,205
2947	Windsor Victory	247843	180
2658	Wyoming	519337	5,080
2098	Yellowstone	248883	1,025
2030	Yorkmar	296361	2,700
2822	Young America	524416	6,800
411	Zoella Lykes	282126	5,040

(b) *Vessels of less than 1,500 gross tons—as of July 1, 1972.* (1) The Maritime Administration has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed in Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of July 1, 1972, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance during the period July 1, 1972, to December 31, 1972, inclusive: *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period: *And provided further,* That the Assured shall have the right within 60 days after date of publication of this section or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
762	A. H. Dumont	230224	\$77
2486	Alison C.	513704	875
2469	Apache	513045	810
1686	Atlantic	262007	130
1198	Barge 133	293323	18
2045	Betty Moran	515015	740
2480	Blackhawk	506497	810
2331	Borinquen	119	387
1163	Britton	297392	15
2136	Cabo Rojo	538087	345
2034	Carole G. Ingram	298716	3,350
2137	Catano	511779	350
2413	Crown Bay	503562	201
2298	El Morro	298925	361
2132	E. Whitney Olson, Jr.	503563	540
2299	Fajardo	292748	361
2044	Gale B.	282206	740
24	George S.	241390	70
764	George Whitlock II	112	87
1150	Habib	115	11
1151	Horne	244974	12
1554	Lewis No. 8	299094	60
2473	Luquillo	533104	3,350
2873	Martha R. Ingram	254469	102
1702	Mohawk	504020	361
2860	New Haven	276461	300
742	Ocean Prince	297090	540
2065	Pacific Mariner	171776	150
2703	Perth Amboy No. 1	171686	150
2704	Perth Amboy No. 2	244296	55
1719	Ponce DeLeon	274512	291
744	Port Jefferson	294841	340
1578	Puerto Nuevo	114	49
1176	Qatiff 7	514243	12
1148	Sandy	273515	810
2476	Seminole	284000	331
1263	Spartan	507216	475
2130	Starrescent	118	187
2389	St. Croix	516158	875
1152	Swigart	251392	55
2552	Theresa F.	521069	765
763	W. A. Weber	524558	765
2766	Wiseco Ranger		
2767	Wiseco Trader		

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with 44 U.S.C. 3501-3511.

Dated: November 22, 1972.

E. SCOTT DILLON,
Chairman,
Ship Valuation Committee.

[FR Doc. 72-20703 Filed 12-4-72; 8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

BROADCAST RADIO SERVICES

Order. Editorial Amendment of Parts 73, 74, 76, and 78 of the Commission's rules and regulations.

1. Preparatory to the reprinting of the revised edition of Volume III of the Commission's rules and regulations, numerous editorial changes were made in Parts 73, 74, 76, and 78. The majority of the changes involve substituting the term "hertz (Hz)" for the term "cycles per second (c/s)" in its various forms.

2. Adoption of these changes is desirable in order to clarify the rules, make them uniform as to usage and terminology, delete obsolete material, and otherwise improve them from an editorial standpoint. Since the changes are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 533) are not applicable. The changes below will be included in the revised edi-

tion of Volume III which will be available from the Superintendent of Documents, U.S. Government Printing Office, in the near future.

3. Accordingly, it is ordered, pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, That, effective December 12, 1972, Parts 73, 74, 76, and 78 are amended as set forth below.

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

Adopted: November 29, 1972.

Released: December 1, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Chapter I of Title 47 of the Code of Federal Regulations is amended with respect to Parts 73, 74, 76, and 78. The terms listed below are substituted throughout:

GHz for Gc/s—gigahertz for gigacycles.
Hz for c/s—hertz for cycles per second.
kHz for kc/s—kilohertz for kilocycles.
MHz for Mc/s—megahertz for megacycles.
Kw for kw—dBu for dbu.
dB for db—dBk for dbk.

The following additional changes are also made:

PART 73—RADIO BROADCAST SERVICES

§ 73.24 [Amended]

1. Section 73.24(b) (4) paragraph (a) to the Note is amended by substituting "Note 3" for "Note 2" in the second sentence from the end of the paragraph.

§ 73.33 [Amended]

2. In § 73.33(a) the sentence in parenthesis, at the end of the paragraph, is deleted.

§ 73.34 [Amended]

3. In § 73.34(a) the dates in subparagraphs 1 through 18 are amended as follows: Subparagraphs 1 through 6, "1974" is substituted for "1968". Subparagraphs 7 through 12, "1975" is substituted for "1969". Subparagraphs 13 through 18, "1973" is substituted for "1970".

§ 73.35 [Amended]

4. Section 73.35(b) Note 9 is amended by substituting "Note 8" for "Note 7" at the end of the last sentence.

§ 73.37 [Amended]

5. In § 73.37(b) near the end of the introductory paragraph "35 percent" is amended to read "25 percent", and in paragraph (d) Note 1, the last sentence is amended to read "Note 3" instead of "Note 2".

§ 73.38 [Amended]

6. In § 73.38(a), the first sentence is amended by deleting, "Starting November 30, 1959," and by capitalizing the word "no".

§ 73.58 [Amended]

7. Section 73.58(b) (3) is amended by substituting "(d), (e), and (f)" for "(c) and (d)" in the middle of the paragraph.

§ 73.63 [Amended]

8. Section 73.63(d) is amended by substituting "6 a.m." for "9 a.m." in the penultimate sentence.

§ 73.65 [Amended]

9. Section 73.65 is amended by changing "§ 17.53" to read "§ 17.56" at the end of the section.

§ 73.67 [Amended]

10. Section 73.67(b) is amended by substituting "§ 73.911" for "§ 73.932".

§ 73.93 [Amended]

11. Section 73.93(e) (3) is amended by deleting the comma before and after the word "or" and the parenthetical references "(See §§ 73.67(a) (6) and 73.113 (a) (4))" in the middle of the paragraph.

§ 73.98 [Amended]

12. Section 73.98(b) is amended by substituting "§ 73.935" for "§ 73.911".

§ 73.113 [Amended]

13. Section 73.113(a) (5) is amended by substituting "§ 73.51(e) (2)" for "§ 73.51 (c) (2)" and paragraph (e) is amended by substituting "§ 73.93(h) (4) (iv)" for "§ 73.93(h) (2) (iv)".

§ 73.114 [Amended]

14. In § 73.114(a) (2), the word "data" is corrected to read "date".

§ 73.121 [Amended]

15. Section 73.121(b) is amended by substituting "§ 73.935(b)" for "§ 73.971 (b)".

§ 73.152 [Amended]

16. In § 73.152(a) (2), the equation at the end of the Note is amended as shown below:

$$E_2 = [E_1^2 + Qf(\theta) \cos \left(180 \frac{DA}{S} \right)^2]^{1/2}$$

§ 73.182 [Amended]

17. Section 73.182(k) is amended by deleting the words "on or after November 30, 1959", at the end of the paragraph.

§ 73.183 [Amended]

18. In § 73.183, the parenthetical material at the end of paragraph (c) is amended to read as set forth below; the first sentence of Note 1 is amended by substituting "§ 73.190" for "§ 73.109"; and in Note 2, the address "Director, Telecommunications and Electronics Branch, Department of Transport, Ottawa, Ontario, Canada," is amended to read "Director General, Telecommunications Regulation Branch, Department of Communications, Ottawa, Ontario, Canada."

(c) * * * (For determinations of interference and service requiring a knowledge of ground conductivities in Mexico, Annex XIV-C to the Agreement Between

the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcasting Band (535-1605 kHz), Mexico, D.F., 1968, may be used. Similarly, for values of ground conductivity in Canada, a map issued by the Telecommunications Regulation Branch, Department of Communications, Ottawa, Ontario, entitled "Provisional Ground Conductivity Map," dated June 1, 1960, may be used. Where different conductivities appear in the maps of two countries on opposite sides of the border, such differences are to be considered as real, even if they are not explained by geophysical cleavages. A uniform ground conductivity of 10 millimhos per meter may be assumed for Cuba.)

§ 73.186 [Amended]

19. In § 73.186(a) (5), the second sentence is amended to read: "The power determination requires a knowledge of the total antenna resistance, which must be accurately measured in accordance with § 73.54, and the antenna current, measured with an ammeter of acceptable accuracy (see §§ 73.39 and 73.58)."

§ 73.188 [Amended]

20. In § 73.188(e) (1) the parenthetical reference is deleted.

§ 73.202 [Amended]

21. In § 73.202, Table of FM Assignments, State of Illinois, footnote 1 is deleted from the cities of Mendota and Rockford.

§ 73.207 [Amended]

22. In § 73.207(a), the first sentence is amended to read as follows: "Petitions to amend the Table of Assignments (§ 73.202 (b)) (other than those expressly requesting amendment of this section or § 73.205) will be dismissed and no application for a new station, or change in the channel of an existing station, or change in location of an existing station, will be accepted for filing, unless the proposed facilities will be located at least as far from the transmitter sites of other co-channel and adjacent-channel stations (both existing and proposed) as the distances in miles specified in this paragraph."

§ 73.218 [Amended]

23. In § 73.218(a), the dates in subparagraphs 1 through 18 are amended as follows: Subparagraphs 1 through 6, "1974" are substituted for "1968". Subparagraphs 7 through 12, "1975" are substituted for "1969". Subparagraphs 13 through 18, "1973" are substituted for "1970".

§ 73.240 [Amended]

24. Section 73.240(b), Note 9 is amended by substituting "Note 8" for "Note 7" at the end of the note.

§ 73.242 [Amended]

25. In § 73.242(a), the first sentence is amended by deleting "After October 15, 1965," and capitalizing the word "licensees".

§ 73.253 [Amended]

26. Section 73.253(a) is amended by changing "Note 1" to read "Note" and by deleting "Note 2".

§ 73.265 [Amended]

27. Section 73.265(b) is amended by substituting (e) for (g).

§ 73.270 [Amended]

28. In § 73.270, the last sentence is amended by substituting "17.56" for "17.53".

§ 73.275 [Amended]

29. In § 73.275(b), "§ 73.911" is substituted for "§ 73.932".

§ 73.282 [Amended]

30. In § 73.282(a) (4), "§ 73.1201" is substituted for "§ 73.287" at the end of the subparagraph.

§ 73.291 [Amended]

31. In § 73.291(b), in the last sentence, "§ 73.935" is substituted for "§ 73.971(b)".

32. Section 73.298(b) is amended to read as follows:

§ 73.298 Operation during emergency.

(b) When emergency operation is conducted utilizing the facilities, systems, and procedures as provided in § 73.935, the attention signal described in § 73.906 may be employed.

33. Section 73.299 is revised to read as follows:

§ 73.299 Fraudulent billing practices.

See § 73.1205, which is applicable to all broadcast stations.

§ 73.316 [Amended]

34. Section 73.316(g) is amended by deleting the words "apply for authority (informal application) to" in the second sentence.

§ 73.515 [Amended]

35. Section 73.515(a) is amended by inserting a comma following the word "directivity" and preceding the words "if any" in the second sentence.

§ 73.518 [Amended]

36. In § 73.518(a), the dates in subparagraphs 1 through 18 are amended as follows: Subparagraphs 1 through 6, "1974" is substituted for "1968". Subparagraphs 7 through 12, "1975" is substituted for "1969". Subparagraphs 13 through 18, "1973" is substituted for "1970".

§ 73.553 [Amended]

37. Section 73.553(a) is amended by changing "Note 1" to read "Note", inserting a comma following the word "stereophonic" and preceding the words "and SCA", and deleting "Note 2".

§ 73.565 [Amended]

38. Section 73.565(b) is amended by substituting (e) for (g).

§ 73.570 [Amended]

39. In § 73.570, "17.56" is substituted for "17.53" at the end of the paragraph.

§ 73.573 [Amended]

40. In § 73.573(b), "§ 73.911" is substituted for "§ 73.932" at the end of the paragraph.

§ 73.584 [Amended]

41. In § 73.584(b), the first sentence is amended by substituting § 73.565(h) for § 73.565(e).

§ 73.591 [Amended]

42. In § 73.591(b), "§ 73.935" is substituted for "§ 73.971(b)", in the second sentence.

43. Section 73.597(b) is amended to read as follows:

§ 73.597 Operation during emergency.

(b) When emergency operation is conducted utilizing the facilities, systems, and procedures as provided in § 73.935, the attention signal described in § 73.906 may be employed.

§ 73.610 [Amended]

44. In § 73.610(c) (2), "(see § 73.603 (a))" is substituted for the parenthetical reference "(see § 73.603)" at the end of the subparagraph.

§ 73.630 [Amended]

45. In § 73.630(a), the dates in subparagraphs 1 through 18 are amended as follows: Subparagraphs 1 through 6, "1974" is substituted for "1968". Subparagraphs 7 through 12, "1975" is substituted for "1969". Subparagraphs 13 through 18, "1973" is substituted for "1970".

§ 73.636 [Amended]

46. Section 73.636(b) Note 9 is amended by substituting "Note 8" for "Note 7" at the end of the note.

§ 73.655 [Amended]

47. In § 73.655(b), "§ 73.935" is substituted for "§ 73.971(b)" in the second sentence.

48. In § 73.658(j) (1) (i), the date in the first sentence is amended to read "June 1, 1973"; in subdivision (ii) the date in the first sentence is amended to read "August 1, 1972", and paragraph (k) (1) is amended to read as follows:

§ 73.658 Affiliation agreements and network program practices.

(k) *Prime time access rule.* (1) No television stations assigned to any of the top 50 markets in which there are three or more operating commercial television stations, shall broadcast network programs offered by any television network or networks for a total of more than 3 hours per day between the hours of 7 p.m. and 11 p.m. local time, except that in the central and mountain time zones the relevant period shall be between the hours of 6 p.m. and 10 p.m. local time.

§ 73.662 [Amended]

49. In § 73.662, the last sentence is amended by substituting "17.56" for "17.53".

§ 73.670 [Amended]

50. In § 73.670(a) (4), "§ 73.1201" is substituted for "§ 73.652" at the end of the subparagraph.

51. Section 73.675(b) is amended to read as follows:

§ 73.675 Operation during emergency.

(b) When emergency operation is conducted utilizing the facilities, systems, and procedures as provided in § 73.935, the attention signal described in § 73.906 may be employed.

§ 73.676 [Amended]

52. In § 73.676(a) (8), the section at the end of the subparagraph is amended to read "§ 73.911" and in (f) (5), note the effective date is amended to read "October 1, 1972".

53. Section 73.677(a) (12) is amended to read as follows:

§ 73.677 Remote control authorization.

(a) * * *

(12) A description of the facilities maintained at the control point to permit compliance with § 73.911.

§ 73.682 [Amended]

54. In § 73.682(a) (15), the "Note" is deleted.

55. In § 73.684(c) (2), the Note is revised to read as follows:

§ 73.684 Prediction of coverage.

(c) * * *

(2) * * *

NOTE: Pursuant to amendment of § 73.684 by Report and Order, Docket 17253, effective May 8, 1970, 22 FCC 2d 354, television station licensees, permittees, and applicants will be subject to the following procedures, unless the requirements are postponed or changed by further order of the Commission:

(a) Licensees and permittees of all operating commercial television broadcast stations, and applicants for new commercial television stations or changes in the facilities of existing commercial television stations shall submit to the Commission a showing as to the location of their stations or proposed stations' predicted Grade A and Grade B contours, determined in accordance with § 73.684. This showing shall include maps showing these contours, except where stations or applicants have previously submitted material to the Commission containing such information and it is found upon careful examination that the contour locations indicated therein would not change, on any radial, when the locations are determined under § 73.684. In the latter cases, a sworn statement by a qualified engineer to this effect will satisfy this requirement and no contour maps need be submitted.

(b) Noncommercial educational stations (those operating on reserved or unreserved channels) shall submit the showings mentioned in paragraph (a) of this note with renewal applications due on or after July 1, 1970.

§ 73.701 [Amended]

56. Section 73.701(k) is amended by deleting the words "Daily Frequency Hour Availability Table," at the end of the paragraph.

§ 73.702 [Amended]

57. In § 73.702, the Note following the headnote is amended to add "(n)" to the citation "§ 73.701"; paragraph (b) is amended by printing the word "primary" in modern type instead of italics and by deleting "Figure 1 of" between the words "shown in" and "§ 73.792"; par. (d) is amended by substituting "dBu" for "decibels above one uv/m" in the first sentence; and the Note following par. (d) is amended by deleting "Figure 1 of" between the words "shown in" and "§ 73.792", the words "Commission's Washington Office and May" are replaced by "Commission's Headquarters, 1919 M Street NW., Washington, DC 20554, and they 'may'"; and the sixth sentence is amended by substituting the zip code "20402" for "20554" following "Washington, D.C."

§ 73.711 [Amended]

58. Section 73.711(a) Note is amended by substituting "this chapter" for "these rules" in the second sentence.

§ 73.716 [Amended]

59. Section 73.716(b) and (d) are amended by deleting the words "as and when" in paragraph (b) and substituting the words "when and if"; and by adding the words "of this Chapter" in paragraph (d) following the word "regulations" and preceding the words "the permittee".

§ 73.731 [Amended]

60. Section 73.731 is amended by substituting the word "as" for the words "in regard" in the intro. paragraph; and in paragraphs (a) through (f), by deleting the word "That" at the beginning of each paragraph and capitalizing the first word thereafter.

61. In § 73.754, paragraphs (a) and (b) are revised to read as follows:

§ 73.754 Frequency monitors.

(a) The licensee of each international broadcast station shall operate a frequency monitor at the transmitter independent of the frequency control of the transmitter.

(b) The frequency monitor shall be designed and constructed in accordance with good engineering practice. It shall have an accuracy sufficient to determine that the operating frequency is within one-half of the allowed tolerance.

62. Section 73.755 is revised to read as follows:

§ 73.755 Modulation monitors.

The licensee of each international broadcast station shall have a modulation monitor in operation at the transmitter.

§ 73.756 [Amended]

63. Section 73.756(a) Note is amended by deleting the initial capitals from the words, "Rule Making".

64. In § 73.757, the introductory paragraph and paragraph (f) are amended to read as follows:

§ 73.757 Auxiliary transmitters.

Upon showing that a need exists for the use of auxiliary transmitters, a license may be issued provided that:

(f) The operating power of an auxiliary transmitter may be less but not greater than the authorized power of the main transmitters.

65. Section 73.758 is revised to read as follows:

§ 73.758 Alternate main transmitters.

The licensee of an international broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met: Both transmitters (a) are located at the same place; (b) shall have the same power rating; and (c) shall meet the construction, installation, operation, and performance requirements of good engineering practice.

66. Section 73.759 is revised to read as follows:

§ 73.759 Changes in equipment and antenna system.

Licensees of international broadcast stations shall observe the following provisions as to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(b) Specific authority, upon filing formal application (FCC Form 309) therefor, is required for any of the following changes:

(1) An increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Location of the transmitting antenna.

(4) Location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(5) Power delivered to the antenna.

(6) Frequency control and/or modulation system.

(c) Other changes may be made at any time without the authority of the Commission, provided the Commission shall be promptly notified and such changes shall be shown in the next application for renewal of license.

§ 73.761 [Amended]

67. In § 73.761(a), the first sentence is amended to read, "All international broadcast stations will be licensed for unlimited time operation except as the Commission from time to time may direct."

§ 73.764 [Amended]

68. In § 73.764, the authority is amended by inserting "by Public Law 86-

809, 74 stat. 363" between "as amended" and "47 U.S.C. 318".

§ 73.768 [Amended]

69. Section 73.768 is amended by substituting "17.56" for "17.53" in the last sentence.

70. In § 73.769, paragraphs (b) and (c) are revised to read as follows:

§ 73.769 Discontinuance of operation.

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more or;

(c) Permanent discontinuance of operation. In all cases of permanent discontinuance of operation, the licensee, in addition to notifying the Engineer in Charge of the radio district in which the station is located of intention to discontinue operation, shall immediately forward the station license to the Washington, D.C., office of the Commission for cancellation.

71. In § 73.781, paragraphs (a) (3) and (b) (1) are revised to read as follows:

§ 73.781 Logs.

(3) For each program of network origin, an entry showing the name of the network originating the program.

(1) An entry of the time the station begins to supply power to the antenna, and another of the time it stops.

§ 73.788 [Amended]

72. In § 73.788(a), the comma following the words "any program solely intended for" is deleted and par. (c) is amended by deleting the words "Figure 1 of" in the third sentence following the words "shown in" and preceding "§ 73.792"; and the first proviso in paragraph (d) is amended to read: "Provided, That the conditions in paragraph (b) of this section as to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given and its assigned frequency."

§ 73.926 [Amended]

73. In § 73.926, paragraph (c) is amended by deleting "of the Federal Communications Commission rules and regulations" and by adding "of this chapter" following "§ 1.115" at the end of the paragraph.

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

§ 74.1 [Deleted]

1. The undesignated center heading, "General" and § 74.1 are deleted.

2. Section 74.11 is revised to read as follows:

§ 74.11 Cross reference.

See Part 1, Subpart D of this chapter for general requirements as to applica-

tions, filing of applications, and description of forms; see § 1.1111 of Subpart G of that part for the fees to be paid in connection with applications for facilities in the services covered in this part.

§ 74.13 [Amended]

3. In § 74.13(a) the words "technical requirements of this chapter" are substituted for the words "rules and regulations" near the end of the paragraph and in par. (b), the words "as and" are deleted between the words "tests" and "when".

§ 74.14 [Amended]

4. In § 74.14, paragraph (a) is amended by substituting the words "technical requirements of this chapter" for the words "and the rules and regulations", the word "may" is deleted between the words "part" and "without", and is reinserted between the words "Commission" and "conduct"; and paragraph (b) is amended by deleting the words "as and" between the words "tests" and "when".

§ 74.15 [Amended]

5. In § 74.15, paragraphs (b), (c), and (d) (1) through (18), are amended as set forth below and paragraph (g) is deleted:

In paragraph (b), the word "longer" is amended to read "longest"; in paragraph (c), the words "(Primary Station)" are amended to read "(primary station)"; and in paragraph (d), the word "triennial" is deleted, a comma is inserted following the word "convenience", the word "thereby" is deleted, and the dates in subparagraphs (1) through (18) are amended as follows: Subparagraphs 1 through 6, "1974" is substituted for "1968", Subparagraphs 7 through 12, "1975" is substituted for "1969", Subparagraphs 13 through 18, "1973" is substituted for "1970".

§ 74.16 [Amended]

6. In § 74.16, a comma is inserted after the word, "investigation", and the word "may" is deleted before the words, "in its discretion," and reinserted immediately following those same words.

§ 74.21 [Amended]

7. In § 74.21, paragraph (a) is amended by deleting the words, "the rules of" in the first sentence, the word, "power", is deleted from the third sentence and the words, "In cases where" are amended to read "When" at the beginning of the fourth sentence; and in paragraph (b), the words "Engineer-in-charge" are amended to read "Engineer in Charge".

§ 74.22 [Amended]

8. Section 74.22 is amended by deleting the words "the rules of any subpart of".

§ 74.202 [Amended]

9. In § 74.202, paragraph (b) is amended by deleting the word, "therefor", paragraph (c) is amended by substituting the word, "for", for the words, "to the purpose of the", and paragraph (d) is amended by deleting the words, "a showing".

§ 74.212 [Amended]

10. In § 74.212, the introductory paragraph is amended by adding the word "that" at the end of the paragraph, and in paragraphs (a) through (e), the word "That" is deleted at the beginning of each paragraph, and the word which follows is capitalized in each case.

§ 74.231 [Amended]

11. In § 74.231(a), subparagraphs (1), (2), and (3) are amended by deleting the word "That" at the beginning of each subparagraph, and by capitalizing the word which follows in each case.

§ 74.232 [Amended]

12. Section 74.232 is amended by substituting the word "and" for the words "but shall be" in the last sentence.

13. Section 74.233 is revised to read as follows:

§ 74.233 Emission authorized.

In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out the needs fully shall be made by informal application.

§ 74.251 [Amended]

14. In § 74.251, paragraphs (a) through (d) are amended by deleting the word "That" at the beginning of each paragraph, and by capitalizing the word which follows.

§ 74.265 [Amended]

15. In § 74.265, paragraph (a) is amended by deleting the words "so that all terms thereof are visible", and paragraph (b) is amended by substituting the words "this chapter as concerns" for the words "the rules governing".

§ 74.266 [Amended]

16. Section 74.266 is amended by deleting the word "radiotelephone" the second time it appears and by substituting the words "this chapter as concerns" for the words "the rules and regulations governing".

17. Section 74.267 is revised to read as follows:

§ 74.267 Painting and lighting of antenna structures.

The painting and lighting of antenna structures employed by the stations licensed under this subpart, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the conditions under which painting and lighting is required and the responsibility of the licensee.

§ 74.268 [Amended]

18. Section 74.268 is amended by substituting the word "If" for the words "In case" and by deleting the word "contained".

§ 74.283 [Amended]

19. Section 74.283 is amended by transferring the words "during operation" to the end of the sentence.

§ 74.284 [Amended]

20. Section 74.284(a) is amended by deleting the comma following the word "station" in parentheses and preceding the word "and", and paragraph (b) is amended by deleting the words "upon application" at the end of the first sentence.

§ 74.302 [Amended]

21. Section 74.302(d) is amended by deleting the words "a showing" preceding the words "that the proposed operation can be".

§ 74.312 [Amended]

22. Section 74.312 is amended by adding the word "that" to the end of the introductory paragraph, and by deleting the word "That" at the beginning of paragraphs (a) through (e) and by capitalizing the following word.

§ 74.331 [Amended]

23. Section 74.331(a) is amended by inserting a comma between the words "license" and "is" and by deleting the words "with regard", and subparagraphs (1) through (3) are amended by deleting the word "That" at the beginning of each subparagraph and capitalizing the following word.

§ 74.351 [Amended]

24. In § 74.351, paragraphs (a) through (d) are amended by deleting the word "That" at the beginning of each paragraph and capitalizing the following word.

§ 74.363 [Amended]

25. Section 74.363(c) is amended by deleting the words "as are".

§ 74.365 [Amended]

26. In § 74.365, paragraph (a) is amended by deleting the words "thereof" and "However", and by printing "photocopy" as one word, and paragraph (b) is amended by substituting the words "this chapter as concerns" for the words "the rules governing", and the words "is there available" are corrected to read "is available there".

§ 74.366 [Amended]

27. Section 74.366 is amended by deleting the word "radiotelephone" the second time it appears and by substituting the words "the technical requirements of this chapter governing" for the words "the rules and regulations governing".

§ 74.367 [Amended]

28. Section 74.367 is amended by adding "s" to the word "set" and by deleting the words "with regard thereto" at the end of the paragraph.

§ 74.368 [Amended]

29. Section 74.368 is amended by substituting the word "If" for the words "In case" at the beginning of the paragraph.

§ 74.382 [Amended]

30. Section 74.382 is amended by deleting the words "they are" in the first sentence.

§ 74.383 [Amended]

31. Section 74.383 is amended by transferring the words "during operation" to the end of the paragraph.

§ 74.384 [Amended]

32. Section 74.384(b) is amended by deleting the words "upon application" at the end of the first sentence.

§ 74.431 [Amended]

33. Section 74.431(g) is amended by correcting the term "Engineer-in-charge" to read "Engineer in Charge" the two times it appears.

§ 74.432 [Amended]

34. Section 74.432(b) is amended by substituting "(g)" for "(f)" at the end of the paragraph.

§ 74.437 [Amended]

35. Section 74.437 (c) and (e) are amended by substituting the band "947-952 MHz" for the band "942-952 MHz" in the first sentence of both paragraphs.

§ 74.502 [Amended]

36. In § 74.502(a), the first sentence is amended by substituting frequency band "947-952 MHz" for band "942-952 MHz" and the word "nine" for "nineteen", and by deleting frequencies "942.5 through 946.5" from the list of frequencies.

§ 74.661 [Amended]

37. Section 74.661(b) is amended by substituting "74.602(a)" for "74.603(b)".

§ 74.702 [Amended]

38. § 74.702(i) is amended by deleting the words "Effective November 15, 1971" and by capitalizing the word "no" in the first sentence.

§ 74.750 [Amended]

39. Section 74.750 (a) and (c) (7) (ii) Note are amended by deleting the words "After June 10, 1968" and capitalizing the word "applications" in the first sentence of paragraph (a), and by deleting the "Note" to paragraph (c) (7) (ii).

§ 74.766 [Amended]

40. Section 74.766(b) is amended by substituting the word "not" for the words "in nowise" in the last sentence.

§ 74.952 [Amended]

41. Section 74.952(a) (1) is amended by deleting the words "Part C" in the second and fourth sentences and the words "in the Radio Services Other than Broadcast" in the second sentence and subparagraph (2) is amended by deleting the words "Part C" in the first sentence.

PART 76—CABLE TELEVISION SERVICE

§ 76.5 [Amended]

1. Section 76.5(dd) is amended by substituting the word "at" for the word "as" near the end of the sentence.

§ 76.251 [Amended]

2. Section 76.251(b) is amended by deleting the letter "s" from the word "paragraphs" in the last sentence.

§ 76.311 [Amended]

3. Section 76.311(c) (1) (i) (c) (1) is amended by substituting the figure "5" for "10".

§ 76.405 [Amended]

4. Section 76.405 is amended by substituting the word "commenced" for the word "commences".

PART 78—CABLE TELEVISION RELAY SERVICE

§ 78.18 [Amended]

1. Section 78.18(b) is amended by deleting the letter "s" from the word "conditions" in the first sentence, and in (e) by substituting the word "repeated" for the word "repeated" in the second sentence.

[FR Doc.72-20858 Filed 12-4-72;8:53 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 32153; Sub-No. 3]

PART 1201—RAILROAD COMPANIES

Uniform System of Accounts

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 10th day of November 1972.

Consideration having been given to the matters and things involved in this proceeding, and the said Division, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof;

It is ordered, That, effective January 1, 1972, the accounting regulations prescribed in Part 1201 of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as set forth below.

And it is further ordered, That service of this order shall be made on all affected railroads; and that notice of this order shall 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 a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(Sec. 20, 24 Stat. 386, as amended; 49 U.S.C. § 20)

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

I. List of General Balance Sheet Accounts Amended.

Item No. 1. Line item "705 Traffic and car-service balances-Dr." is revised to read:

705 Traffic, car service and other balances-Dr.

Item No. 2. Line item "752 Traffic and car-service balances-Cr." is revised to read:

752 Traffic, car service and other balances-Cr.

II. Texts of Balance Sheet Accounts Revised.

Item No. 1. Account 705 Traffic and Car-Service Balances-Dr. The title, text and notes of this account are revised to read as follows:

705 Traffic, Car Service and Other Balances-Dr.

(a) This account shall include the net of the balances receivable from or payable to other companies representing items such as interline freight, passenger, switching, and baggage revenues, charges for equipment interchanged on a per diem or mileage basis, and charges for car repairs, loss and damage freight claims, and overcharge claims, when the balances result in a net debit.

(b) The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain separate subaccounts to reflect the balances applicable to the respective items. See Instruction 1-3(d).

NOTE: When the net of the balances is a credit, it shall be included in account 752, "Traffic, car service and other balances-Cr."

Item No. 2. Account 752, Traffic and Car-Service Balances-Cr. The title, text and notes of this account are revised to read as follows:

752 Traffic, Car Service and Other Balances-Cr.

(a) This account shall include the net of the balances receivable from or payable to other companies representing items such as interline freight, passenger, switching and baggage revenues, charges for equipment interchanged on a per diem or mileage basis, and charges for car repairs, loss and damage freight claims, and overcharge claims, when the balances result in a net credit.

(b) The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain separate subaccounts to reflect the balances applicable to the respective items. See Instruction 1-3(d).

NOTE: When the net of the balances is a debit, it shall be included in account 705, "Traffic, car service and other balances-Dr."

III. Form of Balance Sheet Statement Amended. Item 799 Form of General Balance Sheet Statement is amended as follows:

799 [Amended]

Item No. 1. Under "Current Assets" line item "705. Traffic and car-service balances-Dr." is revised to read:

705. Traffic, car service and other balances-Dr.

Item No. 2. Under "Current Liabilities" line item "752. Traffic and car-service balances-Cr." is revised to read:

752. Traffic, car service and other balances-Cr.

[FR Doc.72-20873 Filed 12-4-72;8:51 am]

[No. 32156; Sub-No. 1]

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

Uniform System of Accounts

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 15th day of November, 1972.

Consideration having been given to the matters and things involved in this proceeding, and the said division, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof;

It is ordered, That, effective January 1, 1973, the accounting regulations prescribed in Part 1206 of Chapter X of Subchapter C of Title 49 of the Code of Federal Regulations be, and they are hereby, revised as set forth below.

It is further ordered, That service of this order shall be made on all affected motor carriers of passengers; and that notice of this order shall 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 a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be, and it is hereby, discontinued.

(49 Stat. 546, as amended, 563, as amended, and 564, as amended; 49 U.S.C. 304, 320, and 322.)

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

I. List of balance sheet accounts. (a) The following account is added:

1170 Prepayments.

(b) The following account is revoked:

1800 Prepayments.

II. Instructions. Paragraph (a) of Instruction 2-27 is revised to read as follows:

2-27 Insurance.

(a) * * *

Premiums paid in advance shall be charged to Account 1170, Prepayments, and equitably distributed to the appropriate accounts over the period for which the premiums have been paid, except minor premiums which may be charged direct and premiums chargeable to construction.

III. Text of balance sheet accounts. Item No. 1. The following account is added:

1170 Prepayments.

RULES AND REGULATIONS

This account shall include the balances representing payment of items in advance of their accrual, the benefit of which is to be realized subsequent to the time of such payment. Entries shall be made each period transferring from this account to the appropriate account the portion of each prepayment which is applicable to that period. The account shall be kept so that there can be determined readily the amounts applicable to the following:

- (a) Taxes and licenses.
- (b) Insurance.
- (c) Interest.
- (d) Rents.
- (e) Tires and tubes (see Account 4160, Tires and Tubes—Revenue Equipment).
- (b) Miscellaneous.

NOTE A: Prepayments of minor items applicable to the current year may be charged directly to the appropriate operation and maintenance expense or other accounts.

NOTE B: Interest and finance fees included in the face value of equipment and other obligations (a liability being recorded at face value) shall be included in Account 1890, Other Deferred Debits.

1800 [Revoked]

Item No. 2. Account 1800 *Prepayments* is revoked.

2999 [Amended]

Item No. 3. Account 2999, *Form of Balance Sheet Statement* is amended as follows:

(a) Following account 1160 Interest and Dividends Receivable, add:

1170 Prepayments.

(b) Delete account 1800 *Prepayments*.

IV. *Text of income accounts.* Item No. 1. Account 4160 is amended by revising paragraph (b) to read as follows:

4160 Tires and tubes—Revenue equipment.

(b) The entire cost of tires and tubes for revenue automotive equipment purchased outright may be charged to this account at the time vehicles are purchased or charged to Account 1170, Prepayments, and a prorated portion charged to this account for each period based on mileage or other equitable basis. If the latter method is used, adjustments of over or under charges at the time of

replacement shall be made through this account.

Item No. 2. Account 5200, "Operating Taxes and Licenses", is amended by revising paragraph (b) to read as follows:

5200 Operating taxes and licenses.

(b) This account shall be charged each month (or 4-week period) with the amount of taxes applicable thereto, with concurrent credits to Account 2120, Taxes Accrued, or Account 1170, Prepayments, as appropriate. When it is not possible to determine the actual taxes, they shall be estimated and the applicable portion of the total tax included in this account each month (or 4-week period). Taxes included in this account on an estimated basis shall be adjusted when the actual levies become known. Taxes on gasoline, other motor fuel and lubricating oil shall be included in this account on the basis of actual consumption.

[FR Doc.72-20872 Filed 12-4-72; 8:51 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Deposit of Taxes Withheld

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 21, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68 Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the rules for the deposit of taxes withheld under Chapter 3 of the Internal Revenue Code of 1954 to those presently in effect for taxes withheld under chapter 24 of the Code, the Income Tax Regulations (26 CFR Part 1) under sections 1461 and 6302 of the Internal Revenue Code of 1954 are amended to provide new rules for payments or deposits of tax deposited under chapter 3 of the Code on or after January 1, 1973, as follows:

PARAGRAPH 1. Paragraph (a) of § 1.1461-3 is revised to read as follows:

§ 1.1461-3 Payment of withheld tax.

(a) *Payments of tax*—(1) *Quarterly payments*—(i) *Years prior to 1973*. Every withholding agent who, pursuant to chapter 3 of the Code, withholds tax during any calendar quarter beginning after December 31, 1966, and ending on or before December 31, 1972, shall, to the extent such amounts have not been deposited pursuant to § 1.6302-2 with a Federal Reserve bank or an authorized commercial bank, pay such withheld tax to the Director, Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, PA 19155, on or before the last day of the first calendar month following the close of the calendar quarter. Any amounts required to be paid to the Director pursuant to this subdivision

shall be made with quarterly transmittal Form 4277, even though the withholding agent has made no deposits pursuant to paragraph (a) (2) of § 1.6302-2 and has no validated depository receipts to accompany that transmittal form.

(ii) *1973 and subsequent years*. Payments are not required to be made for calendar quarters ending after December 31, 1972.

(2) *Payment of balance of tax with Form 1042*. If for any reason the total amount of tax required to be returned for any calendar year pursuant to paragraph (b) of § 1.1461-2 has not been deposited pursuant to § 1.6302-2 (or, for years prior to 1973 deposited pursuant to § 1.6302-2 or paid pursuant to subparagraph (1) of this paragraph), the withholding agent shall pay the balance of tax due for such year to the Director, Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, PA 19155, when filing Form 1042 for such year.

PAR. 2. Paragraphs (a) (1), (b), and (c) of § 1.1461-4 are revised to read as follows:

§ 1.1461-4 Adjustments for overwithholding of tax.

(a) *Repayment of erroneously withheld tax after payment of tax by withholding agent*—(1) *Repayment of tax to payee*. If, in any payment period (as defined in paragraph (c) of this section) occurring in a calendar year, a withholding agent (i) withholds from amounts paid to any person more than the correct amount of tax required to be withheld under chapter 3 of the Code and (ii) makes a deposit of the amount of such overwithholding as provided in § 1.6302-2 (or, for years prior to 1973, makes a payment or deposit of the amount of such overwithholding as provided in § 1.1461-3 or § 1.6302-2), the withholding agent may repay such amount, at any time before filing Form 1042 for such calendar year, to the person from whose income such amount was withheld.

(b) *Adjustment of tax payments or deposits*. If, pursuant to paragraph (a) (1) of this section, a withholding agent repays a person the amount of tax overwithheld from such person under chapter 3 of the Code during any payment period of the calendar year, the withholding agent may reduce, by the amount so overwithheld, the amount of any deposit of tax required by paragraph (a) of § 1.6302-2 (or, for years prior to 1973, the amount of any payment or deposit of tax required by § 1.1461-3 or paragraph (a) of § 1.6302-2) to be made by the withholding agent for any subsequent payment period occurring before the end of

the calendar year following the calendar year of overwithholding. The reduction of a payment or deposit of tax for a payment period occurring in the calendar year following the calendar year of overwithholding shall be made only if the withholding agent files, on his Form 1042 for the calendar year of overwithholding, a claim for credit in accordance with paragraph (b) of § 1.6414-1. The application of this paragraph may be illustrated by the following examples:

Example (1). (a) A is a nonresident alien individual who is a resident of the United Kingdom. In December 1973, a domestic corporation M pays a dividend of \$100 to A, at which time M Corporation withholds \$30 and remits the balance of \$70 to A. On February 16, 1974, A advises M Corporation that, pursuant to the income tax convention with the United Kingdom, only \$15 tax should have been withheld from the \$100 dividend and requests repayment of the \$15 which was erroneously withheld. Although M Corporation has already deposited the \$30 which was withheld, as permitted by paragraph (a) (1) (iv) of § 1.6302-2, such corporation repays A in the amount of \$15.

(b) During 1973 M Corporation makes no other payments upon which tax is required to be withheld under chapter 3 of the Code; accordingly, its return on Form 1042 for such year, which is filed on March 15, 1974, shows total tax withheld of \$30, which is reduced by an adjustment of \$15 for the amount repaid to A, an adjusted total tax withheld of \$15, and \$30 previously paid for such year.

Pursuant to paragraph (b) of § 1.6414-1, M Corporation claims credit for the overpayment of \$15 shown on the Form 1042 for 1973. Accordingly, it is permitted to reduce by \$15 any deposit required by § 1.6302-2 to be made of tax withheld during 1974. The Form 1042S required to be filed by M Corporation with respect to the dividend of \$100 paid to A in 1973 is required to show tax withheld of \$30 and tax released of \$15. The Form 1042S (or authorized substitute) is required to accompany the Form 1042 for 1973 which is filed on March 15, 1974. No additional explanation is required to be filed with the Form 1042 for 1973 in support of the \$15 adjustment claimed thereon.

(c) During 1974 M Corporation is required to withhold under chapter 3 of the Code \$200, all of such amount being withheld in June of that year. Pursuant to § 1.6302-2, M Corporation deposits on July 15, 1974, the amount of \$185, that is, \$200 less the \$15 for which credit is claimed on the Form 1042 for 1973. On March 17, 1975, M Corporation files its return on Form 1042 for 1974, which shows total tax withheld of \$200, \$185 previously deposited by M Corporation, and \$15 allowable credit.

Example (2). The facts are the same as in example (1) except that paragraph (c) of such example does not apply and that M Corporation is required to deposit on a quarter-monthly basis the tax withheld under chapter 3 of the Code. M Corporation withholds tax of \$100 between February 22, and February 28, 1974, and complies with the quarter-monthly deposit requirement of paragraph (a) (1) (ii) of § 1.6302-2 by depositing \$75 [(100 X 90 percent) less \$15] of the withheld tax by March 5, 1974 (3 banking

days after February 28, 1974) and by depositing \$10 [(\$100-\$15) less \$75] by March 20, 1974 (3 banking days after March 15, 1974).

(c) *Definition*—(1) 1973 and subsequent years. For purposes of this section, for calendar years beginning on or after January 1, 1973, the term "payment period" means a calendar month or a quarter-monthly period (as the case may be) in such a calendar year with respect to which the withholding agent is required by paragraph (a) (1) of § 1.6302-2 to make a deposit of tax withheld under chapter 3 of the Code.

(2) *Years prior to 1973*. For the purposes of this section, for calendar years ending on or before December 31, 1972, the term "payment period" means (i) (a) a calendar month or (b) a semimonthly period (as the case may be) in such a calendar year with respect to which the withholding agent is required by paragraph (a) (2) of § 1.6302-2 to make a deposit of tax withheld under chapter 3 of the Code, or (ii) a calendar quarter in such a calendar year with respect to which he is required by paragraph (a) (1) of § 1.1461-3 to make a payment of such tax.

PAR. 3. Paragraph (a) of § 1.6302-2 is revised to read as follows:

§ 1.6302-2 Use of Government depositories for payment of tax withheld on nonresident aliens and foreign corporations.

(a) *Time for making deposits*—(1) *Deposits for 1973 and subsequent years*—

(i) *Monthly deposits*. Except as provided in subdivisions (ii) and (iv) of this subparagraph, every withholding agent who, pursuant to chapter 3 of the Code, has accumulated at the close of any calendar month beginning on or after January 1, 1973, an aggregate amount of undeposited taxes of \$200 or more shall deposit such aggregate amount with a Federal Reserve bank or authorized commercial bank (see paragraph (b) (1) (ii) of this section), within 15 days after the close of such calendar month. However, the preceding sentence shall not apply if the withholding agent has made a deposit of taxes pursuant to subdivision (ii) of this subparagraph with respect to a quarter-monthly period which occurred during such month.

(ii) *Quarter-monthly deposits*. If at the close of any quarter-monthly period within a calendar month beginning on or after January 1, 1973, the aggregate amount of undeposited taxes required to be withheld pursuant to chapter 3 of the Code is \$2,000 or more, the withholding agent shall deposit such aggregate amount in a Federal Reserve bank or authorized commercial bank within 3 banking days after the close of such quarter-monthly period. For purposes of determining the amount of undeposited taxes at the close of a quarter-monthly period, undeposited taxes withheld with respect to items paid during a prior quarter-monthly period shall not be taken into account if the withholding agent made a deposit with respect to such

prior quarter-monthly period. A withholding agent will be considered to have complied with the requirements of this subdivision with respect to the close of a quarter-monthly period if—

(a) His deposit is not less than 90 percent of the aggregate amount of the taxes required to be withheld during the period for which the deposit is made, and

(b) If such quarter-monthly period occurs in a month other than December, he deposits any underpayment with his first deposit which is otherwise required by this subparagraph to be made after the 15th day of the following month. Any underpayment of \$200 or more for a quarter-monthly period closing during December must be deposited on or before the following January 31.

For purposes of this subparagraph, the term "quarter-monthly period" means the first 7 days of a calendar month, the 8th day through the 15th day of a calendar month, the 16th day through the 22d day of a calendar month, or the portion of a calendar month following the 22d day of such month.

(iii) *Excess deposits*. The excess (if any) of a deposit over the actual taxes for a monthly or quarter-monthly deposit period shall be applied in order of time to each of the withholding agent's succeeding deposits with respect to the same calendar year, until exhausted, to the extent that the amount by which the taxes for a subsequent deposit period exceed the deposit for such subsequent deposit period.

(iv) *Annual deposits*. If at the close of the month of December of each calendar year beginning on or after January 1, 1973, the aggregate amount of undeposited taxes required to be withheld pursuant to chapter 3 of the Code is less than \$200, the withholding agent may deposit such aggregate amount in a Federal Reserve bank or authorized commercial bank on or before March 15 of the following calendar year. If such aggregate amount is not so deposited, it shall be remitted in accordance with paragraph (a) (2) of § 1.1461-3.

(2) *Deposits for years prior to 1973*—

(i) *Monthly deposits*. Except as provided in subdivision (ii) of this subparagraph, every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar month (other than the last month of a calendar quarter) of a calendar year beginning before January 1, 1973, more than \$100 in the aggregate shall deposit such aggregate amount with a Federal Reserve bank or authorized commercial bank within 15 days after the close of such calendar month, and who so withholds during March 1968, more than \$100 in the aggregate shall so deposit such aggregate amount on or before April 30, 1968.

(ii) *Semimonthly deposits*. Every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar month of a calendar quarter of a calendar year beginning before January 1, 1973, more than \$2,500 in the aggregate shall deposit any tax, which is required to be withheld under such chap-

ter during any semimonthly period of the next succeeding calendar quarter, with a Federal Reserve bank or authorized commercial bank within 3 banking days after the close of the semimonthly period during which the amounts to which such withholding relates are paid. For purposes of this subdivision, the term "semimonthly period" means the first 15 days of a calendar month or the part of a calendar month following the 15th day of such month. A withholding agent will be considered to have complied with the deposit requirements of this subdivision in respect of any semimonthly period if (a) his deposit for such semimonthly period is made within the time otherwise prescribed, (b) is not less than 90 percent of the aggregate amount of the tax required to be withheld under chapter 3 of the Code during such semimonthly period, and (c) if such semimonthly period occurs in a calendar month other than the last month in a calendar quarter, he deposits, within 3 banking days after the 15th day of the month following such calendar month, the balance of any amount withheld during such calendar month and not previously deposited, or if such semimonthly period occurs in March 1968, he deposits, on or before the last day of April 1968, the balance of any amount withheld during such calendar month and not previously deposited. In a case where an adjustment in the amount of a deposit for a semimonthly period is allowed pursuant to paragraph (b) (2) of § 1.1461-4, the 90-percent requirement of this subdivision will be considered met if the deposit for such period is not less than 90 percent of the aggregate amount of tax required to be withheld during such semimonthly period (determined without regard to such adjustment), reduced by the amount of such adjustment. See paragraph (b) (2) of § 1.1461-4 and example (2) thereunder. For determining the amount of tax required to be withheld under chapter 3 of the Code where there has been a reimbursement of over-withheld tax, see paragraph (b) (1) (ii) of § 1.1461-4.

(iii) *Quarterly deposits*. Every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar quarter beginning after March 31, 1968, and ending on or before December 31, 1972, tax in an amount which exceeds by more than \$100 the total amount deposited by him pursuant to subdivisions (i) and (ii) of this subparagraph for such calendar quarter, shall, on or before the last day of the first calendar month following the close of the calendar quarter, deposit with a Federal Reserve bank or authorized commercial bank an amount equal to the amount by which the total tax withheld during the calendar quarter exceeds the total deposits (if any) made pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) *Annual deposits*. If for any reason the total amount of tax required to be returned for a calendar year beginning after December 31, 1967, and before January 1, 1973, pursuant to paragraph (b) of § 1.1461-2 (relating to return of tax withheld) exceeds by more than \$100 the sum of—

(a) Amounts deposited pursuant to subdivisions (i), (ii), and (iii) of this subparagraph (including any voluntary deposits made pursuant to paragraph (b) (3) of this section), and

(b) Amounts paid pursuant to paragraph (a) (1) of § 1.1461-3, for such calendar year,

the withholding agent shall deposit the balance of tax due for such year with a Federal Reserve bank or authorized commercial bank on or before the 15th day of the third month following the close of the calendar year.

(v) *Transitional rules.* Notwithstanding the provisions of paragraph (a) (1) of § 1.1461-3 and of subdivisions (i) and (ii) of this subparagraph, the aggregate amount of tax required to be withheld under chapter 3 of the Code by any withholding agent after December 31, 1966, and before June 1, 1967, shall be deposited with a Federal Reserve bank on or before June 22, 1967. For the purpose of paragraph (b) (2) of this section any amount deposited in accordance with the requirement of this subparagraph shall be considered as if it were deposited with respect to amounts withheld during the calendar quarter beginning April 1, 1967.

(3) *Cross reference.* For rules relating to the adjustment of deposits, see § 1.1461-4(b) and § 1.6414-1. For rules requiring payment of any undeposited tax, see § 1.1461-3.

[FR Doc.72-20913 Filed 12-4-72; 8:53 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Handling Limitations

Consideration is being given to the following proposal submitted by the committees, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal would extend current grade and size limitations, for the period January 1, 1973, through September 30, 1973, applicable to oranges, including Navel, Temple, and Murcott Honey oranges (but not including Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type), handled between the production area and any point outside thereof in the continental United States, Canada, or Mexico.

The proposed extension of the period of regulation of certain varieties of oranges is designed to continue in effect the current quality and size requirements for such fruits consistent with (1) the available supply and the demand for such fruits; and (2) improving returns to

producers pursuant to the declared policy of the act.

The proposal is as follows:

Order. In § 905.545 (Orange Regulation 71; 37 F.R. 21799, 24432, 25036) the provisions of paragraph (a) preceding subparagraph (1) thereof are amended to read as follows:

§ 905.545 Orange Regulation 71.

(a) During the period January 1, 1973, through September 30, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico.

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

Dated: November 30, 1972.

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

[FR Doc.72-20826 Filed 12-4-72; 8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 191]

BANNED HAZARDOUS SUBSTANCES

Proposed Exemption of Certain Lead-Containing Paints and Other Similar Surface-Coating Materials

The Commissioner of Food and Drugs has received a petition from the National Paint and Coating Association, 1500 Rhode Island Avenue NW., Washington, DC 20005, submitted pursuant to section 701(e) (1) (B) of the Federal Food, Drug, and Cosmetic Act, proposing an amendment to a regulation (21 CFR 191.9(a) (6) (i)) promulgated under section 2(q) (1) (B) of the Federal Hazardous Substances Act. The proposed amendment would exempt certain lead-containing coatings from classification as banned hazardous substances.

The petition states that the submission is on behalf of its members which manufacture and market certain specialty paints in which lead is a necessary component.

Section 191.9(a) (6) was promulgated in the FEDERAL REGISTER of March 11, 1972 (37 F.R. 5229), and its effective date was confirmed in part in the FEDERAL REGISTER of August 10, 1972 (37 F.R. 16078).

The proposed amendment prepared by the petitioner reads as follows:

§ 191.9 Banned hazardous substances.

(a) * * *

(6) (i) * * *

(c) The provisions of this subdivision (i) do not apply to:

(1) Automotive, agricultural, and industrial equipment refinishing coatings;

(2) Industrial (and commercial building) maintenance coatings, including traffic and safety marking coatings;

(3) Graphic art coatings (products marketed solely for application on billboards, road signs, and similar uses and for identification marking in industrial buildings);

(4) Touchup coatings for automobiles, agricultural and industrial equipment, lawn and garden equipment, boats, outboard motors, motorized recreational vehicles, and appliances;

(5) Exterior marine coatings for small craft application;

(6) Exterior rubber-based roof coatings; and

(7) Exterior primer coatings for wood siding containing extractives (products marketed solely for application on redwood and cedar);

Provided, That these products bear on the main panel of their label, in addition to any labeling that may be required under the act or regulations promulgated pursuant thereto, the signal word "WARNING" and the following statement: "CONTAINS LEAD. DRIED FILM ON THIS PAINT MAY BE HARMFUL IF EATEN OR CHEWED. See other cautions on (side or back) panel." These products shall also bear on their label the following additional statement or its practical equivalent:

Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

Do not apply on those exterior surfaces of dwelling units, such as window sills, porches, stairs, or railings, to which children may be commonly exposed.

Keep out of reach of children.

The placement, conspicuousness, and contrast of the above labeling shall be in accordance with the requirements of § 191.101.

The following is the statement of grounds given in the petition in support of the proposed amendment:

On March 11, 1972, the Food and Drug Administration published an order in the FEDERAL REGISTER (37 F.R. 5229) under section 2(q) (1) (B) of the Federal Hazardous Substances Act which, in part, declared any paints or other similar surface-coating materials intended, or packaged in a form suitable for use in or around the household, to be banned hazardous substances if: (1) Shipped in interstate commerce between December 31, 1972, and December 31, 1973, and (2) containing lead compounds of which the lead content is in excess of 0.5 percent of the total weight of the contained solids or dried paint film. On August 10, 1972, this portion of the order was confirmed as effective; that portion of the order pertaining to a 0.06 percent lead level remained under consideration by the Agency.

The Federal Hazardous Substances Act applies to paint products which are found to be toxic, which are intended or packaged in a form suitable for use in or around a household, and which may cause substantial personal injury or illness as a result of "reasonably foreseeable ingestion by children" (15 U.S.C. 1261(f)(1)(A)). Most paints in liquid form are not considered toxic under this act because the viscosity of the paint product renders the ingestion hazard extremely remote. Only after the paint product has been applied to a surface accessible to children, and then usually only after the film has flaked or chipped, does a hazard arise that children may ingest the lead content.

Thus, this petition is not necessary because of the requirements of the act since the specialty paints, which are the subject of this petition, are neither intended nor likely to be used on surfaces which are reasonably available to children or on surfaces which will enable flaking and chipping of the paint. This petition is required only because the language of § 191.9(a)(6)(i) appears to be broader in scope than the language in the statute and broader in scope than is necessary to protect against the lead hazard from the dried paint film. The pertinent portion of the regulation reads as follows: "Any paint or other similar surface-coating material intended, or packaged in a form suitable, for use in or around the household". If this operative language had been limited to surface-coating materials which after application would pose a lead hazard because of reasonably foreseeable ingestion by children, it is clear that the regulation would not apply to these specialty products. This petition for an amendment is submitted, therefore, only to clarify the scope of § 191.9(a)(6)(i) of the regulations.

The Definitions and Procedural and Interpretative Regulations, under FHSA (21 CFR Part 191.1), specify that the act covers those products that under customary or reasonably foreseeable conditions of storage or use may be brought into or around a house, apartment, or other place people dwell, including a garage, carport, barn, or storage shed. The same regulations expressly state that the act does not cover industrial supplies that might be taken into a home by a serviceman. The interpretations specifically provide that a product labeled as and marketed solely for industrial use does not become subject to the act simply because an industrial worker could possibly misappropriate a supply for his own use.

Thus, this interpretative regulation leaves no doubt that industrial coatings, such as original finish coatings for automobiles, industrial equipment, and farm and garden equipment are outside the scope of the act and therefore remain unaffected by the proposed tolerances. The specialized coating products which are the subject of this petition are similar to the industrial or factory-applied coatings in many respects. They are intended primarily for application to non-

household surfaces, usually by professional painters, and they are not intended or suitable for use on surfaces accessible to children which would create a hazard. The March 11 regulation appears to cover these specialized paints solely because they may at times be found in or around the household in packaged form and not because of any finding that they pose a lead hazard to children.

Congress, in enacting the Federal Hazardous Substances Act, contemplated the dangers offered by a product or article in its liquid state and in its packaged form and thus designed the act to regulate all products "intended or packaged in a form suitable for use in or around the household." Implicit in the quoted language is the assumption that the particular hazard from a product is posed simply because that product is present in the household in packaged form. While this is true of a substance which presents a hazard in its liquid state as, for example, the flammability hazard of certain liquid paints, this is not true of the lead ingestion hazard from paints. The particular hazard posed by lead content in paint does not occur from the liquid paint in the package but, instead, the hazard occurs solely from the dried paint film if ingested by children.

The best information available indicates that children who are disposed to chew paint chips confine their activity primarily to interior surfaces in the house and, perhaps, infrequently to an accessible exterior surface. Children usually are attracted by flakes from old, chipped paint film rather than newly-coated surfaces, and by toys or other articles which they may place in their mouths. This is due in large part to the limited physical abilities of the young children suffering from "pica," the habit of ingesting nonfood items.

As pointed out in comments to the subject regulation, submitted by Dr. Barry King and Dr. Julian Chisholm (noted authorities on lead poisoning), the most critical age for exposure of a child through ingestion of paint, putty, and other lead-containing nonfood materials is usually 1 to 3 years of age. In view of both the restricted mobility and physical limitations of children in this age bracket, they neither have access to, nor are capable of chewing or ingesting, paint chips from surface to which the products for which exemptions are herein requested are applied. In fact, we are not aware of any documented case where a child has attempted to ingest the paint film on automobiles, farm and garden implements, etc.

The American Academy of Pediatrics, in its November 30, 1971 memorandum to the Food and Drug Administration, appears to confirm this: "The American Academy of Pediatrics endorses the principle contained in the petition filed with the Commissioner that paints containing more than minute traces of lead be declared as banned hazardous substances, if intended for use on children's products or interior surfaces (emphasis supplied)." Further, the Senate Com-

mittee Report on the Lead-Based Paint Poisoning Prevention Act Amendments of 1972 refers specifically to coatings "intended for interior residential surfaces" (S. Rep. No. 92-852, 92d Cong., 2d Sess. (1972)).

Similarly, under the Lead-Based Paint Poisoning Prevention Act (Public Law 91-695) the Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, was instructed to develop and carry out a demonstration and research program "to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing."

Acting under this authority, the Secretary of HUD has determined that the existing conditions that pose a lead paint hazard to children are those surfaces reasonably available to children that present peeling or flaking paint. This has been recently confirmed by the agency by a publication in the October 21, 1972, issue of the *FEDERAL REGISTER* (at page 22732) entitled "Prohibition of Use of Lead-Based Paint and Elimination of Lead-Based Paint Hazard." This revises pertinent parts of the Code of Federal Regulations already promulgated under authority of the Lead-Based Paint Poisoning Prevention Act. In this revision, with respect to the use of and elimination of existing hazards caused by lead-based paint, the Secretary of HUD defines "applicable surfaces" as all interior surfaces and those exterior surfaces, such as stairs, decks, porches, railings, windows, and doors, which are readily accessible to children under 7 years of age. Further, "Health Hazard," with respect to lead-based paint, is defined to mean "cracking (sic), scaling, peeling, and loose lead-based paint on applicable surfaces."

Since the prohibition against use of lead-based paint under this revision extends only to use on "applicable surfaces of any residential structure," clearly then these are the only surfaces found by this agency to pose a lead hazard to children. There is no indication by HUD that the surfaces to which the products under consideration are applied present either an existing or future lead poisoning hazard to children.

It is clear from the foregoing that the hazard sought to be prevented by lead tolerances established in § 191.9(a)(6) is lead ingestion by children who tend to chew dried paint film on interior and exterior household surfaces accessible to these children, and on toys or other articles intended for use by these children. The regulation is not intended to nor should it reasonably apply to the specialized paints under consideration since, through customary or reasonably foreseeable conditions of use, they will not cause a lead hazard for pica children, even though they are packaged in a form suitable for use in or around the household, and thus, incidentally may meet

the definitional test of § 191.1(c), namely, that "under any reasonably foreseeable condition of purchase, storage, or use the article may be found in or around a dwelling." Thus, petitioners believe these products should not be subject to the provisions of the regulation.

Unlike interior household paints or even exterior paints for household application which could conceivably be substituted for interior use or applied on an exterior surface accessible to children, these specialized products are never marketed for such application. They are neither intended, designed, nor suitable for use in areas accessible to children. These products are limited in purpose and, since they are not general household products, are thus purchased infrequently and never stored around the household in any significant quantity. Furthermore, most of these products are intended for the professional consumer.

The precautionary label proposed in this petition adds an extra measure of protection against any conceivable risk from its lead content due to misuse. The possibility of misusing these products, even without the precautionary label is, however, very remote. The garish color and rough texture of an industrial maintenance coating, such as a red-lead primer in which lead is an important protection material, makes it exceedingly unlikely that anyone would use it on interior household surfaces or other surfaces accessible to children. Other specialty products, such as automobile refinishes, are generally too expensive to be feasible for use on such surfaces. Others, such as touchup coatings in aerosol containers, are packaged in quantities too small for practical use on household surfaces. Additional significant factors militating against misuse of these products are explained in the following discussions of the individual products along with an explanation of why lead is a necessary component in these coatings.

DISCUSSION OF SPECIAL PURPOSE COATINGS

1. *Automotive, agricultural, and industrial equipment refinish coatings.* Automotive, agricultural, and industrial equipment refinish coatings are designed for use by automobile repair shops or agricultural or industrial equipment dealers for the refinish of automobiles, trucks, agricultural, and industrial machinery. These refinish coatings are marketed through automotive warehouse distributors to automotive parts jobbers, and then to automotive body shops. Agricultural and industrial equipment coatings are sold by equipment manufacturers and subsidiaries to equipment dealers.

Although these refinish coatings are intended for use by automotive body shops or farm and industrial equipment dealers and are not marketed primarily for retail customers, some of these companies have a secondary retail trade. Such retail customers use these coatings to refinish automobiles, agricultural equipment, and industrial machinery.

This refinishing may occur in or about a garage, barn, or shed.

These coatings are usually high-gloss and are customarily applied by spray equipment. Lead is an essential ingredient in many of these coatings for three reasons. First, it is a catalytic drier, necessary to speed the oxidation process and, thereby, prevent dirt or dust from becoming embedded in the film. Second, lead-containing pigments are necessary to match original equipment colors and to prevent a displeasing patchwork effect in coloring which otherwise would appear after a short time due to color chalking and fading. Finally, lead provides the essential resistance to weathering, heat, and other environmental conditions to which automobiles, agricultural and industrial equipment are peculiarly exposed.

When used for the intended purpose, there exists no health hazard to children. Indeed, the only difference between the original factory-applied finish (which is not regulated by the act unless applied to any toy or other articles intended for use by children) and the refinish product is that a can of the latter may find its way into or near the home. The hazard exists, however, not from the liquid in the container but only from the dried film and then only if the film can be ingested by children. It is not reasonably foreseeable that a child would chew on the paint because of the hard substrate to which the paint is applied.

Because of the nature of these refinishing products and their labeling, it is not reasonably foreseeable that they would be used for other than their intended purpose. There are many reasons for this:

a. Spray application, usually with high-pressure sprayers, is recommended for all of these products, and satisfactory results are not obtained with a brush or roller;

b. The high gloss colors found in most of these coatings are not suitable for surfaces in the home;

c. At the retail level, automotive refinishes are roughly twice as expensive as household enamels and paints, and thus it is exceedingly unlikely that consumers would purchase automotive refinish coatings for use on either an interior or exterior household surface since cheaper, better-suited products are more readily available. Further, such costs preclude purchasing more than is actually needed to refinish an automobile;

d. These refinishes, in contrast to general purpose household enamels and paints, often require careful preparation of the metal surface, including grinding, etching, and priming in order to obtain proper adhesion; and

e. The proposed warning label would provide additional protection by indicating to the purchaser that such coatings should not be applied on any surface accessible to children.

2. *Industrial (and commercial building) maintenance coatings, including traffic and safety markings coatings.* This category includes a variety of coatings

sold for maintenance of plant and equipment, commercial buildings, structural steel (such as bridges), or for safety markings or pavement markings in streets or parking lots. Lead pigment, such as in the commonly used red-lead primer, is an important ingredient in these coatings, principally because it resists corrosion. Lead pigments also achieve the brilliant opaque and durable colors required for safety markings on pavements and industrial areas. There are no substitutes for the lead colors that will adequately perform the same purposes. Organic compounds are weaker in tinting strength, are less durable to weathering, and have a tendency to bleed when overpainted.

Those products are intended for uses which pose no health hazard of children. Industrial plants, commercial office buildings, metal equipment, structural steel, bridges, and the like are not accessible to children. Additionally, the Congress, after hearings, has recognized that such uses are not hazardous. In enacting the Lead-Based Paint Poisoning Prevention Act of 1971 (Public Law 91-695), Congress eliminated the language "any building or structure," and substituted "interior surfaces, porches, and exterior surfaces to which children may be commonly exposed" in order to exclude industrial and commercial building maintenance use (S. Rep. No. 91-1432, 91st Cong., second session 4-5 (1970)).

Again it is not reasonably foreseeable that industrial maintenance coatings would be misused and applied to a household surface accessible to children. Large volume users purchase these products directly from manufacturers, and these products are generally unavailable for use around the household. Some retail outlets may stock and sell certain lines of these coatings in limited volume to smaller industrial accounts. Such industrial maintenance coatings normally are labeled "Intended for professional use only and not for retail sale." In addition, they will bear the lead warning label required by the proposed amendment. Thus, the possibility of household use is virtually eliminated.

3. *Graphic art coatings (products marketed solely for application on billboards, road signs, and similar uses, and for identification marking of industrial buildings).* These paints or coatings, applied freehand or by hand using a stencil or similar technique, are used to present a graphic image or convey a message. On the basis of intended use and because of a general lack of access by household consumers and children to either the coating or coated surface, graphic arts coatings should be excluded from the regulation.

While these coatings may be stocked by some dealers, they are intended principally for use by professional sign painters for the application of colors to billboards, billboard structures, road signs, and similar items and for identification markings of industrial buildings and the equipment installed therein. Most of these coatings are used only under

specific shop conditions for application to plastic and metal surfaces, such as illuminated signs advertising particular businesses (e.g., service stations), or for road-directional markers.

The need for such contrasting colors is mandatory for these types of identification. Existing technology provides no substitute materials for lead which will provide the brilliance, color permanence, and film durability necessary for extended periods of service, particularly under the temperature, sunlight, and humidity conditions of outdoor exposure. Furthermore, for many of these uses, such as application to road signs, these coatings are baked on. No acceptable nonlead colorants, which can withstand such baking, are presently available.

4. *Touchup coatings for automobiles, agricultural and industrial equipment, lawn and garden equipment, boats, outboard motors, motorized recreational vehicles, and appliances.* These coatings are packaged in small containers or in aerosol containers for use by the consumer in making minor surface repairs to his automobile, household appliance, or other mechanical equipment which may be found in the vicinity of his home. While intended primarily for use in and around the household, they are neither intended nor suitable for application to large surface areas accessible to children. The hard metal surface of the vehicles, appliances, or other equipment on which these coatings are applied do not lend themselves to chewing by children. The very thin, hard coating film on such surfaces cannot be removed and ingested by chewing.

These coatings are packaged and marketed in small quantities, discouraging their use on anything except an extremely small area. As with automotive refinish coatings, they generally are not suited for use other than as intended. Furthermore, to insure against any misuse of this product, each container will carry the required labeling, warning of the lead content and restricting the use of the product.

5. *Exterior marine coatings for small craft application.* The bulk of marine coatings are marketed for industrial use only, are sold in containers not suitable for use in and around the household, and, therefore, are outside the coverage of the act. Yet, marine coatings also are sold in significant volume at retail for use by consumers in coating small craft, and these coatings could be found in or around the household.

Lead is an essential ingredient for these coatings, primarily for the same reasons it is needed in industrial maintenance. Lead is a necessary component for corrosion control; there are no satisfactory substitutes. As with automotive refinish coatings, lead is needed in marine coatings to provide resistance to weathering and other environmental conditions.

When used for their intended purpose, marine coatings do not pose a lead hazard to children since the coated surfaces are not accessible to them. Furthermore, it is not reasonably foreseeable

that such coatings would be misused for other purposes in or around a household because other, better suited, less costly coatings are more readily available. Finally, the proposed warning label would clearly indicate to the consumer that the coating should not be applied on any areas accessible to children.

6. *Exterior rubber-based roof coatings.* These coatings are unique in that they are rubber-based as opposed to the types of materials used in other coatings. Lead oxides are the only known materials available for curing the liquid coatings when applied to surfaces such as roofs where waterproofing is essential. Oxides of no other metals exert any influence on the cure of these rubberized coatings. In addition, lead oxides are required for improved water resistance. These surfaces are obviously not accessible to children and, thus, the intended or reasonably foreseeable use will not create a health hazard for children.

7. *Exterior wood primer coatings for wood siding containing extractives (products marketed solely for use on redwood or cedar).* Lumber used for fabrication of siding materials may at times be cedar or redwood, each of which contains water-soluble materials which can be leached by moisture and deposited at or near the paint surface. These staining chemicals can have increased solubility in the high pH of emulsion paints and can accentuate the development of unsightly stains on the paint film. A lead compound primer is used when the bare substrate is cedar or redwood, in order to insolubilize the stains before they reach the topcoat. Continued manufacture and sale of exterior staining wood primers of this type, which contains lead, is necessary for this limited purpose.

We do not believe that the use of this product poses a reasonably foreseeable lead hazard to children for each of the following reasons:

- A lead-containing primer need only be used once, and thus, there is no build-up of layers of lead-containing paint, which is recognized as a primary cause of lead poisoning;
- Exterior house siding is not readily accessible to children in the sense that porch railings and ornamental surfaces are accessible;
- Staining, as distinguished from nonstaining, woods are not widely used for siding; and
- Some of the primer penetrates the wood substrate and thus, should the coating peel, little, if any, of the primer peels with it.

SUMMARY

While a number of these special purpose coatings may be found in or near the household in packaged form, no lead hazard to children arises either before or after they are applied to the surfaces for which they are intended. Only "household" paints that are intended to be applied to surfaces accessible to children can pose the lead hazard sought to be prevented by the regulation in question.

We are not aware of any data, including reports in medical literature or

human experience, which indicate that children have ingested dried paint films from the types of surfaces on which the products described herein are applied, nor is it reasonably foreseeable that such ingestion would occur. Additionally, considering the inaccessibility of the surfaces to which these paint films are applied and/or the hardness of the film or substrate to which they are applied, ingestion of these products after application is not reasonably foreseeable. Finally, and as previously pointed out, the likelihood of misuse of these products is exceedingly remote.

Accordingly, this petition is submitted in the interest of establishing, for both the consumer and the industry, clarity and certainty with respect to the scope of the subject regulation. This would also avoid the possibility of unwarranted regulatory action resulting from a lack of such clarity and certainty and provide a sound enforcement basis for labeling these classes of products.

PROCEDURE

Since this petition is filed prior to the implementation date (December 31, 1972) of the lead order, it is requested that the publication of this petition have the effect of suspending the effective date of the order, pending review of comments and promulgation of a final order in this matter, only as it applies to those paints and similar surface coating materials which petitioners submit should not be subject to the order. Without such a suspension, the manufacture and distribution of the products would be totally disrupted. Manufacturers have not known and still do not know whether to continue or discontinue the marketing of these specialized coatings since there is a substantial unresolved question of their status under the lead order. Additionally, until this question is finally resolved by a final order, customers of these manufacturers, such as distributors or users having a secondary retail trade, cannot with confidence continue to purchase such products. This is because it may be necessary for them to introduce the products into interstate commerce subsequent to the December 31, 1972, implementation date. This petition is not intended to affect the implementation date of the lead standards as they apply to other paints and surface-coating materials.

An additional factor for consideration relates to the labeling required by the proposed amendment. Until the Commission determines by regulation the acceptable or desirable label statements for the special-purpose coatings under consideration, manufacturers cannot with confidence label or relabel new production. It will be necessary, therefore, to consider lead time for an implementation date for such labeling as may be required.

Since this petition was received prior to the implementation date (December 31, 1972) of § 191.9(a)(6)(i)(b), the publication of this proposed amendment shall have the effect of suspending said implementation date, only as it applies

to those paints and similar surface-coating materials as described in this proposal, pending review of comments and promulgation of an order in this matter. This proposal will in no way affect the implementation date of § 191.9(a) (6) (i) (b) as it applies to other paint and similar surface-coating materials.

This proposal is being issued pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q) (1) (B), (2), 74 Stat. 372, as amended by 80 Stat. 1304; 15 U.S.C. 1261 (q) (1) (B), (2)) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; (21 U.S.C. 371(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120). Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 29, 1972.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.72-20789 Filed 12-4-72; 8:45 am]

Social and Rehabilitation Service [45 CFR Parts 201, 206]

PUBLIC ASSISTANCE PROGRAMS

Payments for Ineligible Cases and Overpayments for Eligible Cases; Exclusion of Expenditures

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to the programs of financial and medical assistance, authorized under title I, IV-A, X, XIV, XVI, and XIX of the Social Security Act.

The proposed regulations would exclude from Federal financial participation, all expenditures for payments for ineligible cases and overpayments for eligible cases.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201 within a period of 20 days from the date of publication of this notice in the FEDERAL REGISTER. It is the policy of the Department that 30 days' notice will be given for proposed rule making in the formulation of rules and regulations governing the Department's grant programs. Compliance with such proce-

dures, however, would involve delay in implementing urgently needed measures, found to be necessary for the proper and efficient administration of the assistance programs, which are to become effective January 1, 1973. Such delay would be contrary to the public interest. Accordingly, we find that there is good cause to reduce the usual period of notice. Comments received will be available for public inspection in room 5121 of the Department's offices at 301 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-963-7361).

The proposed regulations are to be issued under section 1102, 49 Stat. 647, 42 U.S.C. 1302.

Dated: November 29, 1972.

JOHN D. TWINAME,
Administrator, Social
and Rehabilitation Service.

Approved: November 29, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. Section 201.5 of Part 201, of Chapter II, Title 45 of the Code of Federal Regulations is revised to read as set forth below:

§ 201.5 Grants.

To States with approved plans, grants are made, prior to the commencement of each quarter, for estimated expenditures under the plan for assistance, services, training, and administration. The amount of the quarterly grant award is based upon estimates submitted by the State, containing information required by the Administrator, and such other information available to the Department as may be necessary to estimate expenditures properly subject to Federal financial participation.

(a) *Form and manner of submittal.*
(1) Time and place: The estimates for public assistance grants for each quarterly period must be forwarded to the Department of Health, Education, and Welfare, Social and Rehabilitation Service, Washington, D.C. 20201, Attention: Office of Financial Management, with copy to the regional office 45 days prior to the period of the estimate. They include a certification of State funds available and a justification statement in support of the estimates. A statement of quarterly expenditures and any necessary supporting schedules must be forwarded to the same addresses not later than 30 days after the end of the quarter. An annual supplement to the statement of expenditures, for accounting for social service expenditures in accordance with the limitations of section 1130 of the Social Security Act, must also be forwarded to the same addressees not later than 60 days after the end of the Federal fiscal year.

(2) Description of forms: "State Agency Expenditure Projection—Quarterly Projection by Program" represents the State agency's estimate of the total amount and the Federal share of expenditures for assistance, services, training, and administration to be made during

the quarter for each of the public assistance programs under the Act. From these estimates the State and Federal shares of the total expenditures are computed. The State's computed share of total estimated expenditures is the amount of State and local funds necessary for the quarter. The Federal share is the basis for the funds to be advanced for the quarter. The State agency must also certify, on this form or otherwise, the amount of State funds (exclusive of any balance of advances received from the Federal Government) actually on hand and available for expenditure; this certification must be signed by the executive officer of the State agency submitting the estimate or a person officially designated by him, or by a fiscal officer of the State if required by State law or regulation. (A form "Certificate of Availability of State Funds for Assistance and Administration during Quarter" is available for submitting this information, but its use is optional.) If the amount of State funds (or State and local funds if localities participate in the program), shown as available for expenditures is not sufficient to cover the State's proportionate share of the amount estimated to be expended, the certification must contain a statement showing the source from which the amount of the deficiency is expected to be derived and the time when this amount is expected to be made available.

(3) The State agency must also submit a quarterly statement of expenditures for each of the public assistance programs under the Act. This is an accounting statement of the disposition of the Federal funds granted for past periods and provides the basis for making the adjustments necessary when the estimate for any State for any prior quarter was greater or less than the amount the State actually expended in that quarter. The statement of expenditures also shows the share of the Federal Government in any recoupment, from whatever source, of expenditures claimed in any prior period, and also in expenditures not properly subject to Federal financial participation which are acknowledged by the State agency or have been revealed in the course of an audit.

(4) Effective for quarters beginning with the quarter commencing January 1, 1973, all expenditures for payments of financial and medical assistance for ineligible individuals or families and overpayments for eligible cases shall be excluded from State estimates and expenditure reports.

(b) *Review.* The State's estimates are analyzed by the regional office staff and are forwarded with recommendations as required to the central office. In computing the grant, the central office reviews the State's estimate, other relevant information, and any adjustments to be made for prior periods. Relevant information as to payments for ineligible individuals or families and overpayments includes the most recent data available from reports (as required under § 205.40 of this chapter) on quality control reviews of State samples or the national

subsample and other information obtained by Federal staff or from independent sources. Prior period adjustments will include adjustments to prior grant awards on the basis of the most current quality control data available to the Department, and other relevant information.

(c) *Grant award.* The grant award computation form shows, by program, the amount of the estimate for the ensuing quarter, and the amounts by which the estimate is reduced or increased because of over- or under-estimate for the prior quarter and for other adjustments. This form is transmitted to the State agency to draw the amount of the grant award, as needed, to meet the Federal share of disbursements. The draw is through a commercial bank and the Federal Reserve system against a continuing letter of credit certified to the Secretary of the Treasury in favor of the State payee. A copy of the grant award notice is sent to the State Central Information Reception Agency in accord with section 201 of the Intergovernmental Cooperation Act of 1968.

(d) *Letter of credit payment system.* The letter of credit system for payment of advances of Federal funds was established pursuant to Treasury Department regulations (Circular No. 1075), published in the FEDERAL REGISTER on July 11, 1967 (32 F.R. 10201). The HEW "Instructions to Recipient Organizations for Use of Letter of Credit" was transmitted to all grantees by memorandum from the Assistant Secretary-Comptroller on January 15, 1968.

2. Section 206.10 of Part 206 of Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new paragraph (c) as set forth below:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

(c) *Federal financial participation.* (1) Federal financial participation is available only in expenditures for payments of aid or assistance for persons eligible under State plans approved under titles I, IV-A, X, XIV, XVI, and XIX of the Social Security Act. Effective January 1, 1973, such expenditures will not include any payments for ineligible cases or overpayments for eligible cases. Payments for ineligible cases and overpayments for eligible cases shall be computed from the latest available valid quality control data compiled in accordance with § 205.40 of this chapter, and applicable program regulation guides and manuals issued by the Social and Rehabilitation Service. Where valid quality control data are not available for a State, data from the national subsample, or other comparable information available to the Department, shall be used. When valid quality control data for the period of expenditures become available for the State, appropriate adjustments of Federal payments shall be made.

(2) To the extent that State expenditures have been excluded from Federal financial participation pursuant to sub-

paragraph (1) of this paragraph, the State shall not be required to make adjustments to its reported expenditures for any amounts collected from recipients or from their estates to recover excluded payments.

[FR Doc.72-20787 Filed 12-4-72;2:00 pm]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 72-228P]

SAN DIEGO HARBOR, CALIF.

Proposed Special Anchorage Area

The Coast Guard is considering amending the special anchorage regulations for San Diego Harbor, Calif., published in 33 CFR 110.90. This proposal realines the boundaries of Special Anchorage Area A-1 and reduces its size because the U.S. Army Corps of Engineers has extended the U.S. Pierhead line inside the existing special anchorage area. Since a large number of vessels now transit this area, the anchoring of unlighted vessels in close proximity to the existing piers constitutes a hazard to navigation. This proposal should reduce that hazard.

Special Anchorage Area A-5, located in Glorietta Bay, is disestablished by this proposal because it is not generally used as an anchorage area and is the access route to the Coronado Yacht Club.

In addition, it is proposed to describe the Special Anchorage Areas in San Diego Harbor by latitude and longitude coordinates instead of the Old Town Station coordinates which are not shown on nautical charts.

Interested persons may participate in the proposed rule making by submitting written data, views or arguments to the Commander, Eleventh Coast Guard District, Heartwell Building, 19 Pine Avenue, Long Beach, CA 90802. Each person submitting comments should include his name and address, identify the notice (CGD 72-228 P) and give any reasons for recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Eleventh Coast Guard District.

The Commander, Eleventh Coast Guard District will forward any comments received before January 8, 1973, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend § 110.90 of Part 110 to Title 33 of the Code of Federal Regulations to read as follows:

§ 110.90 San Diego Harbor, Calif.

(a) *Area A-1.* In the Municipal Yacht Harbor the water area enclosed by a line

beginning at latitude 32°42'56.5" N., longitude 117°13'44" W.; thence southwest to latitude 32°42'53.4" N., longitude 117°13'48.2" W.; thence northwest to latitude 32°43'01.1" N., longitude 117°13'56" W.; thence northeast to latitude 32°43'02.4" N., longitude 117°13'52.4" W.; thence southeast to latitude 32°42'59.6" N., longitude 117°13'47.3" W.; thence to point of beginning.

NOTE: The San Diego Unified Port District controls the anchoring and mooring of vessels in this area. The San Diego Unified Port District has reserved this area for recreational craft.

(a) *Area A-2.* In the Commercial Basin, the water area enclosed by a line beginning at latitude 32°43'13.9" N., longitude 117°13'21" W.; thence northeast to latitude 32°43'16.2" N., longitude 117°13'13.2" W.; thence northwest to latitude 32°43'22.1" N., longitude 117°13'23.7" W.; thence west to latitude 32°43'22" N., longitude 117°13'26.8" W.; thence southwest to latitude 32°43'19" N., longitude 117°13'29.2" W.; thence southeast to the point of beginning.

NOTE: The San Diego Unified Port District controls the anchoring and mooring of vessels in the area. The San Diego Unified Port District has reserved this area for commercial fishing vessels not more than 65 feet in length.

(c) *Area A-3.* In San Diego Harbor between San Diego and Coronado, the water area enclosed by a line beginning at latitude 32°42'29.2" N., longitude 117°10'03.9" W.; thence east to latitude 32°42'29" N., longitude 117°09'58.8" W.; thence southeast to latitude 32°42'21" N., longitude 117°09'47.6" W.; thence southwest to latitude 32°42'14.1" N., longitude 117°09'54.2" W.; thence northwest to latitude 32°42'19.8" N., longitude 117°10'02.7" W.; thence north to the point of beginning.

NOTE: The San Diego Unified Port District controls the anchoring and mooring of vessels in this area. The San Diego Unified Port District has reserved this area for commercial fishing vessels not more than 65 feet in length.

(Sec. 1, 30 Stat. 98, as amended sec. 6(g) (1) (B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g) (1) (B); 49 CFR 1.46(c) (2), 33 CFR 1.05-1(c) (1))

Dated: November 29, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.72-20842 Filed 12-4-72;8:50 am]

FEDERAL AVIATION ADMINISTRATION

[14 CFR Part 71]

[Airspace Docket No. 72-RM-32]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations which would alter the description of the Missoula, Mont. control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may 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 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.

The Federal Aviation Administration plans to establish new instrument approach procedures for Johnson-Bell Field Airport, Missoula, Mont. These changes require alteration of the Missoula, Mont. control zone and transition area in order to provide controlled airspace protection for aircraft executing these procedures.

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

In § 71.171 (37 F.R. 2056) the description of the Missoula, Mont. control zone is amended to read:

MISSOULA, MONT.

Within a 5-mile radius of Johnson-Bell Airport (latitude 46°54'54" N., longitude 114°05'14" W.); within 3 miles each side of the Missoula ILS localizer northwest course extending from the 5-mile radius zone to 2 miles northwest of the Kona COMLO; within 5 miles each side of the Missoula VORTAC 302° radial extending from the VORTAC to 11 miles northwest; within 2 miles each side of the Missoula VORTAC 170° radial extending from the 5-mile radius zone to 10.5 miles southeast of the VORTAC.

In § 71.181 (37 F.R. 2143) the description of the Missoula, Mont. transition area, as amended by (37 F.R. 24657), is further amended to read as follows:

MISSOULA, MONT.

That airspace extending upward from 700 feet above the surface within 8 miles southwest of the Missoula VORTAC 296° radial extending from the VORTAC to 21 miles northwest; within 8.5 miles southwest and 5.5 miles northeast of the Missoula VORTAC 311° radial extending from the VORTAC to 38 miles northwest; within 3 miles each side of the Missoula VORTAC 170° radial extending from the VORTAC to 19.5 miles southeast; and that airspace extending upward from 1,200 feet above the surface within a

13-mile radius of the Missoula VORTAC; within a 32-mile radius of the Missoula VORTAC extending clockwise from the Missoula 256° radial to the Missoula 357° radial; within 9.5 miles southwest of the Missoula VORTAC 298° radial extending from the VORTAC to 38 miles northwest; within a 23.5-mile radius of the Missoula VORTAC extending from the Missoula 072° radial clockwise to the Missoula 170° radial; within 5 miles west and 9.5 miles east of the Missoula VORTAC 170° radial extending from the 13-mile radius area to 30 miles southeast of the VORTAC.

These amendments are proposed under 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 November 27, 1972.

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

[FR Doc.72-20818 Filed 12-4-72; 8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 70-WA-23]

TERMINAL CONTROL AREA

Withdrawal of Proposed Designation

The purpose of this notice is to withdraw notice of proposed rule making 70-WA-23 (35 F.R. 10229). In the notice, the Federal Aviation Administration solicited comments on a proposed amendment to Part 71 of the Federal Aviation Regulations that would establish a Group I terminal control area (TCA) for Dallas, Tex. (Love Field).

Five comments were received in response to NPRM 70-WA-23. Four supported the proposal and one was opposed to the TCA concept and favored climb/descent corridors.

Subsequent to publication of the NPRM, a further review of the requirements for a TCA at Dallas indicated a need to delay further action on the proposal pending the outcome of a test of the climb/descent corridor conducted at Boston, Mass. This delay along with the anticipated transfer of the majority of turbojet operations to the new Dallas-Fort Worth Airport make it impractical to establish a TCA at Dallas (Love Field). However, the new airport will qualify as a Group I TCA location. Therefore, an NPRM will be issued proposing designation of a Group I TCA for the Dallas-Fort Worth Airport with opportunity for comments by interested persons.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, NPRM 70-WA-23 published in the FEDERAL REGISTER (35 F.R. 10229) on June 23, 1970, entitled "Dallas, Tex., Terminal Control Area" is hereby withdrawn.

This withdrawal of notice of proposed rule making is made 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 November 28, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.72-20821 Filed 12-4-72; 8:48 am]

[14 CFR Parts 71, 75]

[Airspace Docket No. 72-WA-38]

JET ROUTE SEGMENTS AND ASSOCIATED CONTROL AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would extend Jet Route No. 62 from Nantucket, Mass., to latitude 41°17' N., longitude 68°00' W. (Cod INT); extend Jet Route No. 97, from Nantucket, Mass., to latitude 39°50' N., longitude 69°15' W. (Haddock INT); and designate their associated control areas.

Interested persons are invited to 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 Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, DC 20591. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER 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.

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 proposed jet route segments and associated control areas are necessary to provide more accurate navigation between Nantucket and reporting points at Cod and Haddock.

The airspace actions proposed in this docket would:

1. Redesignate Jet Route No. 62 to extend from Kennedy, N.Y., via the INT of the Kennedy 080° and the Nantucket, Mass., 255° radials; Nantucket; to the INT of the Nantucket 089° T (104° M) radial and the New York Oceanic CTA/FIR boundary.

2. Redesignate Jet Route No. 97 to extend from the INT of Nantucket, Mass., 157° T (172° M) radials and the New York Oceanic CTA/FIR boundary, via Nantucket; Boston, Mass., to Plattsburgh, N.Y.

3. Include Jet Route No. 62 from Nantucket, Mass., to Cod INT and Jet Route No. 97 from Nantucket, Mass., to Haddock INT in § 71.161 of the Federal Aviation Regulations to provide appropriate controlled airspace for these jet routes.

These amendments are proposed under the authority of sections 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 November 29, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc. 72-20819 Filed 12-4-72; 8:48 am]

[14 CFR Part 75]

[Airspace Docket No. 72-CE-26]

JET ROUTE SEGMENT AND JET ROUTE SEGMENT

Proposed Alteration and Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would:

1. Alter the segment of Jet Route No. 80 between Kansas City, Mo., and Hill City, Kans.

2. Extend Jet Route No. 24 from Kansas City to Hill City, via Salina, Kans.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. 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 FAA is considering realigning J-80 segment from Kansas City, Mo., direct Hill City, Kans., and extending J-24 from Kansas City to Hill City via Salina, Kans. This action would permit Kansas City Center to more effectively regulate traffic flow in this area, provide inbound and outbound routings for the Kansas City terminal area, reduce the mileage between Kansas City and Hill City, and lessen coordination problems between Kansas City and Minneapolis Centers.

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 November 27, 1972.

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

[FR Doc. 72-20820 Filed 12-4-72; 8:48 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 505]

[Docket No. 72-60]

COLLECTION AND COMPROMISE OF CIVIL PENALTIES

Notice of Proposed Rule Making

Public Law 92-416, recently enacted to assist the Federal Maritime Commission in carrying out its regulatory functions under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, amends those statutes by: (a) Converting the penalties imposed for violation of section 16 of the Shipping Act, 1916 (except for paragraphs First and Third) from criminal to civil; (b) changing the general penalty provision of section 32 of the Shipping Act, 1916, by making all violations of sections of that Act, which are subject to its jurisdiction and for which no specific penalty is provided, subject to a civil penalty; (c) authorizing the Commission to compromise all civil penalties provided for violations of those sections of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, which are subject to its jurisdiction; and (d) providing civil penalties for violations of any Commission order, rule or regulation and authorizing the Commission to compromise said penalties.

Therefore, pursuant to the provisions of Public Law 92-416 (86 Stat. 653), section 4 of the Administrative Procedure Act (5 U.S.C. 553), and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), notice is hereby given that the Federal Maritime Commission is considering promulgating rules and regulations relating to the collection and compromise of civil penalties assessed under the provisions of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933. As proposed, Title 46 CFR would be amended by adding a new Part 505, which would provide as follows:

PART 505—COLLECTION AND COMPROMISE OF CIVIL PENALTIES UNDER THE SHIPPING ACT, 1916, AND THE INTERCOASTAL SHIPPING ACT, 1933

- Sec.
505.1 Purpose and scope.
505.2 Definitions.
505.3 Notice procedure.
505.4 Request for compromise.
505.5 Compromise procedure.
505.6 Referral of violations to Department of Justice.
505.7 Method of payment of penalty.

AUTHORITY: The provisions of this Part 505 issued under sec. 3 of Public Law 92-416 (86 Stat. 653), and sec. 43 of the Shipping Act, 1916, 46 U.S.C. 841a.

§ 505.1 Purpose and scope.

The purpose of this part is to implement the statutory provisions of section 3 of Public Law 92-416 (86 Stat. 653) by

establishing rules and regulations governing the collection and compromise of civil penalties arising under certain designated provisions of the Shipping Act, 1916, the Intercoastal Shipping Act, 1933, and/or any order, rule or regulation issued or made by the Commission in the exercise of its powers, duties and functions under those statutes.

§ 505.2 Definitions.

For the purpose of this part:

(a) "Commission" means the Federal Maritime Commission.

(b) "Persons" includes individuals, corporations, partnerships, associations, and other legal entities existing under or authorized by the laws of the United States or any State thereof or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any territory or possession of the United States, or the laws of any foreign country.

(c) "Violation" includes any violation of sections 14b through 21 (except 16 First and Third) and section 44 of the Shipping Act, 1916; section 2 of the Intercoastal Shipping Act, 1933; and/or any order, rule or regulation issued or made by the Commission in the exercise of its powers, duties and functions under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933.

(d) "Offenders" includes any person charged with a violation.

§ 505.3 Notice procedure.

If it is adjudged or otherwise determined that a violation has occurred and it is decided to invoke a statutory penalty, a registered letter will be sent to the offender informing him of the nature of the violation, the statutory and factual basis of the penalty, the amount of the penalty and the availability of Commission personnel for discussion of the penalty claim should the offender so desire. Three written demands, at 30-day intervals, will normally be made unless a response to the first or second demand indicates that further demand would be futile, or unless contrary action is indicated by the circumstances.

§ 505.4 Request for compromise.

(a) An offender may submit any oral or written material or information in answer to the notification letter explaining, mitigating, showing extenuating circumstances, or where there has been no formal proceeding on the merits, denying the violation. Material or information so presented will be considered in making the final determination as to whether to compromise the penalty and the amount for which it will be compromised or whether it is to be collected or terminated in full.

(b) All correspondence, petitions, forms, or other instruments regarding the collection, compromise or termination of any penalty under this part should be addressed to the General Counsel, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573.

§ 505.5 Compromise procedure.

(a) When no penalty is invoked or the penalty claim is terminated no further action by the offender will be necessary. When the penalty is compromised, such compromise will be made conditional upon the full payment of the compromise amount within 30 days or such longer period, and upon such terms and conditions as may be allowed.

(b) When a statutory penalty is compromised and the offender agrees to settle for that amount, a Settlement Agreement (Appendix A) shall be executed. This agreement, after reciting the nature of the violation, will include a statement evidencing the offender's agreement to the settlement of the Commission's penalty claim for the amount set forth in the agreement and will also embody an "approval and acceptance" provision, which is to be signed by the General Counsel of the Commission. Upon settlement of the penalty in the agreed amount, a copy of the executed Settlement Agreement shall be furnished to the offender.

(c) Whenever any offender is a party to a proceeding before the Commission, he may, during any stage of such proceeding or any appeal or appeals therefrom, by a letter to the Commission, request an opportunity to discuss the settlement of any penalty claim which may arise out of such proceeding. If the request is granted, the Commission shall promptly thereafter refer the matter to the General Counsel for disposition in accordance with the provisions of this Part. Initiation of this proceeding shall not, unless otherwise directed by the Commission, act as a stay of the proceeding.

§ 505.6 Referral of violation to Department of Justice.

(a) The Commission will refer violations to the Department of Justice with the recommendation that action be taken to collect the full statutory penalty when:

(1) The offender, within the prescribed time, does not explain the violation, petition for compromise, or otherwise respond to letters or inquiries.

(2) The offender, having responded to such letters or inquiries, fails or refuses to pay the statutory or compromised penalty, as determined by the Commission, within the time provided.

(b) No action looking to the compromise of a penalty shall be taken on any petition, irrespective of the amount involved, if the case has been referred to the Department of Justice for collection.

§ 505.7 Method of payment of penalty.

Payment of penalties by the offender shall be made by:

(a) A bank cashier's check or other instrument acceptable to the Commission.

(b) Regular installments by check after the execution of a promissory note containing a confess-judgment agreement (Appendix B).

(c) A combination of the above alternatives.

All checks or other instruments submitted in payment of claims shall be made payable to "Federal Maritime Commission."

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, prior to the close of business on December 29, 1972, an original and 15 copies of their views or comments pertaining to the proposed rules. Any suggestions for changes in the proposed rules should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the purposes of Public Law 92-416 (86 Stat. 653).

By the Commission.

[SEAL]

FRANCIS C. HURNEY,
Secretary.

APPENDIX A

SETTLEMENT AGREEMENT

Whereas, consideration is being given to the institution of civil action against the undersigned respondent for recovery of penalty claims arising under the provisions of the _____ Act, 19____, as amended, by virtue of certain alleged violations of section ____ of said Act, each of which is particularly identified, and set forth below:

Whereas, the undersigned respondent is desirous of expeditiously settling the matter according to the terms and conditions hereof and the avoidance of delay and expense incident to litigation; and,

Whereas, Public Law 92-416 authorizes the collection and compromise of certain designated civil penalties arising under the provisions of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933.

Now, therefore, in consideration of the premises herein, the undersigned respondent herewith tenders to the Federal Maritime Commission the sum of \$____ upon the following stipulations and terms of settlement:

1. Upon acceptance of this agreement of settlement in writing by the general counsel of the Federal Maritime Commission, this instrument shall forever bar the commencement or institution of any civil action or other claim for recovery of penalties from respondent based upon those specific acts or things done or alleged to have been done or arising from those acts or things set forth and described above.

2. The undersigned voluntarily signs this instrument and states that no promises or representations have been made to the respondent other than the agreements and consideration herein expressed.

3. It is expressly understood and agreed that this instrument is not to be construed as an admission of guilt by undersigned respondent to the alleged violations set forth above.²

¹ Payment will be made in one, or a combination of, the following methods:

(a) A bank cashier's check or other instrument acceptable to the Commission.

(b) Regular installments by check after the execution of a promissory note, copy of which will be attached to this agreement.

² This provision will apply only in those instances where there has been no Commission decision in a formal proceeding on the merits as to the alleged violations.

PROPOSED RULE MAKING

Dated and executed this ____ day of _____, 19__.

(Name of person or corporation)

(Signature of officer or owner)

Approval and Acceptance

Above terms and conditions and amount of consideration approved and accepted:
By the Federal Maritime Commission:

(General Counsel)

(Date)

APPENDIX B

PROMISSORY NOTE CONTAINING AGREEMENT FOR JUDGMENT

For value received (insert name of debtor), promises to pay to the order of the Federal

Maritime Commission the sum of \$_____ in monthly installments by a bank cashier's or a certified check of not less than \$_____ each, on or before the first day of each calendar month until such obligation arising under the settlement agreement attached hereto and made a part hereof is fully paid. If any such installment shall remain unpaid for a period of 10 days, the entire amount of this obligation less payments actually made, shall thereupon become immediately due and payable at the option of the Federal Maritime Commission without demand or notice, said demand and notice being hereby expressly waived.

(Insert name of debtor) does hereby authorize and empower the U.S. attorney, any of his assistants or any attorney of any court of record, Federal or State, to appear for it and to enter and confess judgment against it for the entire amount of this obligation, less

payments actually made, at any time after the same becomes due and payable, as herein provided, in any court of record, Federal or State; to waive the issuance and service of process upon it in any suit on this obligation; to waive any venue requirement in such suit; to release all errors which may intervene in entering up such judgment or in issuing any execution thereon; and to consent to immediate execution on said judgment.

(Insert name of debtor) hereby ratify and confirm all that said attorney may do by virtue hereof.

Dated and executed this ____ day of _____, 19__.

(Insert name of debtor)

(President)

[FR Doc.72-20878 Filed 12-4-72; 8:53 am]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 373]

CHILE

Determination To Permit Continued Assistance

Pursuant to section 620(q) of the Foreign Assistance Act of 1961, as amended, and by virtue of the authority vested in me by section 101 of Executive Order 10973, as amended, I hereby determine that assistance to Chile under the Foreign Assistance Act of 1961, as amended, is in the national interest of the United States, notwithstanding Chile's delinquency, in excess of 6 months, in the repayment of loans made under the Act.

This determination shall be continuously reviewed and shall in no way relieve Chile of repayment obligations with respect to loans made under the Act, or of any other obligations to the United States Government or to any private party.

This determination shall be published in the FEDERAL REGISTER.

[SEAL] WILLIAM P. ROGERS,
Secretary, Department of State.

November 17, 1972.

[FR Doc.72-20822 Filed 12-4-72; 8:48 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 72-330]

FOREIGN CURRENCIES

Rates of Exchange

NOVEMBER 22, 1972.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which vary by 5 per centum or more from the quarterly rate published in Treasury Decision 72-285 for the Ceylon rupee. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Ceylon rupee:	
November 13, 1972	\$0.1475
November 14, 1972	.1480
November 15, 1972	.1560
November 16, 1972	.1480
November 17, 1972	.1560

*Rate did not vary by 5 per centum or more from the rate of exchange published in T.D. 72-285 for use during calendar quarter beginning October 1 through December 31, 1972.

Rates of exchange certified for the Ceylon rupee which vary by 5 percent or more from the rate \$0.1560 during the balance of the calendar quarter ending December 31, 1972, will be published in a Treasury Decision for dates subsequent to November 17, 1972, and before January 1, 1973.

[SEAL] RAYMOND N. MARRA,
Acting Assistant Commissioner,
Office of Operations.

[FR Doc.72-20886 Filed 12-4-72; 8:50 am]

Office of the Secretary

CANNED BARTLETT PEARS FROM AUSTRALIA

Determination of Sales at Less Than Fair Value

NOVEMBER 29, 1972.

Information was received on December 2, 1971, that canned bartlett pears from Australia were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Acting Commissioner of Customs was published in the FEDERAL REGISTER of August 31, 1972 (37 F.R. 17767).

I hereby determine that, for the reasons stated below, canned bartlett pears from Australia are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the Bureau reveals that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of either an f.o.b. port of export or c.i.f. U.S. port of entry price, as appropriate, with deductions for Australian inland freight, ocean freight, marine insurance, and applicable discounts, as appropriate. An addition was made for an internal consumption tax not collected by reason of the exportation of the merchandise to the United States.

Home market price was calculated on the basis of a weighted average or preponderant delivered price, as appropriate, with deductions for transportation charges, insurance, commissions and applicable discounts, as appropriate. Adjustments were made for advertising costs, credit costs, sugar rebate, and packing differential, as applicable.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.72-20806 Filed 12-4-72; 8:47 am]

ROLLER CHAIN, OTHER THAN BICYCLE, FROM JAPAN

Determination of Sales at Less Than Fair Value

NOVEMBER 29, 1972.

Information was received on December 27, 1971, that roller chain, other than bicycle, from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of August 31, 1972 (37 F.R. 17768).

I hereby determine that for the reasons stated below, roller chain, other than bicycle, from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information currently before the Bureau indicates that there are sufficient sales of roller chain, other than bicycle, in the home market to provide an adequate basis of comparison for fair value purposes.

Accordingly, the basis of comparison for fair value purposes was between purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from either the f.o.b. port of export price or the c.i.f. U.S. price, inland freight, brokerage, ocean freight, marine insurance, and commissions, as appropriate.

Exporter's sales price was calculated by deducting from the resale price of the related U.S. firm to unrelated purchasers in the United States, ocean freight, marine insurance, applicable U.S. selling expenses, bank charges, U.S. duty, inland freight, brokerage charges, interest, commissions, and warehousing expenses, as appropriate.

Home market price was computed by deducting from the weighted-average delivered price in Japan, inland freight charges, cutting charges, discounts, interest, bank fees, and advertising, as appropriate. An appropriate adjustment was made for packing.

Using the above criteria, purchase price or exporter's sales price, as appropriate,

priate, was found to be lower than the adjusted home market price.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.
[FR Doc.72-20807 Filed 12-4-72; 8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 5791]

OREGON

Opening of Lands

NOVEMBER 27, 1972.

1. On July 24, 1972 the Federal Power Commission, under DA-544-Oregon, issued an order vacating Power Project No. 873 in its entirety, on the following described lands:

WILLAMETTE MERIDIAN, OREGON

T. 4 N., R. 37 E.,
Sec. 10, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, Lots 4, 5.
T. 4 N., R. 38 E.,
Sec. 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 202.59 acres.

2. The land in T. 4 N., R. 37 E., section 10, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and section 11, lots 4 and 5, is unappropriated public domain land.

The land in T. 4 N., R. 38 E., section 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ is in the Umatilla National Forest.

3. Until 10 a.m. on February 19, 1973 the State of Oregon shall have a preferred right of application to select the lands being opened as provided by the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818). After that time the national forest land described in paragraph 2 shall be open to such forms of disposition as may by law be made of such lands, and the unappropriated public domain lands described in paragraph 2 shall be open to operation of the public land laws generally and to location under the U.S. mining laws subject to valid existing rights the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 19, 1973, shall be considered as simultaneously filed at that time. Those received after shall be considered in the order of filing.

4. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Portland, Oregon 97208.

IRVING W. ANDERSON,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.72-20824 Filed 12-4-72; 8:48 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Public Meeting

Notice is hereby given in accordance with Executive Order 11671 that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held between 10 a.m. and 12:30 p.m., on Saturday, December 9, 1972, at the Sheraton Motor Inn in Hagerstown, Md.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman),
Glen Echo, Md.
Mrs. Caroline Freeland,
Bethesda, Md.
Hon. Vladimir A. Wahbe,
Baltimore, Md.
Mr. Thomas W. Richards,
Arlington, Va.
Mr. John C. Lewis,
Hamilton, Va.
Hon. Louise Leonard,
Harpers Ferry, W. Va.
Hon. Joseph H. Manning,
Annapolis, Md.
Mr. Burton C. English,
Berkeley Springs, W. Va.
Mr. James G. Banks,
Washington, D.C.
Mr. Joseph H. Cole,
Washington, D.C.
Mr. Ronald A. Clites,
LaVale, Md.
Mrs. Mary Miltenberger,
Cumberland, Md.
Dr. James H. Gilford,
Frederick, Md.
Dr. K. R. Bromfield,
Frederick, Md.
Mr. Grant Conway,
Brookmont, Md.
Mr. Edwin F. Wesely,
Chevy Chase, Md.
Mr. John C. Frye,
Gapland, Md.
Mr. Justice Douglas
(Special Consultant),
Washington, D.C.
Mr. Rome F. Schwagel,
Keedysville, Md.
Mr. Donald Frush,
Hagerstown, Md.

The purpose of this meeting is to discuss the Commission's activities during 1972, discussion of new regulations governing operations of advisory commissions, a status report on citizens' proposal for additional land acquisition above North Branch, Md. In addition, the two superintendents will give a report on their major activities since the last Commission meeting.

This meeting will be open to the general public. Facilities and space are available to accommodate the public, not to exceed 12 persons.

Further information concerning this meeting may be obtained from Richard

L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the office of National Capital Parks, 1100 Ohio Drive SW., Washington, DC.

Dated: November 27, 1972.

IRA WHITLOCK,
Acting Associate Director,
National Park Service.

[FR Doc.72-20894 Filed 12-4-72; 8:54 am]

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Corrections, or Deletions

By notice in the FEDERAL REGISTER of March 15, 1972, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 7 (pp. 4923-4924), April 4 (pp. 6770-6772), May 2 (pp. 8890-8895), June 6 (pp. 11274-11276), July 4 (pp. 13193-13196), August 1 (pp. 15390-15391), September 6 (pp. 18043-18044), October 3 (pp. 20732-20734), and November 7 (pp. 23655-23657). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following are corrections for previous entries in the FEDERAL REGISTER:

MAINE

Oxford County

Bethel, Mason, Dr. Moses, House (Ada Durrell House), Broad Street (11-7-72 FEDERAL REGISTER).

OREGON

Harney County

Burns vicinity, Pete French Round Barn, SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 16 T. 28 S., R. 33 E. (3-15-72 FEDERAL REGISTER).

The following property has been demolished:

MASSACHUSETTS

Worcester County

Worcester, Foster Block, 404-406 Main Street.

The following property has been removed from the National Register:

KENTUCKY

Jefferson County

Louisville, Kentucky Air National Guard Archeological Site, Standiford Field, at the north end of Grade Lane (11-7-72 FEDERAL REGISTER).

The following properties have been added to the National Register since November 7:

ALABAMA

Limestone County

Belle Mina vicinity, *Belle Mina*, south of Belle Mina on the Mooresville-Elkton Road.

ARKANSAS

Ouachita County

Camden, *Tate's Barn*, 902 Tate Street.

Washington County

Fayetteville, *Ridge House, The*, 230 West Center Street.

CALIFORNIA

Los Angeles County

Los Angeles, Los Angeles Plaza Historic District, bounded roughly by Spring Street on the west, Sunset Boulevard on the north, Alameda Street on the east, and Arcadia Street on the south.

Riverside County

Palm Springs vicinity, *Tahquitz Canyon*, southwest of Palm Springs.

CONNECTICUT

Fairfield County

Bridgeport, *Barnum Museum*, 805 Main Street.

Hartford County

Avon, *Avon Congregational Church*, at the junction of U.S. 202 and U.S. 44.
Glastonbury, *Hollister, John, House*, 14 Tryon Street.

Litchfield County

Washington, *Kirby Brook Site, The*, Tunnel and Curtis Road.

Middlesex County

Chester, *Pratt, Dr., House*, Pratt Street.
Old Saybrook, *Elliot, Samuel, House*, 500 Main Street.
Old Saybrook, *Hart, General William, House*, 350 Main Street.
Old Saybrook, *Pratt, Humphrey, Tavern*, 287 Main Street.

Windham County

Brooklyn, *Unitarian Meeting House*, at the junction of Route 169 and 6.

DELAWARE

Kent County

Dover, *Bradford House*, 419 South State Street.

FLORIDA

Dade County

North Miami Beach, *Old Spanish Monastery*, 16711 West Dixie Highway.

Escambia County

Pensacola, *Buccaneer (schooner)*, Municipal Wharf.

Hillsborough County

Tampa, *Circulo Cubano de Tampa (Cuban Club)*, 10th Avenue and 14th Street.
Tampa, *El Pasaje*, 14th Street.
Tampa, *Ybor Factory Building*, Seventh Avenue between 12th and 13th Streets.

Leon County

Tallahassee, *Tallahassee Historic District, Zones I and II*.

GEORGIA

Troup County

La Grange, *Bellevue*, 204 Ben Hill Street.

HAWAII

Honolulu County

Aiea, *Keaiwa Heiau*, Aiea Heights Drive.
Kaliua, *Ula Po Heiau*, off Kaliua Road.

IDAHO

Ada County

Boise, *Congregation Beth Israel Synagogue*, 1102 State Street.
Boise, *Fort Boise*, Sec. 2, T. 3 N., R. 2 E.

Boise County

Boise vicinity, *Arrowrock Dam*, West of Boise, Sec. 13, T. 3 N., R. 4 E.

Canyon County

Nampa, *Nampa Depot*, 12th Avenue and Front Street.

Clearwater County

Pierce, *Pierce Courthouse*, Sec. 2, T. 36 N., R. 5 E.

ILLINOIS

McDonough County

Macomb, *McDonough County Courthouse*, Public Square.

St. Clair County

Cahokia, *Old Cahokia Courthouse*, corner of West First and Elm Streets.

INDIANA

Tippecanoe County

Lafayette, *Tippecanoe County Courthouse*, Public Square.

KENTUCKY

Kenton County

Covington, *Kenton County Library (Carnegie Library and Auditorium Building)*, 1028 Scott Street.

LOUISIANA

East Feliciana Parish

Jackson vicinity, *Asphodel Plantation and Cemetery*, south of Jackson on Louisiana 74.

MAINE

Penobscot County

Bangor, *Blake House*, 107 Court Street.
Bangor, *Grand Army Memorial Home*, 159 Union Street.
Bangor, *Symphony House*, 166 Union Street.

York County

Biddeford, *First Parish Meetinghouse*, Old Pool Road.

MARYLAND

Baltimore County

Lutherville, *Lutherville Historic District*, North of I-695, west of York Road, south of Ridgely Road, and east of Lutherville-Riderwood Drive.

Towson, *Baltimore County Courthouse*, Washington Avenue between Pennsylvania and Chesapeake Avenues.

Calvert County

Parran, *Cornehill*, Parran Road.

Charles County

Port Tobacco, *Habre de Venture*, Rose Hill Road.

Dorchester County

El Dorado, *Rehoboth*, Punkum Road.

Kent County

Chestertown, *Widehall*, 101 Water Street.

St. Marys County

Chaptico, *Bachelor's Hope*, off Maryland 238.
Compton vicinity, *St. Francis Xavier Church and Newtown Manor House*, 1.5 miles south of Compton on Maryland 243.
Hollywood vicinity, *Sotterley*, east of junction of Maryland 245 and Vista Road.

Washington County

Boonsboro vicinity, *Washington Monument*, east of Boonsboro in Washington Monument State Park.

Wicomico County

Salisbury, *Grillis-Grier House*, 401 North Division Street.

MASSACHUSETTS

Bristol County

Easton, *North Easton Historic District*, bounded roughly by both sides of Lincoln, Main, and Elm streets; south side of Canton; and west side of Route 138.
Fairhaven, *Fort Phoenix*, south of U.S. 6 in Fort Phoenix Park.

Essex County

Lawrence, *Essex Company Machine Shop*, Union Street.

Hampden County

Holyoke, *Hadley Falls Company Housing District, The*, center, North Canal, Grover, and Lyman Streets.

Middlesex County

Medford, *Grace Episcopal Church*, 160 High Street.

Worcester County

Worcester, *Mechanics Hall*, 321 Main Street.

MICHIGAN

Alger County

AuTrain vicinity, *Paulson House*, south of AuTrain.

Charlevoix County

Charlevoix, *Pine River Site*, off Michigan Avenue.

Emmet County

Harbor Springs, *Shay Complex*, Main and Judd Street.

Oceana County

Pentwater vicinity, *Dumaw Creek Site, The*, northeast of Pentwater.
Pentwater vicinity, *Green Quarry Site, The*, southwest of Pentwater near Silver Lake.

Sanilac County

Port Sanilac, *Loop, Joseph M., House*, 228 South Ridge Street.

Washtenaw County

Ann Arbor, *Frieze, Henry S., House*, 1547 Washtenaw Lane.
Dexter, *Gordon Hall (Judge Samuel W. Dexter House)*, 8347 Island Lake Road.

MINNESOTA

St. Louis County

Duluth, *Duluth Central High School*, Lake Avenue and Second Street.

MISSISSIPPI

Claiborne County

Port Gibson vicinity, *Port Gibson Battlefield*, 4 miles west of Port Gibson.

MISSOURI

Butler County

Neelyville vicinity, *Wüborn-Steinberg Site*, 2 miles west of Neelyville.

Mississippi County

Wyatt vicinity, *O'Bryan Ridge Archeological District*, 2 miles south of Wyatt.

New Madrid County

Catron vicinity, *Hurricane Ridge Site*, 3 miles northeast of Catron.

MONTANA

Yellowstone County

Billings, *Farly Billings Memorial Library*, 2822 Montana Avenue.

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Hart, Jeremiah, House*, 112 Deer Street.
 Portsmouth, *Hart, John, House*, 63 Deer Street.
 Portsmouth, *Nutter-Rymes House*, 48 School Street.
 Portsmouth, *Pinkham, Daniel, House*, Deer Street.
 Portsmouth, *Smith, Simeon P., House*, 94 Russell Street.

NEW JERSEY

Camden County

Haddonfield, *Haddon Fortnightly Club House (Haddon Field Methodist Church)*, 301 East Kings Highway.

Essex County

Newark, *Catedral Evangelica Reformada*, 27 Lincoln Park and Halsey Street.
 Newark, *First Baptist Peddie Memorial Church*, Broad and Fulton Streets.
 Newark, *First United Methodist Church*, 227 Market Street.
 Newark, *Grace Church, Episcopal*, Broad and Walnut Streets.
 Newark, *House of Prayer Episcopal Church and Rectory*, Broad Street, north of State Street.
 Newark, *Krueger Mansion*, 601 High Street.
 Newark, *New Point Baptist Church*, 17 East Kinney Street.
 Newark, *Old First Presbyterian Church, The*, 820 Broad Street.
 Newark, *Queen of Angels Church*, Belmont Avenue at Morton Street.
 Newark, *St. Columba's Church*, Pennsylvania Avenue and Brunswick Street.
 Newark, *St. James' Church*, Lafayette and Jefferson Streets.
 Newark, *St. John's Church*, 22-26 Mulberry Street.
 Newark, *St. Mary's Abbey Church*, High and William Streets.
 Newark, *St. Patrick's Pro Cathedral*, Washington Street and Central Avenue.
 Newark, *Trinity Cathedral, Episcopal*, Broad and Rector Streets.

Gloucester County

Colonial Manor, *Ladd's Castle*, 1337 Lafayette Avenue.
 National Park vicinity, *Red Bank Battlefield Park*, west end of Hessian Avenue at Delaware River.

Mercer County

Trenton, *Old Eagle Tavern*, 431-433 South Broad Street.

Monmouth County

Englishtown, *Village Inn*, Water and Main Streets.

Morris County

Boonton, *Boonton Public Library*, 619 Main Street.
 Towaco, *Doremus House*, 490 Main Road.

Union County

Westfield, *Miller-Cory House*, 614 Mountain Avenue.

NEW YORK

New York County

New York, *Jefferson Market Courthouse*, 425 Avenue of the Americas.
 New York, *131 Charles Street House*.

Oneida County

Clinton, *Hamilton College Chapel*, Hamilton College Campus.
 Utica, *Fountain Elms*, 318 Genesee Street.

Orange County

Vails Gate, *Knox Headquarters*, Quassaick Avenue and Forge Hill Road.

NORTH CAROLINA

Craven County

New Bern, *Coor-Bishop House*, 501 East Front Street.

Guilford County

Jamestown vicinity, *Mendenhall, Richard*, *Plantation Buildings*, U.S. 29-70A.

Orange County

Hillsborough, *Commandant's House, The*, Barracks Road.

OHIO

Fairfield County

Lancaster vicinity, *Willow Lane Farm*, southwest of Lancaster on U.S. 22.

Hamilton County

Cincinnati, *Cincinnati Union Terminal*, 1301 Western Avenue.
 Cincinnati, *Cuvier Press Club*, 22 Garfield Place.
 Cincinnati, *Probasco, Henry, House*, 430 West Cliff Lane.

Knox County

Mount Vernon, *Pennsylvania Depot*, South Main Street.

Lake County

Mentor, *Corning-White House*, 8353 Mentor Avenue.

Ross County

Chillicothe vicinity, *Stitt, David, Mound*, north of Chillicothe off Old Stone Road.

OKLAHOMA

Adair County

Stillwell vicinity, *Golda's Mill*, 12 miles northwest of Stillwell.

Bryan County

Achille vicinity, *Bloomfield Academy Site*, 2.5 miles south of Achille.

Delaware County

Grove vicinity, *Splitlog Church*, 9 miles northeast of Grove.

McCurtain County

Millerton vicinity, *Wheelock Church*, 2 miles northeast of Millerton.

PENNSYLVANIA

Berks County

Reading, *Pagoda*, Duryea Drive and Skyline Boulevard.

Chester County

West Chester, *Collins Mansion*, 633 Goshen Road.
 Valley Forge vicinity, *Cressbrook Farm (Dukeportall's Quarters)*, south of Valley Forge off U.S. 76.
 Valley Forge vicinity, *Harvard, David, House (Lee and Bradford Quarters)*, south of Valley Forge off U.S. 76.

Delaware County

Ardmore, *Pont Reading*, 2713 Haverford Road.

Monroe County

East Stroudsburg vicinity, *Zion Lutheran Church* off River Road.

Union County

New Berlin, *New Berlin Presbyterian Church (New Berlin Community Center)*, High and Vine Streets.
 New Berlin, *Old Union County Courthouse*, corner of Market and Vine Streets.

SOUTH CAROLINA

Beaufort County

Beaufort, *Barnwell-Gough House*, 705 Washington Street.

Calhoun County

Port Motte, *Fort Motte Battle Site*, 2.3 miles northeast of Fort Motte on County Route 13.

Dillon County

Latta vicinity, *Early Cotton Press*, 0.5 mile west of junction of S.C. 917 and 38.

Georgetown County

Pawleys Island, *Pawleys Island Historic District*, bounded on the north by Williamson House property line, on the south by Prevost House property line, on the east by the Atlantic Ocean, and on the west by Marshlands.

TENNESSEE

Rhea County

Dayton, *Rhea County Courthouse*, Market Street between Second and Third Avenues.

TEXAS

Bexar County

San Antonio, *Old Lone Star Brewery*, 110-116 Jones Avenue.

VERMONT

Bennington County

North Bennington, *McCullough Mansion*, southwest corner of West and Park Streets.

Chittenden County

Burlington, *Follett House*, 63 College Street.

Windsor County

Ludlow, *Black River Academy*, High Street.

VIRGINIA

Accomack County

Horntown vicinity, *Corbin Hall*, east of Horntown on Route 679.
 Mappsville vicinity, *Wharton Place*, 0.4 mile southeast of Route 679.

Fairfax County

Alexandria vicinity, *Huntley*, 6918 Harrison Lane.
 Dranesville vicinity, *Dranesville Tavern*, 11919 Leesburg Pike.

Middlesex County

Saluda vicinity, *Christ Church*, on Route 33.
 Urbanna, *Mills, James, Storehouse (Old Tobacco Warehouse)*, south side of Route T-1002.

Norfolk (independent city)

West Freemason Street Area Historic District, bounded on the north by Brambleton Avenue, on the east by property lines on east side of Duke Street, on the south by property lines on south side of West Freemason Street, and on the west by the Elizabeth River.

Staunton (independent city)

Wharf Area Historic District, includes all properties with frontage on Middlebrook Avenue between South New Street and South Lewis Street and on South Augusta Street between Johnson Street and Middlebrook Avenue.

Tazewell County

Pocahontas, Pocahontas Historic District, boundaries correspond to the corporate boundaries of the town of Pocahontas and the cemetery on the north.

Wythe County

Wytheville, Haller-Gibboney Rock House, northwest corner of Monroe and Tazewell Streets.

WEST VIRGINIA

Pocahontas County

Green Bank vicinity, Reber Radio Telescope, northeast of Green Bank on West Virginia 28.

WISCONSIN

Fond Du Lac County

Fond Du Lac, Octagon House, 276 Linden Street.

Iowa County

Mineral Point, Mineral Point Hill, on Wisconsin 23.

Milwaukee County

Greendale, Curtin, Jeremiah, House, 8885 West Grange Avenue.

Milwaukee, Holy Trinity Roman Catholic Church, 605 South Fourth Street.

ROBERT M. UTLEY,

Director, Office of Archeology and Historic Preservation.

[FR Doc.72-20795 Filed 12-4-72; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-316]

INTERCONTINENTAL CARRIERS, INC., ET AL.

Notice of Operating-Differential Subsidy Applications

Notice is hereby given that the following corporations have filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and the trades in which each proposes to engage are presented also.

Applicant's name and address	Type of ship	Name of ship
Intercontinental Carriers, Inc., 511 5th Ave., New York, NY 10017.	Bulk carrier.	SS Overseas Carrier.
Ocean Clippers Inc., 511 5th Ave., New York, NY 10017.	...do....	SS Overseas Traveler.
Interseas Bulk Carriers, Inc., 511 5th Ave., New York, NY 10017.	...do....	SS Overseas Bulker.
Matson Navigation Co., 100 Mission St., San Francisco, CA 94105.	...do....	SS KOPAA.
Nautilus Petroleum Carriers Corp., 29 Broadway, New York, NY 10006.	Tanker.	ST Sister Katingo.
South, Inc., 1776 K St. NW, Washington, DC 20006.	...do....	SS Texas Sun.

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Ad-

ministration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 F.R. 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before December 12, 1972, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to any application(s), the purpose of such hearing will be to receive evidence relevant to: (1) Whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the U.S. which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of

the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: December 1, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-20959 Filed 12-4-72; 8:53 am]

Maritime Administration

[Docket No. S-315]

NAUTILUS PETROLEUM CARRIERS CORP.

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed applicant, and/or related persons or firms, employ ships in the domestic, intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of applicant. Nautilus Petroleum Carriers Corp.) Nautilus).

Description of domestic service and vessels. The applicant, Nautilus, for the tanker vessel *Sister Katingo* which has coastwise privileges and has performed domestic coastwise and intercoastal service in the past, has requested written permission to continue such operations as well as the right to move the vessel from one domestic trade to another and/or from a foreign trade(s) to domestic trade(s).

Written permission is now required by the applicant, Nautilus, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm or corporation having any interest (within the meaning of

section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on December 11, 1972, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. December 13, 1972, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

Dated: November 30, 1972.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-20689 Filed 12-4-72; 8:50 am]

National Oceanic and Atmospheric Administration

GROUND FISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.8(a), Title 50, Code of Federal Regulations, as follows:

On December 1, 1972, the Executive Secretary of the International Commission for the Northwest Atlantic Fisheries notified each contracting government having vessels operating in the regulatory area known as Subarea 5, defined in 50 CFR 240.1(b) (5) that the accumulative landings and projected incidental catch of yellowtail flounder in the division west of 60°00' west longitude have reached 100 percent of the catch limit of 10,000 metric tons as provided in 50 CFR 240.6(b) (1) published in the FEDERAL REGISTER of January 19, 1972, 37 F.R. 786.

I hereby announce that the 1972 season for taking yellowtail flounder without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours local time, in the area affected, December 11, 1972.

Issued at Washington, D.C., and dated December 1, 1972.

PHILIP M. ROEDEL,
Director, National Marine
Fisheries Service.

[FR Doc.72-20938 Filed 12-4-72; 8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5803; Docket No. FDC-D-379;
NDA No. 4-687 etc.]

MERCK CO. AND SCHERING CORP.

Poorly Absorbed Sulfonamides for Oral or Rectal Use; Notice of Withdrawal of Approval of New Drug Applications

A notice was published in the FEDERAL REGISTER of July 11, 1972 (37 F.R. 13566) extending to each holder of a new drug application listed below, and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act, withdrawing approval of each listed application (with respect to NDA 4-687 only that portion providing for Sulfasuxidine Tablets and Powder) and all amendments and supplements thereto. The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications.

NDA No.	Drug	NDA holder
4-687	Sulfasuxidine tablets and powder containing succinyl-sulfathiazole.	Merck, Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486.
5-803	Cremothalidine suspension and Sulfathalidine tablets containing phthalylsulfathiazole.	Merck, Sharp & Dohme.
6-503	Thalamyl tablets (phthalylsulfacetamide) and Phthalylsulfacetamide sodium powder.	Schering Corp., 60 Orange St., Bloomfield, NJ 07003.

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

Neither the holders of the new drug applications nor any other interested persons have filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of an opportunity for hearing.

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

Therefore, pursuant to the foregoing finding, approval of the above-listed new drug applications (with respect to NDA 4-687, only that portion providing for Sulfasuxidine Tablets and Powder) and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (12-5-72). Shipment in interstate commerce of any of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: November 29, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-20791 Filed 12-4-72; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-237N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period of October 19, 1972 (List No. 32-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation

has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047-417-0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with USCG Specification Subpart 160.047 and UL/MD report file No. MQ 136, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, effective October 19, 1972. (It supersedes Approval No. 160.047-417-0 dated Feb. 17, 1970.)

Approval No. 160.047-418-0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with USCG Specification Subpart 160.047 and UL/MD report file No. MQ 136, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, effective October 19, 1972. (It supersedes Approval No. 160.047-418-0 dated Feb. 17, 1970.)

Approval No. 160.047-419-0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with USCG Specification Subpart 160.047 and UL/MD report file No. MQ 136, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, effective October 19, 1972. (It supersedes Approval No. 160.047-419-0 dated Feb. 17, 1970.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052-183-1, adult, Model 300, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD report file No. MQ 136, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, effective October 19, 1972. (It supersedes Approval No. 160.052-183-1 dated May 15, 1968.)

Approval No. 160.052-184-1, child medium, Model 400, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD report file No. MQ 136, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, effective October 19, 1972. (It supersedes Approval No. 160.052-184-1 dated May 15, 1968.)

Approval No. 160.052-185-1, child small, Model 500, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD report file No. MQ 136, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, effective October 19, 1972. (It supersedes Approval No. 160.052-185-1 dated May 15, 1968.)

tional Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33304, effective October 19, 1972. (It supersedes Approval No. 160.052-185-1 dated May 15, 1968.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064-219-1, adult medium, Model No. 101V, cloth-covered unicellular plastic foam "Yachting Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective October 19, 1972. (It supersedes Approval No. 160.064-219-1 dated Aug. 4, 1972 to indicate new size designation.)

Approval No. 160.064-220-1, adult large/X-large, Model No. 101V, cloth-covered unicellular plastic foam "Yachting Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective October 19, 1972. (It supersedes Approval No. 160.064-220-1 dated August 4, 1972 to indicate new size designation.)

Approval No. 160.064-400-0, child small, Model No. 101V, cloth-covered unicellular plastic foam "Yachting Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective October 19, 1972.

Approval No. 160.064-401-0, youth medium, Model No. 101V, cloth-covered unicellular plastic foam "Yachting Vest," manufactured in accordance with USCG Specifications Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective October 19, 1972.

Approval No. 160.064-402-0, adult small, Model No. 101V, cloth-covered unicellular plastic foam "Yachting Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective October 19, 1972.

Approval No. 160.064-403-0, adult XX-large, Model No. 101V, cloth-covered unicellular plastic foam "Yachting Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III Device, manufactured by Gaylord Harr, Inc., 1109 South Fremont, Alhambra, CA 91803, effective October 19, 1972.

Dated: November 29, 1972.

G. H. READ,
Captain, U.S. Coast Guard,
Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-20843 Filed 12-4-72; 8:50 am]

[CGD 72-236N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from September 29, 1972 to October 12, 1972 (List No. 31-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE), FOR MERCHANT VESSELS

Approval No. 160.017-47-0, Type I, embarkation-debarkation ladder, rope suspension, wooden ears and rungs, identified by drawing No. 160.017-1(b) of USCG Specification 160.017, manufactured by A. L. Don Co., Foot of Dock Street, Matawan, N.J. 07747, effective September 29, 1972.

LIFEBOATS

Approval No. 160.035-471-0, 33.5 feet by 11.5 feet by 4.83 feet steel, motor-propelled, Class 1, lifeboat, 105-person capacity, identified by general arrangement drawing No. 33-1, Rev. B dated October 6, 1972, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"—9,138 pounds; Condition "B"—28,520 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective October 6, 1972.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.055-54-0, sound-powered telephone station, selective ringing, common talking, 19 stations maximum, desk-type, nonwatertight, with internal bell, Model SD, drawing No. 54, Alt. 0 dated April 1957, for use in officers'

quarters and radio room, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective October 5, 1972. (It supersedes Approval No. 161.055-54-0 dated Aug. 22, 1967.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001-106-3, series VM-310, cast carbon steel body, spring-loaded nozzle-type safety valve, maximum pressure 515 p.s.i., maximum temperature 650° F., approved for sizes 1½, 2, 2½, 3, and 4 inches, ratings changed to conform with 300-pound flange standards, manufactured by J. E. Lonergan Co., Red Lion and Verree Roads, Philadelphia, Pa. 19115, effective October 5, 1972. (It supersedes Approval No. 162.001-106-3 dated Sept. 12, 1967.)

Approval No. 162.001-107-3, series VM-320, cast carbon steel body, spring-loaded nozzle-type safety valve, maximum pressure 365 p.s.i., maximum temperature 800° F., approved for sizes 1½, 2, 2½, 3, and 4 inches, ratings changed to conform with 300-pound flange standards, manufactured by J. E. Lonergan Co., Red Lion and Verree Roads, Philadelphia, Pa. 19115, effective October 5, 1972. (It supersedes Approval No. 162.001-107-3 dated Sept. 12, 1967.)

Approval No. 162.001-108-2, series VM-330, cast carbon moly steel body, spring-loaded nozzle-type safety valve, maximum pressure 350 p.s.i., maximum temperature 900° F., approved for sizes 1½, 2, 2½, 3, and 4 inches, ratings changed to conform with 300-pound flange standards, manufactured by J. E. Lonergan Co., Red Lion and Verree Roads, Philadelphia, Pa. 19115, effective October 5, 1972. (It supersedes Approval No. 162.001-108-2 dated Sept. 12, 1967.)

Approval No. 162.001-109-3, series VM-410, cast carbon steel body, spring loaded nozzle-type safety valve, maximum pressure 1,030 p.s.i., maximum temperature 650° F., approved for sizes 1½, 2, 2½, 3, and 4-inch ratings changed to conform with 600-pound flange standards, manufactured by J. E. Lonergan Co., Red Lion and Verree Roads, Philadelphia, Pa. 19115, effective October 5, 1972. (It supersedes Approval No. 162.001-109-3 dated Sept. 12, 1967.)

Approval No. 162.001-110-3, series VM-420, cast carbon steel body, spring loaded nozzle-type safety valve, maximum pressure 730 p.s.i., maximum temperature 800° F., approved for sizes 1½, 2, 2½, 3, and 4-inch ratings changed to conform with 600-pound flange standards, manufactured by J. E. Lonergan Co., Red Lion and Verree Road, Philadelphia, Pa. 19115, effective October 5, 1972. (It supersedes Approval No. 162.001-110-3 dated Sept. 12, 1967.)

Approval No. 162.001-111-2, series VM-430, cast carbon moly steel body, spring loaded nozzle-type safety valve, maximum pressure 700 p.s.i., maximum temperature 900° F., approved for sizes 1½, 2, 2½, 3, and 4-inch ratings changed to conform with 600-pound flange standards, manufactured by J. E. Lonergan

Co., Red Lion and Verree Roads, Philadelphia, Pa. 19115, effective October 5, 1972. (It supersedes Approval No. 162.001-111-2 dated Sept. 2, 1967.)

PRESSURE VACUUM RELIEF VALVES AND SPILL TANK FOR TANK VESSELS

Approval No. 162.017-113-1, Midland pressure vacuum relief and spill valves Nos. A-825, A-830, A-840, A-850, A-860, and A-880, Brass (ASTM B62) or stainless (CF-8, CF-8M) body, outlet may have cast flange (A-825F, etc.), approval includes sizes 2½, 3, 4, 5, 6, and 8 inches, approval extended to include 2½-inch size with flanged mounting, manufactured by Midland Manufacturing Corp., 7733 Gross Point Road, Skokie, IL 60076, effective October 5, 1972. (It supersedes Approval No. 162.017-113-0 dated May 3, 1972, to show approval of 2½-inch size with flanged mounting.)

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007-28-1, "Weber's Super '48' Insulating Cement," plaster type structural insulation identical to that described in National Bureau of Standards Test Report No. TG10210-1782:FP3061 dated August 10, 1951, approved for use without other insulating material to meet Class A-60 requirements in a 2½-inch thickness, formerly approved under the name of "48' Panther Insulating Cement," manufactured by Forty-Eight Insulations, Inc., Aurora, Ill. 60504, effective October 5, 1972. (It is an extension of Approval No. 164.007-28-1 dated Dec. 27, 1967.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008-59-0, Eternit's bulkhead panel, "ETERNAVE", identical to that described in Underwriters Laboratories, Inc. Test Report R6878-1, 71NK7543 dated September 5, 1972, and Eternit's letter dated March 16, 1970; approved as meeting Class B-15 requirements in a density of 42.3 pounds per cubic foot (680 kg/m³) in a seven-eighths inch (22 mm.) thickness, approved drawings form a part of this certificate, manufactured by Eternit, C.A.P. 16121, Piazza Della Viterria, 11, Genova, Italy, Plant: Casele, Monferrato, effective October 12, 1972.

Approval No. 164.008-61-0, Blohm & Voss bulkhead panel system "M-1000" identical to that described in National Bureau of Standards Test Report FR 3816 dated August 22, 1972, and Blohm & Voss letters dated November 18, 1969, and January 26, 1970, approved as meeting Class B-15 requirements, this system may not be utilized as a component of A-Class construction, manufactured by Blohm & Voss AG, D 2 Hamburg 1, Postfach 720, Germany, effective October 5, 1972.

Dated: November 29, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc. 72-20844 Filed 12-4-72; 8:50 am]

[CGD 72-235N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from September 15, 1972 to October 3, 1972 (List No. 30-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.002-116-0, Model 3, adult kapok life preserver, USCG Specification Subpart 160.002, manufactured by Ero Manufacturing Co., 308 South Williams Street, Hazlehurst, GA 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, IL 60607, effective September 25, 1972. (It is an extension of Approval No. 160.002-116-0 dated Dec. 13, 1967.)

Approval No. 160.002-117-0, Model 5, child kapok life preserver, USCG Specification Subpart 160.002, manufactured by Ero Manufacturing Co., 308 South Williams Street, Hazlehurst, GA 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, IL 60607, effective September 25, 1972. (It is an extension of Approval No. 160.002-117-0 dated Dec. 13, 1967.)

BUOYANT APPARATUS FOR MERCHANT VESSELS

Approval No. 160.010-57-3, 3.75 feet by 3 feet by 0.79 feet box float type buoyant apparatus, fibrous glass reinforced plastic (F.R.P.) shell with unicellular

polyurethane plastic core, 12-person capacity, dwg. No. 21960A dated February 1, 1965, Specification No. 6160A dated February 1, 1965, Bill of Materials dated December 28, 1971, and alternate float body construction dwg. No. 8701-5-72 dated May 15, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.010-57-2 dated January 28, 1972, to show change in construction.)

Approval No. 160.010-62-2, 5 feet by 2.67 feet (7½" x 10" body section) peripheral-body-type buoyant apparatus, fibrous glass-reinforced plastic (FRP) shell with unicellular polyurethane core, eight-person capacity, Drawing No. 21962A dated August 18, 1964, Bill of Materials dated December 28, 1971, and alternate float body construction drawing No. 8701-5-72 dated May 15, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.010-62-1 dated Jan. 28, 1972 to show change in construction.)

Approval No. 160.010-63-2, 6 feet by 4 feet box-float-type buoyant apparatus, fibrous glass-reinforced plastic (FRP) shell with unicellular polyurethane core, 20-person capacity, Drawing No. 21961 dated August 18, 1964, Specification No. 6161 dated August 28, 1964, Bill of Materials dated December 28, 1971, and alternate float body construction Drawing No. 8701-5-72 dated May 15, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.010-63-1 dated Jan. 28, 1972 to show change in construction.)

Approval No. 160.010-67-2, 7.5 feet by 4 feet (10" x 11½" body section) rectangle (peripheral-body type) buoyant apparatus, fibrous glass-reinforced plastic (FRP) shell, with unicellular polyurethane foam core, 20-person capacity, Drawing No. 8620-4-67 dated April 3, 1967, Bill of Materials dated December 28, 1971, and alternate float body construction Drawing No. 8701-5-72 dated May 15, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.010-67-1 dated Jan. 28, 1972 to show change in construction.)

Approval No. 160.010-68-2, 5 feet by 2.67 feet (7½" x 10" body section) peripheral-body-type buoyant apparatus, fibrous glass-reinforced plastic (FRP) shell with unicellular polyurethane core, five-person capacity, Drawing No. 8705-6-67 dated June 2, 1967, Bill of Materials dated December 28, 1971, and alternate float body construction Drawing No. 8701-5-72 dated May 15, 1972, fitted with a net platform, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.010-68-1 dated Jan. 28, 1972 to show change in construction.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011-7-1, ammonia gas mask, Model 677-1, Bureau of Mines Approval No. BM-14F-55, consisting of BM-14F-55 canister, BM-1418 canister harness, and BM-1418A facepiece with BM-1418A head harness, manufactured by Scott Aviation, Acme Products, 1201 Kalamazoo Street, South Haven, MI 49090, formerly Acme Protection Equipment Co., effective September 25, 1972. (It supersedes Approval No. 160.011-7-1 dated Dec. 13, 1967 to show change of name of manufacturer.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015-50-2, Type HM lifeboat winch for use with mechanical davits, fitted with wire rope not more than ½-inch in diameter and with not more than seven wraps of the falls on the drums; approval is limited to mechanical components and for a maximum working load of 6,000 pounds pull at the drums (3,300 pounds per fall), identified by left-hand assembly Drawing No. L-22000-E-4 dated April 22, 1957, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective October 2, 1972. (It is an extension of Approval No. 160.015-50-2 dated Dec. 5, 1967 and change of address of manufacturer.)

Approval No. 160.015-101-0, lifeboat winch, Type 75 G, approval is limited to mechanical components only and for a maximum working load of 15,000 pounds pull at the drums (7,500 pounds per fall); identified by general arrangement drawings W1-F-008, revision A dated July 31, 1972, and W2-F-021, revision A dated July 31, 1972, and drawing list dated August 7, 1972, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective September 18, 1972.

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE), FOR MERCHANT VESSELS

Approval No. 160.017-42-0, Type I, embarkation-debarkation ladder, rope suspension, clear white oak ears, APL Standard Pilot Ladder drawing dated February 14, 1972, manufactured by American President Lines, Pier 80, 501 Army Street, San Francisco, CA 94124, effective September 26, 1972.

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.027-60-2, 5 feet by 2.67 feet (7½" x 10" body section) peripheral-body-type life float, fibrous glass-reinforced plastic (FRP) shell with unicellular polyurethane core, six-person capacity, Drawing No. 21963 dated August 16, 1964, Specification No. 6163 dated August 18, 1964, Bill of Materials dated December 28, 1971, and alternate float body construction Drawing No. 8701-5-72 dated May 15, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.027-60-1 dated Jan. 28, 1972 to show change in construction.)

Approval No. 160.027-61-3, Model 8610, 7 feet by 3.16 feet (9" x 11¼" body section) rectangular life float, fibrous glass-reinforced plastic (FRP) shell with unicellular polyurethane foam core, 10-person capacity, Drawing No. 21968 dated February 1, 1965, and revised November 11, 1967, Bill of Materials dated December 28, 1971, and alternate float body construction Drawing No. 8701-5-72 dated May 15, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.027-61-2 dated Jan. 28, 1972 to show change in construction.)

Approval No. 160.027-62-2, 7.5 feet by 4 feet (10.5" x 10.0" body section) rectangular life float, fibrous glass-reinforced plastic (FRP) shell with unicellular polyurethane foam core, 15-person capacity, Drawing No. 21969 dated February 1, 1965, and revised March 29, 1965, Bill of Materials dated December 28, 1971, and alternate float body construction Drawing No. 8701-5-72 dated May 15, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.027-62-1 dated Jan. 28, 1972 to show change in construction.)

Approval No. 160.027-63-2, 9 feet by 5.1 feet (12½" x 12" body section) rectangular life float, fibrous glass-reinforced plastic (FRP) shell with unicellular polyurethane foam core, 25-person capacity, Drawing No. 21970 dated February 1, 1965, and revised March 29, 1965, Bill of Materials dated December 28, 1971, and alternate float body construction Drawing No. 8701-5-72 dated May 15, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.027-63-1 dated Jan. 28, 1972 to show change in construction.)

Approval No. 160.027-70-2, 7 feet by 3.16 feet (9" x 11¼" body section) rectangular life float, fibrous glass-reinforced plastic (FRP) shell with unicellular polyurethane foam core, 11-person capacity, Drawing No. 8611-11-66 dated November 31, 1966, and revised May 16, 1967, Bill of Materials dated December 28, 1971, and alternate float body construction Drawing No. 8701-5-72 dated May 15, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.027-70-1 dated Jan. 28, 1972 to show change in construction.)

Approval No. 160.027-71-2, Model 8712, 7 feet by 3.16 feet (9" x 11¼" body section) rectangular life float, fibrous glass-reinforced plastic (FRP) shell with unicellular polyurethane foam core, 12-person capacity, Drawing No. 8712-10-67 dated October 13, 1967, Bill of Materials dated December 28, 1971, and alternate float body construction Drawing No. 8701-5-72 dated May 15, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective October 3, 1972. (It supersedes Approval No. 160.027-71-1

dated Jan. 28, 1972, to show change in construction.)

Approval No. 160.027-73-0, 6.16 feet by 3.66 feet (6' x 9' body section) peripheral-body type life float fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane core, 12-person capacity, identified by Drawing No. 9012-5-72 dated May 25, 1972, manufactured by Atlantic-Pacific Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective September 29, 1972.

Approval No. 160.027-74-0, 4.16 feet by 3 feet (8' x 8' body section) peripheral-body type life float, fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane core, six-person capacity, identified by Drawing No. 9006-5-72 dated May 25, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective September 27, 1972.

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032-187-0, gravity davit, Type 33-30, approved for a maximum working load of 30,000 pounds per set (15,000 pounds per arm) using two-part falls; identified by general arrangement Drawing D1-F-221, revision C dated July 31, 1972, and drawing list, revision A dated August 1, 1972, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective September 15, 1972.

Approval No. 160.032-190-0, Type 20-400 survival capsule launching system (winch type); approved as an alternate to a lifeboat davit for a maximum working load of 11,000 pounds on a single fall; identified by general arrangement Drawing No. 20-400 dated June 23, 1972, approved for installation with the Type 2040 lifeboat winch (Approval 160.015-100-0), made by Ocean Science and Engineering, Inc., for use only on nonself-propelled drilling rigs, artificial islands, and fixed structures, manufactured by Whittaker Corp., 5159 Baltimore Drive, La Mesa, CA 92041, effective October 2, 1972.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052-341-0, Type II, Model 57351, adult cloth-covered unicellular plastic foam buoyant vest, manufactured by Ero Manufacturing Co., 308 S. Williams Street, Hazlehurst, GA 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, IL 60607, effective September 25, 1972. (It is an extension of Approval No. 160.052-341-0 dated Dec. 7, 1967.)

Approval No. 160.052-342-0, Type II, Model 57352, child medium cloth-covered unicellular plastic foam buoyant vest, manufactured by Ero Manufacturing Co., 308 S. Williams Street, Hazlehurst, GA 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, IL 60607, effective September 25, 1972. (It is an extension of Approval No. 160.052-342-0 dated Dec. 7, 1967.)

Approval No. 160.052-343-0, Type II, Model 57353, child small cloth-covered unicellular plastic foam buoyant vest, manufactured by Ero Manufacturing

Co., 308 S. Williams Street, Hazlehurst, GA 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, IL 60607, effective September 25, 1972. (It is an extension of Approval No. 160.052-343-0 dated Dec. 7, 1967.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053-2-5, Model WV-3, unicellular plastic foam work vest, Canandaigua Plastics Drawing No. WV-3 dated November 29, 1967, manufactured by Canandaigua Plastics Division of Vogt Manufacturing Corp., 203 North Street, Canandaigua, NY 14424, for Protection Equipment, Sales Division of Vogt Manufacturing Corp., 100 Fernwood Avenue, Rochester, NY 14621, effective September 25, 1972. (It is an extension of Approval No. 160.053-2-5 dated Dec. 20, 1967.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064-385-0, adult small, Model No. 2005, cloth covered unicellular plastic foam "Flotation Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 169, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for Midwest Outerwear, Inc., Port Washington, Wis. 53074, effective September 15, 1972.

Approval No. 160.064-386-0, adult medium, Model No. 2005, cloth covered unicellular plastic foam "Flotation Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 169, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for Midwest Outerwear, Inc., Port Washington, Wis. 53074, effective September 15, 1972.

Approval No. 160.064-387-0, adult large, Model No. 2005, cloth covered unicellular plastic foam "Flotation Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 169, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for Midwest Outerwear, Inc., Port Washington, Wis. 53074, effective September 15, 1972.

Approval No. 160.064-388-0, adult X-large, Model No. 2005, cloth covered unicellular plastic foam "Flotation Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 169, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, for Midwest Outerwear, Inc., Port Washington, Wis. 53074, effective September 15, 1972.

Approval No. 160.064-408-0, child medium, Model No. 14030, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Texas Water Crafters Division, 912 North Beverly Drive, Wichita

Falls, TX 76307, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective September 28, 1972.

Approval No. 160.064-410-0, adult medium, Model No. 14032, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Texas Water Crafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective September 28, 1972.

Approval No. 160.064-411-0, adult large, Model No. 14033, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Texas Water Crafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective September 28, 1972.

Approval No. 160.064-412-0, adult X-large, Model No. 14034, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Texas Water Crafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, for Red Head Brand Corp., 4100 Platinum Way, Dallas, TX 75237, effective September 28, 1972.

Approval No. 160.064-413-0, child medium, Model No. 6754, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Texas Water Crafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective September 28, 1972.

Approval No. 160.064-415-0, adult medium, Model No. 6754, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Texas Water Crafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective September 28, 1972.

Approval No. 160.064-416-0, adult large, Model No. 6757, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device, manufactured by Texas Recreation Corp., Texas Water Crafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective September 28, 1972.

Approval No. 160.064-417-0, adult X-large, Model No. 6758, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG

Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III Device manufactured by Texas Recreation Corp., Texas Water Crafters Division, 912 North Beverly Drive, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective September 28, 1972.

**INDICATORS, BOILER WATER LEVEL,
SECONDARY TYPE**

Approval No. 162.025-105-0, DURAPORT, Model DP-3000, illuminated boiler water level indicator, for a maximum allowable working pressure of 3000 p.s.i.g. saturated steam, manufactured by Diamond Power Specialty Corp., Post Office Box 415, Lancaster, OH 43130, effective September 25, 1972.

Approval No. 162.025-106-0, MULTIPORT, Model MP-1050, illuminated boiler water level indicator for a maximum allowable working pressure of 1050 p.s.i.g. saturated steam, manufactured by Diamond Power Specialty Corp., Post Office Box 415, Lancaster, OH 43130, effective September 25, 1972.

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008-64-0, E. F. Hauserman's "Double Wall" marine bulkhead panel system identical to that described in National Bureau of Standards Test Report No. FR 3815 dated August 29, 1972 and as shown on Hauserman's drawing 27063 dated February 16, 1972; approved as meeting Class B-15 requirements, interior finishes applied to this product are limited to paints, manufactured by The E. F. Hauserman Co. 5711 Grant Avenue, Cleveland, OH 44105, effective September 29, 1972.

**INCOMBUSTIBLE MATERIALS FOR
MERCHANT VESSELS**

Approval No. 164.009-156-0, "Fiberglass Incombustible Marine Board", fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report FR 3819 dated August 8, 1972, approved in a nominal density of 3.6 lb./ft.³ manufactured by K W S Company, 67 Trevarno Road, Livermore, CA 94550, Plant: Houston, Tex., effective September 19, 1972.

Dated: November 29, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc.72-20845 Filed 12-4-72; 8:50 am]

Federal Railroad Administration

[FRA-Pet-No. 69]

CHEHALIS WESTERN RAILROAD CO.

**Notice of Petition for Exemption From
Hours of Service Act**

NOVEMBER 28, 1972.

The Chehalis Western Railroad Co. has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain

employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 69, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before January 1, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, D.C.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel
for Safety Regulation.

[FR Doc.72-20851 Filed 12-4-72; 8:52 am]

[FRA-Pet-No. 70]

**DURHAM AND SOUTHERN RAILWAY
CO.**

**Notice of Petition for Exemption From
Hours of Service Act**

NOVEMBER 28, 1972.

The Durham and Southern Railway Co. has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 70, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before January 1, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, D.C.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel
for Safety Regulation.

[FR Doc.72-20852 Filed 12-4-72; 8:52 am]

[FRA-Pet-No. 72]

SIERRA RAILROAD CO.

**Notice of Petition for Exemption From
Hours of Service Act**

NOVEMBER 28, 1972.

The Sierra Railroad Co. has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employ-

ees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 72, 400 Seventh Street SW., Washington, DC 20590. Communications received before January 1, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., [FR Doc.72-20854 Filed 12-4-72; 8:53 am]

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel
for Safety Regulation.

[FR Doc.72-20854 Filed 12-4-72; 8:53 am]

[FRA-Pet-No. 71]

VALLEY AND SILETZ RAILROAD CO.

**Notice of Petition for Exemption From
Hours of Service Act**

NOVEMBER 28, 1972.

The Valley and Siletz Railroad Co. has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 71, 400 Seventh Street SW., Washington, DC 20590. Communications received before January 1, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, DC.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel
for Safety Regulation.

[FR Doc.72-20853 Filed 12-4-72; 8:52 am]

[FRA-Pet-No. 68]

**YAKIMA VALLEY TRANSPORTATION
CO.**

**Notice of Petition for Exemption From
Hours of Service Act**

NOVEMBER 28, 1972.

The Yakima Valley Transportation Co. has petitioned the Federal Railroad Administration pursuant to 45 U.S.C.

to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 68, 400 Seventh Street SW., Washington, DC 20590. Communications received before January 1, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, DC.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel
for Safety Regulation.

[FR Doc.72-20850 Filed 12-4-72; 8:52 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Notice of Availability of Final Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Final Environmental Statement Related to the Operation of the Zion Nuclear Power Station Units 1 and 2," is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545, and in the Waukegan Public Library, 128 North County Street, Waukegan, IL 60085. The report is also being made available at the Office of Planning and Analysis, Executive Office of the Governor, State Office Building, Springfield, IL 62706, and at the Northeastern Illinois Planning Commission, 400 West Madison Street, Chicago, IL 60607.

The notice of availability of the Draft Detailed Statement for the Zion Nuclear Power Station and request for comments from interested persons was published in the FEDERAL REGISTER on June 30, 1972, 36 F.R. 12982. The comments received from Federal, State, local officials, and interested members of the public have been included as appendices to the Final Statement.

Single copies of the statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 28th day of November 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Division of Reactor Licensing.

[FR Doc.72-20757 Filed 12-4-72; 8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Consideration of Conversion of Provisional Operating License to Full-Term Operating License; Notice of Opportunity for Hearing

In the matter of Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station Unit No. 1).

The Atomic Energy Commission (the Commission) will consider the issuance of a full-term facility operating license to the Niagara Mohawk Power Corporation (the licensee) which would authorize the licensee to possess, use and operate the Nine-Mile Point Nuclear Station Unit No. 1 (the facility), located in the Town of Scriba, Oswego County, N.Y., at its presently licensed steady state power level of up to 1,850 megawatts (thermal) for a period of 40 years from April 12, 1965, the issuance date of the construction permit (CPR-16) in accordance with the provisions of the license and the technical specifications appended thereto, upon the completion of a favorable safety evaluation of the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, appendix D, the receipt of a report on the application from the Advisory Committee on Reactor Safeguards (ACRS), and a finding by the Commission that the application for the full-term facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I. The facility is presently being operated in accordance with Provisional Operating License No. DPR-17 issued by the Commission on August 22, 1969.

The full-term license will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded 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. The licensee has satisfied its obligation concerning indemnification as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions of section A of appendix D to 10 CFR Part 50, which sets forth procedures appli-

cable to review of environmental considerations for production and utilization facilities.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to the issuance of a full-term facility operating license. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such requests or petitions within the same 30-day period may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A petition for leave to intervene which is not timely will not be granted unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Commission has considered those factors specified in 10 CFR 2.714(a).

For further details with respect to the matters under consideration, see the licensee's application for conversion of

Provisional Operating License No. DPR-17 to a full-term operating license notarized June 27, 1972, and the licensee's Environmental Report dated June 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Oswego City Library, 120 East Second Street, Oswego, NY 13126. As they become available, the following documents will also be available at the above locations: (1) The Safety Evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the Application for a full-term facility operating license; (5) the proposed full-term operating license, and (6) the proposed technical specifications, which will be attached to the proposed full-term facility operating license.

Copies of items (1), (3), (4), and (5) may be obtained when they become available by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 22d day of November 1972.

DONALD J. SKOVHOLT,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc. 72-20521 Filed 12-4-72; 8:45 am]

[Docket No. 50-366A]

GEORGIA POWER CO.

Notice of Antitrust Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board) designated herein, to consider the antitrust aspects of the application filed under the Act by Georgia Power Co. (Applicant) for a construction permit for a boiling water nuclear power reactor, designated as Edwin I. Hatch Nuclear Plant Unit 2. The proposed facility is to be located near the south bank of the Altamaha River in Appling County, Ga., approximately 11 miles north of Baxley, Ga.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission) consisting of Michael Glaser, Esq., Carl W. Schwarz, Esq., and Walter W. K. Bennett, Esq., Chairman.

On August 11, 1972, the Commission published in the FEDERAL REGISTER a

letter from the Attorney General dated August 2, 1972, advising the Commission that certain antitrust aspects of the Georgia Power Co. construction permit application warranted a hearing, pursuant to section 105c of the Act. The notice published with the Attorney General's letter provided that, within 30 days, any person whose interest may be affected by the proceeding could file a petition for leave to intervene and request for an antitrust hearing. Petitions requesting leave to intervene and an antitrust hearing were subsequently received from: The Water, Light and Sinking Fund Commission of the City of Dalton, Ga.; the Power Section, Georgia Municipal Association, and the Cities of Acworth, Adel, Ga. et al. (joint petition); and the Georgia Electric Membership Corp., and Mitchell County Electric Membership Corp. (joint petition). The AEC Regulatory Staff (Staff) has filed responses to each of these petitions.

The Commission has determined that an antitrust hearing should be held on applicant's request for a construction permit, and accordingly has established the aforementioned Atomic Safety and Licensing Board. The Commission has further determined that the petitions to intervene described above should be ruled upon by the Board.

A special prehearing conference will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice (10 CFR Part 2). The date and place of any further prehearing conferences, and of the hearing itself, will be set by the Board at or after the special prehearing conference. Notices as to the dates and places of the special prehearing conference and the hearing will be published in the FEDERAL REGISTER.

The issue to be considered at the hearing is whether the activities under the permit in question would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105a of the Act. In its initial decision the Board will decide those matters relevant to that issue which are in controversy among the parties and make its findings on the issue.¹

In the event the Board finds that the activities under the permit would create or maintain a situation inconsistent with the antitrust laws, it will also consider, in determining whether permits should be issued, continued, modified, or conditioned, such other factors, including the need for power in the affected area, as the Board in its judgment deems necessary to protect the public interest. The Board's consideration in the latter regard shall be based on the record submissions by the parties relevant to that matter.

¹ Matters of radiological health and safety and common defense and security, and matters raised under the National Environmental Policy Act of 1969, are being considered at another hearing, pursuant to a notice published in the FEDERAL REGISTER on July 18, 1972 (37 F.R. 14249).

In issuing this notice, the Commission is aware that the Licensing Board in the matter of "Alabama Power Company" (Joseph M. Farley Nuclear Plant—Units 1 and 2), Dockets Nos. 50-348A and 50-364A, has referred to it for action a Department of Justice motion to consolidate that proceeding with this one. ("Prehearing Conference Order and Order of Referral * * *," dated September 28, 1972.) The Board based its referral on a proper concern that "no Board has been appointed in the Georgia Power Co. antitrust matter and since section 2.716 does not grant power to this Board to order consolidation . . ."

The Commission believes it would be desirable for the Licensing Board to rule on the Department of Justice motion to consolidate, as well as the similar motion dated October 2 of the Georgia Electric Membership Corp. and Mitchell County Electric Membership Corp., petitioners herein, assuming petitioners' request to intervene is granted. The Licensing Board is hereby authorized to act on these motions.²

The application and the Attorney General's letter have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. As they become available, the transcripts of the pre-hearing conference and of the hearing will also be placed in the Commission's Public Document Room, where they will be available for inspection by members of the public. Copies of all of the foregoing documents will also be available at the Appling County Public Library, Parker Street, Baxley, Ga.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified hereinabove. A member of the public does not have the right to participate in the proceeding unless he has

² The Commission's action herein should in no way be construed as an expression of views with respect to the merits of the consolidation requests, or of the conflicting views as to the proper scope of a proceeding under section 105c of the Atomic Energy Act. In particular, no special importance should be attributed to the fact that the Board established today is the same as the Board in the Farley proceeding.

been granted the right to intervene as a party or the right of limited appearance.

In the event that the Board grants any of the pending petitions to intervene, persons permitted to intervene shall become parties to the proceeding, and shall have all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicant not later than 20 days from the date of publication of this notice in the *FEDERAL REGISTER*.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, 1717 H Street NW., Washington, DC. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of that section. The Appeal Board for this proceeding will be composed of three members designated in a subsequent Commission notice (10 CFR 2.787).

Dated: November 29, 1972.

UNITED STATES ATOMIC
ENERGY COMMISSION,
GORDON M. GRANT,
*Acting Secretary of
the Commission.*

[FR Doc. 72-20855 Filed 12-4-72; 8:53 am]

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER & LIGHT CO.

Notice and Order for Prehearing Conference

In the matter of Pennsylvania Power & Light Co. (Susquehanna Steam Electric Station, Units 1 and 2).

Take notice that, pursuant to the Atomic Energy Commission's "Notice of Hearing on Application for Construction Permits" dated September 21, 1972, the Atomic Safety and Licensing Board will hold a prehearing conference in this proceeding on January 3, 1973, at 10 a.m., local time, in the Luzerne County Court House, North River Street, Wilkes-Barre, Pa. The purposes of this prehearing conference are to:

1. Permit identification of the key issues in the proceeding;
2. Take any steps necessary for further identification of the issues;
3. Consider petitions for intervention in the proceeding; and

4. Establish a schedule for further actions in the proceeding.

In addition to the purposes specified above, the prehearing conference will also deal with such of the matters stated in § 2.752 of the Commission's rules of practice (10 CFR 2.752) as may be appropriate.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the proceeding by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

It is ordered, That counsel for the applicant, the regulatory staff of the Commission, and any petitioners for intervention conduct such informal conferences, including telephone conferences to the extent they may be practicable, to expedite the proceeding and in particular to advance the purposes of the prehearing conference.

By Order of the Atomic Safety and Licensing Boards.

Dated this 29th day of November, 1972, at Washington, D.C.

EDWARD LUTON,
Chairman.

[FR Doc. 72-20802 Filed 12-4-72; 8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24679]

EAST AFRICAN AIRWAYS CORP.

Notice of Postponement of Hearing Regarding Renewal of Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding has been postponed from December 20, 1972 (37 F.R. 25066, Nov. 28, 1972), to January 30, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Dated at Washington, D.C., November 29, 1972.

[SEAL] HENRY WHITEHOUSE,
Administrative Law Judge.

[FR Doc. 72-20875 Filed 12-4-72; 8:51 am]

[Docket No. 24969; Order 72-11-134]

TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension Regarding Chicago-Denver Group Fare

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of November 1972.

By tariff revision¹ marked to become effective December 2, 1972, Trans World Airlines, Inc. (TWA) proposes to establish a round-trip fare between Chicago and Denver of \$82.41 for groups of 40. The fare is set at a level \$2 above the existing fare for groups of 154, represents a discount of 39 percent, would apply between December 2, 1972, and April 30, 1973, and requires only that the group travel together over all portions of the trip.²

United Air Lines, Inc. (United) has requested suspension and investigation of the fare, alleging that TWA has failed to justify the minuscule differential between the fares for large and small groups, that both United and Continental Air Lines, Inc. (Continental) would suffer substantial diversion from the group-154 fare; that a group size of 154 is required to economically justify an \$80.56 fare in this market; and that TWA's proposal is economically destructive and designed solely for the purpose of permitting TWA to compete with other carriers operating equipment which TWA possesses but has elected not to utilize in this market.

In support of its proposal and in answer to the complaint, TWA alleges that the fare is designed to compete with the group-154 fare now available in the market; that it must reduce the group size to 40 since it cannot accommodate groups of 154 on equipment it presently operates in the market; that in the absence of this fare, it would be forced to compete using the fare applicable to groups of 10 which is some \$30 higher than the existing group fare of its competitors; that group size is not an effective limitation on travel in this market and TWA could not effectively compete if its group-40 fare were higher; and that it wishes to remain competitive without adding more capacity and to retain its market share.

TWA also indicates that for the months of February and March 1972, westbound Friday-Saturday load factors averaged 55 percent as did eastbound flights on Saturday-Sunday, although at some of the more attractive departure times load factor ranged up to 95 percent during the period. The carrier estimates a generation-diversion ratio of 36-64 and indicates that at this ratio it will sustain no economic impact, other than to preclude the competitive loss of \$253,000 which would result in the absence of the fare. TWA concedes that availability of the fare will increase its already high weekend load factors to the point where displacement of higher fare paying passengers will occur.

Upon consideration of the tariff proposal, the complaint and answer thereto, and all relevant matters the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes

¹ Revision to Airline Tariff Publishers, Inc. Agent, Tariff CAB No. 136.

² Continental and United have filed defensive tariffs.

that the proposal should be suspended pending investigation.

TWA argues that the proposed fare is necessary if it is to compete for group travel in this market. On the other hand, it states that it does not plan to offer additional capacity, and concedes that load factors are sufficiently high that group travel would, to some unspecified degree, displace normal fare traffic. In these circumstances, we believe there is a very real question as to whether TWA can compete profitably for group traffic, particularly at a fare which is so substantially discounted. We recognize that TWA is unable to accommodate groups of 154 on the aircraft it now operates. However, presumably the fare for such groups was designed to reach a new segment of the traveling public. To the extent this is true, TWA's inability to be price competitive should have little adverse effect on its traffic volume or revenue earned in this market.

We have no way of confirming or refuting TWA's claim that it cannot price its group fare any higher and still compete with the 154-passenger group fare, although we are inclined to believe it could TWA's assertions to the contrary are not supported, and are inconsistent with the group-fare pricing concepts practiced throughout the industry. If group size is not an effective limitation as TWA contends, it does not follow that Continental and United would have undercut the group-10 fare by 25 percent for groups of 154 or more.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered That:

1. An investigation is instituted to determine whether the fares and provisions described in appendix A attached hereto, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in appendix A hereto are suspended and their use deferred to and including March 1, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 24938 is hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariff and served on Continental Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

¹ Filed as part of the original document.

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

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,
Secretary.

[FR Doc.72-20876 Filed 12-4-72;8:51 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of Prisons.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL]

JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.72-20830 Filed 12-4-72;8:49 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 955]

OHIO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of November 1972, because of the effects of extensive flooding and high winds, damage resulted to property located in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the counties of Lucas, Ottawa, Erie, Lorain, Sandusky, Cuyahoga, and Lake, Ohio, suffered damage or destruction resulting from extensive flooding from high winds driving lake water on November 13 and 14, 1972.

OFFICE

Small Business Administration District Office, 1240 East Ninth Street, Cleveland, OH 44199.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1973.

Dated: November 17, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-20823 Filed 12-4-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 72-1091]

CHILDREN'S TELEVISION PROCEEDING

Oral Argument Scheduled

NOVEMBER 30, 1972.

The Commission hereby gives notice of its intention to hold oral argument on the matters under consideration in the Children's Television Proceeding, Docket No. 19142. The oral argument will take place on January 8, 9, and (if necessary) 10, 1973 at the Commission's offices in Washington, D.C.

This proceeding, which began with the filing of petition for rule making by Action for Children's Television, deals with a series of matters involved in children's programming and advertising, including content diversification, age-specificity in programming, responsive scheduling, advertising practices, alternative financing and industry self regulation.

Parties wishing to be heard on these or related matters, should communicate that desire to the Commission no later than December 15, 1972. These requests to participate should refer to the oral argument and should be directed to the Commission's Broadcast Bureau, attention: Rules and Standards Division. In their requests, parties should indicate the amount of time desired and any scheduling problems which would preclude their participation on one or more of the days in question. While the Commission desires the participation of all interested parties and will attempt to accommodate those with scheduling problems, this may not be possible in all cases. Similarly, it may not be possible to accord the full period of time requested by all of the various parties.

After receipt of these requests the Commission will issue an order setting forth the names of the various participants, the groups, companies and organizations represented, the time allotted to each and the schedule of their appearances.

Action by the Commission November 29, 1972. Commissioners Burch (chairman), Robert E. Lee, Johnson, H. Rex Lee, Reid, and Hooks, with Commissioner Wiley not participating.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

BEN F. WAPLE,
Secretary.

[FR Doc.72-20857 Filed 12-4-72;8:53 am]

[Canadian List 301]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

NOVEMBER 17, 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		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CFTR (PO 680 kHz, 10D/25N, DA-2, change in day-time only).	Toronto, Ontario, N. 43°34'48", W. 70°38'30".	25	680 kHz	DA-2	U	II			E.I.O. 11-17-73.
CKIQ (Now in operation)	Kelowna, British Columbia, N. 49°50'52", W. 119°27'54".	1	1150 kHz	DA-1	U	III			
(New) (Change of site)	Fort McMurray, Alberta, N. 56°41'16", W. 111°19'55".	1 D/0.5N	1230 kHz	ND-190	U	IV	200	120	320

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
HAROLD L. KASSENS,
Assistant Chief, Broadcast Bureau.

[FR Doc.72-20864 Filed 12-4-72;8:54 am]

PBX TECHNICAL STANDARDS
SUBCOMMITTEE

Notice of Meeting

NOVEMBER 27, 1972.

In accordance with Executive Order No. 11671, dated June 7, 1972, announcement is made of a public meeting of the Technical Standards Subcommittee of the PBX Advisory Committee to be held December 13 and 14, 1972. The subcommittee will meet at 1229 20th Street NW., Room A-110 at 10 a.m.

1. *Purpose.* The purpose of the subcommittee is to prepare recommended standards to permit the interconnection of customer provided and maintained PBX equipment to the public switched network.

2. *Membership.* The subcommittee is chaired by John L. Wheeler and is composed of the following: H. G. Nold, M. J. Birck, G. Jahn, F. W. Warden, J. E. Merkel, J. F. Holmes, L. M. Hartwell, W. C. Hunkele, W. G. Pracejus, B. L. Troutman, J. J. Grumblatt, G. F. Orelli, P. Bennet, J. R. Mineo, T. F. Lysaught.

3. *Activities.* As at prior meetings, subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to interconnection.

4. *Agenda.* The agenda for the December 13 and 14 meeting will be as follows:

- Report of Task Groups:
 - Nonbarrier PBX Standard (G. Orelli).
 - On Site Inspection Standard for Nonbarrier PBX (L. A. Hohmann).
 - Interface Criteria (M. J. Birck).
 - Follow-up Program for Continued Manufacturing Conformance (W. G. Pracejus).
 - Glossary (T. F. Lysaught).
- Review of tasks, priorities and schedules.
- Task Group meetings as required.
- Report of Task Groups (afternoon of second day).
- Next Meeting.

It is suggested that those desiring more specific information about the meeting call the Domestic Rates Division on (202) 632-6457.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[FR Doc.72-20859 Filed 12-4-72;8:54 am]

STEERING COMMITTEE OF THE CABLE
TELEVISION TECHNICAL ADVISORY
COMMITTEE

Meeting Scheduled

NOVEMBER 24, 1972.

The Steering Committee of the Cable Television Technical Advisory Committee will hold an open meeting on December 4, 1972, at 10 a.m. The meeting will be held at Stanford Research Institute, in Room S109 of the International Building, located at 333 Ravenswood Avenue, Menlo Park, CA.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[FR Doc.72-20860 Filed 12-4-72;8:54 am]

[Docket No. 19612; FCC 72R-338]

TEX-ARK TV COMPANY, INC.

Order Regarding Oral Argument

In regard application of Tex-Ark TV Company, Inc. (KTXK-TV), Texarkana, Tex., Docket No. 19612, File No. BMPCT-7416; for extension of construction permit.

1. The Review Board having under consideration (1) its Order (FCC 72R-321, released November 10, 1972) scheduling oral argument herein for November 28, 1972, and (2) the application for continuance filed on November 16, 1972, by Tex-Ark TV Co., Inc.;

2. It appearing, that rescheduling of oral argument for 10 a.m. on December 5, 1972, would be conducive to the orderly dispatch of the Commission's business;

3. It is ordered, That the Review Board's Order (FCC 72R-321, released November 10, 1972), is amended to specify that the scheduled oral argument will commence at 10 a.m. on December 5, 1972.

Adopted: November 21, 1972.

Released: November 24, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[FR Doc.72-20863 Filed 12-4-72;8:54 am]

[Docket No. 19325]

WORLD ADMINISTRATIVE RADIO
CONFERENCE FOR MARITIME MO-
BILE TELECOMMUNICATIONS

Order Extending Time

In the matter of preparation for the ITU World Administrative Radio Conference for Maritime Mobile Telecommunications to be convened at the beginning of 1974, Docket No. 19325.

1. On November 1, 1972, the Commission adopted its Second Notice of Inquiry in this proceeding, preparatory to a World Administrative Radio Conference for Maritime Mobile Telecommunications (WARC-MAR) to be convened by the International Telecommunication Union in Geneva, on April 22, 1974, and requested comments to be filed on or before November 30, 1972, and reply comments on or before December 15, 1972.

2. The aforementioned deadlines for the filing of comments and reply comments were predicated on copies of the Preliminary Views of the United States for the WARC-MAR becoming available for distribution no later than November 15, 1972, although two copies were made

available for public inspection in the Commission's Broadcast and Dockets Reference Room, 1919 M Street NW., Washington, DC. It is now apparent that copies of the Preliminary Views will not become available from the printer for distribution before November 28, 1972, thus precluding the possibility of initial comments being filed in keeping with the closing date of November 30th.

3. Accordingly, the date for filing comments in this proceeding is extended from November 30th to December 31, 1972, and reply comments from December 15th to January 15, 1973. Authority for this action is taken pursuant to § 2.051(b) of the Commission's rules.

Adopted: November 17, 1972.

Released: November 17, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,
DANIEL R. OHLBAUM,
Deputy General Counsel.

[FR Doc.72-20861 Filed 12-4-72;8:54 am]

[Docket No. 19558]

OVERSEAS DATAPHONE SERVICE

Order Regarding Inquiry Into Policy in Future Authorization

Inquiry into policy to be followed in future authorization of overseas Dataphone service, Docket No. 19558.

1. By letter dated November 22, 1972, RCA Global Communications, Inc. (RCA Globcom) requests an extension of time until December 29, 1972, in which to file comments in the above-captioned Inquiry. RCA Globcom alleges that the requested extension of time is needed because of the complexity of the matters under consideration in this Inquiry and the potential impact of the policy issues under consideration on the future of the international communications industry. RCA Globcom represents that the other parties requested to respond to the Inquiry have indicated that they will not object to the requested extension.

2. We find that RCA Globcom has shown good cause for the requested extension of time.

3. Accordingly, it is ordered, Pursuant to § 3.03(c) of the Commission's rules pertaining to Delegations of Authority that the request of RCA Global Communications, Inc., is granted; and

(A) The time in which to file comments in Docket 19558 is extended until December 29, 1972; and

(B) The time in which to file reply comments is extended until January 31, 1973.

Adopted: November 28, 1972.

Released: November 29, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,
BERNARD STRASSBURG,
Chief,
Common Carrier Bureau.

[FR Doc.72-20862 Filed 12-4-72;8:54 am]

FEDERAL MARITIME COMMISSION

ATLANTIC CONTAINER LINE, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC, 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:

George F. Galland, Esq., Galland, Kharasch, Calkins & Brown, Canal Square, 1054 Thirty-first Street, NW., Washington, DC 20007

Agreement No. 9498-3 modifies the basic agreement forming the above-named consortium to add trade between Canada and the U.S. East Coast to its geographic scope and to specifically show France, the United Kingdom and Eire as part of the existing geographic scope. It also makes certain language changes predicated upon the addition of Canada.

By order of the Federal Maritime Commission.

Dated: November 30, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-20879 Filed 12-4-72;8:50 am]

COMPAGNIE MALGACHE DE NAVIGATION AND SOUTH SHIPPING LINES—IRAN LINE

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 in 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, DC, 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:

J. J. Soletto, Inbound Manager, Jan C. Uiterwyk Co., Inc., 715 East Bird Street, Tampa, FL 33604.

Agreement No. 10024, between Compagnie Malgache de Navigation and South Shipping Lines—Iran Line, establishes a through billing arrangement for the transportation of general cargo in the trade from Malagasy ports to U.S. Atlantic and Gulf ports served by Iran Line, with transshipment at Tamatave, under terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: November 30, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-20880 Filed 12-4-72;8:50 am]

DEN NORSKE AMERIKELINJE A/S AND DEUTSCHE ATLANTIK SCHIFF-AHRTSGESELLSCHAFT M.B.H. & CO.

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:

Ralph E. Casey, Esq., Haight, Gardner, Poor & Havens, Federal Bar Building, 1815 H Street NW., Washington, DC 20006.

Agreement No. 10001 between Den Norske Amerikalnne A/S (Norwegian America Line) and Deutsche Atlantik Schifffahrts-Gesellschaft m.b.M. & Co. (German Atlantic Line) provides for the spacing of sailings of their passenger vessels from the United States and foreign ports; publication of joint sailing schedules, rate sheets, advertising and promotional material related to such vessels; sharing of offices; having common employees in the United States; and the apportionment between the parties of the cost of rent, light, telephones, supplies, compensation of such employees and other expenses incurred in connection with such offices and employees.

By order of the Federal Maritime Commission.

Dated: November 30, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-20885 Filed 12-4-72; 8:51 am]

NEW YORK FREIGHT BUREAU (HONG KONG)

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, Wash-

ington, 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:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 5700-15 in effect modifies Article 12(a) of the New York Freight Bureau's (Hong Kong) basic agreement by requiring all new members to become party to Cooperative Working Agreement No. 9970. Also, a fee of two thousand dollars (\$2,000) is to be assessed each applicant upon admission or readmission to the conference.

By order of the Federal Maritime Commission.

Dated: November 30, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-20882 Filed 12-4-72; 8:51 am]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION AND WINES & SPIRITS DUAL RATE CONTRACT

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015 or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C., 20573, within 10 days after publication of this notice in the *FEDERAL REGISTER*. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfair-

ness 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 petition (as indicated hereinafter), and the statement should indicate that this has been done.

Ronald A. Capone, Esq.,
Kirlin, Campbell & Keating,
The Farragut Building,
900 Seventeenth Street NW.,
Washington, D.C. 20006.

The above-named steamship conference has filed an application for permission to revise its dual rate contract applicable to wines and spirits to include the merchant contractor's intermodal shipments moving under a through bill of lading; to provide for the imposition of a surcharge on wines and spirits shipments simultaneously with that imposed on general cargo shipments; to establish new contract ocean rates to be effective from the effective date of the revised contract to and including October 31, 1974; to spell out the procedures to be followed for increasing rates; and to acknowledge the right of individual association members to reduce rates subject to certain requirements. The revised contract is identified as Agreement No. 5850-DR-4 (wines and spirits).

By order of the Federal Maritime Commission.

Dated: November 30, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-20881 Filed 12-4-72; 8:50 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

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:

Charles F. Warren, Esq., 1100 Connecticut Avenue, N.W., Washington, DC 20036.

Agreement No. 14-36 in effect modifies Article 1 of the basic agreement by relinquishing the Trans-Pacific Freight Conference's (Hong Kong) jurisdiction over traffic originating in China, south of Foochow and destined to U.S. Pacific ports, including Alaska.

By order of the Federal Maritime Commission.

Dated: November 30, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-20883 Filed 12-4-72; 8:51 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

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 N.W., 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:

Charles F. Warren, Esq., 1100 Connecticut Avenue N.W., Washington, DC 20036.

Agreement No. 14-35 in effect modifies Article 12 of the Trans-Pacific Freight Conference's basic agreement by requiring all new members to become party to Cooperative Working Agreement No. 9970. Also, a fee of two-thousand dollars (\$2,000) is to be assessed each applicant upon admission or readmission to the conference.

By order of the Federal Maritime Commission.

Dated: November 30, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-20884 Filed 12-4-72; 8:51 am]

FEDERAL POWER COMMISSION

[Dockets Nos. G-4904, etc.]

AMOCO PRODUCTION CO., ET AL.

Certificates of Public Convenience and Necessity; Findings and Order

NOVEMBER 27, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceedings, making successors co-respondent, and accepting, redesignating, and canceling FPC Gas Rate Schedules.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

At a hearing held on November 21, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered and the certificates issued to certain of said applicants should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that certain successors in interest, who are herein authorized to continue sales of natural gas in interstate commerce, should be made correspondents in their predecessors' rate proceedings.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates, for sales authorized herein to be continued under new or amended certificates, should be amended by deleting therefrom authorization to sell gas and that the predecessor's certificate issued in docket No. CI68-963 should be terminated.

(11) Applicants in dockets Nos. CI71-569 and CI72-871 have not collected any amounts subject to refund in dockets Nos. RI67-248 and RI70-1305, respectively, in excess of the just and reasonable area rates.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that applicant in docket No. CI73-52 should be made a correspondent in its predecessor's rate proceeding in docket No. RI69-789.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto or deleting therefrom authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects and orders shall remain in full force and effect.

(E) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (p.s.i.a.)
G-4904	12.513125	14.65
G-16853	18.75	14.65
CI72-688	24.0	15.025
CI72-799	15.5	14.65

(F) Within 90 days from the date of this order, Applicants in Docket Nos. G-4904 and CI72-763¹ shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion Nos. 586 and 607, respectively.

(G) Within 90 days from the date of initial delivery, Applicants in Docket Nos. G-16853 and CI72-799 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586.

(H) The certificates and certificate authorization granted in Docket Nos. G-4904, G-16853, CI72-763,¹ and CI72-799 are subject to the Commission's findings and orders accompanying Opinion Nos. 586, 586-A, 607, and 607-A, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the Regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however*, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(I) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described and as more fully described in the applications and tabulation, are granted.

(J) Clinton Oil Co. is made a correspondent in the proceeding pending in Docket No. RI69-789 and said proceeding is redesignated accordingly. Clinton shall comply with the refunding procedure required by the Natural Gas Act and section 154.102 of the Regulations thereunder.

(K) The certificate issued in Docket No. CI68-963 is terminated and Sun Oil Co. FPC Gas Rate Schedule No. 456 is canceled.

¹ The temporary certificate in Docket No. CI72-763 was erroneously issued subject to the Commission's findings and order accompanying Opinion No. 586 rather than Opinion No. 607.

(L) Applicant in Docket No. CI73-37 is not relieved of any refund obligation in Docket Nos. RI69-320 and RI72-145.

(M) Orders issuing certificates in the following dockets are amended by deleting therefrom authorization to sell gas where said sales are authorized to be continued under new or amended certificates herein:

New certificate Docket No.	Amended certificate Docket No.
CI72-799	G-14798
CI72-809	G-11969
CI72-826	G-15303
CI72-827	G-12363
CI72-833	G-17101
CI72-840	CI66-581
CI72-849	G-15820
CI72-871	G-8852

(N) The proceeding pending in Docket No. RI67-248 is terminated in toto and the proceeding pending in Docket No. RI70-1305 is terminated with respect to sales made pursuant to Gulf Oil Corp. (Operator), et al., FPC Gas Rate Schedule No. 39.

(O) The certificates issued for sales authorized to be abandoned in the following dockets are terminated:

Abandonment Docket No.	certificate Docket No.
CI69-1215	G-15377
CI70-1144	G-13086
CI72-742	CI62-1082
CI72-774	CI64-46
CI72-775	CI64-107
CI72-816	G-11126
CI72-871	G-8852
CI73-28	G-10354
CI73-30	CI66-295
CI73-37	CI67-1577

(P) The certificate issued in Docket No. CI62-763 is terminated.

(Q) The certificate issued in Docket No. CI72-688 establishes the rate which shall be paid by the buyer to the seller but is without prejudice to any action which may be taken by the Commission in a rate proceeding involving either company.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule ¹		
			Description and date of document	No.	Supp.
G-4904 6-23-72 ¹	Amoco Production Co. (Operator) et al.	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	Assignment 1-27-72 ² (Effective date: 10-28-71). ³	84	141
G-7536 D ⁴	Amoco Production Co.	Mountain Fuel Supply Co., Ace Unit Area, Moffat County, Colo.	Assignment 12-31-60 ¹	116	9
G-12318 B 6-9-72	Atlantic Richfield Co. (Operator) et al.	Cities Service Gas Co., Eureka Area, Grant County, Okla.	Notice of partial cancel- lation 6-7-72. ⁵	169	7
G-12698 B 6-12-72	Atlantic Richfield Co.	Cities Service Gas Co., acreage in Grant County, Okla.	Notice of partial cancel- lation 6-7-72. ⁵	397	8
G-16379 D 2-11-72	Mobil Oil Corp.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	Notice of partial cancel- lation 2-7-72. ⁶	166	11

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	FPC gas rate schedule Description and date of document	No.	Supp.
G-16379 D 2-11-72 G-16853 7-6-72 ¹⁰	do Oklahoma Natural Gas Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Notice of cancellation 2-7-72 ⁹ Operating agreement 4-28-68 (cancels Sun Oil Co. FPC Gas Rate Schedule No. 456) ¹¹ (Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	166 16	12 9
C162-365 C 6-10-72	Continental Oil Co.	El Paso Natural Gas Co., Lindreth Area, Rio Arriba County, N. Mex.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	208	13
C162-825 D 8-2-72	Mobil Oil Corp. (Oper- ator) et al.	El Paso Natural Gas Co., Rio Caballos Field, Pecos County, Tex.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	312	32
C169-1215 B 6-10-69 ¹⁴	A. P. King, Jr. (Oper- ator) et al.	United Gas Pipe Line Co., Northwest Branch Field, Acadia Parish, La.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	10	
C170-1144 B 5-8-70 ¹⁵	Colorado Oil & Gas Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., Stephens Field, Meade County, Kans.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	39	14
C171-569 2-8-71 ¹⁷	Union Oil Co. of Cali- fornia.	Cities Service Gas Co., Sterling Field, Coman- che County, Okla.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	143	4
C172-688 A 4-24-72 ^{10 20}	Odessa Natural Corp.	El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	5	
C172-725 5-12-72 ²¹	Cities Service Oil Co.	United Gas Pipe Line Co., Willow Springs Field, Gregg County, Tex.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	387	
C172-742 B 5-18-72 ²⁴	Midwest Oil Corp.	Cities Service Gas Co., J. A. Meade Field, Comanche County, Okla.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	25	4
C172-750 A 8-19-72	Union Oil Co. of Cali- fornia.	Dareco, Inc., Lazy B Field, Campbell County, Wyo.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	211	
C172-763 5-22-72 ²⁵	Shelly Oil Co.	Lone Star Gas Co., Cox Lease, Stephens County, Okla.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	259	
C172-774 B 5-30-72 ²⁶	Shadid Production Co. (Operator) et al.	Arkansas Louisiana Gas Co., Moravia Field, Beckham County, Okla.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	1	2
C172-775 B 5-30-72 ²⁷	do	Arkansas Louisiana Gas Co., Moravia Field, Beckham County, Okla.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	2	3
C172-790 F 6-1-72 ²⁸	Colorado Oil & Gas Corp.	Panhandle Eastern Pipe Line Co., Greenwood Gas Field, Morton County, Kans.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	72	1
C172-800 F 6-7-72	Clinton Oil Co.	El Paso Natural Gas Co., South Blanco and Tapatio Pictured Cliffs Fields, Rio Arriba County, N. Mex.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	90	1
C172-810 B 6-9-72 ²⁹	Cities Service Oil Co.	Natural Gas Pipeline Co. of America, Milton Field, Harris County, Tex.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	91	3
C172-826 F 6-12-72	Clinton Oil Co.	West Kutz Pictured Cliffs Field, San Juan County, N. Mex.	(Effective date: 4-1-72) ¹² Amendment agreement 5-23-72 (Effective date: Date of Initial Delivery) Letter 7-14-72 ¹³	91	5

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule Description and date of document	No.	Supp.
C172-827 F 6-14-72	do	El Paso Natural Gas Co., Bass Dakota Field, San Juan County, N. Mex.	Contract 3-18-57 ³⁰ Letter agreement 7-23-58 ³¹ Letter agreement 7-5-60 ³² Letter agreement 4-20-61 ³³ Assignment 4-12-63 ³⁴ Assignment 12-31-69 ³⁵ (Effective date: 12-31-69) ³⁶	92	1 2 3 4 5
C172-833 F 6-15-72	do	El Paso Natural Gas Co., Bisti and Gallagos Gallup Fields, San Juan County, N. Mex.	Contract 10-29-48 ³⁷ Assignment 9-1-69 ³⁸ Assignment 9-16-69 ³⁹ Supplement agreement 9-22-69 ⁴⁰ Assignment 10-8-69 ⁴¹ Letter agreement 3-15-60 ⁴² Supplement agreement 8-26-60 ⁴³ Letter agreement 2-11-63 ⁴⁴ Letter agreement 9-23-66 ⁴⁵ Assignment 12-31-69 ⁴⁶ (Effective date: 12-31-69) ⁴⁷ Contract 5-15-72 ⁴⁸ (Effective date: 9-7-71) ⁴⁹	93	1 2 3 4 5 6 7 8 9 389
C172-840 6-19-72 ³⁵	Cities Service Oil Co.	Michigan Wisconsin Pipe Line Co., Clarence Cheap Unit, Harper County, Okla.	Contract 5-7-53 ⁵⁰ Letter agreement 4-18-61 ⁵¹ Letter agreement 4-20-61 ⁵² Supplement agreement 1-18-61 ⁵³ Letter agreement 11-30-61 ⁵⁴ Assignment 12-31-69 ⁵⁵ (Effective date: 12-31-69) ⁵⁶ Notice of cancellation 6-25-72 ⁵⁷	94	1 2 3 4 5 12
C172-849 F 6-21-72	Clinton Oil Co.	El Paso Natural Gas Co., Otero Rancheros Field, Rio Arriba County, N. Mex.	Contract 5-7-53 ⁵⁰ Letter agreement 4-18-61 ⁵¹ Letter agreement 4-20-61 ⁵² Supplement agreement 1-18-61 ⁵³ Letter agreement 11-30-61 ⁵⁴ Assignment 12-31-69 ⁵⁵ (Effective date: 12-31-69) ⁵⁶ Notice of cancellation 6-25-72 ⁵⁷	94	1 2 3 4 5 12
C172-871 B 6-23-72 ⁴⁰	Gulf Oil Corp. (Operator) et al.	Trunkline Gas Co., San Salvador Field, Hidalgo County, Tex.	Contract 5-7-53 ⁵⁰ Letter agreement 4-18-61 ⁵¹ Letter agreement 4-20-61 ⁵² Supplement agreement 1-18-61 ⁵³ Letter agreement 11-30-61 ⁵⁴ Assignment 12-31-69 ⁵⁵ (Effective date: 12-31-69) ⁵⁶ Notice of cancellation 6-25-72 ⁵⁷	94	1 2 3 4 5 12
C172-876 B 6-26-72 ⁴³	R. J. Patrick	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	Contract 5-7-53 ⁵⁰ Letter agreement 4-18-61 ⁵¹ Letter agreement 4-20-61 ⁵² Supplement agreement 1-18-61 ⁵³ Letter agreement 11-30-61 ⁵⁴ Assignment 12-31-69 ⁵⁵ (Effective date: 12-31-69) ⁵⁶ Notice of cancellation 6-25-72 ⁵⁷	94	1 2 3 4 5 12
C173-28 B 7-12-72 ⁴⁴	Atlantic Richfield Co.	Natural Gas Pipeline Co. of America, Clayton Field, Live Oak County, Tex.	Contract 5-7-53 ⁵⁰ Letter agreement 4-18-61 ⁵¹ Letter agreement 4-20-61 ⁵² Supplement agreement 1-18-61 ⁵³ Letter agreement 11-30-61 ⁵⁴ Assignment 12-31-69 ⁵⁵ (Effective date: 12-31-69) ⁵⁶ Notice of cancellation 6-25-72 ⁵⁷	144	4
C173-30 B 7-10-72 ⁴⁵	Cabot Corp. (SW)	United Gas Pipe Line Co., Fortoria Field, Montgomery County, Tex.	Contract 5-7-53 ⁵⁰ Letter agreement 4-18-61 ⁵¹ Letter agreement 4-20-61 ⁵² Supplement agreement 1-18-61 ⁵³ Letter agreement 11-30-61 ⁵⁴ Assignment 12-31-69 ⁵⁵ (Effective date: 12-31-69) ⁵⁶ Notice of cancellation 6-25-72 ⁵⁷	78	4
C173-31 B 7-12-72	Felmont Oil Corp.	Consolidated Gas Supply Corp., and Columbia Gas Transmission Corp., Big Mountain Gas Pool, Bedford County, Pa.	Contract 5-7-53 ⁵⁰ Letter agreement 4-18-61 ⁵¹ Letter agreement 4-20-61 ⁵² Supplement agreement 1-18-61 ⁵³ Letter agreement 11-30-61 ⁵⁴ Assignment 12-31-69 ⁵⁵ (Effective date: 12-31-69) ⁵⁶ Notice of cancellation 6-25-72 ⁵⁷	389	4
C173-37 B 7-14-72 ⁴⁷	Gulf Oil Corp.	Transwestern Pipeline Co., West Hobo Caballos Field, Roswell County, N. Mex.	Contract 5-7-53 ⁵⁰ Letter agreement 4-18-61 ⁵¹ Letter agreement 4-20-61 ⁵² Supplement agreement 1-18-61 ⁵³ Letter agreement 11-30-61 ⁵⁴ Assignment 12-31-69 ⁵⁵ (Effective date: 12-31-69) ⁵⁶ Notice of cancellation 6-25-72 ⁵⁷	103	1 2 3 4
C173-52 F 7-21-72	Clinton Oil Co.	Mountain Fuel Supply Co., Ace Unit Area, Moffat County, Colo.	Contract 5-7-53 ⁵⁰ Letter agreement 4-18-61 ⁵¹ Letter agreement 4-20-61 ⁵² Supplement agreement 1-18-61 ⁵³ Letter agreement 11-30-61 ⁵⁴ Assignment 12-31-69 ⁵⁵ (Effective date: 12-31-69) ⁵⁶ Notice of cancellation 6-25-72 ⁵⁷	103	1 2 3 4

¹ The acreage involved was previously covered under Northern Pump Co. FPC Gas Rate Schedule No. 5 and the certificate in Docket No. G-3290 prior to assignment to Applicant, Northern Pump Co.'s small producer certificate cannot cover Amoco's interest. Amoco is required to submit the subject filing.

² From John B. Hawley, Jr., to Applicant.

³ Effective date of transfer of producing properties.

⁴ No certificate filing required. 18 CFR 2.64. The subject acreage being deleted related to succession filing by partial successor, Clinton Oil Co. in Docket No. C173-52.

⁵ Assigns acreage to Clinton Oil Co.

⁶ Where no effective date is shown, it is the date of this order.

⁷ Buyer concurs in abandonment.

Footnotes continued on next page.

- ¹ Includes assignment of acreage from Mobil Oil Corp. to Skelly Oil Co. who was authorized in Docket No. G-15463 to continue the sale from the assigned acreage.
- ² Includes letter which advises buyer that certain nonproducing leases have terminated.
- ³ Applicant is filing to cover sales from its own interest in P. J. Lake No. 2 Well, previously covered by Sun Oil Co. FPC Gas Rate Schedule No. 466 and the certificate in Docket No. C163-963. Although Applicant had not agreed to participate in the subject well, Applicant's interest reverted after payout of well on Apr. 1, 1972, under terms of Apr. 23, 1968, operating agreement.
- ⁴ Sun's FPC Gas Rate Schedule No. 456 covered only interest of Oklahoma Natural Gas Co.
- ⁵ Effective date of payout of C. J. Lake No. 2 Well under terms of operating agreement.
- ⁶ Advises buyer that a nonproducing lease has been canceled.
- ⁷ A. F. King, Jr. (Operator) et al., submitted an abandonment application but did not submit a rate filing. Commission efforts to obtain appropriate filing have been unsuccessful; therefore, the rate schedule will be canceled on the Commission's own motion. The buyer has advised that the deliveries ceased Oct. 27, 1963, however, the contract remains in effect until Aug. 26, 1978.
- ⁸ Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-15377.
- ⁹ Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-13086.
- ¹⁰ Filed as abandonment application, but being treated as application to terminate certificate.
- ¹¹ Includes conveyance dated Nov. 11, 1970 assigning interest to Grapevine Corp. which has small producer certificate in Docket No. C872-403.
- ¹² Seller is a wholly owned subsidiary of buyer.
- ¹³ By letter dated June 19, 1972, Applicant expressed willingness to accept permanent certificate conditioned similarly to the temporary certificate.
- ¹⁴ Applicant is filing to cover sales from its own interest, previously covered by the operator, Louis Dorfman. FPC Gas Rate Schedule No. 387 and the certificate in Docket No. C161-932.
- ¹⁵ Heretofore accepted for filing.
- ¹⁶ Effective date of small producer certificate of operator.
- ¹⁷ Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C162-1082.
- ¹⁸ Applicant is filing to cover sales from its own interest, previously covered by the operator, Kirkpatrick Oil and Gas Co. FPC Gas Rate Schedule No. 259 and the certificate in Docket No. C169-2.
- ¹⁹ Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C164-46.
- ²⁰ Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C164-107.
- ²¹ Acreage acquired by assignment dated Nov. 20, 1959. Filing erroneously not submitted previously.
- ²² Currently on file as Humble Oil & Refining Co. FPC Gas Rate Schedule No. 204.
- ²³ From The Carter Oil Co. (now Humble Oil & Refining Co.) to Applicant.
- ²⁴ Also on file as Amoco Production Co., FPC Gas Rate Schedule No. 193.
- ²⁵ From Amoco Production Co. to Applicant.
- ²⁶ Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-11126.
- ²⁷ Includes assignment dated Mar. 31, 1970, effective Dec. 31, 1969, whereby Cities Service Oil Co. assigned all its interest covered by this rate schedule to FM 149 Investors.
- ²⁸ Also on file as Amoco Production Co. FPC Gas Rate Schedule No. 195.
- ²⁹ Also on file as Amoco Production Co. FPC Gas Rate Schedule No. 199.
- ³⁰ Also on file as Amoco Production Co. FPC Gas Rate Schedule No. 222.
- ³¹ Applicant is filing to cover sales from its own interest, previously covered by the operator, Apache Corp. FPC Gas Rate Schedule No. 389 and the certificate in Docket No. C166-581.
- ³² Also on file as Amoco Production Co. FPC Gas Rate Schedule No. 233.
- ³³ Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-8852.
- ³⁴ Includes agreement canceling contract.
- ³⁵ No related rate schedule cancellation filing submitted.
- ³⁶ Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C167-1039.
- ³⁷ Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-10354.
- ³⁸ Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. C166-295.
- ³⁹ Related rate schedule canceled and original related certificate terminated by Commission Order No. 411, granting small producer certificate.
- ⁴⁰ Applicant proposes to abandon sale of natural gas heretofore authorized in Docket No. C167-1577.
- ⁴¹ Also on file as Amoco Production Co. FPC Gas Rate Schedule No. 116.

[FR Doc.72-20708 Filed 12-4-72;8:45 am]

[Dockets Nos. RI70-830, etc.]

ATLANTIC RICHFIELD CO.

Order Providing for Hearing on Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; ¹ Correction

NOVEMBER 21, 1972.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued October 25, 1972, and published in the FEDERAL REGISTER October 31, 1972, 37 (F.R. 23221): In Appendix A, Docket No. RI73-76, Cities Service Oil Co., under column headed "Proposed Increased Rate", opposite Rate Schedule No. 382, Supp. No. 4, delete footnote reference "8" and insert, in lieu thereof, footnote reference "5".

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-20811 Filed 12-4-72;8:47 am]

[Dockets Nos. C167-248, etc.]

BEACON GASOLINE CO. ET AL. Certificate of Public Convenience and Necessity; Findings and Order

NOVEMBER 27, 1972.

Findings and order after statutory hearing issuing certificate of public convenience and necessity, amending orders issuing certificate, accepting rate schedules and rate schedule supplements for filing, making successor correspondent, and redesignating proceedings.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to continue, add, or discontinue

in part natural gas service in interstate commerce as indicated in the tabulation herein.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on November 21, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefore, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing or are redesignated as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that applicant in Docket No. CI72-797 should be made a co-respondent in the proceedings pending in Dockets Nos. RI69-275 and RI72-169.

The Commission orders:

(A) A certificate of public convenience and necessity is issued upon the terms and conditions of this order authorizing applicant in Docket No. CI72-797 to continue sales of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicant. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contract herein involved. The grant of the certificate aforesaid for service to the particular customer involved does not imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract as provided by section 7(b) of the Natural Gas Act. The grant of the certificate aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificate.

(D) Applicant in Docket No. CI72-797 is made a co-respondent in the proceedings pending in Dockets Nos. RI69-375 and RI72-169 and said proceedings are redesignated accordingly. Applicant shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(E) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto authorization to sell natural gas or by substituting successors in interest as certificate holders, all as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(F) The rate schedule and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document	No.	Supp.
CI67-248 C 5-15-72	Beacon Gasoline Co.	Oakes Field, ¹ Claiborne Parish, La.	Gas processing contract 2-15-72.	33	
			Gas gathering agreement 2-15-72.	33	1
			(Effective date: Date of initial delivery).		
CI67-619 D ²	Amoco Production Co.	El Paso Natural Gas Co., Mickelson Creek Field, Sublette County, Wyo.	Assignment 12-31-69 ³	457	2
			(Effective date: Date of this order).		
CI70-589 ⁴ E 6-7-72	Oklahoma Natural Development Corp.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	Oklahoma Natural Gas Co. FPC Gas Rate Schedule No. 38.	1	
			Supplement Nos. 1-6 thereto.	1	1-6
			Notice of succession (undated).		
CI71-708 ⁴ E 6-7-72	do	Northern Natural Gas Co., Parnell South Field, Ochiltree County, Tex.	Assignment 4-1-72 ⁵	1	7
			(Effective date: 4-1-72).		
			Oklahoma Natural Gas Co. FPC Gas Rate Schedule No. 39.	2	
			Supplement No. 1 thereto.	2	1
			Notice of succession (undated).		
CI72-562 ⁴ E 6-7-72	do	Northern Natural Gas Co., North Follett Field, Lipscomb County, Tex.	Assignment 4-1-72 ⁵	2	2
			(Effective date: 4-1-72).		
			Oklahoma Natural Gas Co. FPC Gas Rate Schedule No. 42.	3	
			Supplement Nos. 1-2 thereto.	3	1-2
			Notice of succession (undated).		
CI72-797 ⁶ F 6-2-72	Clinton Oil Co.	El Paso Natural Gas Co., West Kutz Pictured Cliffs Field, San Juan County, N. Mex.	Assignment 4-1-72 ⁵	3	3
			(Effective date: 4-1-72).		
			Contract 12-6-51	88	
			Amendatory agreement 11-6-53.	88	1
			Letter agreement 10-12-55.	88	2
			Ratification 1-16-59.	88	3
			Amendatory agreement 1-17-59.	88	4
			Letter agreement 7-5-60.	88	5
			Letter agreement 4-20-61.	88	6
			Amendatory agreement 7-7-66.	88	7
			Supplemental agreement 12-12-66.	88	8
			Supplemental agreement 1-16-67.	88	9
			Supplemental agreement 4-6-67.	88	10
			Supplemental agreement 7-9-68.	88	11
			Assignment 12-31-69 ⁷	88	12
			(Effective date: 12-31-69).		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

¹ Applicant gathers the gas of Bob L. Herd et al., and processes it in its plant and redelivers residue gas to the pipeline for Herd's account. Bob L. Herd is holder of a small producer certificate in Docket No. CS72-87.

² No certificate filing necessary (18 CFR 2.64).

³ Assigns acreage from Applicant to Clinton Oil Co.

⁴ Applicant proposes to continue sales of natural gas heretofore authorized in subject docket to be made by Oklahoma Natural Gas Co.

⁵ Assigns acreage to Applicant from Oklahoma Natural Gas Co.

⁶ Applicant proposes to continue in part a sale of natural gas heretofore authorized in Docket No. G-10799 to be made pursuant to Amoco Production Co. FPC Gas Rate Schedule No. 163.

⁷ Assigns acreage to Applicant from Amoco Production Co.

[FR Doc.72-20709 Filed 12-4-72;8:45 am]

[Docket No. E-7817]

**CENTRAL VERMONT PUBLIC SERVICE
CORP. AND GREEN MOUNTAIN
POWER CORP.**

Notice of Application

NOVEMBER 28, 1972.

Take notice that on November 14, 1972, Central Vermont Public Service Corp. (Central Vermont) and Green Mountain Power Corp. (Green Mountain) filed a joint application seeking authority pursuant to section 203 of the Federal Power Act to acquire 26,391 and 12,159 shares respectively of the common stock of Vermont Electric Power Co. (VELCO).

Central Vermont is incorporated under the laws of the State of Vermont with its principal business office at Rutland, Vt. Central Vermont is engaged in the electric utility business and serves about 88,000 customers in 154 of the 245 towns in Vermont.

Green Mountain is incorporated under the laws of the State of Vermont with its principal business office at Burlington, Vt. Green Mountain is engaged in the electric utility business and provides electric service to about 48,600 customers in the northern portion of Vermont.

VELCO is incorporated under the laws of the State of Vermont with its principal business office at Rutland, Vt. VELCO owns and operates a transmission system throughout the State of Vermont. All of the common stock in VELCO is owned by electric utilities operating in the State of Vermont. Approximately 66.9 percent of VELCO's common stock is owned by Central Vermont. About 28.3 percent is owned by Green Mountain and some 4.8 percent is owned by other utilities.

Central Vermont and Green Mountain are seeking authority to acquire 26,391 and 12,159 shares respectively of the common stock of VELCO. For Central Vermont the amount of shares for which approval is sought includes 21,946 shares acquired by it at various times between 1958 and 1971 and 4,445 additional shares which it has agreed to acquire from VELCO. For Green Mountain the amount of shares for which approval is sought includes 9,104 shares acquired by it at various times between 1958 and 1971 and 3,055 additional shares which it has agreed to acquire from VELCO.

As in the case of the previous sales of common stock by VELCO, the purchase price of the shares will be at the par value thereof, \$100 per share.

The proceeds from the sale of the stock together with the proceeds from the issuance of \$7,500,000 principal amount of First Mortgage Bonds will be used by VELCO to finance its continuing construction program. VELCO has undertaken an expansion of its transmission facilities to meet growing demands for power in Vermont, to distribute power generated by Vermont Yankee and to provide greater reliability through strengthened ties with the New England interconnected transmission system. The principal item in this program is the

extension of the 115 kv transmission system from St. Johnsbury, Vt. to Irasburg, Vt. at an estimated cost of \$3.8 million.

Any persons desiring to be heard or to make any protest with reference to such application should on or before December 11, 1972, file with the Commission, Washington, DC 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 herein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-20808 Filed 12-4-72;8:47 am]

[Docket No. RP72-132]

**NATURAL GAS PIPELINE CO. OF
AMERICA**

**Notice of Further Extension of Time
and Postponement of Hearing**

NOVEMBER 28, 1972.

On November 22, 1972, the Peoples Gas, Light and Coke Co. and North Shore Gas Co. filed a telegram requesting that the procedural dates fixed by the order issued June 30, 1972, as amended by the notices issued October 10, 1972, and October 27, 1972, be further modified. The telegram states that the request is supported by Natural Gas Pipeline Co. of America, Northern Illinois Gas Co., and that staff counsel and the city of Chicago have no objections. On November 24, 1972, Northern Indiana Public Service Co. and Illinois Power Co. filed similar motions for extension of time. The motion by Illinois Power Co. states that Commission staff counsel and Natural Gas Pipeline Co. of America support the motion. On November 27, 1972, Northern Illinois Gas Co. also filed a motion for an extension of time similar to those heretofore filed.

Upon consideration, notice is hereby given that the procedural dates fixed by the order issued June 30, 1972, as amended by the notices issued October 10, 1972, and October 27, 1972, are further changed as follows:

Service of intervenor evidence, December 28, 1972.

Service of company rebuttal, January 18, 1973.

Prehearing conference, December 5, 1972 (10 a.m., e.s.t.) (no change).

Commencement of hearing, February 6, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-20810 Filed 12-4-72;8:47 am]

[Dockets Nos. RI72-215, etc.]

TENNECO OIL CO. ET AL.

Order Providing for Hearing on Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund;¹ Correction

NOVEMBER 21, 1972.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued April 26, 1972, and published in the FEDERAL REGISTER May 4, 1972 (37 F.R. 9063): In Appendix A, footnote 16, change footnote 16 to read: "16 Applicable only to gas produced from formations other than the Mesa Verde and gas produced from acreage added by Supplements Nos. 7, 8, 9, 10, 11, 12, 14, and 16."

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-20812 Filed 12-4-72;8:47 am]

[Docket No. CI69-896, etc.]

**IMPERIAL-AMERICAN RESOURCES
FUND, INC.**

**Notice of Petition To Determine Small
Producer Status or Alternatively To
Amend Orders Issuing Certificates
of Public Convenience and Necessity**

NOVEMBER 28, 1972.

Take notice that on November 3, 1972, Imperial-American Resources Fund, Inc. (Petitioner), c/o W. H. Drushel, Jr., Vinson, Elkins, Searls, Connally & Smith, First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CI69-896, et al., a petition for the Commission to determine the small producer status of Petitioner as successor to Imperial-American Management Co. (Management) or alternatively to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Management by substituting Petitioner as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that Management was a management company which had a management contract with Petitioner, the general partner of several limited partnerships, and that Management was the holder of several certificates of public convenience and necessity, including a small producer certificate in Docket No. CS69-58. Petitioner states further that pursuant to a plan of reorganization under chapter X of the Bankruptcy Act record title to all of the gas properties of Management was transferred to Petitioner.

Petitioner requests that a small producer certificate be issued to it to cover all of the sales previously made by Management, or in the alternative, that a

small producer certificate be issued to Petitioner and that the Commission determine which sales formerly made by Management should be continued under Petitioner's small producer certificate and which sales should be continued by Petitioner under the other certificates issued to Management. As part of the latter alternative, Petitioner requests that the orders issuing certificates to Management be amended by substituting Petitioner as certificate holder and that the related FPC gas rate schedules be redesignated accordingly.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 18, 1972, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-20809 Filed 12-4-72; 8:47 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Filing of Motion To Make Rates and Charges Effective After Suspension

DECEMBER 1, 1972.

Take notice that on November 15, 1972, Natural Gas Pipeline Company of America (Natural) filed with the Federal Power Commission a motion to make rates and charges effective after suspension, which motion is attached hereto.

Copies of Natural's suspended tariff sheets, together with supporting data, are on file with the Commission and are available for public inspection.

A public hearing has been prescribed with respect to the rates and charges in which interested persons may participate to the extent provided by the Federal Power Commission's rules of practice and procedure and orders.

KENNETH F. PLUMB,
Secretary.

MOTION OF NATURAL GAS PIPELINE COMPANY OF AMERICA TO MAKE TARIFF SHEETS EFFECTIVE

Natural Gas Pipeline Company of America (Natural) hereby moves to make effective on December 1, 1972, pursuant to section 4(e) of the Natural Gas Act (15 U.S.C. sec. 717c), the tariff sheets filed by Natural in the referenced proceedings on May 31, 1972, as revised in accordance with the Commission's suspension order issued June 30, 1972 herein. Copies of such revised tariff sheets are attached.

In the May 31, 1972 filing, Natural designated July 1, 1972 as the proposed effective date for said tariff sheets. However, by Commission order issued June 30, 1972, the use of said tariff sheets was suspended until December 1, 1972, and a hearing was ordered with respect to the proposed new rates and charges in which interested persons may participate to the extent provided by the Commission's rules of practice and procedure and orders.

I. The Tariff sheets as included in the May 31, 1972 filing and as revised and attached hereto are as follows:

AS FILED, MAY 31, 1972	AS REVISED
Third Revised Volume No. 1	Third Revised Volume No. 1
Third Revised Sheet No. 5-----	Substitute Third Revised Sheet No. 5
First Revised Sheet No. 117-----	Second Revised Sheet No. 119
Second Revised Volume No. 2	First Revised Sheet No. 120-A
	Second Revised Volume No. 2
Fifth Revised Sheet No. 220-----	Substitute Fifth Revised Sheet No. 220

II. In accordance with the provisions of the June 30, 1972 order, the filed tariff sheets have been revised as follows:

1. The amount of advance payments for gas included in rate base has been reduced to \$89,779,433, the balance as of October 31, 1972, the last end-of-month date prior to this motion. Natural does not anticipate that there will be any substantial change in the amount of outstanding advances between October 31, 1972 and December 1, 1972.

2. An adjustment has been made to eliminate facility costs and related return, taxes, purchased gas cost, and operating expenses relative to facilities for which authority has been applied for but not yet granted in Docket No. CP72-233. A corresponding change in Natural's billing units has been made to reflect elimination of the sales and transportation service associated with the Docket No. CP72-233 facilities.

The above adjustments are set out in detail on pages 3 and 4 of Statement I attached hereto. Cost and revenue data reflecting these adjustments is also attached.

III. First Revised Sheet No. 117 included in the May 31, 1972 filing has been withdrawn and Second Revised Sheet No. 119 and First Revised Sheet No. 120-A have been substituted therefor. This change is necessary because of revisions in the form of Natural's purchased gas adjustment clause as required by Commission order of October 19, 1972, approving Natural's purchased gas adjustment provision. Sheets 119 and 120-A also reflect the adjustments relative to the purchased gas cost associated with the Docket No. CP72-233 facilities referred to above.

Wherefore, Natural hereby moves the effectiveness of, and makes effective, as of December 1, 1972, the tariff sheets attached hereto.

Respectfully submitted,

NATURAL GAS PIPELINE COMPANY
OF AMERICA
J. I. POOLE, JR.,
Vice President.

[FR Doc. 72-20904 Filed 12-4-72; 8:54 am]

[Docket No. RP72-127]

NORTHERN NATURAL GAS CO.

Notice of Motion To Make Effective Certain Interim Rates and Charges

DECEMBER 1, 1972.

On May 15, 1972, Northern tendered to the Federal Power Commission, for filing, revised tariff sheets proposing changes in its FPC Gas Tariff, Third Revised Volume No. 1, and Original

Volumes Nos. 2 and 3, proposed to become effective on July 3, 1972. Copies of said filing were simultaneously served on all of Northern's jurisdictional customers, on interested State commissions, and on the Federal Price Commission. The revised tariff sheets provide for an increase in annual jurisdictional revenues of approximately \$36,296,680, based upon sales volumes for the 12-month period ended February 29, 1972, as adjusted, all as required by the FPC's rules and regulations covering such filings. Said May 15, 1972 filing also included, as Statement Q thereof, a statement that the filing was in compliance with the intent and purposes of the Economic Stabilization Act of 1970, as amended, and the Public Utility Regulations of the Price Commission thereunder.

On June 30, 1972, the FPC issued its "Order Providing for Hearing Establishing Procedures, and Accepting and Suspending Proposed Revised Tariff Sheets," in Docket No. RP72-127. This order was published in the FEDERAL REGISTER, Vol. 7, No. 133 under date of July 11, 1972, at pages 13581-13582. In addition to setting dates for the service of prepared testimony and providing for a pretrial hearing, the FPC suspended the proposed revised sheets which are the subject of this proceeding, and the use thereof was deferred until December 3, 1972. By so doing the FPC suspended the use of these proposed revised sheets "for the maximum suspension period authorized by law," i.e., section 4 of the Natural Gas Act.

Thereafter, petitions for intervention were filed by 52 of Northern's jurisdictional utility customers, representing 95 percent of the jurisdictional volumes of natural gas Northern has contracted to deliver. In addition, petitions and notices of intervention were filed by interested State and local regulatory agencies.

Under date of November 27, 1972, Northern mailed a motion to the FPC to make effective the interim rates and charges in this proceeding on December 3, 1972, when the suspension period ends. Northern's rate increase filing, including Northern's statement of compliance with the Economic Stabilization

Program, is available for inspection in the Office of Public Information of the Federal Power Commission. Interested parties, upon application to and authorization by the Federal Power Commission, in accordance with the Commission's rules of practice and procedure, may participate in any hearings that may be held hereafter.

KENNETH F. PLUMB,
Secretary.

**MOTION TO HAVE SUSPENDED TARIFF SHEETS
GO INTO EFFECT**

Comes now, Northern Natural Gas Co. (Northern) and moves, pursuant to section 4(e) of the Natural Gas Act, that the rates and charges which are set forth in Northern's tariff sheets listed below and which were tendered for filing May 19, 1972, in this proceeding go into effect as of noon, December 3, 1972. The tariff sheets which Northern now moves to become effective are as follows:

Third Revised Volume No. 1—
First Revised Sheet Nos. 27b, 59 and 59a;
Second Revised Sheet No. 16;
Third Revised Sheet Nos. 21 and 26;
Substitute First Revised Sheet No. 29b;
Substitute Second Revised Sheet Nos. 34 and 37.

Original Volume No. 2—
Original Sheet Nos. 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, and 429;
First Revised Sheet Nos. 129a, 175, 209, 212, 213, 222, 226, 250, 269, 313, 317, 325, 328, 329, 337, 341, 353, 356, and 357;
Second Revised Sheet Nos. 62, 115, 122, 188, and 190;

Third Revised Sheet Nos. 256, 258, 259, and 260;
Substitute Original Sheet Nos. 369, 420, 421, 422, 423, 424, 425, 426, 427, and 428.

Original Volume No. 3—
First Revised Sheet No. 20.

I. On June 30, 1972, the Commission issued an order in this proceeding providing, in ordering clause (G) thereof, that Northern's tariff sheets be suspended and the use thereof deferred until December 3, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

II. By "Notice" issued October 17, 1972 herein, the Commission set December 5, 1972 as the date on which the Staff is to serve its evidence and testimony, December 29, 1972 as the intervenors' service date, January 23, 1973 as Northern's rebuttal service date, and February 6, 1973 as the date for commencement of hearing.

It is, therefore, apparent that a final order cannot be issued in this proceeding by the Commission prior to December 3, 1972.

Wherefore, Northern respectfully moves, in accordance with the provisions of section 4(e) of the Natural Gas Act, that Northern's tariff sheets listed herein become effective at noon, December 3, 1972.

Dated: November 22, 1972.

Respectfully submitted,

NORTHERN NATURAL GAS CO.,
F. VINSON ROACH,
Vice President and General Counsel.

¹Certain of the tariff sheets tendered for filing May 19, 1972 have since been modified to conform with Commission approval of settlement of Phase I of Docket No. RP71-107 and Commission approval of Northern's Seasonal Service Rate Schedule. Neither of said modifications, however, affected the rate levels proposed in the May 19, 1972 filing in this proceeding.

VERIFICATION

STATE OF NEBRASKA, COUNTY OF DOUGLAS:

F. Vinson Roach, being duly sworn, deposes and says that he is Vice President and General Counsel for Northern Natural Gas Co., and that he is authorized on behalf of said Company to execute and file the foregoing motion to have suspended tariff sheets go into effect; that he has read said motion and is familiar with the contents thereof; and that all statements of fact therein set forth are true and correct, to the best of his knowledge, information, and belief.

F. VINSON ROACH.

Subscribed and sworn to before me this 22d day of November 1972.

AGNES C. MEARS,
Notary Public.

My Commission expires: November 5, 1973.

[FR Doc.72-20874 Filed 12-4-72; 8:54 am]

FEDERAL RESERVE SYSTEM

RIBANCO, INC.

Order Approving Formation of Bank Holding Company

Ribanco, Inc., Lincoln, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares of Farmers State Bank, Rising City, Nebr. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating company, with no existing subsidiaries, formed for the purpose of acquiring Bank (deposits of \$5.2 million). (Banking data are as of June 30, 1972). Bank was purchased by Applicant's organizers in 1971 and the debt incurred in that transaction is to be assumed by Applicant as part of the present proposal. Acquisition of Bank by Applicant is essentially a change in the form of ownership from individual to corporate ownership. The Board notes that several of Applicant's officers and directors, individually or jointly, have controlling interests in eight other Nebraska banks with aggregate deposits of \$30.3 million. As the closest of these banks to Bank is some 25 miles away and is separated by the Platte River, there does not appear to be any significant competition between these banks and Bank. It appears that consummation of the present proposal would not have any substantial effect on competition in any relevant area.

Although Applicant is a newly organized company without an operating record, its officers and directors have demonstrated their management abilities in the operation of other banks in

Nebraska. The future prospects of Applicant are dependent upon those of Bank. The financial and managerial resources and future prospects of Bank appear satisfactory. Applicant has taken certain measures and submitted plans that indicate the Bank will generate sufficient income to retire the debt Applicant will assume as part of this proposal without placing an undue strain upon Bank's capital position. These considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served are also consistent with approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,²
effective November 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-20833 Filed 12-4-72; 8:49 am]

**TEXAS COMMERCE BANCSHARES,
INC.**

Order Approving Acquisition of Banks

Texas Commerce Bancshares, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to American Bank of Commerce, Odessa, Tex. (American Bank). As an incident to acquisition of American Bank, Applicant necessarily would acquire and seeks approval for, acquisition of 24.9 percent of the voting shares of Permian Bank & Trust, Odessa, Tex. (Permian Bank), said shares are controlled by American Bank under a trust relationship.¹

²Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

¹The application filed by Applicant with respect to the acquisition of American Bank states, "Applicant has no intention of acquiring any interest in Permian Bank & Trust except as an incident to the acquisition of 100 percent of the voting shares of [American Bank]." Applicant proposes to divest all of its interest in Permian Bank within 2 years following acquisition and views the 2-year period as necessary in order to strengthen that bank's condition to permit operation as an independent competitor.

The bank into which American Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of American Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of American Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls six banks located in the Houston and Beaumont, Tex., areas with aggregate deposits of \$1.4 billion, representing 4.7 percent of total deposits of commercial banks in the State.² Applicant, the fourth largest banking organization in Texas, is the second largest banking organization in the Houston banking market with four subsidiary banks controlling approximately 17.9 percent of deposits of commercial banks in that market. In addition, Applicant holds, through a subsidiary, between 20 and 24.9 percent of each of three other banks located in the Houston area. These three banks hold aggregate deposits of \$77.2 million, representing 1.1 percent of the total deposits of commercial banks in the Houston area. (All banking data are as of December 31, 1971, and reflect holding company formations and acquisitions approved through September 30, 1972.) Acquisition of American and Permian banks would constitute Applicant's initial entry into the Midland-Odessa banking market and will not change Applicant's ranking among banking organizations in the State.

American Bank (\$43.5 million of deposits), the fourth largest of eight banks in the Midland-Odessa banking market, controls 10 percent of deposits of commercial banks in the area. Permian Bank (\$4.7 million of deposits), the smallest of the eight banks in the relevant market, controls 1 percent of total deposits of commercial banks in this market. The two largest banks in the Midland-Odessa area (one of which is affiliated with the third largest banking organization in

the State) control 43 and 19 percent respectively of market deposits. American and Permian banks are located approximately 130 miles northwest of Applicant's recently approved subsidiary in San Angelo, Tex., and approximately 500 miles from Applicant's subsidiary banks located in Houston, Tex. It appears that no meaningful competition exists between any of Applicant's present or approved future subsidiary banks and American or Permian banks; and, on the facts of record, in particular the distances involved and the Texas law prohibiting branch banking, consummation of the proposals herein is unlikely to foreclose significant potential competition between American and Permian banks and any of Applicant's subsidiary or satellite banks. Although located approximately 2 miles from each other in Odessa, no competition exists between American and Permian banks that would be eliminated by consummation of the proposed acquisitions. Permian Bank was organized in 1971 by individuals associated with American Bank. In addition to the subject shares of Permian Bank held by trustees for the benefit of shareholders of American Bank, a significant amount of common shareholder ownership exists between these banks. A close working relationship has existed between these banks since Permian Bank began operations. Moreover, severance of control by American Bank over Permian Bank within 2 years from Applicant's acquisition of shares of these banks may encourage the future development of Permian Bank as an additional competitor in the Midland-Odessa area. Applicant's entry into this market through acquisition of American Bank should enable that bank to draw upon the substantial financial, technical, and management resource strength of Applicant and thereby increase American Bank's ability to compete more effectively with the three larger banks in that market. The Board concludes that consummation of the proposed transaction will not have an adverse effect on competition in any relevant area and may, in fact, serve to stimulate competition among commercial banks in the Midland-Odessa banking market.

The financial condition and managerial resources of Applicant and its subsidiary banks appear satisfactory and future prospects of all appear favorable. The financial condition, managerial resources and future prospects of American and Permian banks are consistent with approval. Applicant's entry into the Midland-Odessa area should significantly broaden the availability of additional banking services to the residents of this area. Specifically, Applicant proposes to make available through American Bank additional specialized banking services such as petroleum and petrochemical financing and international banking. It is the Board's judgment that consummation of the proposed acquisition of American Bank is in the public interest and should be approved.

On the basis of the record, the application to acquire American Bank is approved for the reasons summarized above and on the condition that Applicant divest itself of its interest in Permian Bank within 2 years from the effective date of acquisition of shares of American Bank, unless such period is extended for good cause by the Board. The application to acquire shares of Permian Bank is approved only to the extent necessary and for the period granted to Applicant to effect the required divestiture of its interest in Permian Bank. The acquisition of American Bank shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to the delegated authority.

By order of the Board of Governors,³ effective November 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc. 72-20834 Filed 12-4-72; 8:49 am]

OFFICE OF EMERGENCY PREPAREDNESS MICHIGAN

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 December 1, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Michigan from severe storms and flooding, beginning about November 14, 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 Michigan. 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.

³ Voting for this action: Chairman Burns and Governors Robertson, Sheehan, and Bucher. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

² On August 31, 1972, the Board approved Applicant's application to acquire American National Bank of Beaumont, Beaumont, Tex. As a condition to Board approval of that application, Applicant is required to divest its interest in Beaumont State Bank, Beaumont, Tex., within 2 years of its acquisition of American National Bank. On Oct. 6, 1972, the Board announced the approval of Applicant's application to acquire San Angelo National Bank of San Angelo, San Angelo, Tex. (\$70 million of deposits). On Nov. 2, 1972, the Board approved Applicant's application to acquire Bank Plaza del Oro, N.A., Houston, Tex., a proposed new bank. Applicant has filed applications for approval to acquire two other proposed new banks in the Houston area and Citizens National Bank of Lubbock, Lubbock, Tex.

I do hereby determine the following areas in the State of Michigan to have been adversely affected by this declared major disaster:

The counties of:

Bay.	St. Clair.
Macomb.	Tuscola.
Monroe.	Wayne.

Dated: December 1, 1972.

G. A. LINCOLN,
Director, Office of
Emergency Preparedness.

[FR Doc.72-20915 Filed 12-4-72;8:55 am]

SECURITIES AND EXCHANGE COMMISSION

[811-158]

AMERICAN EUROPEAN SECURITIES CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 28, 1972.

Notice is hereby given that American European Securities Co. (Company), 368 Center Street, Southport CT 06490, registered under the Investment Company Act of 1940 (Act), as a closed-end management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Company has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Pursuant to a plan of reorganization of the Company approved by its stockholders, all of the portfolio securities and substantially all of the other assets of the Company (except an amount of cash required to pay liabilities and a final dividend to objecting stockholders), were transferred on May 31, 1972, to American European Securities, Inc., a Panama corporation (the Panama Company) in exchange for shares of common stock of the Panama Company and the assumption by it of the liabilities of the Company. Stockholders of the Company who had voted against the plan and had demanded payment in cash for their shares were paid the "net asset value" of their shares as of the close of business on May 31, 1972. A final income dividend of \$0.2060 per share has been paid to stockholders of the Company other than the objecting stockholders, and all of the shares of the Panama Company that were received in exchange for the assets of the Company have been distributed in liquidation on a share-for-share basis to stockholders of the Company or to Morgan Guaranty Trust Co. of New York and

Pictet & Cie of Geneva, Switzerland, as agents therefor.

The Company, which will be formally dissolved under Delaware law on or about December 31, 1972, is no longer engaging, and does not intend to engage, in the investment business or any other business. It no longer owns any securities, nor does it propose to acquire securities. The Company has almost completed its liquidation, and the total value of its assets is about \$46,000. The Company also anticipates a franchise tax refund of about \$3,000 from the State of Connecticut. Pursuant to the plan of reorganization, any assets which may remain after the payment of expenses incurred in completing the liquidation of the Company are required to be turned over to the Panama Company. The Company's annual report for 1972 on Form N-1R will be filed with the Commission as soon as is possible.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 22, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.72-20803 Filed 12-4-72;8:46 am]

AMERICAN NATURAL GAS CO., ET AL.

Proposed Issue and Sale of Notes to Division of Bank by Holding Com- pany and Relending of Proceeds to Subsidiary Companies

NOVEMBER 29, 1972.

Notice is hereby given that American Natural Gas Co. (American Natural) 30 Rockefeller Plaza, Suite 4950, New York, NY 10020, a registered holding company, and its subsidiary companies, Michigan Consolidated Gas Co. (Michigan Consolidated) and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Pursuant to the Commission's order dated May 18, 1970 (Holding Company Act Release No. 16727), American Natural was authorized to issue and sell its notes, from time to time until January 1, 1973, up to a maximum of \$40 million, to the Institutional Investment Division of First National City Bank, New York, N.Y. (Investment Division). American Natural is herein seeking continuation of that authorization, which is described below, until July 1, 1974.

Investment Division administers, as trustee, pension and other funds of many corporations. It is stated that Investment Division has a continuous flow of funds from its internal operations and follows a practice of pooling these funds for loans to various corporations through its nominee, King & Co. The interest rate on the proposed notes will be equivalent to the highest rate paid daily by General Motors Acceptance Corp. on its commercial paper with a maturity of 30 to 180 days. American Natural will be notified by Investment Division of any change in the interest rate. The notes issued from January 1 to June 30, will mature July 1 of the same year and those issued from July 1 to December 31, will mature January 1 of the following year. Investment Division will have the right, however, to demand payment at any time of all or any part of the principal of the loan or loans outstanding. American Natural will have the right to prepay the notes at any time without penalty.

American Natural proposes to relend the funds obtained from Investment Division to Michigan Wisconsin and Michigan Consolidated on the same terms, conditions, and maturities as those pertaining to the funds borrowed by it. Such funds will be made available first to Michigan Wisconsin and any available balance (within the \$40 million agree-

gate maximum) will be loaned to Michigan Consolidated. While American Natural anticipates that borrowings from the Investment Division will be available on a continuing basis, when repayment is required of all or a portion of the funds borrowed by it, the two subsidiary companies, in turn, will make repayments to American Natural, approximately pro rata, to the extent repayment is requested by Investment Division. When Investment Division again has funds available, American Natural will borrow the amounts tendered and relend them to its subsidiary companies.

It is stated that under the type of arrangement described above, the subsidiaries have been able to obtain funds at a lower cost than on borrowings from banks under lines of credit. As an example, from January 1, 1972, through October 31, 1972, interest rate from Investment Division ranged from a low of 3.95 percent to a high of 5.39 percent, compared with a range in the prime rate at First National City Bank from a low of 4½ percent to a high of 5¾ percent.

In order to assure the availability of funds to make any required repayments to American Natural under the above arrangement, Michigan Wisconsin has obtained a \$20 million line of credit from the Commercial Division of First National City Bank (Commercial Division), until January 1, 1974. Any borrowings thereunder evidenced by notes will bear interest at the prevailing prime rate of First National City Bank, and will mature no later than January 1, 1974. Interest is payable every 90 days, and the notes may be prepaid at any time without penalty. In connection with this line of credit, Michigan Wisconsin is required to maintain compensating balances with First National City Bank. Translated into terms of American Natural's cost of borrowing from Investment Division, these compensating balances would have the effect of increasing such cost of borrowing by approximately one-half percent above the current rate.

American Natural requests authority to file certificates of notification required under Rule 24 with respect to the proposed transactions on a quarterly basis.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$3,500, including counsel fees of \$500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 21, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by

mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.72-20841 Filed 12-4-72; 8:49 am]

[812-3295]

CANADIAN FUND, INC.

Notice of Application for Exemption

NOVEMBER 29, 1972.

Notice is hereby given that Canadian Fund, Inc. (Applicant), One Wall Street, New York, NY 10005, a diversified, open end management investment company registered under the Investment Company Act of 1940 (the "Act"), has filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that G. Arnold Hart (Hart), and Ian D. Sinclair (Sinclair), both of whom are directors of the Applicant, shall not be considered "interested persons" of the Applicant within the meaning of section 2(a)(19) of the Act solely by reason of their status as directors of the Sun Life Assurance Company of Canada Ltd. (Sun). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Hart and Sinclair are directors of Sun, a Canadian mutual insurance company which is engaged in the business of selling life insurance and variable annuities. Through its subsidiary, Suncan Equity Services Co. (Suncan), Applicant offers for sale to the public in the United States and elsewhere, individual variable annuities funded by separate accounts, and HR-10 plans funded by separate accounts, interests in which are registered under the Securities Act of 1933. Solely because it sells such variable annuity contracts and HR-10 plans, Suncan has registered as a broker-dealer under the Securities Exchange Act of 1934 and has become a member of the National Association of Securities Dealers (NASD). Suncan does not otherwise, di-

rectly or indirectly, act as a broker or dealer. Applicant represents that neither Sun nor Suncan has ever engaged in securities transactions on behalf of the Applicant. Furthermore, Applicant has undertaken not to knowingly purchase any securities from or through, or sell any securities to or through, Sun, Suncan, or any other of Sun's subsidiaries so long as either Hart or Sinclair remains one of its directors.

Hart and Sinclair in no way participate in the day-to-day operations of Sun or Suncan. Neither of them is a director or officer of Suncan.

Section 2(a)(19) of the Act defines an "interested person" of an investment company and its principal underwriter to include any broker or dealer registered under the Securities Exchange Act of 1934, or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any director of such other person.

Hart and Sinclair, as directors of Sun, the parent of Suncan, may be deemed to be affiliated persons of a broker-dealer, and thus "interested persons" of Applicant.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that Hart and Sinclair should not be deemed an "interested person" of the Applicant because their affiliation with Sun does not affect, and will not impair, their independence in acting on behalf of Applicant and its shareholders, and the requested exemption is therefore consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 26, 1972, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said

application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-20837 Filed 12-4-72; 8:49 am]

[812-3306]

CHANNING BOND FUND, INC., ET AL.

Notice of Application for an Order of Exemption

NOVEMBER 29, 1972.

Notice is hereby given that Channing Co., Inc. (Applicant), 280 Park Avenue, New York, NY 10017, a broker-dealer registered under the Securities Exchange Act of 1934, and the principal distributor for the shares of Channing Bond Fund, Inc., Channing Income Fund, Inc., Channing Securities, Inc., Channing Shares, Inc., and Channing Venture Fund, Inc. (Funds), diversified, open-end management investment companies registered under the Investment Company Act of 1940 (the Act), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder sales of shares of the Funds pursuant to reinvestment privileges offered by the Funds. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company except at a current public offering price described in the prospectus. The prospectus of each Fund states that a sales commission is included in the offering price of the shares of such Fund.

Applicant requests an exemption from section 22(d) of the Act and Rule 22d-1 thereunder to enable Applicant and the Funds to sell shares of the Funds at their respective net asset values per share, i.e., without any sales charges, to persons who wish to exercise reinvestment privileges offered by the Funds.

Each Fund proposes to offer to investors who have redeemed shares of the Fund the privilege of being able to reinvest in such Fund any amount up to the amount of the proceeds of redemption at the net asset value in effect at the time of such reinvestment, without any sales charge, if the privilege is exercised within 15 days of the day the request for redemption was received by the Fund, and if the privilege has not previously

been exercised with respect to any of the Funds.

Applicant states that the proposed privilege will not afford an opportunity for speculative short term trading in shares of the Funds. Applicant further contends that the proposed privilege will enable investors to be reminded of features of their investment which they may have overlooked or of which they may have been unsure at the time they redeemed.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 26, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-20838 Filed 12-4-72; 8:49 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

NOVEMBER 28, 1972.

The common stock, 2 cents par value, of Ecological Science Corp., being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington

Stock Exchange and Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from November 29, 1972, through December 8, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-20836 Filed 12-4-72; 8:49 am]

[File No. 500-1]

GOODWAY INC.

Order Suspending Trading

NOVEMBER 28, 1972.

The common stock, \$0.10 par value of Goodway Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from November 29, 1972, through December 8, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-20835 Filed 12-4-72; 8:49 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

NOVEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities ex-

change is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from November 22, 1972, through December 1, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-20804 Filed 12-4-72;8:46 am]

[70-4538]

MICHIGAN POWER CO., AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Post-Effective Amendment Regarding Issue and Sale of Notes to Banks by Subsidiary Company and Open Account Advances by Holding Company

NOVEMBER 29, 1972.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, NY 10004, a registered holding company, and its public-utility subsidiary company, Michigan Power Co. (MPC), formerly known as Michigan Gas & Electric Co., have filed with this Commission, pursuant to sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 45 promulgated thereunder, a seventh post-effective amendment to the declaration in this matter. All interested persons are referred to the declaration as now amended, which is summarized below, for a complete statement of the proposed transactions.

In prior orders in this proceeding, MPC has been authorized to make borrowings from time to time prior to December 31, 1972, from the National Bank of Detroit (National) and the First National Bank of Canton (Canton) in an aggregate amount not to exceed \$4 million outstanding at any one time. The maximum amounts of such borrowings outstanding at any one time are to be \$4 million from National and \$1,250,000 from Canton; however, in no event is the aggregate amount of such borrowings to exceed \$4 million outstanding at any one time. The Commission also has authorized AEP to make open account advances to MPC of up to \$11 million outstanding at any one time. Such advances are to be repaid on or before December 31, 1972, provided that advances would not be repaid before the preferred stock of MPC was retired. (See Holding Company Act Release Nos. 15872 (Oct. 10, 1967), 16051 (May 2, 1968), 16383 (May 26, 1969), 16559 (Dec. 16, 1969), 16880 (Oct. 28, 1970), 17405 (Dec. 21, 1971), and 17508 (Mar. 23, 1972).)

The seventh post-effective amendment requests authorization for an extension from December 31, 1972, to December 31, 1973, of the time in which MPC may have its notes to National and Canton out-

standing and of the time for repayment of the open account advances from AEP, provided that the advances will not be repaid before the preferred stock of MPC has been retired. It is also requested that the amount of the authorized open account advances from AEP to MPC be increased from \$11 to \$12 million.

The proposed notes to National and Canton will not exceed \$4 million outstanding at any one time, will be dated as of the date of the borrowing, and will mature in not more than 270 days from the date of issuance or reissuance thereof, but in no event after December 31, 1973. The notes will bear interest at a rate per annum equal to the prime credit rate in effect from time to time at the lending bank and will be prepayable, in whole or in part, at any time by MPC, without premium or penalty. It is stated that sufficient bank balances to meet operating and financial needs are generally kept at National and Canton, so that no additional balances will, generally, be required in connection with the borrowings. If the average of such balances were maintained solely in order to fulfill prevailing compensating balance requirements of approximately 20 percent, the effective interest cost to MPC of the issuance and sale of the notes would be approximately 7.19 percent based on the general prime commercial credit rate of 5 3/4 percent in effect on October 31, 1972.

The proceeds from the notes to National and Canton and the open-account advances are required by MPC in connection with its construction program, which for the year 1973 is expected to amount to approximately \$3,800,000, to pay bank loans the proceeds of which were used in connection with past expenditures in connection with MPC's construction program, and for other corporate purposes. MPC states that the open-account advances will be repaid with a portion of the proceeds to be realized by MPC in connection with the divestment by MPC of its gas assets and that the bank loans will be repaid from internal cash sources or the issuance of such securities by MPC as the Commission may authorize.

No fees or commissions are to be incurred in connection with the proposed transactions, and no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 20, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the

declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-20839 Filed 12-4-72;8:49 am]

[70-5261]

SOUTHERN CO. ET AL.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealers in Commercial Paper and Four Subsidiary Companies; Exception From Competitive Bidding; Proposed Capital Contributions to Subsidiary Companies

NOVEMBER 29, 1972.

Notice is hereby given that The Southern Co. (Southern) Post Office Box 720071, Atlanta, GA 30346, a registered holding company, and its four electric utility subsidiary companies, Alabama Power Co. (Alabama), Georgia Power Co. (Georgia), Gulf Power Co. (Gulf), and Mississippi Power Co. (Mississippi), have filed an application-declaration, and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, and 12 of the Act and Rules 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern, Alabama, Georgia, Gulf, and Mississippi propose to issue and sell unsecured notes to banks and/or commercial paper to dealers from time to time through March 31, 1974, up to an aggregate principal amount of \$130 million outstanding at any one time in the case of Southern and \$65 million, \$160 million, \$25 million, and \$23 million, respectively, in the cases of Alabama, Georgia, Gulf, and Mississippi. The bank notes, to be dated as of the date of issue, are to mature not more than 1 year thereafter in the case of Southern (but not later than June 30, 1974) and 9 months in the cases of Alabama, Georgia, Gulf, and Mississippi, and will bear interest at the prime rate in effect at the

lending bank. The notes may be prepaid, in whole or in part, without penalty or premium. Alabama, Georgia, Gulf, and Mississippi request that the exemption afforded by section 6(b) of the Act relating to the issuance of short-term notes be increased to permit issue and sale of the notes herein proposed.

Each of the four operating subsidiaries has arranged to issue and sell the proposed bank notes to local territorial banks, as follows:

Company	Number of local banks	Aggregate amount
Alabama Power Co.	67	\$46,405,000
Georgia Power Co.	246	85,698,000
Gulf Power Co.	17	13,636,000
Mississippi Power Co.	38	10,300,000
		155,939,000

In addition, although no definitive arrangements have yet been made, it is anticipated that an aggregate of up to \$60 million will be borrowed by Southern from a group of eight nonlocal banks—a portion of such aggregate, however, to be available to one or more of the four operating subsidiaries.

Alabama, Georgia, Gulf, and Mississippi state their respective average daily operating balances with their local banks will be adequate to meet the compensating balance requirements of such banks. With respect to nonlocal bank borrowings and related compensating balance obligations, the effective cost of money would be 7.2 percent per annum, assuming a 5¼ percent prime rate and a 20 percent compensating balance.

Southern, Alabama, Georgia, Gulf, Mississippi also propose, from time to time through March 31, 1974, to issue and sell commercial paper in the form of short-term promissory notes to dealers in commercial paper (dealers). The commercial paper notes will be issued in denominations of not less than \$50,000 and not more than \$5 million with varying maturities not to exceed 270 days, and will not be prepayable prior to maturity. The commercial paper will be sold by each issuing company directly to or through a dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality and of the particular maturity. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which the issuer could borrow from banks.

It is stated that except for a commission not to exceed one-eighth of 1 percent per annum payable to a dealer acting as agent, no commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer, as principal, will reoffer the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the prevailing interest rate to the issuer. The commercial paper of each company will be reoffered, respectively, to not more than 200 customers of the dealer

identified and designated in a nonpublic list prepared in advance by the dealer. No additions will be made to such list of customers which is composed of institutional investors.

Southern proposes to use the proceeds of the proposed bank loans, and commercial paper sales, together with general treasury funds and other available funds, to make equity investments in the form of capital contributions to Alabama, Georgia, and Mississippi. The capital contributions proposed to be made through March 31, 1974 (not heretofore authorized by the Commission) are as follows: \$102 million to Alabama; \$160,500,000 to Georgia; and \$16,300,000 to Mississippi.

Alabama, Georgia, Gulf, and Mississippi will employ the proceeds of the short term bank notes and commercial paper to finance their future construction programs, to reimburse their treasuries for prior expenditures for their respective construction programs, and to pay at maturity bank notes and commercial paper notes incurred for such purposes. The total estimated construction expenses of Alabama, Georgia, Gulf, and Mississippi for 1973 are \$353,356,000, \$479,853,000, \$30,436,000, and \$41,464,000, respectively. Unless otherwise authorized

	Southern	Alabama	Georgia	Gulf	Mississippi	Total
Legal fees	\$1,500	\$500	\$500	\$500	\$500	\$3,500
Miscellaneous	700	300	300	200	200	1,700
	2,200	800	800	700	700	5,200

The issuance by Alabama of its notes has been expressly authorized by the Alabama Public Service Commission, and the issuance by Gulf of its notes has been expressly authorized by the Florida Public Service Commission; and it is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Applicants request authority to file certificates of notification under Rule 24 in respect of sales of their proposed commercial paper notes within 30 days after the end of each calendar quarter.

Notice is further given that any interested person may, not later than December 22, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after

by the Commission, any bank notes or commercial paper notes outstanding for the four subsidiary companies after March 31, 1974, will be retired from internal cash resources or from the proceeds of debt and/or equity financing.

Southern states that its bank notes and commercial paper outstanding after March 31, 1974, will be retired from internal cash sources and/or the proceeds of equity financing not later than June 30, 1974.

Applicants request an exception from the competitive bidding requirements of Rule 50 in connection with the sale of commercial paper notes pursuant to clause (a) (5) (B) thereof. It is stated, in this connection, that: (a) All commercial paper which Applicants propose to issue and sell will have a maturity not in excess of 270 days, (b) current rates for commercial paper for prime borrowers, such as Applicants, are published daily in financial publications, and (c) it is not practical to invite invitations for bids for commercial paper.

Fees and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed transactions are estimated as follows:

said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-20840 Filed 12-4-72; 8:46 am]

[70-5186]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Post-Effective Amendment Regarding Issue and Sale of Promissory Notes to Banks

NOVEMBER 28, 1972.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. (Vermont Yankee) 77 Grove Street, Rutland, VT

05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed with this Commission pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 (Act), a post-effective amendment to the declaration in this proceeding regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts which commenced initial operations in October 1972. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about \$24 million, is estimated at about \$193 million. Its 10 sponsor companies are committed by capital fund requirements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

By order dated May 8, 1972 (Holding Company Act Release No. 17565), the Commission authorized Vermont Yankee to finance the completion of its plant through the issuance of short-term notes to Bankers Trust Co., and the First National Bank of Boston up to an aggregate amount outstanding at any one time of \$36 million and maturing December 15, 1972. Vermont Yankee now proposes to increase the aggregate amount of its short-term notes to \$40 million and to extend the maturity date to February 28, 1973. In all other respects the transactions remain unchanged. The notes will bear interest at 1 percent above the best rate of Bankers Trust Co., on 90-day unsecured loans in effect at the time of each loan.

It is stated that Vermont Yankee is filing a notice of the proposed transactions with the Vermont Public Service Board and that it expects that no further action will be required. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 14, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the

point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-20805 Filed 12-4-72; 8:46 am]

TARIFF COMMISSION

[TEA-W-163]

DORMAN MILLS

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Dorman Mills, Parsons, W. Va., a subsidiary of United Merchants and Manufacturers, Inc., New York, N.Y., the United States Tariff Commission on November 30, 1972, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with woven fabrics of wool, and fabrics, including laminated fabrics, of wool, and of man-made fibers (of the types provided for in items 336.60, 359.30, and 359.50 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

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: November 30, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.
[FR Doc.72-20891 Filed 12-4-72; 8:55 am]

[337-31]

ELECTRONIC PIANOS

Notice of Hearing

Notice is hereby given that on January 30, 1973, the U.S. Tariff Commission will hold a public hearing in connection with investigation No. 337-31, regarding alleged unfair methods of competition and unfair acts in the importation and sale of electronic pianos which are embraced within the claims of U.S. Patent Nos. 3,083,363; 2,942,512; 2,949,053; 3,154,997 owned by the complainant, the Wurlitzer Co., Chicago, Ill. Notice of institution of the investigation was published in the FEDERAL REGISTER of September 28, 1972 (37 F.R. 20289).

The hearing will be held on January 30, 1973, at 10 a.m., e.s.t., in the Hearing Room of the Tariff Commission, 8th and E Streets NW., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: November 30, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.
[FR Doc.72-20890 Filed 12-4-72; 8:55 am]

INTERSTATE COMMERCE COMMISSION

[Notice 129]

ASSIGNMENT OF HEARINGS

NOVEMBER 30, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-136672, Choice Messenger Service, Inc., now being assigned hearing January 22, 1973 (1 week), at New York, N.Y., in a hearing room later to be designated.

MC 56679 Sub 64, Brown Transport Corp., now being assigned hearing February 21, 1973 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

AB 5 Sub 60, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Warren and Bristol, Bristol County, R.I., now being assigned hearing February 26, 1973 (2 days), at Bristol, R.I., in a hearing room to be later designated.

MC 133095 Sub 25, Texas Continental Express, Inc., continued to January 23, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-136849 Sub 1, E & H Distributing Co., now being assigned hearing February 13, 1973 (3 days), at Carson City, Nev., in a hearing room to be later designated.

AB-7 Sub 2, Chicago, Milwaukee, St. Paul and Pacific Railroad Co. abandonment between Trail City and Faith, in Corson Dewey, Ziebach, and Meade Counties, S. Dak., now assigned January 15, 1973, at Pierre, S. Dak., is canceled and reassigned January 15, 1973, at Dupree, S. Dak., hearing will be held in the Community Room, Farmers State Bank.

MC-C-7823, New England-New York Transport, Inc.—Investigation and Revocation of Certificates, now assigned December 7, 1972, at Boston, Mass., is postponed indefinitely.

MC 30530 Sub 9, North Eastern Motor Freight, Inc., now assigned January 17, 1973, at Washington, D.C., is canceled and the application is dismissed.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 72-20870 Filed 12-4-72; 8:52 am]

[Rule 19; Ex Parte No. 241; Corrected Exemption 11, Amdt. 2]

ASSOCIATION OF AMERICAN RAILROADS

Exemption From Mandatory Car Service Rules

Upon further consideration of Corrected exemption No. 11 issued July 25, 1972.

It is ordered, That, under authority vested in me by Car Service Rule 19, Corrected Exemption No. 11 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire January 15, 1973.

This amendment shall become effective November 30, 1972.

Issued at Washington, D.C., November 27, 1972.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc. 72-20871 Filed 12-4-72; 8:52 am]

[No. MC-133599]

BIG VALLEY SUPPLY AND ENTERPRISES, LTD.

Order Granting Authority

At a session of the Interstate Commerce Commission, Division 1, Acting as

an Appellate Division, held at its office in Washington, D.C., on the 15th day of November 1972.

Big Valley Supply & Enterprises, Ltd. (Calgary, Alberta, Canada), contract carrier application.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Joint petition of International Transport, Inc., and Diamond Transportation System, Inc., protestants, filed May 18, 1972, for reconsideration;

(2) Reply by applicant, filed June 26, 1972;

and good cause appearing therefore:

It appearing, that by application filed March 24, 1969, and published in the FEDERAL REGISTER of April 24, 1969, applicant seeks authority to operate as a motor contract carrier, of machinery and equipment and parts and accessories thereof, from and to described points;

It further appearing, that by decision and order of April 5, 1972, Review Board No. 2 granted the application in part, but employed the commodity description "road construction machinery and equipment, contractors' equipment, industrial tractors, tractor attachments, and accessories and parts for the aforementioned commodities," in lieu of that sought in the application as published;

It further appearing, that because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the commodity description granted, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit will be withheld for a period of 30 days from the date of such publication during which period any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which he has been so prejudiced; and good cause appearing therefor:

It is ordered, That notice of the authority granted in this proceeding be published in the FEDERAL REGISTER.

It is further ordered, That said petition, except to the extent granted herein, be, and it is hereby, denied for the reason that notwithstanding the action taken in the preceding ordering paragraph, the findings of Review Board No. 2, are otherwise in accordance with the evidence and the applicable law.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 218, and 221(c) of the Interstate Commerce Act, within 90 days after date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[FR Doc. 72-20866 Filed 12-4-72; 8:52 am]

[Notice 171]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 28, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74135. By application filed November 27, 1972, K. F. CROCKER TRANS. CO., INC., Jewell Hill Road, Ashby, MA 01431, seeks temporary authority to lease the operating rights of DAIRY TRANSPORT CO., 1099 Main Street, Wakefield, MA 01880, under section 210a(b). The transfer to K. F. CROCKER TRANS. CO., INC., of the operating rights of DAIRY TRANSPORT CO., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 72-20867 Filed 12-4-72; 8:52 am]

[Notice 172]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 28, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74109. By application filed November 24, 1972, MARVIN YATES, doing business as YATES TRUCKING CO., Route 1, Box 131-B, Klamath Falls, Ore. 97601, seeks temporary authority to lease the operating rights of LUMBER TRANSPORT, INC., Post Office Box 5, John Day, Ore. 97845, under section 210a(b). The transfer to MARVIN YATES, doing business as YATES TRUCKING CO., of the operating rights of LUMBER TRANSPORT, INC., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 72-20868 Filed 12-4-72; 8:52 am]

[Notice 173]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission

pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73855. By order of November 27, 1972, the Motor Carrier Board, on reconsideration, approved the transfer to J & T Transport, Inc., Pennsauken, N.J., of the operating rights in Certificates Nos. MC-181 and MC-181 (Sub-No. 1) issued July 25, 1968, and July 2, 1970, respectively, to Don F. White, doing business as Pike's Express, Cinniminon, N.J., authorizing the transportation of general commodities, with exceptions, between Philadelphia, Pa., and Bordentown, N.J., serving all intermediate points, and the off-route points in New Jersey west of U.S. Highway 130, between Camden, N.J., and Bordentown, N.J.; and between Trenton, N.J., and points in New Jersey, serving the intermediate points of Ewingville, Pennington, Lawrenceville, Wilburtha, Titusville, and Washington Crossing, N.J., and the off-route points of Ewing and West Trenton, N.J., and Yardley, Washington Crossing and New Hope over specified routes. Dual operations were authorized. Edwin L. Scherlis, 1209 Lewis Tower Building, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-73904. By order of November 16, 1972, the Motor Carrier Board approved the transfer to John S. Hughes Cartage Co., Inc., Chicago, Ill., of Permit No. MC-84268 issued August 5, 1943, to Jefferson Park Warehouse Co., Inc., Chicago, Ill., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such businesses between points in Illinois within a described territory. James R. Madler, Room 1608, 1255 North Sandburg Terrace, Chicago, IL 60610.

No. MC-FC-74003. By order of November 16, 1972, the Motor Carrier Board approved the transfer to Brian Doyle Horse Transport Ltd., Dundas, ON, Canada, of Certificate No. MC-129425 issued to Lyle M. Garnett, Holly, Mich., authorizing the transportation of: Livestock, and livestock and horses, other than ordinary, and supplies, and equipment therefor, between points in Ohio,

Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, West Virginia, North Carolina, and New York. Robert D. Gunderman, attorney, Suite 1708 Statler Hilton, Buffalo, N.Y. 14202.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc. 72-20869 Filed 12-4-72; 8:52 am]

[No. 35596]

WYOMING INTRASTATE FREIGHT RATES AND CHARGES—1972

Assignment for Hearing and Directing Special Procedure

It appearing, that by orders dated May 17 and July 17, 1972, the Commission, Division 2, instituted an investigation under section 13 of the Interstate Commerce Act to determine whether the intrastate freight rates and charges of the carriers by railroad or any of them, operating in the State of Wyoming, for the intrastate transportation of property, made or imposed by the State of Wyoming cause or will cause, by reason of the failure of such rates and charges to include amounts corresponding to those authorized on interstate traffic by the Commission in Ex Parte No. 262, Increased Freight Rates, 1969A, 337 ICC 436, Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, 339 ICC 125, and in Ex Parte No. 281, Increased Freight Rates 1972, and the selective increase proposed by the respondents effective May 1, 1972, in Ex Parte No. 281, Increased Freight Rates 1972, and suspended by order dated April 24, 1972, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce on the one hand, and those in interstate or foreign commerce, on the other, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what rates and charges if any, or what maximum, or minimum, or maximum and minimum rates and charges should be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist.

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to an Administrative Law Judge for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to an Administrative Law Judge for hearing and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That on or before January 9, 1973, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing, with a statement where the underlying workpapers to such

studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A attached hereto and any additional persons who make known their desire to actively participate in the proceeding on or before January 2, 1973.

It is further ordered, That on or before February 9, 1973, protestants shall file with the Commission, three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed in Appendix A hereto and any additional persons who make known their desire to actively participate on or before January 2, 1973. Attached hereto as Appendix A is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before January 2, 1973, as well as all persons listed in Appendix A attached hereto. Otherwise, any interested persons desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before February 19, 1973, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on March 5, 1973, at 9:30 a.m., U.S. Standard Time in Cheyenne, Wyo., at a hearing room to be later designated, for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the Judge deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of Wyoming be notified of the proceeding by sending a copy of this order by certified mail to the Governor of Wyoming, Cheyenne, Wyo., and a copy to the Public Service Commission of Wyoming, Cheyenne, Wyo.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of November 1972.

By the Commission, Commissioner Brown.

[SEAL]

ROBERT L. OSWALD,
Secretary.

APPENDIX A

His Excellency The Governor, Cheyenne, Wyo.
Mr. J. J. Buhchell, Union Pacific Railroad Co.,
1416 Dodge Street, Omaha, NE 68102.
Mr. J. R. Copeland, Traffic Manager, Holly
Sugar Corp., Colorado Springs, Colo. 80901.
Chairman, Public Service Commission of

Wyoming, Supreme Court Building, Cheyenne, Wyo. 82001.

Mr. L. T. Duerinck, Chicago & North Western
Railway Co., 400 West Madison Street, Chicago, IL 60606.

Mr. D. Empfield, Special Assistant Attorney
General, Supreme Court and State Library
Building, Cheyenne, Wyo. 82001.

Mr. A. Milton Evans, Secretary-Manager,
Western South Dakota Traffic League,
428½ St. Joe Street, Post Office Box 1286,
Rapid City, SD 57701.

Mr. Frederick G. Loomis, Union Pacific Railroad Co., 202 East 18th Street, Cheyenne, WY 82001.

Mr. J. B. Phillips, The Great Western Sugar Co., Post Office Box 5308, Denver, CO 80217.
Mr. R. J. Schreiber, Burlington Northern, Inc., 547 West Jackson Boulevard, Chicago, IL 60606.

Mr. Frank Staab, Physical Distribution Department, Wycon Chemical Co., Post Office Box 1087, Colorado Springs, CO 80901.

Mr. J. C. Street, Burlington Northern, Inc., 615 Johnson Building, Denver, CO 80202.

[FR Doc.72-20865 Filed 12-4-72;8:52 am]

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WASHINGTON, D.C.

Volume 37 ■ Number 234

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

**Proposed Forms and Guidelines for
Acquisition of Information From Owners
and Operators of Point Sources**

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 126]

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Proposed Forms and Guidelines for Acquisition of Information From Owners and Operators of Point Sources

NOVEMBER 21, 1972.

Notice is hereby given that the forms and guidelines set forth in tentative form below are proposed by the U.S. Environmental Protection Agency. The proposed forms and accompanying instructions describe, pursuant to the authority contained in section 304(h) (1) of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816; 33 U.S.C. (1972) (hereinafter referred to as the "Act")), requirements for the acquisition of information from owners and operators of point sources subject to the National Pollutant Discharge Elimination System.

Section 402 of the Act creates a National Pollutant Discharge Elimination System (hereinafter referred to as the "NPDES") under which the Administrator of the Environmental Protection Agency may, after opportunity for public hearing, issue permits for the discharge of any pollutant or combination of pollutants, upon condition that such discharge will meet all applicable requirements of the Act relating to effluent limitations; water quality standards and implementation plans, new source performance standards, toxic and pretreatment effluent standards, inspections, monitoring, and entry provisions, and guidelines establishing ocean discharge criteria. Section 402 also provides that States desiring to administer their own permit programs may submit a full and complete description of such a program to the Administrator for approval. The Administrator is to approve a State's program, and suspend issuance of permits under section 402, unless he determines that the State does not possess adequate authority to perform certain acts detailed in 402(b) of the Act. The State also must have an approved continuing planning process under section 303(e) of the Act before approval of its permit program can be granted. In addition to these requirements, a State permit program cannot be approved unless it conforms to guidelines issued under section 304(h) (2) of the Act prescribing minimum procedural and other elements of any State program under section 402. These latter guidelines were published in the FEDERAL REGISTER on Saturday, November 11, 1972, 37 F.R. 219 (1972).

Section 402(k) of the Act requires all owners or operators of point sources to

apply for a permit to discharge pursuant to section 402 within 180 days of the date of enactment if the discharge is not to be a violation of the Act. Section 304 (h) (1) directs the Administrator to promulgate guidelines for the acquisition of information from owners and operators of point sources of discharge subject to any State program under section 402. These guidelines which are the subject of this notice, include four application short forms and a form for the reporting by permit holders of monitoring results and general and specific instructions for the use of the forms.

With the exception of those facilities within the jurisdiction of a municipal wastewater treatment authority serving over 10,000 population, and as provided in the general instructions accompanying the proposed application short forms, each owner or operator of a point source of discharge of pollutants must complete and submit a short form which corresponds to the type of discharge as follows:

- Short Form A—Municipal Wastewater Treatment Facilities.
- Short Form B—Agriculture, Forestry and Fishing.
- Short Form C—Manufacturing Establishments.
- Short Form D—Services, Wholesale and Retail Trade, and All Other Commercial Establishments Not Engaged in Manufacturing or Agriculture.

Accompanying each application short form are specific instructions for use in filling out and submitting the short forms. Any person who follows the general instructions and properly fills out and submits the appropriate short forms herein will have satisfied the initial NPDES filing requirements. In many cases, however, additional information and analyses will be required of the applicant. Standard forms for the submission of additional information and analyses will be proposed in this part at a future date along with instructions for their use. Also proposed is a discharge monitoring report form. Instructions for the discharge monitoring report form are printed on the form itself.

All forms proposed or to be proposed in the future herein are to be used by the Administrator of the Environmental Protection Agency and by approved State programs as a principal means of acquiring information from owners and operators of point sources. The four short application forms proposed herein and the standard application forms to be proposed shortly are included within the meaning of the term "NPDES application form" as that term is used in the guidelines published under section 304 (h) (2) of the Act. The discharge monitoring report form is included within the meaning of the term "NPDES reporting form" as that term is used in the guidelines published under section 304 (h) (2) of the Act.

Because of the importance of promptly making application forms available for

the use of the Administrator and all States participating in the NPDES and because of the 60-day deadline imposed by section 304(h) (1) of the Act, the Administrator finds good cause to restrict the time for comment upon the proposed forms and guidelines to 15 days. It is hoped that interested persons will submit their comments in writing within such 15-day period so that they may be considered prior to the deadline for promulgation.

Prior to the adoption of the proposed forms and guidelines, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of Enforcement and General Counsel, Washington, D.C. 20460, within a period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms pursuant to 44 U.S.C. 3501-3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Statistical Policy Division, Office of Management and Budget, Washington, D.C. 20503.

WILLIAM D. RUCKELSHAUS,
Administrator.

NOVEMBER 29, 1972.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR PERMIT TO DIS- CHARGE (SHORT FORM) (FORM NO. —)

GENERAL INSTRUCTIONS

The Federal Water Pollution Control Act, as amended by Public Law 92-500 enacted October 18, 1972, prohibits any person from discharging pollutants into a waterway from a point source (see definitions below), unless his discharge is authorized by a permit issued either by the U.S. Environmental Protection Agency or by an approved State Agency. (See "Procedures for Filing.")

REQUIREMENTS

If you have a discharge or discharges, such as that described in the first paragraph of these instructions, you must complete one of the following forms to apply for a discharge permit. The forms differ by types of discharges as indicated below:

- Short Form A—Municipal Wastewater Treatment Facilities.
- Short Form B—Agriculture, Forestry and Fishing.
- Short Form C—Manufacturing Establishments.
- Short Form D—Services, Wholesale and Retail Trade, and All Other Commercial Establishments Not Engaged in Manufacturing or Agriculture.

If your business or activity involves production of both raw products and ready-for-market products you may be required to complete two of the above forms. For example, if you produce a raw product such as milk and, on the same site, process the raw milk into cheese, you must complete Form B—Agriculture, and Form C—Manufacturing.

EXCLUSIONS

You are not required to obtain a permit for the following types of waste discharges: (1) Sewage discharged from vessels (e.g., ships); or

(2) "Water, gas, and other materials injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well" where authorized by the State in which the well is located; or

(3) Those discharges directed solely to a publicly owned waste treatment facility (however, discharges originating from publicly owned waste treatment facilities are not excluded).

Note: Municipal and manufacturing dischargers that believe they are exempt due to Item 3, are requested to complete certain items and return the form (see "Procedures for Filing").

PROCEDURES FOR FILING

Copies of all forms are available at State water pollution control agencies and at all Environmental Protection Agency Regional Offices (see attached table).

Data submitted on these forms are to be used as a basis for issuing discharge permits. Depending on the adequacy and nature of the data submitted, you may be called upon for additional information before a permit is granted.

If you have any questions as to whether or not you need a permit under this program, contact your State water pollution control agency or the nearest Regional Office of the U.S. Environmental Protection Agency. A list of EPA Regional Offices is in the attached table.

Complete the appropriate form(s) for your operation, being sure that each item is considered and the required data submitted. If an item does not apply, please enter in the appropriate place "Not Applicable" or "NA" to show that the item was given consideration. Most of the items on the form require the checking of one or more of several possible answers.

Check the items which most nearly apply to you and your operation. If you have received a form and determined that you are not required to obtain a permit, fill out the requested information and return the application as described below *without the designated registration fee*.

Mail the original of the completed form, together with a registration fee of ten dollars (\$10) for each application, to the EPA Regional Office which has jurisdiction over the State in which you are located, unless the State in which you are located has a federally approved permit program. If unknown, consult your EPA Regional Office to determine if your State has an approved program and the mailing address of the designated State agency.

Agencies or instrumentalities of Federal, State, or local governments will not be required to pay any fee with the filing of an application for a permit.

Applications for existing discharges must be filed with your EPA Regional Office or approved State agency by April 16, 1973. Applicants who have applied for a permit to the U.S. Corps of Engineers under the Refuse Act permit program need not reapply. New discharges commencing on or after June 16, 1973, must apply no later than 180 days in advance of the date the discharge is due to begin. New discharges beginning on or before June 15, 1973, must apply a minimum of 60 days in advance unless a delay is approved by the EPA Regional Administrator.

DEFINITIONS

1. A "person" is an individual, partnership, corporation, association, State, municipality, commission, other political subdivision of a State, any interstate body, or any agency or instrumentality of the Federal Government.

2. A "pollutant" includes dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

3. A "point source" includes a pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.

4. The term "municipality" means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved areawide waste treatment management agency.

ADDRESSES OF EPA REGIONAL OFFICES AND STATES WITHIN THEIR JURISDICTION

Region and address	State
I. Regional Administrator, Region I, Environmental Protection Agency, John F. Kennedy Federal Bldg., Room 2303, Boston, Mass. 02203. ATTENTION: Permits Branch.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
II. Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, Room 908, New York, NY 10007. ATTENTION: Permits Branch.	New Jersey, New York, Virgin Islands, Puerto Rico.
III. Regional Administrator, Region III, Environmental Protection Agency, Curtis Bldg., 6th and Walnut Sts., Philadelphia, PA 19106. ATTENTION: Permits Branch.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
IV. Regional Administrator, Region IV, Environmental Protection Agency, 1421 Peachtree St. N.E., Atlanta, GA 30309. ATTENTION: Permits Branch.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
V. Regional Administrator, Region V, Environmental Protection Agency, 1 North Wacker Dr., Chicago, IL 60606. ATTENTION: Permits Branch.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
VI. Regional Administrator, Region VI, Environmental Protection Agency, 1600 Patterson St., Suite 1100, Dallas, TX 75201. ATTENTION: Permits Branch.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
VII. Regional Administrator, Region VII, Environmental Protection Agency, 1735 Baltimore Ave., Kansas City, MO 64108. ATTENTION: Permits Branch.	Iowa, Kansas, Missouri, Nebraska.
VIII. Regional Administrator, Region VIII, Environmental Protection Agency, 1860 Lincoln St., Suite 900, Denver, CO 80203. ATTENTION: Permits Branch.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
IX. Regional Administrator, Region IX, Environmental Protection Agency, 100 California St., San Francisco, CA 94111. ATTENTION: Permits Branch.	Arizona, California, Hawaii, Nevada, Guam, American Samoa.
X. Regional Administrator, Region X, Environmental Protection Agency, 1200 6th Ave., Seattle, WA 98101. ATTENTION: Permits Branch.	Alaska, Idaho, Oregon, Washington.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR PERMIT TO DISCHARGE—SHORT FORM A

TO BE FILED ONLY BY MUNICIPAL TREATMENT PLANTS

Do not attempt to complete this form before reading the accompanying instructions

1. Name of responsible organization.....

2. Facility information:

A. Name

B. Street address.....

C. City

D. County

E. State

F. ZIP

3. If all of your waste is discharged into a publicly owned waste treatment facility and to the best of your knowledge you are not required to obtain a discharge permit, check here ☐ and supply the following information:

A. Name of responsible organization receiving waste.....

B. Facility receiving waste:

1. Name

2. Street address.....

3. City

4. County

5. State

6. ZIP

C. Average flow into facility, mgd (check one)

0-0.0099	0.01-0.049	0.05-0.099	0.1-0.49	0.5-0.99	1.0-4.9	5 or more
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Sign and return this form to the proper reviewing office (see instructions) **DO NOT COMPLETE THE REMAINDER OF THIS FORM.**

4. Type of treatment:

A. ☐ None B. ☐ Primary C. ☐ Intermediate D. ☐ Secondary E. ☐ Advanced

5. Design flow of facility ----- mgd.

6. Percent BOD removal (actual):

A. ☐ 0-29.9 B. ☐ 30-64.9 C. ☐ 65-84.9 D. ☐ 85-94.9 E. ☐ 95 or more

7. Population served:

A. ☐ 1-199 B. ☐ 200-499 C. ☐ 500-999 D. ☐ 1,000-4,999 E. ☐ 5,000-9,999

F. ☐ 10,000 or more

8. Number of separate discharge points:

A. ☐ 1 B. ☐ 2 C. ☐ 3 D. ☐ 4 E. ☐ 5 F. ☐ 6 or more

9. Description of waste water discharged to surface waters only (check as applicable).

Discharge per operating day	Flow, MGD (million gallons per operating day)							Amount treated before discharging, percent				
	0-0.0099	0.01-0.049	0.05-0.099	0.1-0.49	0.5-0.99	1.0-4.9	5 or more	None	0.1-29.9	35-64.9	65-94.9	95-100
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
A. Average -----												
B. Maximum -----												

10. If any waste water, treated or untreated, is discharged to places other than surface waters, check below as applicable.

Waste water is discharged to	Flow, MGD (million gallons per operating day)						
	0-0.0099	0.01-0.049	0.05-0.099	0.1-0.49	0.5-0.99	1.0-4.9	5 or more
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
A. Deep Well -----							
B. Evaporation lagoon -----							
C. Other, specify: -----							

11. Is any sludge ultimately returned to a waterway?

A. ☐ yes B. ☐ no

12. a. Do you receive industrial waste? 1. ☐ yes 2. ☐ no

b. If yes, enter approximate number of industrial dischargers into system -----

13. Type of collection sewer system:

A. ☐ Separate storm B. ☐ Separate sanitary
C. ☐ Combined sanitary and storm
D. ☐ Both separate and combined sewer systems

14. Receiving water name -----

15. Does the discharge contain any materials which may be toxic to humans or other living organisms other than normal domestic wastewater?

A. ☐ yes B. ☐ no

Date	I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete, and accurate.	Signature of Principal Executive Officer or Authorized Agent
Yr. Mo. Day		

18 U.S.C. Section 1001 provides that:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and wilfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations; or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

SHORT FORM A—SPECIFIC INSTRUCTIONS MUNICIPAL TREATMENT PLANTS

Item 1. This is the name of the organization responsible for the facility named in item 2.

Item 2. When a community is served by more than one municipal waste treatment facility, a separate form must be completed for each facility which is required to obtain a discharge permit (see General Instructions).

Item 3. Complete this item only if all of your waste is discharged to another municipal treatment facility.

Item 4. Check the box indicating the most prevalent type of treatment provided for the waste water prior to discharge.

"None"—No treatment or minor treatment less than sedimentation (with or without chlorination).

"Primary"—Sedimentation alone or combined with chlorination.

"Intermediate"—Sedimentation plus conventional chemical coagulation processes with or without chlorination.

"Secondary"—Sedimentation plus conventional biological processes (e.g., trickling

filter or activated sludge), with or without chlorination.

"Advanced"—(Tertiary treatment)—Secondary treatment plus an added conventional secondary treatment process which will remove additional BOD (biological oxygen demand) and/or solids (e.g., a terminal lagoon, sand filter, etc.), or an added advanced treatment process, for further removal of BOD and/or suspended solids and dissolved solids (e.g., coagulation-sedimentation adsorption, reverse osmosis and electrodialysis).

Item 5. Provide flow rate in million gallons per day for which facility was designed to accommodate.

Item 6. Check the percentage of average annual BOD (5-day) actually removed from the waste water prior to its discharge.

Item 7. Check approximate total population served by this facility including any other communities or installations which may be discharging to this facility.

Item 8. A separate discharge point is defined as a discernible, confined conveyance, such as a pipe, ditch, conduit, container, vessel, or other floating craft, which empties to a body of water. This includes sewer overflow and bypass points.

Item 9. For any waste water discharged to surface waters only (e.g., a lake, stream, creek, ocean, etc.), check the appropriate box (1-7) to show the average (annual) flow per operating day (line A) and the maximum flow observed in any one day during the last year when the discharge was occurring (line B). Also, on line A, check one of the boxes numbered 8-12, to indicate the percentage of daily average flow which is treated, before discharging (see item 3 above).

Item 10. Check the appropriate box(es) to indicate daily average flow of waste, if any, to places other than surface waters. If a box on line C is checked write in the place of discharge in the space provided.

Item 11. Indicate whether any sewage sludge (treated or untreated) is returned to a waterway.

Item 12. If any process and/or cooling water waste from industrial sources are present in the incoming flow, check the "yes" box and enter number of industries connected to the collection system.

Item 13. "Separate"—Sanitary sewers are separate from surface storm drainage. "Combined"—Sanitary wastes and storm drainage are carried in the same channel or pipe. "Both"—Part of the collection system is "separate" and part is "combined".

Item 14. Give the name of the waterway into which all or a major portion of the waste water is discharged. Use the name of the waterway as shown on published maps. If the discharge is into an unnamed tributary, give the name of the water body fed by the tributary, and identify as "Tributary to" (name of water body).

Item 15. The term "toxic material" means those materials or combination of materials, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in such organisms or their offsprings. Toxic substances include but are not limited to: lead, cadmium, mercury, vanadium, arsenic, molybdenum, antimony, nickel, barium, beryllium, copper, selenium, zinc, nitrotriacetic acid (NTA), orthonitrochlorobenzene (ONCB), polychlorinated biphenyls (PCB's), dichlorodiphenyl-trichloroethane (DDT).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR PERMIT TO DISCHARGE—
SHORT FORM B

TO BE FILED ONLY BY PERSONS ENGAGED IN AGRICULTURE

Do not attempt to complete this form before reading the accompanying instructions

1. Facility:

A. Name -----
B. Street name -----
C. City ----- D. State -----
E. County ----- F. ZIP -----
2. SIC -----
3. Principal product or service name -----
4. Principal product, yield, season, and acreage -----

Product type	Maximum yield per season					Length of season (months)	Acreage
	1-499 (1)	500-999 (2)	1,000-9,999 (3)	10,000-49,999 (4)	50,000-99,999 (5)	100,000-199,999 (6)	200,000 or more (7)
Number of animals (A-E):							
A. Cattle-----						(8)	(9)
B. Hogs-----							
C. Sheep-----							
D. Fowl-----							
E. Fish-----							
F. Grain—tons-----							
G. Fruit—tons-----							
H. Vegetables—tons-----							
I. Eggs—gross-----							
J. Milk—lbs-----							
K. Other (specify)-----							

5. (a) Check here if discharge occurs all year ☐ or

(b) Check the month(s) discharge occurs:

1. ☐ January 2. ☐ February 3. ☐ March 4. ☐ April 5. ☐ May 6. ☐ June
7. ☐ July 8. ☐ August 9. ☐ September 10. ☐ October 11. ☐ November
12. ☐ December

(c) Check number of days per week:

1. ☐ 1 2. ☐ 2-3 3. ☐ 4-5 4. ☐ 6-7

6. Waste water discharged to surface waters only (check as applicable)

Discharge per operating day	Flow, gallons per operating day					Amount treated before discharging, percent				
	0.1-999 (1)	1000-4000 (2)	5000-9999 (3)	10,000-49,999 (4)	50,000 or more (5)	None (6)	0.1-29.9 (7)	30-64.9 (8)	65-94.9 (9)	95-100 (10)
A. Average-----										
B. Maximum-----										

7. If any waste water, either treated or untreated, is discharged to places other than surface waters, check below as applicable.

Waste water is discharged to:	Average flow, gallons per operating day				
	0.1-999 (1)	1000-4000 (2)	5000-9999 (3)	10,000-49,999 (4)	50,000 or more (5)
A. Municipal sewer system-----					
B. Underground well-----					
C. Septic tank-----					
D. Evaporation lagoon pond or-----					
E. Other, specify:-----					

8. Number of separate discharge points:

A. ☐ 1 B. ☐ 2-3 C. ☐ 4-5 D. ☐ 6 or more

9. Do you practice any type of irrigation?

A. ☐ yes B. ☐ no

If yes, check the appropriate box for the rate at which water is applied.

Rate of irrigation water applied in acre-feet per acre per year					
	0-1.99 (1)	2-3.99 (2)	4-5.99 (3)	6-7.99 (4)	8 or more (5)
10. (a) Indicate rate at which fertilizer(s) is/are used in total (combined) pounds per acre per year (check appropriate box)					
0-49.9 (1)		50-99.9 (2)	100-149.9 (3)	150-199.9 (4)	200 or more (5)

(b) Indicate type of fertilizer used (check appropriate box)

Nitrogen only (1)	Phosphorus only (2)	Nitrogen and phosphorus (3)	Other (specify) (4)

11. (a) Specify rate at which pesticides are used in pounds per acre per year -----

(b) Specify type of pesticide used -----

12. Receiving water name -----

13. Does the discharge contain any materials which may be toxic to human or other living organisms?
A. ☐ yes B. ☐ no

I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete, and accurate.

Date

Yr. Mo. Day

Signature of Principal Executive Officer
Authorized Agent

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR PERMIT TO DISCHARGE—SHORT FORM C

TO BE FILED ONLY BY PERSONS ENGAGED IN MANUFACTURING

Do not attempt to complete this form before reading accompanying instructions

1. Facility:

A. Name -----
B. Street address -----
C. City ----- D. State -----
E. County ----- F. ZIP -----
SIC ----- (Leave Blank)

3. Number of employees -----
4. If all of your waste is discharged into a publicly owned waste treatment facility and to the best of your knowledge you are not required to obtain a discharge permit, check here ☐ and supply the following information:

A. Name of community receiving waste -----

B. Facility receiving waste:

1. Name -----
2. Street address -----
3. City ----- 4. County -----
5. State ----- 6. ZIP -----
C. Average flow into facility, gallons per day (check one)

0.1-999	1000-4000	5000-9999	10000-49,999	50,000 or more
(1)	(2)	(3)	(4)	(5)

Sign and return this form to the proper reviewing office (see instructions) DO NOT COMPLETE THE REMAINDER OF THIS FORM.

5. Principal product or raw material -----
6. Principal process -----
7. Maximum amount of principal product produced or raw material consumed per (check one)

Basis	Amount				
	1-99	100-199	200-499	500-999	1,000-4,999
(1)	(2)	(3)	(4)	(5)	(6)
(7)					(8)

8. Maximum amount of principal product produced or raw material consumed, reported in item 6, above, is measured in (check one):

A. ☐ pounds B. ☐ tons C. ☐ barrels D. ☐ bushels E. ☐ square feet
F. ☐ gallons C. ☐ pieces or units H. ☐ other, specify -----

9. (a) Check here if discharge occurs all year --, or (b) Check the month(s) discharge occurs:

1. ☐ January 2. ☐ February 3. ☐ March 4. ☐ April 5. ☐ May 6. ☐ June
7. ☐ July 8. ☐ August 9. ☐ September 10. ☐ October 11. ☐ November
12. ☐ December

(c) Check how many days per week -----

1. ☐ 1 2. ☐ 2-3 3. ☐ 4-5 4. ☐ 6-7

10. Types of waste water discharged to surface waters only (check as applicable)

18 U.S.C. Section 1001 provides that:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations; or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

SHORT FORM B—SPECIFIC INSTRUCTIONS
AGRICULTURE

Item 3. Write here the name of the crop, livestock, farm product, or service from which you get most of your income, for example, eggs, beef cattle feedlot, hog farm, wheat, cotton, timber, fish hatchery, etc.

Item 4. Check the box beside the general name of the product given in item 3, to show greatest amount produced per season and write in the length of season in months and the number of acres which you use.

Item 5. If you discharge wastes all year, check the box provided in (a). Otherwise, check the box beside the month(s) listed under (b) to show when wastes are discharged.

Also, check one box to show how many days out of a week the wastes are usually discharged (c).

Item 6. This item applies to wastes discharged to surface waters only, (e.g., lake, stream, creek, ocean, etc.). Check the appropriate box (1-7) to show the average (annual) flow of discharge per operating day (line A). This average should be based only on the number of days the discharge is actually occurring and not on the entire calendar year. For example, 300,000 gallons of waste is discharged one year. The discharge occurs for 100 days of that year. The average flow will be 300,000/100=3,000 gallons per day (box B-2 should be checked) and not 300,000/365=820 gallons per day.

If any kind of treatment (such as lagooning or ponding) is used before discharging the wastes, check one box (8-10) on line A to show the percent of total wastes which is treated. If no treatment is used, check the box labeled "None". If waste is subject to disinfection only (e.g., chlorination) do not include as treated waste.

On line B, check a box (1-5) to indicate the maximum flow observed in any 1 day during the last year when the discharge was occurring.

Item 7. Check the appropriate box(es) to indicate daily average flow of waste, if any, to places other than surface waters. If a box on line E is checked, write in the place of discharge in the space provided.

Item 8. Check the box beside the number(s) to show the number of separate discharge points. A separate discharge point is defined as a completely or partly enclosed

container or channel through which the waste is discharged into a body of water, for example, a pipe, ditch, culvert, refuse container, barge, boat, etc.

Item 9. Give the name of the waterway into which all or a major portion of the waste water is discharged. Use the name of the waterway as shown on published maps.

If the discharge is into an unnamed tributary, give the name of the water body fed by the tributary and identify as tributary to (name of water body).

9. A. Indicate if you use any method of irrigation in your operation such as spraying, flooding, subsurface irrigation, etc.

B. Check the appropriate box to show the average annual rate at which irrigation water is applied to land.

10. A. Check the appropriate box to indicate the annual total rate at which you apply any fertilizer(s). If more than one type is used, the rate should show the combined pounds of all fertilizers.

B. Check the appropriate box which gives the best indication of the type of fertilizer(s) used in greatest amounts.

11. A. Specify the average annual rate at which you apply any pesticide(s). Pesticides include all herbicides, insecticides, algicides, rodenticides, etc., or any other chemicals used to control unwanted plant or animal infestation in conjunction with your operation.

B. Specify the type of most commonly used pesticide either from manufacturer's label or by giving its common chemical name.

Item 13. The term "toxic material" means those materials or combination of materials, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformation, in such organisms or their offspring. Toxic substances include but are not limited to: lead, cadmium, mercury, vanadium, arsenic, molybdenum, antimony, nickel, barium, beryllium, copper, selenium, zinc, nitrotriacetic acid (NTA), orthonitrochlorobenzene (ONCDB), polychlorinated biphenyls (PCB's), dichlorodiphenyl-trichloroethane (DDT).

Discharge per operating day	Flow, gallons per operating day					Amount treated before discharging, percent				
	0.1-999	1000-4000	5000-9999	10,000-49,999	50,000 or more	None	0.1-29.9	30-64.9	65-94.9	95-100
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
A. Sanitary, daily average.										
B. Cooling water, etc. daily average.										
C. Process water, daily average.										
D. Maximum per operating day for combined discharge. (all types).										

11. If any of the three types of waste identified in item 9, either treated or untreated, are discharged to places other than surface waters, check below as applicable.

Waste water is discharged to:	Average flow, gallons per operating day				
	0.1-999	1000-4000	5000-9999	10,000-49,999	50,000 or more
	(1)	(2)	(3)	(4)	(5)
A. Municipal sewer system.					
B. Underground well.					
C. Septic tank.					
D. Evaporation lagoon or pond.					
E. Other, specify:					

12. Number of separate discharge points:

A. ☐ 1 B. ☐ 2-3 C. ☐ 4-5 D. ☐ 6 or more

13. Receiving water name _____

14. Does the discharge contain any materials which may be toxic to humans or other living organisms?

A. ☐ yes B. ☐ no

Date	I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete, and accurate.	Signature of Principal Executive Officer or Authorized Agent
Yr. Mo. Day		

- 18 U.S.C. Section 1001 provides that:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations; or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

SHORT FORM C—SPECIFIC INSTRUCTIONS MANUFACTURING

Item 4. Complete this item only if all of your waste is discharged to another municipal treatment facility.

Item 5. List the principal products produced at this location or the raw material consumed, whichever one will give a better measure of the over-all volume of production in conjunction with the number and units provided in item 7. Where several similar articles are produced, use a broader term which will include all or most of the specific ones (e.g., "costume jewelry" to designate the production of bracelets, earrings, and pins).

Item 6. Name the process used for producing the principal product.

Item 7. The maximum amount of principal product produced or raw material consumed may be calculated on a daily, monthly, or yearly basis, whichever is more convenient. Check appropriate boxes to indicate basis used (lines A-C), and amount produced or consumed (box 1-8).

Item 8. Check one box to indicate the units in which the measure of production was reported (item 6). If box H is checked, enter units in the space provided.

Item 9. If you discharge wastes all year, check the box provided in (a). Otherwise, check the box beside the month(s) listed and (b) to show when wastes are usually discharged. Also, check one box under (c) to show how many days out of the week the wastes are discharged.

Item 10. This item applies to wastes discharged to surface waters only (e.g., a lake, stream, creek, ocean, etc.). Types of discharged waste water are classified in the table as follows:

A. "Sanitary"—Consisting only of used water from restrooms, toilets, showers, and similar sanitary or comfort facilities.

B. "Noncontact Cooling Water, Condensed Steam, etc."—Water used for cooling steam generation, etc. which does not come in contact with the product, intermediates, and/or raw materials.

C. "Process Water"—Water used directly in the manufacturing process, which comes in contact with the product, intermediates, or raw materials.

For each type of waste discharged, check one box (1-5) to show the average (annual) flow per operating day (lines A-C). This average should be based only on the number of actual days during the past year the discharge is occurring and not the entire calendar year. For example, 300,000 gallons of cooling water is discharged in the course of a year. This discharge occurs for 100 days of that year. The average daily flow is 300,000/100=3,000 gallons (box B-2 should be checked) and not 300,000/365=820 gallons.

If pretreatment (such as lagooning, ponding, chemical addition, aeration, etc.) before discharging the wastes is practiced check the appropriate box (6-10) under the heading "Amount Treated Before Discharging, Percent" (lines A-C). If no treatment is used, check the box labeled "None".

On line D, check the box (1-5) to indicate the maximum combined flow (of all types of discharges together) observed for any one day in the last full year of operation. For new facilities, this should reflect the best engineering estimates.

Item 11. Check the appropriate box(es) to indicate daily average flow of waste, if any, to places other than surface waters. If a box on line E is checked, write in the place of discharge in the space provided.

Item 12. Check the box beside the number(s) to show the number of separate discharge points. A separate discharge point is defined as an easily identifiable completely or partly enclosed container or channel through which the waste is discharged into a body of water, for example, a pipe, ditch, culvert, refuse container, barge, boat, etc.

Item 13. Give the name of the waterway into which all or a major portion of the waste water is discharged. Whenever possible, use the name of the waterway as shown on published maps. If the discharge is into an unnamed tributary, give the name of the water body fed by the tributary and identify as tributary to (name of water body).

Item 14. The term "toxic material" means those materials, or combination of materials, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by injection through food chains will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in such organisms or their offspring. Toxic substances include but are not limited to: lead, cadmium, mercury, vanadium, arsenic, molybdenum, antimony, nickel, barium, beryllium, copper, selenium, zinc, nitrotriacetic acid (NTA), ortho-nitrochlorobenzene (ONCB), polychlorinated biphenyls (PCB's), dichlorodiphenyl-trichloroethane (DDT).

PROPOSED RULE MAKING

FOR OFFICIAL USE ONLY

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM APPLICATION FOR PERMIT TO
DISCHARGE—SHORT FORM D
TO BE FILED ONLY BY SERVICES, WHOLESALE AND RETAIL TRADE, AND OTHER COMMERCIAL
ESTABLISHMENTS

Do not attempt to complete this form without reading the accompanying instructions

1. Facility:

A. Name _____
B. Street address _____
C. City _____ D. State _____
E. County _____ F. ZIP _____

2. SIC _____
(leave blank)

3. Number of employees _____

4. Nature of business _____

5. (a) Check here if discharge occurs all year ☐ or

(b) Check the month(s) discharge occurs:

1. ☐ January 2. ☐ February 3. ☐ March 4. ☐ April 5. ☐ May 6. ☐ June
7. ☐ July 8. ☐ August 9. ☐ September 10. ☐ October 11. ☐ November
12. ☐ December

(c) How many days per week:

1. ☐ 1 2. ☐ 2-3 3. ☐ 4-5 4. ☐ 6-7

6. Types of waste water discharged to surface waters only (check as applicable)

Discharge per operating day	Flow, gallons per operating day					Amount treated before discharging, percent				
	0.1-999	1000-4000	5000-9999	10,000- 49,999	50,000 or more	None	0.1- 29.9	30- 64.9	65- 94.9	95- 100
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
A. Sanitary, daily average.										
B. Cooling water, etc., daily average.										
C. Other discharge(s), daily average; Specify _____										
D. Maximum per operat- ing day for combined discharge (all types).										

7. If any of the types of waste identified in item 6, either treated or untreated, are discharged to places other than surface waters, check below as applicable.

Waste water is discharged to:	Average flow, gallons per operating day				
	0.1-999	1000-4000	5000-9999	10,000-49,999	50,000 or more
	(1)	(2)	(3)	(4)	(5)
A. Municipal sewer system					
B. Underground well					
C. Septic tank					
D. Evaporation lagoon or pond					
E. Other, specify: _____					

8. Number of separate discharge points:

A. ☐ 1 B. ☐ 2-3 C. ☐ 4-5 D. ☐ 6 or more

9. Receiving water name _____

10. Does the discharge contain any materials which may be toxic to humans or other living organisms?

A. ☐ yes B. ☐ no

Date	I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete, and accurate.	Signature of Principal Executive Officer or Authorized Agent
Yr. Mo. Day		

18 U.S.C. Section 1001 provides that:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and wilfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations; or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

SHORT FORM D—SPECIFIC INSTRUCTIONS

SERVICES, WHOLESALE AND RETAIL TRADE AND
OTHER COMMERCIAL ESTABLISHMENTS

Item 4. Briefly state the nature of your
business or service.

Item 5. If you discharge wastes all year,
check the box provided in (a). Otherwise
check the box beside the month(s) listed
under (b) to show when wastes are usually
discharged.

Also, check one box under (c) to show how
many days out of the week the wastes are
usually discharged.

Item 6. This item applies to wastes dis-
charged to surface waters only (e.g., a lake,
stream, creek, ocean, etc.). Types of dis-
charged waste water are classified in the
table as follows:

A. "Sanitary"—Consisting only of used
water from bathrooms, toilets, showers, and
similar sanitary or comfort facilities.

B. "Cooling water, condensed steam,
etc."—Spent water from air-conditioning
system, heating plants etc.

C. "Other"—Water used for purposes other
than the two named above to which some-
thing is added during its use (e.g., deter-
gents in laundries, disinfectants in hospitals,
remains of food in restaurants, etc.).

For each type of waste discharged, check
one box (1-5) to show the average (annual)
flow per operating day (lines A-C). This
average should be based only on the number
of days the discharge is occurring and not
the entire calendar year. For example, 300,000
gallons of cooling water is discharged in the
course of a year. The discharge occurs for
100 days of that year. The average daily
flow is 300,000/100=3,000 gallons (box B-2
should be checked) and not 300,000/365=820
gallons.

If treatment (such as chemical addition,
aeration, "packaged" treatment plants, etc.)
before discharging the wastes is practiced,
check the appropriate box (6-10) under the
heading "Amount Treated Before Discharg-
ing, Percent", to show the percentage of total
wastes of a given type (lines A-C) which is
treated. If no pretreatment is used check the
box labeled "None". On line D, check the
box (1-5) to indicate the maximum combined
flow (of all types of discharges together)
observed for any one day in the last full
year of operation. For new facilities, this
should reflect the best engineering estimates.

Item 7. Check the appropriate box(es) to
indicate daily average flow of wastes, if any,
places other than surface waters. If a box
on line E is checked, write in the place of
discharge in the space provided.

Item 8. Check the box beside the num-
ber(s) to show the number of separate dis-
charge points. A separate discharge point is
defined as a completely or partly enclosed
container or channel through which the
waste is discharged into a body of water, for
example, a pipe, ditch, culvert, refuse con-
tainer, barge, boat, etc.

Item 9. Give the name of the waterway
into which all or a major portion of the
waste water is discharged. Whenever possible,
use the name of the waterway as shown on
published maps. If the discharge is into an
unnamed tributary, give the name of the
water body fed by the tributary and identify
as tributary to (name of water body).

Item 10. The term "toxic material" means
those materials, or combination of materials,
including disease-causing agents, which after
discharge and upon exposure, ingestion, in-
halation, or assimilation into any organism,
either directly from the environment or in-
directly by ingestion through food chains will
cause death, disease, behavioral abnormal-
ities, cancer, genetic mutations, physiological
malfunctions (including malfunctions in re-
production), or physical deformations, in

such organisms or their offspring. Toxic substances include but are not limited to: Lead, cadmium, mercury, vanadium, arsenic, molybdenum, antimony, nickel, barium,

beryllium, copper, selenium, zinc, nitrioltri-acetic acid (NTA), orthonitrochlorobenzene (ONCB), polychlorinated biphenyls (PCB's), dichlorodiphenyl-trichloroethane (DDT).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE MONITORING REPORT

(2-3)	(4-16)	(17-19)			
ST	Permit number	DIS	SIC	Latitude	Longitude
		(20-21)	(22-23)	(24-25)	(26-27) (28-29) (30-31)
	Reporting period: From	Year	Mo.	Day	To
(32-37)					Year Mo. Day

Parameter		(3 card only) (38-45)	(46-53)	Quantity (54-61)	Units	No. EX
		Minimum	Average	Maximum		
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
	Reported					
	Permit condition					
Name of Principal Executive Officer		Title of the officer			Date	
					<div style="display: flex; justify-content: space-around;"> <div>Year</div> <div>Mo.</div> <div>Day</div> </div>	
Last	First	Middle	Title			

PROPOSED RULE MAKING

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM—continued
DISCHARGE MONITORING REPORT—Continued

INSTRUCTIONS

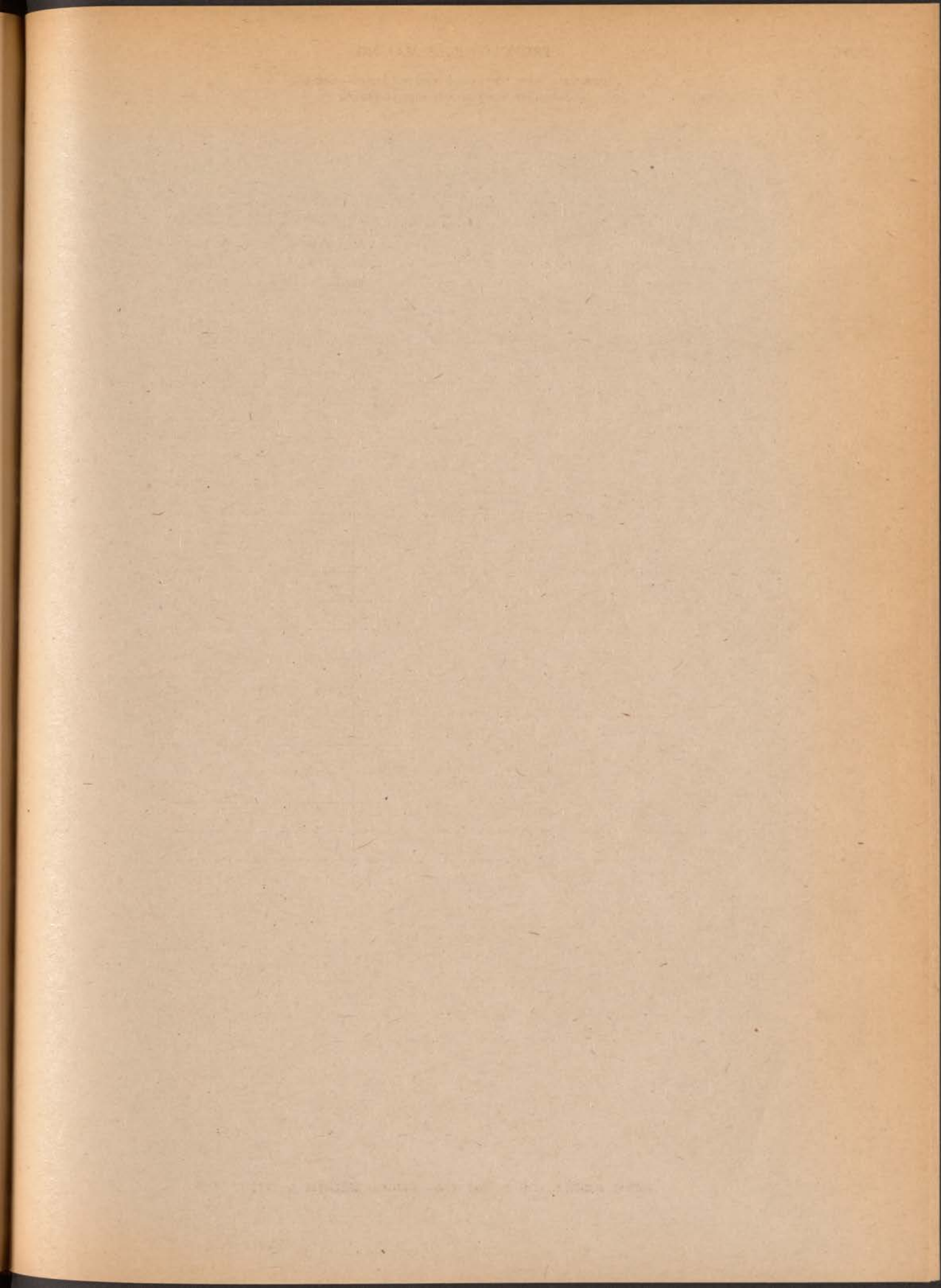
1. Provide dates for period covered by this report in spaces marked "Reporting period".
2. Enter reported minimum, average and maximum values under "Quantity" and "Concentration" in the units specified for each parameter as appropriate. Do not enter values in boxes containing asterisks. "Average" is average computed over actual time discharge is operating. "Maximum" and "Minimum" are extreme values observed during the reporting period.
3. Specify the number of analyzed samples that exceed the maximum (and/or minimum as appropriate) permit conditions in the columns labeled "No. Ex." If none, enter "0".
4. Specify frequency of analysis for each parameter as No. analyses/No. days. (e.g., "3/" is equivalent to 3 analyses performed every 7 days.) If continuous enter "Cont."
5. Specify sample type ("grab" or "____ hr. composite") as applicable. If frequency was continuous, enter "NA".
6. Appropriate signature is required on bottom of this form.
7. Remove carbon and retain copy for your records.
8. Fold along dotted lines, staple and mail Original to office specified in permit.

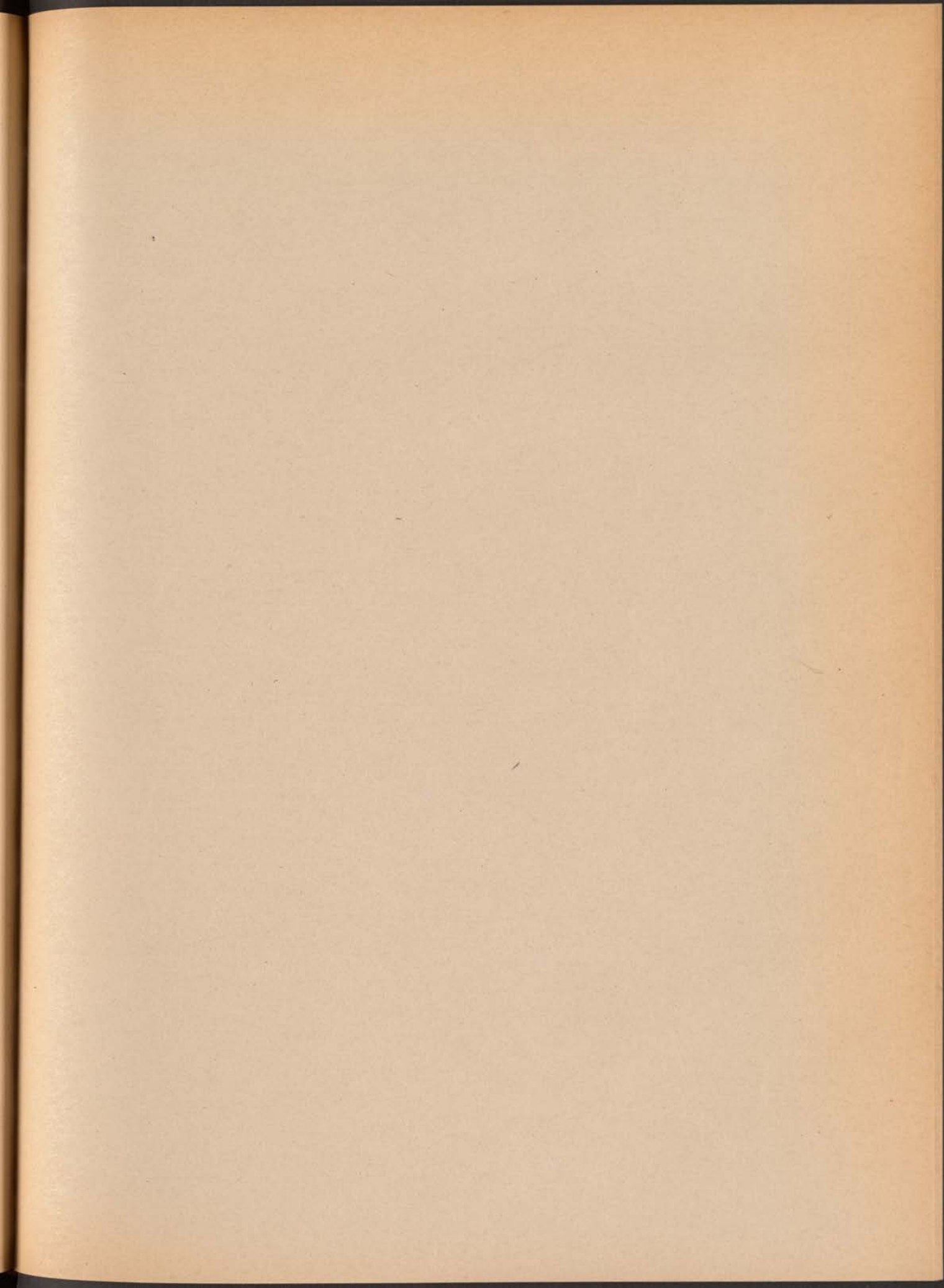
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