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Title 3—The President

PROCLAMATION 4115

National Week of Concern for Americans Who Are Prisoners of War or Missing in Action

By the President of the United States of America

A Proclamation

1,623 American servicemen and some 50 U.S. civilians are now either missing in action or being held captive by North Vietnam and its allies. At the end of this month, the first men to be taken prisoner will begin their ninth year in captivity. This is the longest internment ever endured by American fighting men; it is also one of the most brutal.

The POW/MIA story of this long and difficult war is a tragic one:

The enemy continues adamant in his refusal even to identify all the Americans being held. He continues to flout the Geneva Prisoner of War Convention which establishes minimum humane standards for treatment of prisoners—a treaty to which North Vietnam is a signatory, just as are South Vietnam and the United States and 128 other nations. He continues to block impartial inspection of the prison camps. He continues to deny repatriation for seriously sick and wounded prisoners. He continues to ignore the prisoners' right to regular correspondence with their families.

And so those families suffer in spirit hardly less than their men suffer in the flesh. They live in a nightmare of unremitting anguish and gnawing concern. Many cannot even know whether their loved ones are still alive; those who do know this much, must live with their additional knowledge of the cruel conditions in which the prisoners exist.

Each new chapter in this outrage has stiffened the American people's determination to see justice done. We have stood and will continue to stand united as a nation in our concern and compassion for the prisoners and missing men. We mean to see this matter through.

Concern for the prisoners' plight, moreover, has spread to the people of goodwill around the world—and we may be confident that their

humanitarian efforts, though so far rebuffed as callously as our own, will still continue as steadfastly as our own.

The United States has spared no effort—by diplomacy, by negotiation, by every other means—to secure fair treatment of our captive sons and brothers and to obtain their ultimate freedom.

As we set aside a special week of national concern for this continuing tragedy, and a special day of prayer for its resolution, we do so with a determination to persist in this effort—for principle, for peace, for the sake of these brave men and their parents and brothers and sisters and wives and the children some have never seen.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, as requested by the Congress in Senate Joint Resolution 189, do hereby designate the period of March 26 through April 1, 1972, as National Week of Concern for Prisoners of War/Missing in Action, and Sunday, March 26, 1972, as a National Day of Prayer for the lives and safety of these men.

I call upon all the people of the United States to observe this week with such appropriate ceremonies and activities as will stir and sustain widespread concern for the missing men and prisoners, nourish the patient courage of their loved ones, and—above all—hasten the day of their safe return to home and freedom.

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

[FR Doc.72-3996 Filed 3-13-72;11:52 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

National Credit Union Administration

Section 213.3157 is added to show that temporary or intermittent field positions of Liquidation Agents in the National Credit Union Administration are excepted under Schedule A.

Effective on publication in the FEDERAL REGISTER (3-14-72), § 213.3157 is added as set out below.

§ 213.3157 National Credit Union Administration.

(a) Liquidation Agents employed on a temporary or intermittent basis in the field.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-3761 Filed 3-13-72;8:46 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Confidential Assistant to the Chief, Children's Bureau, is excepted under Schedule C. This section is further amended to show that the Children's Bureau is now located in the Office of the Secretary.

Effective on publication in the FEDERAL REGISTER (3-14-72), § 213.3316 is amended by adding a new subparagraph (24) to paragraph (a) and revoking subparagraph (2) of paragraph (o) as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

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

(24) Three Confidential Assistants to the Chief, Children's Bureau.

* * * * *

(o) *Social and Rehabilitation Service.* * * *

(2) [Revoked]

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-3759 Filed 3-13-72;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that the following positions are no longer excepted under Schedule C: Commissioner, Water Quality Office; one Executive Assistant to the Commissioner, Water Quality Office; and one Confidential Assistant to the Assistant Administrator for Air and Water Programs.

Effective on publication in the FEDERAL REGISTER (3-14-72), subparagraph (2) of paragraph (f) and paragraph (g), of § 213.3318 are revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-3758 Filed 3-13-72;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 of Schedule C is amended to reflect the following title change: From Special Assistant to Assistant Secretary for Community Development to Executive Assistant to the Assistant Secretary for Community Development.

Effective on publication in the FEDERAL REGISTER (3-14-72), subparagraph (3) is amended and subparagraph (6) is added to paragraph (e) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(e) *Office of the Assistant Secretary for Community Development.* * * *

(3) Three Special Assistants to the Assistant Secretary.

* * * * *

(6) One Executive Assistant to the Assistant Secretary.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-3760 Filed 3-13-72;8:46 am]

Title 7—AGRICULTURE

Chapter III—Animal and Plant Health Service

PART 370—PUBLIC INFORMATION

Dissemination and Availability

By order published at 36 F.R. 20707, October 28, 1971, the Secretary of Agriculture established the Animal and Plant Health Service under an Administrator who would report to the Director of Science and Education. The Secretary's order transferred certain functions of the Agricultural Research Service to the Director of Science and Education. The Director of Science and Education, in turn, transferred those functions to the Administrator, Animal and Plant Health Service (36 F.R. 20707).

A document published at 36 F.R. 24917, December 24, 1971, accomplished the editorial and organizational changes necessary in Title 7 CFR, Chapter III, to reflect the transfer of functions from Agricultural Research Service to Animal and Plant Health Service. However, to conform to public information provisions of 5 U.S.C. 552 and 559, Animal and Plant Health Service is revising §§ 370.1 and 370.5. Because these amendments are of an editorial nature, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective upon publication in the FEDERAL REGISTER (3-14-72).

1. Section 370.1 is amended to read as follows:

§ 370.1 APHS publications.

APHS issues publications explaining, for information of the public, the animal and plant health programs and the laws and regulations, including quarantines, under which the programs are conducted. Most of these publications are available free from the USDA Publication Division, Office of Information, or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at established rates. The described publications not available from these sources will be made available for public inspection and copying.

2. Section 370.5 is revised to read as follows:

§ 370.5 Facilities for inspection and copies.

Facilities for public inspection and copying of the material described in the foregoing sections will be provided in a reading area by APHS, upon request to the offices listed below. Copies of such material may also be obtained in person or by mail. Applicable fees for copies are

prescribed by the Director, Office of Plant and Operations, USDA.

I. Regulatory and Control—Material concerning regulatory and control programs covering animal and plant pests and diseases:

Associate Administrator, APHS, Room 310-A, Administration Building, 14th and Independence Avenue SW., Washington, DC 20250.

II. Administrative Management—Material concerning administrative management activities:

Deputy Administrator, Administrative Management, APHS, Room 307-A, Administration Building, 14th and Independence Avenue SW., Washington, DC 20250.

III. Information Division—Published material concerning APHS activities, including press releases, special articles, and periodicals:

Information Division, APHS, Room 5145, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250.

Done at Washington, D.C., this 9th day of March 1972.

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

[FR Doc.72-3800 Filed 3-13-72;8:49 am]

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

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Grade and Size Regulations for Dates for Export

Notice was published in the February 9, 1972, issue of the FEDERAL REGISTER (37 F.R. 2890) regarding proposals by the California Date Administrative Committee to (1) delete § 987.204(a)(2) of Subpart—Grade and Size Regulations (7 CFR 987.202-987.218; 36 F.R. 23894) which prescribes size requirements for Deglet Noor whole dates withheld to meet a withholding obligation, and (2) to amend § 987.155(a)(1)(i) of Subpart—Administrative Rules and Regulations (7 CFR 987.100-987.174; 36 F.R. 25431; 37 F.R. 1159) by deleting the requirements prescribed therein that restricted dates exported to approved countries, other than Mexico, must meet the then current size requirements in § 987.204(a)(1) for dates handled as free dates. The subparts are operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons and opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

The Committee has indicated that certain foreign importers have expressed a preference for small-sized dates which are of good quality. The deletion of the size requirements of § 987.204(a)(2) and deletion of the size requirements prescribed pursuant to § 987.155(a)(1)(i) will make Deglet Noor dates of the smaller sizes available for export, and thus permit date handlers to meet the needs and preferences of foreign importers for small-sized Deglet Noor dates. Enabling importers to obtain the dates they desire will tend to increase exports of California dates and increase returns to producers.

Section 987.204(a)(2) also regulates the size of Deglet Noor dates which may be diverted to products. The Committee stated that size is not critical in diversion into products because the form of the dates is materially altered in processing. Moreover, small dates can be processed as satisfactorily as large dates and the cost of removing small dates from the supply of dates for products is not offset by any material increase in the quality of the products.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is found and determined that the deletion of the size requirements of § 987.204(a)(2) and the deletion of requirements prescribed in § 987.155(a)(1)(i) that restricted dates exported to approved countries other than Mexico must meet the then current size requirements in § 987.204(a)(1) for dates handled as free dates, will tend to effectuate the declared policy of the act.

Therefore, Subpart—Grade and Size Regulations (7 CFR 987.202-987.218; 36 F.R. 23894) and Subpart—Administrative Rules and Regulations (7 CFR 987.100-987.174; 36 F.R. 25431; 37 F.R. 1159) are amended as follows:

§ 987.204 [Amended]

1. Section 987.204(a) of Subpart—Grade and Size Regulations is amended by deleting therefrom subparagraph (2).

2. Section 987.155(a)(1) of Subpart—Administrative Rules and Regulations is amended by revising subdivision (i) thereof to read as follows:

§ 987.155 Disposition of restricted and other marketable dates by export or diversion.

(a) * * *

(1) * * *

(i) Be inspected and certified prior to export as meeting the then current applicable grade requirements in § 987.203(b)(1) for dates other than dates for further processing.

* * * * *

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves current restrictions on handlers by deleting the size requirements for dates that may be exported or diverted to products; (2) handlers are aware of this action and require no advance preparation to comply therewith; and (3) no useful purpose would be served by postponing the effective time of this action.

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

Dated March 9, 1972, to become effective upon publication in the FEDERAL REGISTER (3-14-72).

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-3831 Filed 3-13-72;8:52 am]

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

Standards for Imported Regulations

Notice was published in the July 14, 1971, issue of the FEDERAL REGISTER (36 F.R. 13098) regarding a proposal by the Department as to grade, size, and other requirements, governing the importation of raisins, pursuant to section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act."

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. The period for submitting such data, views, or arguments was extended until November 30, 1971, in a notice published in the FEDERAL REGISTER on September 11, 1971 (36 F.R. 18323). The period was further extended until January 31, 1972, in a notice published on November 30, 1971 (36 F.R. 22754). Written comments have been received from four persons within the period prescribed therefor.

Section 8e of the act provides, in part, that whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of the act (7 U.S.C. 608c) contains any terms or conditions regulating the grade, size, quality, or maturity of raisins produced in the United States, the importation of raisins into the United States during the period of time such order is in effect shall be prohibited unless such commodity complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated under said section 8e. Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to as the "marketing order"), contains terms and conditions regulating the grade and size of such raisins.

In written comments submitted pursuant to the notice, one person expressed doubt that the definition of "Thompson Seedless Raisins" in the notice (§ 999.300(a)(3)) included raisins made from Thompson Seedless grapes and recommended that the definition be revised to

make it clear that raisins made from this grape variety are included in the definition. This recommendation is adopted.

Two persons commented that raisins are being imported for use in the production of alcohol, or syrup for industrial use (e.g., treatment of tobacco), and such importation should not be subject to the regulation. One of these persons stated: "In the event for any reason there is to be any hearing or there is any position taken which would create restrictions on the importation of raisins for distillation purposes, we respectfully request the opportunity to appear at a hearing to present our views in person." As previously indicated herein, the grade standards applicable to raisins of designated varietal types to be imported are to be the same as, or comparable to, those established for domestic raisins of the same varietal types under the marketing order. Therefore, such raisins of such varietal types as meet the grade standards may be imported. The Administrative Procedure Act provides for submission of written data, views, or arguments with or without opportunity for oral presentation and a period of approximately 6 months was made available for the presentation of such written data, views, and arguments (36 F.R. 13098, 18323, and 22754). Further there is no showing made that the procedure for submitting written comments was not adequate or that an oral presentation supplementing such written presentation is necessary or desirable. Accordingly, the request for such an oral hearing is denied.

One person commented that imported Sultana raisins should be required to meet marketing order requirements applicable to domestic Sultana raisins. As stated in said notice, Sultana raisins produced in California are not seedless raisins, and are not identified with the Sultana raisins of international trade. Sultana raisins produced in foreign countries are made from Thompson Seedless (Sultanina) grapes, the same variety used in making Thompson Seedless Raisins in the United States, and from grapes with characteristics similar to that variety. For purposes of this regulation, "Thompson Seedless Raisins" is hereinafter defined in § 999.300(a)(3) as follows:

"'Thompson Seedless Raisins' includes those raisins commonly referred to in international trade as Sultana raisins and means raisins made from Thompson Seedless (Sultanina) grapes and from grapes with characteristics similar to Thompson Seedless (Sultanina) grapes."

Foreign drying and processing techniques differ from those in the United States, and thus foreign produced Thompson Seedless Raisins differ in color and are softer than domestically produced Thompson Seedless Raisins. Because of these variations in characteristics between domestic and imported raisins, the application of the requirements for color, stems, and capstems under the marketing order for domestically produced Thompson Seedless Raisins to foreign produced Thompson Seedless Raisins would not be practicable. Hence, the requirements hereinafter set forth for Thompson Seedless Raisins to be imported: (1) Prescribe no standards for color; (2) permit not more than 2 pieces of stem per kilogram of raisins and not more than 50 capstems per 500 grams of raisins; and (3) prescribe, for all other grade requirements, the same standards applicable under the marketing order.

The other varietal types of imported raisins covered by this regulations are Muscat Raisins, Layer Muscat Raisins, and Currant Raisins. The same grade (and size where applicable) requirements will be applicable to imported raisins of such varietal types as are applicable to domestic raisins of the same varietal types under the marketing order.

Also included in the regulation are other requirements which pertain to the importation of raisins (e.g., inspection and certification; and books and records).

After consideration of all relevant matter presented, including that in the notice, the written comments received pursuant to the notice, and other available information, it is hereby found that: The minimum grade standards in effect pursuant to the marketing order for Muscat Raisins, Layer Muscat Raisins, and Zante Currant Raisins should apply to Muscat Raisins, Layer Muscat Raisins, and Currant Raisins to be imported; and the minimum grade standards other than with respect to color, stems, and capstems in effect pursuant to the marketing order for domestically produced Thompson Seedless Raisins, and modified allowances for stems and capstems should be established for Thompson Seedless Raisins to be imported; and all such minimum grade standards as hereinafter provided are the same as, or are comparable to, those in effect pursuant to the marketing order.

It is, therefore, ordered, That on and after the effective time hereof the importation of raisins of the applicable varietal type into the United States shall be subject to, and in accordance with, the provisions of § 999.300 which reads as follows:

§ 999.300 Regulation governing importation of raisins.

(a) *Definitions.* For purposes of this section:

(1) "Raisins" means grapes from which a part of the natural moisture has been removed.

(2) "Varietal type" means the applicable one of the following: Thompson Seedless Raisins, Muscat Raisins, Layer Muscat Raisins, and Currant Raisins.

(3) "Thompson Seedless Raisins" includes those raisins commonly referred to in international trade as Sultana raisins and means raisins made from Thompson Seedless (Sultanina) grapes and from grapes with characteristics similar to Thompson Seedless (Sultanina) grapes.

(4) "Person" means any individual, partnership, corporation, association, or other business unit.

(5) "Fruit and Vegetable Division" means the Fruit and Vegetable Division of the Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(6) "USDA inspector" means an inspector of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division or any other duly authorized employee of the U.S. Department of Agriculture.

(7) "Importation of raisins" means the release of raisins at the port of arrival from custody of the U.S. Bureau of Customs.

(b) *Grade and size requirements.* The importation of raisins into the United States is prohibited unless the raisins are inspected at the port of arrival and certified as provided in this section. No person may import raisins into the United States unless such raisins have been inspected and certified by a USDA inspector as to whether or not the raisins are of a varietal type and, if of a varietal type, as at least meeting the following applicable grade and size requirements, which requirements are the same as, or are determined to be comparable to, those imposed upon domestic raisins handled pursuant to Order No. 989, as amended (Part 989 of this chapter):

(1) With respect to Thompson Seedless Raisins—the requirements of "U.S. Grade C" as defined in the currently effective U.S. Standards for Grades of Processed Raisins (§§ 52.1841–52.1852 of this title), except that: (i) The color requirements prescribed in those standards shall not be applicable; and (ii) the allowances prescribed in Table I of those standards for pieces of stem and capstems shall not be applicable, and in lieu of those allowances, not more than 2 pieces of stem per kilogram of raisins may be present and not more than 50 capstems per 500 grams of raisins may be present.

(2) With respect to Muscat Raisins—the requirements of "U.S. Grade C" as defined in the said standards.

(3) With respect to Layer Muscat Raisins—the requirements of "U.S. Grade B" as defined in said standards.

(4) With respect to Currant Raisins—the requirements of "U.S. Grade B" as defined in the currently effective U.S. Standards for Grades of Dried Currants (§§ 52.981–52.985 of this title).

(c) *Inspection and certification requirements.* (1) All inspections and certifications required by paragraph (b) of this section shall be made by USDA inspectors in accordance with the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (Part 52 of this title). The cost of each such inspection and certification shall be borne by the applicant.

(2) Each lot of raisins inspected in accordance with subparagraph (1) of this paragraph shall be covered by an inspection certificate. Each such certificate shall set forth, among other things, the following:

(i) The date and port of arrival where inspection performed;

(ii) The name of the applicant;
(iii) The name of the importer;
(iv) The quantity and identifying marks of the lot inspected;
(v) The statement, as applicable, "Meets U.S. import requirements under section 8e of the AMA Act of 1937" or "Fails to meet U.S. import requirements under section 8e of the AMA Act of 1937"; and
(vi) If the lot fails to meet the import requirements, a statement of the reasons therefor.

(3) Whenever raisins are offered for inspection, the applicant shall furnish any labor and pay any costs incurred in moving and opening containers as may be necessary for proper sampling and inspection. The applicant shall also furnish the USDA inspector the entry number and such other identifying information for each lot as he may request. To avoid delay the applicant should make advance arrangements with the office of a USDA inspector nearest the port of arrival.

(d) *Reconditioning.* Nothing contained in this section shall preclude the reconditioning of failing lots of raisins at the port of arrival prior to importation of raisins in order that such raisins may be made eligible to meet the applicable grade and size requirements in paragraph (b) of this section.

(e) *Exemptions.* Notwithstanding any other provision of this section, any lot of raisins which in the aggregate does not exceed 100 pounds, net weight, may be imported without regard to the restrictions of this section.

(f) *Books and records.* Each person subject to this section shall maintain true and complete records of his transactions with respect to imported raisins. Such records shall be retained for not less than 2 years subsequent to the calendar year of importation. The Secretary, through his duly authorized representatives, shall have access to any such person's premises during regular business hours and shall be permitted at any such time to inspect such records and any imported raisins held by such person.

(g) *Other restriction.* The provisions of this section do not supersede any restrictions or prohibitions on the importation of raisins under the Federal Plant Quarantine Act of 1912, the Federal Food, Drug and Cosmetic Act, or any other applicable laws or regulations, or the need to comply with applicable food and sanitary regulations of city, county, State, or Federal agencies.

(h) *Compliance.* Any person violating any of the provisions of this regulation is subject to a forfeiture in the amount prescribed in section 8a(5) of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), or, upon conviction, a penalty in the amount prescribed in section 8c(14) of said act, or to both such forfeiture and penalty. False representation to an agency of the United States in any matter within its jurisdiction, knowing it to be false, is a violation of 18 U.S.C. 1001 which provides for a fine or imprisonment or both.

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

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

Dated March 9, 1972, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-3829 Filed 3-13-72;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9605, Amdts. Nos. 25-32; 37-32; 121-84]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

PART 37—TECHNICAL STANDARDS ORDER AUTHORIZATION

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Crashworthiness and Passenger Evacuation Standards; Transport Category Airplanes

Correction

In F.R. Doc. 72-2675 appearing at page 3964 in the issue of Thursday, February 24, 1972, the following changes should be made:

1. In Part 25, the bracket which refers to "§ 25.141" (page 3972) should read "§ 25.1411".
2. In Appendix F, paragraph (d) (page 3973), in the 12th line the word "temperature" should be inserted between the words "flame" and "measured".
3. In Part 121 the second line of amendatory paragraph (C) (page 3974), now reading "amended by amending the last sentence", should read "amended to read as set forth below".
4. The paragraphs in the preamble material on page 3966 are out of order and should read as set forth below:

that these signs provide for effective evacuation performance. The primary need to see exit locating signs occurs when the passenger reaches the aisle during emergency evacuation. As a practical matter, in existing airplanes, the exit locating signs are generally visible to passengers in their seats.

A comment recommended that instead of requiring the operating handle for Type III exits to be self-illuminated, the rule should permit lighting from the emergency lighting system as an acceptable alternative. The FAA does not agree. Adequate illumination of Type III emergency exit operating handles in an emergency situation can only be provided through self-illumination. Persons crowding the exit are likely to block off light from any source other than from the handle itself. It was also recommended that the operating instructions for opening emergency exits should be readable from the aisle rather than a distance of 30 inches. The FAA disagrees. The instructions need only be readable by the persons at or near the exit who are in a position to open the exit. The 30-inch requirement has been in the regulation for many years and there is no evidence that it is not adequate. However, since paragraph (e) of § 25.811 applies only to operation of an exit from the inside, it has been revised to make this clear. It was also recommended that self-illuminated handles be required on all passenger emergency exits instead of limiting them to Type III exits. All Type A and Type I exits and all Type II exits not located overwing, are floor level exits and the rules now require general illumination for passageways leading to such exits. This general illumination provides adequate illumination for operating handles and instructions. However, the comment may have merit with respect to Type II and Type IV overwing exits and the FAA plans to consider it in subsequent rule-making action with respect to such exits.

It was also recommended that each sign use the words "emergency exit" to eliminate the possibility that passengers might attempt to open emergency exits in other than emergency conditions. The FAA does not consider that such a change is necessary. All exits are "emergency" exits and the FAA considers that the word "exit" is more appropriate.

In response to comments received, proposed paragraph (a) of § 25.812 has been revised for the purpose of clarifying the requirement. No substantive change has been made by this revision.

One commentator stated that proposed § 28.812(b) should be revised to require a supplementary self-illuminated sign that would remain lighted at all times to make passengers aware of the exit location. The FAA does not consider that such a requirement is necessary. The purpose of the proposal is to make passengers aware of the location of the exits during the confusion attending an emergency. The FAA does not consider that passenger locating signs need be illuminated during normal operation; the general cabin lighting system normally provides sufficient illumination for the unlighted locator signs.

In response to a comment, the proposed requirements of § 25.812(b)(1) have been revised to provide some tolerance in the letter height to stroke-width ratio for emergency exit locator signs. The final rule allows a letter height to stroke-width ratio of not more than 7:1 nor less than 6:1.

One comment objected to the requirement in § 25.812(d) that the floor of the passageway leading to each floor-level passenger emergency exit must be provided with illumination that is not less than 0.02 foot-candle. The commentator

stated that 0.01 foot-candle is all that is necessary in evacuation systems, and that, because eye adaption is more difficult at higher illumination levels, 0.02 foot-candles might be detrimental. The FAA considers the illumination of the passageway leading to an emergency exit to be very important and critical to safety. Evacuees must have assurance of adequate illumination for rapid and uninterrupted movement to the exit as well as for movement through the exit. While the FAA is aware of the lighting preadoption problem, it nevertheless considers that 0.02 foot-candle illumination is essential for passageway lighting.

Subsequent to the issuance of Notice 69-33, the lead-in sentences of § 25.812 (e) and (g) (2) were amended by Amendment 25-28, and the proposed changes to these paragraphs have been revised to include the later amendments, as revised for consistency with the requirements being adopted by this amendment.

One comment concerning the proposed requirement for a crew warning light in § 25.812(e) (2) indicated that a light burning continuously would result in power depletion. The flight crew warning light provides positive indication when the emergency lighting control device is neither armed nor turned on. The current drain is very small when related to the total electrical system demand and is outweighed by the gain in safety.

In response to a comment, the proposed requirement in § 25.812(f) that emergency lighting must be provided at each overwing exit for, among other things, a minimum width of 4 feet for a Type A exit has been changed to specify a minimum width of 42 inches. The minimum width of a Type A exit is 42 inches and the illuminated area need not be more than 42 inches wide.

One comment stated that the state-of-the-art permits each light to have its own independent power supply. The comment indicates that there is no reason to permit any light to be inoperative except those directly damaged by the fuselage separation and suggested that § 25.812 (k) be changed accordingly. The FAA does not agree. This matter was considered in Amendment 25-15, adopted September 15, 1967. At that time, the FAA stated that it is not necessary to require that all lights except those directly damaged by the fuselage breakup remain operative after any single vertical separation of the fuselage during crash landing. The FAA considers that the present requirement which permits up to 25 percent of certain of the emergency lights, in addition to those directly damaged by the fuselage breakup, to be rendered inoperative is all that is required in the interest of safety. However, it should be noted that under current requirements certain important interior and exterior lights must still remain operative.

A recommendation was made to change the lead-in statement in § 25.853 to refer to "typical" decorative surfaces and to define such surfaces as "paint finishes and decorative textured laminates applied to the materials." The FAA does not believe that this change is necessary. Under this proposal repetitive testing would not be required for finishes and decorative surfaces that are found to be "typical", with respect to their burn characteristics, of finishes and decorative surfaces already tested.

In response to comments received, § 25.853(a) has been revised to make it clear that the requirement does not apply to compartments for the stowage of small items, such as maps and magazines. However, the FAA does not agree with the recommendation that synthetic materials should be tested by a method other than a vertical test. While it is recognized that the test procedures referenced in § 25.853 could be made more stringent in various ways, the FAA has no reason to believe that materials (whether synthetic or other) meeting the prescribed tests do not have adequate burn characteristics.

One commentator stated that test evidence suggests that a reduction in the flame resistant standards of sidewall materials up to the top of the window line can be made with no loss of overall safety compared with the standard above this height, having regard to the lesser tendency for flame to spread at the lower level. The FAA does not agree. While the FAA is aware of higher potential temperature and flame spread at the upper sidewalls and ceiling, it is also aware that wall panels and partitions normally are continuous to floor level. Furthermore, there is no certainly that the cabin ceiling and upper sidewalls will remain uppermost after a crash landing.

One comment concerning § 25.853 suggested that "covering of upholstery" be deleted from the requirements of paragraph (b). The FAA agrees. The term "upholstery" includes the material used to stuff and to permanently cover furniture. It was also suggested that cargo compartment liners, insulation blankets, and cargo covers be deleted from § 25.853 and that all cargo compartment requirements be placed in § 25.855. The FAA does not agree that this is necessary. However, the provisions have been revised to clearly set forth the distinction between the fire protection requirement of §§ 25.853 and 25.855. In this case, the final rule makes it clear that § 25.853 covers, in addition to other materials, materials used in convertible passenger/crew cargo compartments. On the other hand, § 25.855 covers cargo and baggage compartments not occupied by passenger or crew.

A number of comments suggested that certain of the items listed in proposed § 25.853(b) could be constructed with

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[Airspace Docket No. 71-GL-22]

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

Designation of Control Zone and Alteration of Transition Area

On page 25047 of the FEDERAL REGISTER dated December 28, 1971, the FAA published a supplemental notice of proposed rule making which would amend §§ 71.171 and 71.181 of the Federal Aviation regulations so as to designate a control zone and alter the transition area at Columbus, Ohio.

Interested persons were given 45 days to submit written comments, objections and comments concerning the proposed amendments. Two comments were received. The Air Transport Association concurred with the proposal. Mrs. Helen Bowers and Mr. Ernest Bowers, owners of Columbus Southwest Airport objected to the designation of a control zone which would include their airport. They advised that because of the nature of their operations and the type of equipment they operate the control zone would have an adverse economic effect. Many of the aircraft operating to and from Columbus Southwest Airport are not radio equipped and under IFR conditions could not obtain clearance to enter or leave the zone.

To obtain the greatest degree of protection for IFR operations into Columbus-Bolton Field and also resolve the problems at Columbus Southwest Airport, we recommend the control zone be reduced to a 3-mile radius, excluding a 1-mile radius of Columbus Southwest Airport. This will allow operations into and out of Columbus Southwest Airport without entering the control zone.

Accordingly, the proposed amendments are hereby adopted subject to the minor changes as set forth below.

These amendments shall be effective 0901 G.m.t., April 27, 1972.

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

COLUMBUS, OHIO (BOLTON FIELD)

Within a 3-mile radius of Bolton Field (latitude 39°54'07" N., longitude 83°03'12" W.) excluding a 1-mile radius of Columbus Southwest Airport (latitude 39°54'45" N., longitude 83°11'03" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, therefore, be continuously published in the Airman's Information Manual.

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

COLUMBUS, OHIO

Add, "within a 6½-mile radius of Bolton Field (latitude 39°54'07" N., longitude 83° 03'12" W.)" to the 700-foot transition area description.

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

Issued in Des Plaines, Ill., on February 17, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.72-3751 Filed 3-13-72;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Future Structure of Securities Markets

The Commission is issuing this general statement of policy at this time so that the Congress, the investing public, and the securities industry fully understand the Commission's views on the present status of the securities markets and the direction in which the public interest requires that they evolve in the future.

The Commission has completed a series of hearings and special studies extending over a period of 3½ years. The latest set of hearings, which began on October 12, 1971, dealt primarily with questions related to the structure, organization, and regulation of the securities markets. Earlier hearings dealt primarily with questions relating to commission rates and give-up practices. The Institutional Investor Study, submitted to Congress on March 10, 1971, accumulated extensive data on the burgeoning of financial intermediaries such as banks, mutual funds, pension funds, and insurance companies, often referred to simply as institutions, and their growing impact on the securities markets.

Finally, the "Study on Unsafe and Unsound Practices of Brokers and Dealers," mandated by the SIPC legislation and submitted to Congress on December 28, 1971, dealt with questions relating to the operational efficiency and financial responsibility of firms making up the broker-dealer community.

This policy statement is based on the data and testimony accumulated in this entire process of hearings and studies. It draws on the Commission's analysis of that data, as well as on the experience gained through its years of administering the securities laws.

The continued strength and vitality of the American securities markets are essential to the economic welfare of all Americans. We have the best capital market in the world. It attracts investment not only from millions upon millions of Americans and the financial institutions responsible for their savings but from investors in all corners of the world. This attraction comes from the depth and liquidity of our market, from the quality of the information and research available about our companies and from the standards of service and responsibility to investors which prevail in our investment community.

Yet disturbing problems have developed. Institutions entrusted with rapidly increasing amounts of the Nation's savings have sharply increased the amount of trading they do in the equity markets. Much of this trading is directed to markets where it is possible to rebate or redirect commissions and where the public is not aware of the prices or the volume involved. Our securities markets depend on public confidence and public participation. In our study on unsafe and unsound practices we have reported on steps taken to assure the public of the financial responsibility of those who serve investors and steps recommended to fully utilize modern technology in effectuating securities transactions.

In this policy statement we address what can be done now to assure the public that market structure is responsive to its needs. The public is entitled to disclosure of trading volume and prices in all markets. It is entitled to have competition focused on providing the best combination of price, service, and transaction cost. It is entitled to regulation designed to assure fair, open and direct dealing and, to the extent feasible, to maintain price stability and market depth.

The policies set forth in this statement are designed to deal with the following specific problems which have developed in our markets:

1. With the growing institutionalization of the market, large blocks have come to account for close to 20 percent of the volume. The auction market and the specialist system have not been able to absorb this pressure without the assistance of other dealers.

2. Widespread attempts to avoid the fixed commission rate or to use commission payments as compensation for other services unrelated to the brokerage function have resulted in a dispersion of trading to the point where an investor's ability to know whether he has obtained the best execution of his order is threatened and the potential depth and liquidity of the marketplace have been impaired.

3. Reciprocal practices have proliferated to the point where they, along with restrictions on brokers' access to markets, have clouded disclosure and responsibility in the execution of orders for listed securities.

4. An increasing amount of trading in listed securities is not disclosed to the public.

The policies set forth herein are also designed to preserve and strengthen these capabilities which our markets have developed:

1. The remarkable ability of block positioners and other market-makers, including some specialists, to handle the large offerings and bids which come from the institutions.

2. The network of securities firms capable of providing needed services to the public and mobilizing capital from all parts of America.

3. The high standards of fiduciary responsibility with which most securities firms serve public customers.

4. The professional investment research capabilities which have been developed to guide investor's capital on an informed basis and in the light of potential risk and reward.

In brief, these policies are designed to maintain depth and liquidity by concentrating trading in a central market system in which competing market-makers will generate the best prices, in which comprehensive disclosure will show how and where to obtain the best executions, to which all qualified broker-dealers will have access, and in which every investor can have the assurance that the professionals acting as his agents will put his interests before theirs. At the same time, we seek to move towards a structure of rules as to commissions and related matters which will eliminate gimmickry and minimize distortion and indirection in the trading of equity securities.

As things now stand, we believe that fundamental changes in trading practices, particularly the institutionalization of trading, and the nature of the prevailing commission rate structure have combined to produce fragmentation among the components of the marketplace for listed securities. Similarly, the trading of increasingly large blocks of securities has cast doubt on the ability of the marketplace to continue to provide the liquidity and price continuity which have made our markets function so well.

In evaluating alternative policies and introducing change the most critical task is the designation of objectives. In this case, our overall objective is to encourage the development of capital markets with the ability to mobilize capital effectively and in so doing to allocate resources efficiently, establish realistic and fair valuation of investments, provide necessary liquidity for securities and produce satisfactory investment services and protection for those who commit their savings to the securities markets, in whatever form. We believe these objectives can be attained by reliance on economic incentives and market mechanisms, consistent with our national policy of favoring free and open competition, except in those specific instances where the regulator's duty to protect the public dictates a limited departure from free market principles.

A Central Market System

In order to maximize the depth and liquidity of our markets, so that securities can be bought and sold at reasonably continuous and stable prices, and to insure that each investor will receive the best possible execution of his order, regardless of where it originates, it is generally agreed that action must be taken to create a single central market system for listed securities. The Commission in its letter transmitting the Institutional Investor Study to Congress called for a central market system with open access by all qualified brokers and market-makers. This represented something of a shift in the historic position of the Commission, which over many years, extending from before World War II to at least the Special Study Report of 1963, tended to favor competing but separate

markets. This shift resulted from technological developments which made it possible to tie markets together so that one could foster competition within a central market rather than among separate competing markets and also from the need to strengthen the existing market structure, including increased market-making capacity within the structure, in order to cope with the pressures created by the growth of institutions and the volume of their trading. This central market system must be one which will attract and reflect all bids, offers and market-making activity in order to maintain maximum liquidity and depth.

The term "central market system" refers to a system of communications by which the various elements of the marketplace, be they exchanges or over-the-counter markets, are tied together. It also includes a set of rules governing the relationships which will prevail among market participants. To mandate the formation of a central market system is not to choose between an auction market and a dealer market. Both have an essential function and both must be put to work together and not separately in the new system.

Doing this should achieve the twin objectives of centralizing all buying and selling interest and maximizing market-making capacity. While the Commission believes it is important that a tandem central market system also evolve for unlisted securities, and recognizes that significant strides are being made in this direction through NASDAQ, this report will concern itself only with such a system for listed securities. We nonetheless note our satisfaction with the manner in which the NASDAQ communications system has been operating and intend to continue to monitor its operations and development in order to determine whether any modifications may be necessary as the evolution of a central market system progresses.

The national market in listed securities is presently divided between stock exchanges and the third market, with a relatively insignificant amount of trading occurring directly between investors without any intermediation. A central market system would internalize within that system, and make visible to the investing public, the competition which now takes place among the separate exchange markets and between all of them and the third market. The competition which now exists is not always focused on the best brokerage services obtainable but is often based as well on the ability to divert part of the commission involved in a transaction to the interests of those who initiate it and which are not necessarily the same as those of the beneficial parties involved. The trades resulting from this competition and the arrangements it spawns are not always publicly disclosed.

The central market system we look towards should be designed not only to strengthen competition but to make its operation direct and comprehensible and its results fully public. It would entail, among other things, the following elements:

1. Implementation of a nationwide disclosure or market information system to make universally available price and volume in all markets and quotations from all market makers.

2. Elimination of artificial impediments, created by exchange rules or otherwise, to dealing in the best available market.

3. Establishment of terms and conditions upon which any qualified broker-dealer can attain access to all exchanges. (Progress in this direction has already been achieved by a provision for a 40 percent discount from prescribed commission rates for brokers who are not members of the NYSE. Experimentation with this access provision may lead to further proposals for greater access.)

4. Integration of third market firms into the central market system by including them in the disclosure system (even though initially they would report principal trades on a net basis while exchange trades do not give effect to commissions) and making them subject to appropriate market responsibilities and other regulatory requirements commensurate with the benefits they may realize.

Before discussing these elements in more detail, two other matters related to development of the system are noteworthy. As the system evolves towards general access to exchange facilities it may, depending upon the nature of such access, become appropriate to provide for compensation to seat holders who invested in their seats with the reasonable expectation that such access would remain strictly limited. This could be done by means of a transaction surcharge or some form of tax relief, as the Department of Justice has suggested in its statement recently filed with the Commission. Furthermore, as the central market system evolves, changes may be desirable in the nature and functions of the self-regulatory organizations. We anticipate that during the developmental stages the self-regulatory organizations will make changes appropriate to the new system. It is not necessary, however, to attempt to design at this time a self-regulatory structure for a system, the outlines of which are still not sharply defined.

A Comprehensive Disclosure System

As indicated above, an essential step toward formation of a central market system is to make information on prices, volume and quotes for all securities in all markets available to all investors, so that buyers and sellers of securities, wherever located, can make informed investment decisions and not pay more than the lowest price at which someone is willing to sell nor sell for less than the highest price a buyer is prepared to offer. Such a communications system would thus serve to link the now scattered markets for listed securities.

Actions towards establishing such a system has already been initiated by a working committee formed by the industry for this purpose. It is expected to progress rapidly, assuming that the heterogeneous components of the securities industry continue to demonstrate a homogeneous resolve. The committee has met to discuss alternative approaches and recently gave the Commission a progress report on its initial deliberations. The Commission will monitor the progress of the committee (and its expended successor discussed below) actively to ensure that the common goal is attained as swiftly as possible.

To the extent the communications system will contain substantially real time information on quotations and completed transactions, existing rules must be broadened and reshaped to protect the public against any manipulative abuses, such as certain kinds of short selling, to which such systems may be subject. Technological means must be found to bring together promptly transactional information from all markets and, if feasible, to present it on a single tape. Because of legibility problems, it may be desirable to develop instead a tape for very actively traded securities and to supplement it for less actively traded securities with a separate tape or a recall system which would provide data on last sale, cumulative volume and current quotes. Alternatively, a tape might be developed which would contain all desired information but which could be viewed on a selective, though real time, basis.

In addition to developing a composite transactional tape, steps must be taken to implement a composite quotation system. The technology and hardware for such a system are said to be available, and any remaining regulatory problems should be promptly worked out so that the system can attain its objective of providing quotations which are truly comparable, notwithstanding the different assumptions on which they may be based.

The Commission plans to work in conjunction with the industry's committee to take all appropriate steps to achieve the foregoing as expeditiously as practicable.

As a concrete preliminary step the Commission will promptly promulgate rules under section 17(a) of the Exchange Act to require that by the end of each day (or more frequently if feasible) price and volume information on each listed security be collected by each stock exchange and, in the case of third market trading, be reported by broker-dealers to and be collected by the NASD, under appropriate procedures and safeguards. Such rules would provide for release of the data by the end of each day to the public news media including newspapers and, when feasible, to the composite or combined ticker or recall system and automated selective display system referred to previously. This will make it possible for investors to know aggregate trading volume and price ranges in a particular listed security in all markets in which it is traded. It is hoped that the media will cooperate with the Commission and the self-regulatory organizations to modify present reporting methods to include this additional

information. In any event, this information will be made publicly available as soon as possible, and the Commission looks forward to substantial progress toward the formation of a real time comprehensive market disclosure system before the end of the year.

RULES FOR COMPETING MARKET MAKERS

A central market system, primarily through its communications network, can maximize the opportunity for public orders to match each other and be executed in classic auction market fashion. In addition, such a system can greatly increase the depth and liquidity of the marketplace by maximizing market making capacity; that is, the ability and willingness of dealers, including specialists, market-makers, and block positioning firms, to buy and sell securities for their own accounts on occasions when the other side of a public order is not readily available. This can be done by encouraging all such dealers to compete actively within the system, without any artificial restraints between component markets, to provide the necessary buying or selling power on such occasions.

It must be recognized that when market professionals are permitted to deal for their own accounts with the public, prophylactic rules are required to avoid overreaching and other abuses. Similarly, as a condition of allowing professionals the right to represent and deal with the public in the market system, these professionals should be prepared to assume certain responsibilities in respect of the liquidity and orderliness of the market.

The Commission believes that the liquidity needs of individual and institutional investors can best be provided by policies fostering the development of competition among dealers who are specialists, market-makers and block positioners. Such competition will mitigate the very difficult problem which now exists of developing and enforcing rules designed not only to prevent specialists from abusing their privileged position, but also to motivate them to perform satisfactorily under widely differing circumstances and in the light of varying risks and pressures. Nevertheless, the Commission recognizes that certain rules must be applicable to the competing specialists, third market-makers, and block positioning firms that will be the heart of the central market system. Such rules will be necessary for three reasons. First, not all listed securities have the trading volume and investor interest necessary to provide effective competition among market-makers (a very large proportion of listed securities trade fewer than, say, 1,000 shares a day). Second, even with the presence of competing market-makers, minimum standards are needed to assure that competition will exist in fact, not just in appearance. Third, it has long been recognized that the regulatory and self-regulatory bodies must help assure that such market-makers do not take unfair advantage of public investors.

Such rules and responsibilities can best be specified in detail by another working group formed for this purpose. This group will deal with problems such as the following:

1. How can we assure that trading by dealers is stabilizing rather than destabilizing in nature? Can this be controlled by standards more meaningful than the "tick test," including, for example, a daily net balance test?

2. To what extent, if any, should there be modifications of the existing system under which specialists are both obligated and limited to making markets in a specified group of securities, while block positioners endeavor to provide a market for almost any security in which an institutional customer has a buying or selling interest, and third market-makers perform in a manner somewhere in between? To the extent that this difference in functions is preserved, what rules are appropriate in connection with each such function?

3. What standards of financial soundness should be applied to market-makers in relation to the number and the size of the markets they maintain as well as to whether or not they carry customers' accounts?

4. Who should have access to information about limit orders and are any restrictions necessary or desirable on dealings between specialists or other market-makers and institutions? It is the Commission's present view that (a) competing market-makers should have access to the book (or books), although this might require that it be made public, and (b) the ability to deal directly with institutions contributes substantially to a market-maker's ability to find demand and supply (increasing his willingness to take positions and thus improving liquidity), and the presence of competing market-makers would reduce the likelihood of the abuses which gave rise to the existing restrictions on such dealings.

GENERAL

We have not attempted at this time to decide certain questions which, in our view, can appropriately be resolved only when the central market system has evolved further. These include such matters as whether trading in listed securities should be restricted to that market system, and whether institutions should be required to limit their transactions in listed securities to that market system rather than doing business directly with each other.

BLOCK TRADING

Much concern has been expressed about the market impact of the manner in which institutions acquire and dispose of large positions in listed stocks. The ever-increasing proportion of trading in listed securities accounted for by blocks has taxed the capacity and willingness of specialists, as well as other market makers, to absorb large blocks. While the Institutional Investor Study found that on an overall basis and over extended periods of time—usually about a month—institutional trading did not lead to instability in the market, it appears that such instability does occur frequently in the short run. The impact of institutional trading in particular instances may thus be felt by the markets in general and public investors in particular through substantial fluctuations in the value of their holdings, whether as individuals or through pools of invested capital.

It is in the interest of all concerned, including investors of all sizes, corporate issuers and broker-dealers, that institutional trading not be permitted to deprive our capital markets of their basic liquidity and orderliness. A relatively small number of brokerage firms specializing in block transactions have to date performed a remarkable service in maintaining liquidity for large blocks and minimizing their impact on the public marketplace, but there can be no assurance that they will continue to do so. We have been told that lowering the level at which commission rates are subject to negotiation would deprive the block firms of some of the commission "cushion" they employ to reduce their risk of loss on blocks they temporarily take into inventory to facilitate block trades. Their ability to handle large blocks would thus be diminished, which would result in larger discounts and premiums in the movement of large blocks. Accordingly, ways must be found to ensure that these disruptions in the manner in which securities are priced in the marketplace are minimized, at least to the extent they are a result of liquidity preferences and not in response to information generally available to public investors.

A wide range of approaches has been suggested. One type of proposal is directed at decreasing the volume of block trading by imposition of limitations on the ability of institutions to change positions, or of market makers and block positioners to assist institutions to change positions, rapidly in circumstances where the market impact is likely to be severe. Another type of proposal would accept the possibility of greater price gyrations from institutions' block trading and would focus on finding ways to enable the public to participate in the block premiums or discounts. A third type of modification would recognize the fundamentally different nature of block transactions, as distinguished from normal retail auction transactions and, with the aim of avoiding retail market price fluctuations, would accord them separate treatment. For example, blocks might be crossed and reported on a tape but not interfaced with the retail auction process; that is, limit orders on the specialist's book would not participate at all.

The foregoing proposals all raise very difficult questions and involve competing theories as to the kinds of markets that are most efficient and fair.

We would be reluctant to see any restriction on the liquidity of large blocks. Yet the cost of such liquidity may be greater price fluctuations. If greater price fluctuations, springing from the desire on the part of institutions to have instant liquidity, are to affect the value

of individual holdings, directly or in pools, perhaps the public should have the opportunity to participate in resulting discounts and premiums. It also may be that requiring institutions to reflect the size of their holdings (through haircuts) in valuing their portfolios would result in a better balance between the propensity to accumulate large blocks and the expectation of instant liquidity. Better rules, procedures and incentives for positioning and redistributing large blocks may contribute to the resolution of these difficult problems.

An additional working group will be created to study and recommend rules needed to improve the handling of large blocks. Reports on the respective merits of the various approaches, and related proposals for implementation, will then receive thorough consideration by the Commission, which will consider both the problems and the suggested changes in the context of the central market system that will be evolving.

QUALITY OF SERVICE TO THE INVESTOR

Section 2 of the Securities Exchange Act of 1934 states that "transactions in securities as commonly conducted upon securities exchanges and over-the-counter markets are affected with a national public interest." Just as surely the brokers and dealers who execute such transactions are so affected. They are entrusted with money and securities belonging to investors of all sizes, including those whose savings are invested indirectly through large pools of funds. It is therefore crucial that these brokers and dealers conduct their activities in a manner consistent with the high standards imposed upon them by the Act and the needs and expectations of the investing public.

An important step toward eliminating the many discredited practices which caused concern about the ability and willingness of some members of the broker-dealer community to live up to such standards was the issuance of the Commission's recently released study of unsafe and unsound practices, referred to above. Of equal importance are questions as to the kinds of entities which should be permitted to act as broker-dealers, the kinds of activities in which they should be permitted to engage, the manner in which charges for their services should be determined and the form which payment of such charges should take. All of these issues must be resolved so as to insure that the public can be confident of dealing with an even stronger broker-dealer community capable of reliably performing the services its customers have a right to expect for charges that are fair to all concerned.

In evaluating policy on these matters, there are several critical elements to keep in mind. One is that what is being bought and sold is a personal service—increasingly, we hope, a professional personal service. A recommendation to buy or sell a security and the execution of most orders of any size require critical elements of responsibility, judgment, skill, experience, knowledge of people and markets, information and research relating to the security. Much of the effort of the industry and the Commission over past years has been to improve the standards of responsibility and professionalism with which brokerage service is made available. Potential savings in the cost of this service are quite small in relation to the amount at stake, well under a penny on a dollar in most cases. We have observed that the cost of this service is frequently considerably lower in relation to commissions prevailing in connection with other forms of investment. We doubt that stock market commissions are significantly higher than any other investment commission, particularly when weighed in the light of the number and the complexity of the elements entering into a sound investment decision and a satisfactory execution with respect to equity securities.

This is not to say that it is not desirable that transaction costs be reduced or that it will not be possible to reduce them. We are hopeful that steps to be taken on competitive rates and on the creation of a modernized nationwide securities transfer system will result in lower transaction costs. But we would be concerned if reduced transaction costs were accomplished at the price of deterioration in standards of service and responsibility, or if apparent reductions in commissions result in higher transaction costs owing to increased spreads and fluctuations, or if investment managers made visible commission cost an exclusive criterion in deciding where to place their executions and ignored, through carelessness or fear of criticism, the elements of skill, knowledge, judgment and advice. The remaining sections of this statement set forth our views on these and related questions.

COMMISSION RATES

The problems attributable to fixed minimum commission rates on institutional size stock exchange transactions have led to a series of modifications in the commission rate structure during the last few years. Economies of scale were first given recognition in the rate structure on December 5, 1968, when a volume discount was initiated for the portion of orders exceeding 1,000 shares. At the same time, the stock exchanges prohibited so-called customer directed give-ups, a practice that was producing abuses which it was feared might result in challenges to the very existence of minimum commission rates. Also introduced at that time, at the instance of the New York Stock Exchange, were competitively determined rates on very large orders: Members were permitted to negotiate with institutional customers in respect of the portion of the commission itself which exceeded $100,000 on a given order. More recently, on April 5, 1971, negotiated rates were introduced into the commission rate structure on the portion of orders exceeding $500,000.

Barriers to full participation in the central market must be eliminated. It should be understood that while the Commission is concerned that the level of commissions be reasonable in all transactions—and particularly in institutional transactions where the difficulties with fixed commissions are most acute—obtaining the best brokerage services, not merely the amount of the commission, must be the ultimate criterion. Our concern with the fixed minimum commission, therefore, is not only with the level of the rate structure but with its side effects as well. Of these, perhaps the most important are the following:

(a) Dispersion of trading in listed securities.

(b) Reciprocal practices of various kinds.

(c) Increasing pressure for exchange membership by institutions.

Fixed minimum commissions, at least on institutional size orders, may well make it very difficult, if not impossible, to create the central market system we envision. This is true because certain markets and market-makers are very likely to choose to stay outside the system in order to compete in service charges as well as in execution, as the third market does, or in order to compete, as certain regional exchanges do, for institutional business by directly or indirectly providing institutions with rebates of commissions.

The fixed minimum commission, as pointed out below, either creates or exacerbates the problem of institutional membership. If competitive commission rates were introduced on most institutional size orders, it appears that most institutions would no longer be interested in membership, except to the extent that some would wish to engage in the general public brokerage business, which would contribute needed capital strength to the industry. We must bear in mind, however, that we are dealing with an industry which has operated under fixed commission rates for a very long time. It is necessary to measure the effect of competitively determined commissions very carefully on a step by step basis. Also, as noted above, the major thrust of broker-dealer reform should be toward upgrading standards of service to the public, including the provision of adequate information, advice, care and responsibility. Any changes in the commission structure should not reverse this process.

The principal argument in favor of fixed minimum commissions is the severe decline in the revenue of the securities industry predicted to result if competitive rates were suddenly introduced on all institutional business. In view of the industry's recent financial crisis and the substantial scars that remain, the possibility of this occurrence is a powerful argument against any precipitous movement to competitive commissions. This would not, however, rule out moving towards competitive rates, at least on large orders, at a measured, deliberate pace. Given time and a sense of direction, the industry should be able to adjust to this change.

The Commission has cooperated with the NYSE in developing a program to monitor orders which are subject to competitively determined rates. Data received to date indicate that there have

been substantial reductions in commissions on the portions of orders exceeding the $500,000 breakpoint. They also suggest that in determining the commission on the "overage" the parties take into account the overall size of the order and the amount of commission attributable to the fixed rate portion of the order.

The Commission is in the process of conducting an inquiry into the impact of competitively determined rates on the markets and market participants. While we have made no final judgment as to the breakpoint at which competitive rates should commence, we believe that at least on large institutional orders the problems engendered by fixed minimum rates can best be resolved by a process of phasing in competitively determined rates. The Commission is aware that further reductions in the breakpoint might have a more severe impact on the income of certain kinds of member firms, on the services they provide, on their role in the capital markets, including the distribution of securities, and on the desires of institutions and their managers to recapture commissions or otherwise use them for their benefit. Indeed, as will be discussed later, the Commission believes that clarification may be necessary in the concept of what services may be paid for by customers by means of commission dollars, both competitively determined and fixed.

Nevertheless, we have determined that a reduction in the breakpoint to $300,000 should take effect in April 1972, after a year's experience with competitive rates on that portion of an order exceeding $500,000. As noted above, we have also determined to move toward the point at which commission rates on all orders of institutional size will be, at least in part, subject to competitive rates. The Commission will, of course, continue to observe the experience under the $300,000 level in considering the timing of subsequent steps.

In connection with the subject of commission rates it may be noted that any rate structure is ultimately based upon the cost characteristics of the service being paid for. As stated above, it is to be hoped, and we are optimistic, that current efforts to streamline the clearance function, especially through reduction of the movement of paper in the stock transfer process, will result in significantly lower costs. Similarly, future technological applications may make it possible to automate the execution function as well; the NYSE's experiment with automated round lot execution is an encouraging step in this direction.

RESEARCH AND SUITABILITY

There can be little doubt that the general availability of information concerning virtually every aspect of the operations and prospects of corporate issuers has been one of the most important elements which has distinguished the American capital markets from all others and which has contributed to their phenomenal growth. Further, it is the process broadly referred to as "investment research" which has contributed significantly to unearthing much of this corporate information and sifting, digesting and transmitting it in meaningful form so that it may serve as the basis for market decisions by investors.

It is, therefore, the Commission's premise that broad-based securities research and its prompt and fair dissemination to large and small investors is indispensable to an efficient system of securities markets. We believe that a broker is obliged to communicate any material changes in his prior investment advice arising from subsequent research he may do to all customers whom he knows have purchased and may be holding shares on the basis of his earlier advice, at least under circumstances where to do so would not impose an unreasonable hardship on the broker.

It is also essential that, regardless of what level of competitively determined commission rates may be determined to be appropriate, the viability of the process by which research is produced and disseminated not be impaired. Presently, many institutions compensate brokers for research by allocation of commission business. If fixed minimum commissions were no longer to be applicable to institutional size transactions, an "unbundling" process might result so that some brokers would charge separate fees for services such as execution, research and the like. Nevertheless, brokers who do indepth research might prefer to charge higher commissions than other brokers whose research activity is narrower in scope or of lesser quality or value. Concern has been voiced that under such circumstances institutional managers charged with a fiduciary duty would be reluctant to pay a higher commission rate which reflected research. The Commission believes that they should not be. In our opinion, the providing of investment research is a fundamental element of the brokerage function for which the bona fide expenditure of the beneficiary's funds is completely appropriate, whether in the form of higher commissions or outright cash payments. It should be disclosed to investors that their money manager is willing to exercise discretion in seeking the best information and research available and does not consider that there is an obligation to get the cheapest execution regardless of qualitative consideration. It should of course be expected that managers paying brokers for research with their beneficiaries' commissions or other funds would stand ready to demonstrate that such expenditures were bona fide.

Concern has also been expressed that under an unbundled rate system many small investors would seek to obtain the lowest rates available and would lose the benefit of basic research now paid for by the minimum commission. In this regard, the Commission wishes to emphasize that a broker-dealer will not be relieved of his obligation to his customer with respect to the "suitability" of a securities transaction.

It should be noted that the suitability rules are cast in terms of the needs of the customer based on information he furnishes to the broker. Unarticulated but implicit in such rules is also the broker's obligation to obtain current basic information regarding the security and then to make an evaluation as to the suitability of a recommendation for a particular customer in view of both the information concerning the security and the customer's needs.

The Commission recognizes that some customers will independently determine to purchase or sell specific securities and will not request or desire the advice of a broker and that in these circumstances it is impractical to require rigid adherence to the suitability rules. Even in such cases, however, the broker would appear to be obliged to reveal to the customer information known to him about the security which might reasonably be expected to affect the customer's decision, apart from his other duties under applicable provisions of the securities laws.

Vigorous enforcement of the standards of suitability discussed above would thus mean that as competitive commission rates are introduced the basic execution charge which would evolve would include the provision of research services to the extent necessary to comply with these standards.

RECIPROCAL PORTFOLIO BROKERAGE FOR SALES OF INVESTMENT COMPANY SHARES

The Commission and other persons interested in the securities industry have for a number of years been seriously concerned about the widespread practice of investment company managers using portfolio brokerage of mutual funds to reward broker-dealers for sales of fund shares. This practice was examined by the Commission in its Special Study of Securities Markets (1963), its report on the Public Policy Implications of Investment Company Growth (1966) and the Institutional Investor Study. Several committees of the NASD have also addressed themselves to this practice.

The regulatory problems related to the reciprocal use of portfolio brokerage, as noted in these studies, are at least fivefold. First, the practice contains the danger that the retail seller of a mutual fund will be unduly influenced to base his recommendation to his customer on the amount of additional rewards he receives in terms of portfolio brokerage commissions rather than upon the investment needs of his customers. In fact, industry leaders have found that this danger is very real in the case of other rewards that are given, over and above the ordinary fund dealer concession. They have found this to be true even where this additional source of dealer compensation is disclosed to the customer. These abuses have led the NASD to limit or prohibit certain kinds of supplementary rewards in its special deals interpretation.

Second, fund managers may be tempted to engage in various types of improper portfolio practices at the expense of fund shareholders. The competitive need to allocate portfolio brokerage commissions to fund sellers may exert pressures for frequent sales and purchases of fund portfolio securities

unwarranted by sound investment considerations. Such pressures on fund managements may also result in the selection of firms to handle portfolio executions that are not necessarily in a position to obtain the best prices.

Third, the Commission's studies have reiterated the point that this form of reciprocity has serious anticompetitive impacts. The use of portfolio brokerage to reward dealers who sell investment company shares places small investment companies and complexes, which cannot allocate as much brokerage for sales as larger ones, at a distinct competitive disadvantage because the NASD's special deals interpretation is not applied to reciprocal brokerage but is applied to prohibit managements from rewarding fund sellers in other ways.

Fourth, we believe that the cost of selling and purchasing mutual fund shares should be borne by the investors who purchase them and thus presumably receive the benefits of the investment, and not, even in part, by the existing shareholders of the fund who often derive little or no benefit from the sale of new shares. To impose a portion of the selling cost upon the existing shareholders of the fund may violate principles of fairness which are at least implicit in the Investment Company Act.

Finally, the practice of compensating broker-dealers for mutual fund sales by assigning them commission business violates the long accepted precept in investment company regulation that an investor is entitled to know how much was paid to those who sell him an investment. This practice puts the investment company in the position of issuing a prospectus which purports to specify the sales compensation but fails to quantify the additional compensation paid to the customer's broker-dealer in the form of commission business awarded on the basis of success in selling investment company shares.

The Commission believes it should be made clear now that these reciprocal practices must be terminated. When the NASD completes its study of what it considers to be a fair load for the sale of investment company shares, as required by the Investment Company Amendments Act of 1970, it will be in a position to recommend a sales charge which reflects the full incentive appropriate to such sales and which can be fully and explicitly disclosed to the buyers of such shares. To accomplish this the Commission is sending a letter to the NASD setting forth the Commission's views and requesting the NASD to direct its members to discontinue the use of reciprocal portfolio brokerage for the sale of investment company shares. If such a response is not forthcoming, the Commission will then consider rule-making to accomplish the desired result.

INSTITUTIONAL MEMBERSHIP

The question of institutional membership on national securities exchanges is an exceedingly difficult one, and in dealing with it we have painstakingly reviewed the alternatives presented to us. It is the Commission's firm view that, as a central market system develops, it should have at its heart a corps of professional brokers and market-makers serving investors. Moreover, in light of the strain which the magnitude and tempo of the transactions of financial institutions currently place on the securities markets, it is our view that institutions should not be permitted to deal through brokerage firms established principally to handle their own transactions but should be required to deal through brokers dedicated primarily to serving and having fiduciary obligations to a broad investing public. Thus, as a general rule, the Commission believes that membership in the central market system should be open only to those who meet qualifying standards and who have the primary purpose of serving the public as brokers or market-makers.

We should begin with definitions. The term "institutional membership" has not been clearly defined, with the result that discussion of this issue, both in terms of public policy and in terms of where responsibility for deciding the fundamental question is lodged, has been enveloped in a definitional fog. For this purpose, we define institutions to include banks, pension and other employee benefit funds, investment companies (including their advisers), and insurance companies.

There are several varieties of institutional membership. There is, first, the situation which exists on several regional exchanges in which an institution creates a subsidiary which does no brokerage business with the public, but rather exists primarily as a vehicle to obtain rebates of commissions for its parent. Such a subsidiary does not actively participate in stock exchange transactions for its parent. Rather it refers its parent's order to, or is approached by, a member of the New York Stock Exchange which is also a member of the particular regional exchange (a so-called "dual member"). The dual member executes the transaction in the primary market and then, using long established access techniques for sole members of regional exchanges, reciprocates to the subsidiary of the institution commissions on unrelated transactions. The subsidiary, in turn, rebates all or part of these sums to its parent or its affiliates.

A second situation included within the concept of institutional membership is that where an institution establishes or acquires a broker-dealer which does business for the general public and may also execute some transactions for its parent.

There is also the situation where an existing member firm of an exchange does predominantly a public brokerage business but also, directly or through affiliates and subsidiaries, manages investment companies, pension and employee benefit funds, and other institutional portfolios, and in connection therewith may perform brokerage functions for these managed funds and accounts.

Certain regulatory problems arise out of the relationships created by institutional membership. The first stems from the existence of a structure of fixed minimum commissions. So long as such a structure exists, large investors should not, by virtue of their economic power and size, be entitled to obtain rebates of commissions not available to other investors. While fixed minimum commissions exist, they should apply to all investors, and an exception should not be given to a particular person. Institutional membership, however, provides a vehicle for obtaining rebates, either directly or indirectly.

Second, institutional membership may result, to a greater or lesser degree depending on the circumstances, in the use of exchange membership for private purposes rather than for the purpose of serving the public in an agency capacity or otherwise performing a useful market function. In part, this problem is similar to that discussed in the preceding paragraph: The problem of using exchange membership as a means of obtaining a reduced commission rate. But the problem of using exchange facilities for private purposes is broader in scope than the rate question. For we believe that membership in the market system should be confined to firms whose primary purpose is to serve the public as brokers or market makers. Stock exchanges are affected with an overriding national interest which demands that they act to maintain and improve the public's confidence that the exchange markets are operated fairly and openly. The public should have the assurance that a member of an exchange is dedicated to serving the public, and membership by institutions not predominantly serving nonaffiliated customers should not be permitted to cloud this objective.

Our authority to deal with these problems derives from the stated purposes of the Securities Exchange Act and is most specifically expressed in section 19(b) of such Act which deals with "such matters as * * * the fixing of reasonable rates of commission, interest, listing, and other charges * * * and * * * similar matters."

Insofar as institutional membership is employed primarily as a vehicle for obtaining recapture of commissions, as in the first situation described above, it should not be allowed to exist. Membership under those circumstances is plainly in conflict with the concept of fixed minimum commissions and results in exchange membership solely for private purposes. We believe that such membership and practices which permit the rebate or recapture of commissions, directly or indirectly, should be eliminated. The Commission intends to act promptly to terminate this type of membership. The regional exchanges, as vital elements of the central market system, should compete on their merits as market components and should not need this special competitive tool.

With respect to the second situation—where an institution establishes or acquires a broker-dealer doing business for the general public—we perceive no reason either of law or policy why this

should not be permitted. The establishment of such a subsidiary doing a brokerage business for the public provides a useful source of permanent capital for the securities industry. This necessarily implies elimination of the so-called parent test. The question then is whether, assuming that such a subsidiary does business predominantly with public investors, it should also be allowed to execute some transactions for its parent institution as an incident to that public business.

Before discussing this aspect of the second described situation it is useful to examine the third situation—that of an existing member firm doing predominantly a public brokerage business and also engaging in money management and performing brokerage for the accounts which it manages. Such relationships have long been the practice in the securities industry, although they too can result in avoidance of the fixed commission structure for certain investors. Moreover, if it were to be concluded that it is improper for a member firm to execute transactions for accounts which it manages, it would logically follow that it could not execute transactions for its own account (except in the performance of market functions, such as those of a specialist, block trader or arbitrageur). But it has also long been the practice in the securities industry for member firms to execute transactions for their own account. In view of the longstanding nature of these relationships and practices, we believe that a prohibition against a member firm of an exchange executing transactions, either for accounts which it manages or for its own account, would be a precipitate measure, the full consequences of which might not be foreseeable at this time. We also believe that those members of the investing public who invest directly rather than through institutions are in need of additional money management services and that the experience member firms have accumulated in the area of money management can be valuable in meeting this need. Finally, we think it important that a portion of broker-dealer income be based on a more stable source than commission business.

Returning to the second type of institutional membership, we believe that so long as member firms are permitted to transact a portion of their commission business for their own and managed accounts, it would be inappropriate to impose an absolute restriction prohibiting an affiliate of an institution from conducting any commission business on behalf of its institutional affiliate.

We should elaborate on why the Commission is unable at this time to reach the conclusion that firms affiliated with institutions should be flatly prohibited from executing transactions for those institutions. We are constrained by considerations of economic impact and of fairness as between brokerage firms created by institutions and brokerage firms which themselves have created institutions. In addition, we are mindful of the fact that Congress has had occasion to review the investment company—broker relationship and has not abolished it.

Congress in 1934 mandated a review by the Commission of whether the functions of broker and dealer should be separated, and at that time the Commission found that, on balance, it should not. Furthermore, in enacting the Investment Company Act, Congress apparently did not find it necessary that the brokerage and investment company functions be completely separated. There are potential conflicts of interest in these relationships, as well as in the broker-underwriter relationship, the money manager-underwriter relationship and the dealer-money manager relationship. If all of these functions were to be separated, the capital-raising capability of the industry and its ability to serve the public could be significantly weakened. We therefore believe that the conflict of interest problem which is inherent in the combination of money management and brokerage is a matter to be resolved by Congress. Only that body should decide whether or not this potential conflict can continue to be dealt with in the same manner as the other conflicts mentioned above, by a combination of disclosure and enforcement of fiduciary obligations, or whether it is sufficiently troublesome to require separation of the two functions.

In view of these principles, we believe that all exchange members should be required to engage in a bona fide public brokerage business, except insofar as they perform a recognized market function such as that of a specialist. Precise definition of what constitutes a bona fide public brokerage business is a matter on which we will seek the advice of the self-regulatory bodies and other interested persons. We believe that concept and its definition also warrant the attention of Congress. However, it is our view that any brokerage firm which is not doing a predominant portion of its brokerage commission business for nonaffiliated persons should not be considered to be conducting a public brokerage business. Predominant means to us significantly more than half. Nonaffiliated persons include individual discretionary and nondiscretionary accounts and the accounts of nonaffiliated institutions, but do not include institutional parents or investment companies or other institutional funds which are managed under contracts or arrangements which give the brokerage firm investment discretion. The Commission will formally request the stock exchanges to adopt uniform rules restricting membership to firms which do such a public brokerage business. If any stock exchange does not adopt such rules, we will then determine whether we should require this action or whether we should request appropriate legislation from Congress.

This qualification on institutional membership of any kind should ensure that exchange membership is utilized by broker-dealers engaged in a public brokerage business and that the opportunity to secure commission rebates is circumscribed to the greatest extent possible, consistent with minimum disruption in existing methods of doing business.

Under the system we have described, broker-dealers will remain able to diversify their business so that more stable money management income will increasingly balance off fluctuating brokerage income, and their brokerage customers will not be deprived of their money management experience. On the other hand, institutions will have an opportunity to diversify by entering the public brokerage business, thus providing needed new capital in that sector.

It is also appropriate to note concern has been expressed that direct or indirect reciprocal arrangements may be devised and utilized to avoid the thrust of any attempt to control or regulate institutional membership. We wish to caution those considering this course that if this should occur it is our intention to adopt or require the adoption of and to enforce vigorously appropriate rules prohibiting such arrangements.

In view of the increasing internationalization of securities transactions, it is relevant to a discussion of exchange membership to consider whether brokers conducting a public business but controlled or owned by foreign entities should be permitted to become members of our exchanges. We believe that this question should be resolved in the context of reciprocal access to foreign securities exchanges, with the goal of open access under equivalent competitive conditions for all qualified brokers of all nations.

IMPLEMENTATION

To further develop and carry out the policies outlined in this statement, the following steps, among others, appear necessary:

1. The Commission will designate a working committee to continue the work of the committee constituted by the exchanges to study the development of the comprehensive market disclosure system. It is contemplated that this committee would be made up of the members of the existing committee, plus certain additional members, including Commission personnel, and that it would present to the Commission within 90 days of its formation specific recommendations on the information to be disclosed by the system and the technological means for accomplishing this disclosure, together with an analysis of the relevant economic considerations. Meanwhile, the Commission will take action to require that all exhanges and third market firms report volume and range of prices in all their transactions in listed securities on a daily basis.

2. A working committee will be appointed to study and report on the structure, regulation and governance of a central market system, including rules to regulate the activities of competing market-makers and to effectively integrate the over-the-counter market in listed securities with the exchange markets.

3. A working committee will be appointed to study and propose necessary and desirable rules to ease the impact

and improve the handling of large blocks.

4. Within the next 90 days the Commission will act to reduce the level at which commission rates are competitively determined down to $300,000.

5. The Commission is writing to the NASD to direct the formulation and implementation of rules terminating the practice of placing an investment company's portfolio executions with broker-dealers in consideration of their sales of that investment company's shares.

6. The Commission will promptly request all exchanges to adopt rules excluding from membership any organization whose primary function is to route orders for the purpose of rebating or recapturing commissions, directly or indirectly, in any manner or form.

7. The Commission will promptly consult with all exchanges and other interested persons in order to formulate exchange rules requiring that members engage in a brokerage business, as measured by doing a predominant part of their brokerage commission business with nonaffiliated customers. These consultations will lead to a future determination as to whether implementation of this step requires congressional action.

CONCLUSION

This statement of policy reflects the Commission's present evaluation of the structure and operation of the securities markets and of the industry which serves those markets. In formulating proposals to deal with the deficiencies that have been observed, the Commission recognizes that the fundamental objectives encompassed by its statutory mandate—including the protection of investors, fair dealing in securities, fair administration of the self-regulatory organizations, the prevention of fraudulent and manipulative acts and practices and the promotion of just and equitable principles of trade—may require the consideration of a broad range of regulatory alternatives for their fulfillment. As the securities markets continue to change, so must the Commission continually direct its attention to regulatory alternatives responsive to such changes.

In setting out our view of the directions in which the industry must move, we believe we have outlined the structure of a marketplace which will serve the nation well in the future. Yet we recognize that the task ahead is enormous and requires that others join us in our efforts and build upon the foundation we have sought to lay. Despite the labors which achievement of our goals will require, we can take comfort in the knowledge that if we are successful, as we believe we will be, the benefits which derive from our joint undertaking will be shared by many: The investing public, the securities industry, the financial services industry, the multitude of business enterprises with their insatiable appetite for capital and the economy as a whole.

COMMISSIONER OWENS DISSENTING IN PART

I concur in all respects with the stand of my colleagues in the "Statement on the future structure of the securities markets" except that I cannot agree with their conclusions regarding institutional membership and the related issues of institutional management and brokerage.

Before coming to the precise point of disagreement, I should like to say that under our American system of free enterprise any legally organized institution[1] should be permitted to invest in a broker-dealer subsidiary or affiliate and that that entity should be allowed entry to the exchanges, provided, of course, that it is adequately capitalized and otherwise qualified. I further believe, however, and it is here that I disagree with my colleagues, that such affiliated broker-dealer should be required to do exclusively a public business and should be prohibited from engaging in any securities transactions with its parent or affiliate. The justification or rationale for such denial is that securities transactions in such a relationship permit of a rebate situation, either directly or indirectly. The granting of rebates is, of course, always damaging to the integrity of the securities industry and to the welfare of the general public which it serves; its deleterious effects cannot be cured by prohibiting exchange memberships sought primarily for the purpose of rebating or by requiring that members do a predominant part of their listed commission business with nonaffiliated customers. Such restrictions, which are those advocated by my colleagues, do not prohibit rebates. They only limit the portion of the members' business which can be done on behalf of institutional affiliates and, thus, in effect, sanction limited rebates.

The Commission could implement the prohibition I advocate here pursuant to the legal authority presently vested in us by section 19(b) of the Securities Exchange Act of 1934. That section authorizes the Commission, following certain procedures described therein, to alter or supplement the rules of a national securities exchange with respect to, among other matters, the fixing of reasonable rates of commission. Rebating is, by its very definition, a practice which impinges directly upon the effectiveness of the prescribed minimum commission rates.

Not only do I think it is bad for an institution to do business on an exchange through the medium of a broker-dealer affiliate which it controls, but, on the other side of the coin, I think that the practice of a broker-dealer performing portfolio brokerage services for institutional accounts which it manages, either directly or indirectly, should likewise be prohibited. I would not include in this category individual discretionary accounts or those belonging to the broker-dealer firm itself or its principals.

The difficulty in regard to implementing this prohibition, however, is that the giving of rebates is not involved, as I see it, and we, consequently, would not have the legal authority to act administratively against this type of operation as we do in the case of the institutionally dominated broker-dealers. I would, therefore, propose that the Commission formally request the stock exchanges to adopt uniform rules prohibiting firms which manage institutional accounts from acting as brokers for those same accounts. If the stock exchanges were not willing to adopt such rules, then I would propose that the Commission petition the Congress to enact legislation to accomplish this objective.

[SEAL] RONALD F. HUNT, *Secretary.*

FEBRUARY 2, 1972.

[F.R. Doc.72-3769 Filed 3-13-72;8:45 am]

[1] For the purpose of this discussion, institutions will be defined as banks, pension and other trust funds, insurance companies and investment companies.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-77]

PART 153—ANTIDUMPING

Ice Cream Wafers From Canada

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that ice cream sandwich wafers from Canada are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of November 3, 1971 (36 F.R. 21084, F.R. Doc. 71-16137).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on February 1, 1972, it notified the Secretary of the Treasury that an industry is being injured by reason of the importation of such merchandise into the United States. (Published in the FEDERAL REGISTER of February 5, 1972 (37 F.R. 2817, F.R. Doc. 72-1740).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to ice cream sandwich wafers from Canada.

Section 153.43 of the Customs regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Ice cream sandwich wafers	Canada	72-77

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

FEBRUARY 25, 1972.

[FR Doc.72-3785 Filed 3-13-72;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2745) filed by Celanese Plastics Co., Post Office Box 1000, Summit, N.J. 07901, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of cupric acetate and lithium iodide for heat stabilizing nylon 66 resins, as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566 is amended in paragraph (b) by alphabetically adding a new item to the list of substances, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
Cupric acetate and lithium iodide.	For use at levels not exceeding 0.025 percent cupric acetate and 0.065 percent lithium iodide by weight of nylon 66 resins complying with § 121.2502; the finished resins are used or are intended to be used to contain foods during oven baking or oven cooking at temperatures above 250° F. The average thickness of such resins in the form in which they contact food shall not exceed 0.0012 inch.
* * *	* * *

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3-14-72).

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

Dated: March 8, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-3767 Filed 3-13-72;8:49 am]

SUBCHAPTER C—DRUGS

[DESI 6898]

PART 148r—TYROTHRICIN

Tyrothricin-Nitrofurazone Adhesive Bandage; Revocation

In a notice (DESI 6898) published in the FEDERAL REGISTER of February 27, 1971 (36 F.R. 3833), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Curad Medicated Adhesive Bandage (NDA 6-898) containing tyrothricin and nitrofurazone; The Kendall Co., 309 West Jackson Boulevard, Chicago, Ill. 60606.

The notice stated that this drug was regarded as possibly effective for use as a medicated bandage. This indication has been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted pursuant to the notice of February 27, 1971. Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provisions for certification of such drug.

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 the authority delegated to the Commissioner (21 CFR 2.120), Part 148r is amended by revoking § 148r.10 *Tyrothricin-nitrofurazone adhesive bandage.*

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, request a hearing, and show reasonable grounds for the hearing. 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 drug 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 to conduct the hearing. 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 (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. 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 for ruling thereon. In so ruling, the Commissioner will specify another effective date.

Dated: February 25, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-3764 Filed 3-13-72;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 71-164a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Mispillion River, Del.

This amendment changes the regulations for the Delaware Department of Highways bridge across the Mispillion

River on State Route 14 at Milford to require at least 2 hours' notice at all times.

This amendment was circulated as a public notice dated January 6, 1972, by the Commander, Third Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-164) on December 29, 1971 (36 F.R. 26152). No comments were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising subparagraph (b) of § 117.237a to read as follows:

§ 117.237a Mispillion River, Del.; Delaware State Route 14 bridge at Washington Street, Milford.

* * * * *

(b) The draw shall open on signal if at least 2 hours' notice has been given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on April 17, 1972.

Dated: March 7, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-3813 Filed 3-13-72;8:50 am]

[CGFR 71-137a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Neuse and Trent Rivers, N.C.

This amendment changes the regulations for the U.S. 17 bridge across the Neuse River and the U.S. 70 bridge across the Trent River to permit additional closed periods on Sundays and Federal holidays from Memorial Day through Labor Day. This amendment was circulated as a public notice dated December 1, 1971, by the Commander, Fifth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-137) on November 13, 1971 (36 F.R. 21763). Six responses were received. Five endorsed or had no objection to the proposed change. One objected on the grounds that this proposal may lead to further restrictions. However, there is no indication that additional restrictions will be imposed for the operation of these bridges at this time. If such restrictions are imposed, such action would be taken only after full public participation has taken place.

Accordingly, Part 117 of Title 33, of the Code of Federal Regulations is amended by revising §§ 117.352 and 117.353 to read as follows:

§ 117.352 Neuse River, N.C.; U.S. 17 highway bridge at New Bern.

(a) The draw shall open on signal as prescribed in § 117.240, except that the draw may remain closed—

(1) From Monday through Friday from 6:30 a.m. to 7:30 a.m. and 4:30 p.m. to 5:30 p.m. and

(2) Sundays and Federal holidays from May 24 through September 8, from 2 p.m. to 7 p.m. except that the draw shall open at 4 p.m. and 6 p.m. for any vessels waiting to pass.

(b) The draw shall open at any time on the signal of four blasts for public vessels of the United States, State, or local vessels used for public safety, tugs with tows and vessels in distress.

§ 117.353 Trent River, N.C.; U.S. 70 highway bridge at New Bern.

(a) The draw shall open on signal as prescribed in § 117.240, except that the draw may remain closed—

(1) From Monday through Friday from 6:30 a.m. to 7:30 a.m. and 4:30 p.m. to 5:30 p.m. and

(2) Sundays and Federal holidays from May 24 through September 8, from 2 p.m. to 7 p.m. except that the draw shall open at 4 p.m. and 6 p.m. for any vessels waiting to pass.

(b) The draw shall open at any time on the signal of four short blasts for public vessels of the United States, State, or local vessels used for public safety, tugs with tows and vessels in distress.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on April 17, 1972.

Dated: March 7, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.72-3814 Filed 3-13-72;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter I—Federal Procurement Regulations

[Federal Procurement Regs.; Temporary Reg. 26]

PART 1-1—GENERAL

Stabilization of Prices, Rents, Wages, and Salaries

To: Heads of Federal Agencies.

1. *Purpose.* This temporary Federal procurement regulation (FPR) amends procedures previously established in temporary FPR 23 (36 F.R. 22743).

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (3-14-72).

3. *Expiration date.* This regulation will continue in effect until canceled or until the requirements of Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971, which in turn was superseded by Executive Order 11640, January 26, 1972, expire.

4. *Background.* Executive Order 11615, August 15, 1971, provided for the stabilization of prices, rents, wages, and salaries. Temporary FPR 22 provided procedures which implemented that order. Executive Order 11627, October 15, 1971, superseded the earlier order and was implemented by Temporary FPR 23. Executive Order 11640, January 26, 1972, superseded the prior orders and included the following provision.

SEC. 14. All orders, regulations, circulars, or other directives issued and all other actions taken pursuant to Executive Order No. 11615, as amended, and Executive Order No. 11627, as amended, and in effect on the date of this Order, are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this Order, unless and until altered, amended, or revoked by the Council or by such competent authority as the Council may specify.

5. *Effect on other issuances.* Temporary Federal Procurement Regulations 22 and 23 remain in effect with respect to outstanding contracts and solicitations. New solicitations and contracts shall be handled as required by paragraph 6 of this regulation. Outstanding solicitations and contracts need not be amended, and the certifications prescribed by Temporary Federal Procurement Regulations 22 and 23 for use in connection with existing contracts are acceptable without change.

6. *Explanation of changes.* The provisions of §§ 1-1.321-1 through 1-1.321-7 of Temporary Federal Procurement Regulation 23 shall be modified to delete the term "Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971," wherever it appears and to substitute therefor the term "Executive Order 11640, January 26, 1972." As modified the provisions shall be used in connection with new solicitations and contracts.

ROD KREGER,
Acting Administrator of General Services.

MARCH 7, 1972.

[FR Doc.72-3797 Filed 3-13-72;8:48 am]

CONTRACT COST PRINCIPLES AND PROCEDURES

This amendment of the Federal procurement regulations establishes a requirement that the cost principles and procedures in Part 1-15 shall also be applicable to the pricing of negotiated termination settlements, fixed-price type contracts and modifications such as the forward pricing of contracts, changes, price redeterminations, and incentive price revisions. These changes include the deletion of present Subpart 1-15.6 (which provided in effect that cost principles should only be used as guidelines in the negotiation of fixed-price type contracts and in the negotiation of termination settlements), and necessary changes in Parts 1-3, 1-7, 1-8, 1-15, and 1-16.

PART 1-3—PROCUREMENT BY NEGOTIATION

Subpart 1-3.8—Price Negotiation Policies and Techniques

Section 1-3.807-2(c)(2) is amended as follows:

§ 1-3.807-2 Requirements for price or cost analysis.

* * * * *

(c) * * *

(2) Cost analysis shall also include appropriate verification that the contractor's cost submissions are in accordance with the contract cost principles and procedures in Part 1-15.

* * * * *

PART 1-7—CONTRACT CLAUSES

The table of contents for Part 1-7 is changed to add new entries, as follows:

Sec.
1-7.101-36 Pricing of adjustments.
1-7.602-11 Pricing of adjustments.

Subpart 1-7.1—Fixed-Price Supply Contracts

Section 1-7.101-36 is added, as follows:

§ 1-7.101-36 Pricing of adjustments.

The following clause shall be included in all formally advertised or negotiated contracts other than cost-type contracts:

PRICING OF ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in accordance with the contract cost principles and procedures in Part 1-15 of the Federal procurement regulations (41 CFR 1-15) or section XV of the Armed Services Procurement Regulation in effect on the date of this contract.

Subpart 1-7.6—Fixed-Price Construction Contracts

Section 1-7.602-11 is added, as follows:

§ 1-7.602-11 Pricing of adjustments.

Insert the clause set forth in § 1-7.101-36 under the conditions contained therein.

PART 1-8—TERMINATION OF CONTRACTS

The table of contents of Part 1-8 is changed to provide revised entries, as follows:

Sec.
1-8.213 Cost principles.
1-8.302 [Reserved]

Subpart 1-8.2—General Principles Applicable to the Termination for Convenience and Settlement of Fixed-Price Type and Cost-Reimbursement Type Contracts

Section 1-8.213 is revised to read, as follows:

§ 1-8.213 Cost principles.

The cost principles and procedures set forth in the applicable subpart of Part 1-15 shall, subject to the general policies set forth in § 1-8.301, (a) be used in claiming, negotiating, or determining costs relevant to termination settlements under fixed-price and cost-reimbursement type contracts with other than educational institutions; and (b) be a guide for the negotiation of settlements under fixed-price or cost-reimbursement type contracts for experimental, developmental, or research work with educational institutions.

Subpart 1-8.3—Additional Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience

Section 1-8.302 is amended to delete the caption and the text and to designate the section as reserved.

§ 1-8.302 [Reserved]

Subpart 1-8.7—Clauses

1. Section 1-8.701 is amended to change paragraph (f) of the clause, prescribed by the section, as follows:

§ 1-8.701 Termination clause for fixed-price contracts.

* * * * *

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

* * * * *

(f) Costs claimed, agreed to, or determined pursuant to paragraphs (c), (d), and (e) of this clause shall be in accordance with the applicable contract cost principles and procedures in Part 1-15 of the Federal procurement regulations (41 CFR 1-15) in effect on the date of this contract.

* * * * *

2. Section 1-8.702 is amended to change paragraph (e)(1)(iv)(A), to add a new paragraph (f), and to redesignate the remaining paragraphs as (g), (h), (i), (j), and (k), respectively, of the clause, as follows:

§ 1-8.702 Termination clause for cost-reimbursement type contracts.

* * * * *

TERMINATION FOR DEFAULT OR FOR CONVENIENCE OF THE GOVERNMENT

* * * * *

(e) * * *
(1) * * *
(iv) * * *

(A) In the event of the termination of this contract for the convenience of the Government and not for the default of the Contractor, there shall be paid a percentage of the fee equivalent to the percentage of the completion of work contemplated by the contract, but exclusive of subcontract effort included in subcontractors' termination claims, less fee payments previously made hereunder; or

* * * * *

(f) Costs claimed, agreed to, or determined pursuant to paragraphs (c), (d), and (e) of this clause shall be in accordance with the contract cost principles and procedures in Part 1-15 of the Federal procurement regulations (41 CFR 1-15) in effect on the date of this contract.

(g) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that, if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (1) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (2) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this contract, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(i) In the event of a partial termination, the portion of the fee which is payable with respect to the work under the continued portion of the contract shall be equitably adjusted by agreement between the Contractor and the Contracting Officer, and such adjustment shall be evidenced by an amendment to this contract.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(k) The provisions of this clause relating to the fee shall be inapplicable if this contract does not provide for payment of a fee.

3. Section 1-8.703 is amended to change paragraph (f) of the clause, prescribed by the section, as follows:

§ 1-8.703 Termination clause for fixed-price construction contracts.

* * * * *

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

* * * * *

(f) Costs claimed, agreed to, or determined pursuant to paragraphs (c), (d), and (e) of this clause shall be in accordance with the contract cost principles and procedures in Part 1-15 of the Federal procurement regulations (41 CFR 1-15) in effect on the date of this contract.

* * * * *

4. Section 1-8.704-1 is amended to change paragraph (d) of the clause, as follows:

§ 1-8.704-1 Termination clause.

* * * * *

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

* * * * *

(d) Any determination of costs under paragraph (c) shall be governed by the contract cost principles and procedures in Subpart 1-15.3 of the Federal procurement regulations (41 CFR 1-15.3) in effect on the date of this contract, except that if the Contractor is not an educational institution any costs claimed, agreed to, or determined pursuant to paragraphs (c) or (e) hereof shall be in accordance with Subpart 1-15.2 of the Federal procurement regulations (41 CFR 1-15.2) in effect on the date of this contract.

* * * * *

PART 1-15—CONTRACT COST PRINCIPLES AND PROCEDURES

The table of contents for Part 1-15 is changed to provide revised entries, as follows:

Sec.
1-15.102 Negotiated supply, service, experimental, developmental, and research contracts, and contract changes with concerns other than educational institutions.
1-15.103 Contracts with educational institutions.
1-15.104 Construction and architect-engineer contracts.
1-15.106 Fixed-price type contracts.

Subpart 1-15.6—[Reserved]

Section 1-15.000 is revised, as follows:

§ 1-15.000 Scope of part.

This part contains general cost principles and procedures for the negotiation and administration of fixed-price, cost-reimbursement, and other types of contracts, the pricing of contracts and contract modifications whenever cost analysis is performed (see § 1-3.807-2), and the determination, negotiation, or allowance of costs when such action is required by a contract clause.

Subpart 1-15.1—Applicability

1. Section 1-15.102 is revised, as follows:

§ 1-15.102 Negotiated supply, service, experimental, developmental, and research contracts, and contract changes with concerns other than educational institutions.

This category includes all contracts and contract modifications for supplies, services, or experimental, developmental, or research work negotiated on the basis of cost with concerns other than educational institutions (see § 1-15.103) and State and local governments (see § 1-15.108). It does not include facilities contracts (see § 1-15.105) or construction and architect-engineer contracts (see § 1-15.104). Except with respect to the cost principles and procedures in §§ 1-15.201-4, Definition of allocability; 1-15.205-3, Bidding costs; 1-15.205-6, Compensation for personal services; 1-15.205-26, Patent costs; and 1-15.205-35, Research and development costs, the use of which are optional, the remaining cost principles and procedures set forth in Subpart 1-15.2 are prescribed for mandatory use and shall be (a) used in the pricing of negotiated supply, service, experimental, developmental, and research contracts and contract modifications with concerns other than educational institutions whenever cost analysis is to be performed pursuant to § 1-3.807-2, and (b) incorporated (by reference, if desired) in such contracts as the basis:

(1) For determination of reimbursable costs under cost-reimbursement type contracts (§ 1-3.405), including cost-reimbursement type subcontracts thereunder, and the cost-reimbursement portion of time-and-materials contracts (§ 1-3.406-1) except in such contracts where material is priced on a basis other than at cost in accordance with § 1-3.406-1(d);

(2) For the negotiation of overhead rates (Subpart 1-3.7);

(3) For claiming, negotiating, or determining costs under terminated fixed-price and cost-reimbursement type contracts (§§ 1-8.203 and 1-8.213);

(4) For the price revision of fixed-price incentive contracts (§ 1-3.404-4);

(5) For price redetermination of prospective and retroactive price redetermination contracts (§§ 1-3.404-5 and 1-3.404-7); and

(6) For pricing changes and other contract modifications (see § 1-7.101-36).

2. Section 1-15.103 is revised, as follows:

§ 1-15.103 Contracts with educational institutions.

(a) This category includes all contracts and contract modifications for experimental, developmental, or research work with educational institutions. The cost principles and procedures set forth in Subpart 1-15.3 shall be incorporated (by reference, if desired) in cost-reimbursement research contracts with educational institutions as the basis:

(1) For determination of reimbursable costs under cost-reimbursement type contracts, including cost-reimbursement type subcontracts thereunder;

(2) For the negotiation of overhead rates (Subpart 1-3.7); and

(3) For the determination of costs of terminated cost-reimbursement type contracts where the contractor elects to "voucher out" his costs (Subpart 1-8.4) and for settlement of such contracts by determination (§ 1-8.209-7).

(b) In addition, Subpart 1-15.3 is to be used in determining the allowable costs of research and development performed by educational institutions under grants, and as a guide in the evaluation of costs in connection with the negotiation of fixed-price type contracts and termination settlements.

3. Section 1-15.104 is revised, as follows:

§ 1-15.104 Construction and architect-engineer contracts.

This category includes all contracts for construction and contracts for architect-engineer services related to such construction, as defined in § 1-15.401. Subject to the exceptions stated in § 1-15.102, the cost principles and procedures set forth in Subpart 1-15.4 are prescribed for mandatory use and shall be (a) used in the pricing of negotiated construction and architect-engineer contracts and contract modifications whenever cost analysis is to be performed pursuant to § 1-3.807-2, and (b) incorporated (by reference, if desired) in cost-reimbursement and fixed-price type construction and architect-engineer contracts as the basis:

(1) For the determination of reimbursable costs under cost-reimbursement type contracts, including cost-reimbursement type contracts thereunder (§ 1-3.405);

(2) For the negotiation of overhead rates (Subpart 1-3.7);

(3) For claiming, negotiating, or determining costs under terminated fixed-price and cost-reimbursement type contracts (§§ 1-8.203 and 1-8.213);

(4) For the price revision of fixed-price incentive contracts (§ 1-3.404-4); and

(5) For pricing changes and other contract modifications (see § 1-7.101-36).

4. Section 1-15.106 is revised, as follows:

§ 1-15.106 Fixed-price type contracts.

This Part 1-15 shall be used in the pricing of fixed-price type contracts and contract modifications whenever cost analysis is performed. It also will be used whenever a fixed-price type contract clause requires the determination or negotiation of costs. However, application of these cost principles to fixed-price type contracts shall not be construed as a requirement to negotiate agreements on individual elements of cost in arriving at agreement on the total price. The final price accepted by the parties reflects agreement only on the total price. Further, notwithstanding the mandatory use of these cost principles (except as stated in § 1-15.102), the objective will continue to be to negotiate prices that are fair and reasonable, cost and other factors considered.

Subpart 1-15.4—Construction and Architect-Engineer Contracts

1. Section 1-15.401(d) is amended, as follows:

§ 1-15.401 Definitions.

* * * * *

(d) "Job-site architect-engineer services" means architectural and/or engineering services where performance of the services requires relatively complete staffing for the contract work (including design, engineering, inspection) at an office or location other than a central or branch office of the contractor, and where a minimum of support is required from the contractor's central or branch office staff.

2. Section 1-15.402 is amended to read as follows:

§ 1–15.402 Basic considerations.

§ 1–15.402–1 Applicable cost principles.

(a) The applicability of this Subpart 1–15.4 to cost-reimbursement and fixed-price type contracts and modifications thereto is set forth in § 1–15.104 of this Part 1–15.

(b) Except as otherwise provided in this Subpart 1–15.4, because of the specialized nature of construction and architect-engineer contracts, the allowability of costs shall be determined in accordance with Subpart 1–15.2 of this Part 1–15, except to the extent that the provisions of that subpart are clearly inappropriate to such contracts.

Subpart 1–15.6 is amended to delete the caption and the text and to designate the subpart as reserved.

Subpart 1–15.6 [Reserved]

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms for Advertised Supply Contracts

Section 1–16.101 is amended to change paragraph (c), as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, November 1969 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.101–10 of this chapter shall be substituted for the provision entitled Examination of Records in Article 10, the Utilization of Labor Surplus Area Concerns clause prescribed by § 1–1.805–3(a) of this chapter shall be substituted for the provision entitled Utilization of Concerns in Labor Surplus Areas in Article 22, and the clause entitled Pricing of Adjustments prescribed in § 1–7.101–36 shall be added.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401 is amended to change paragraph (h), as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(h) General Provisions (Construction Contract) (Standard Form 23–A, October 1969 edition). Pending the publication of a new edition of the form, the clause entitled Pricing of Adjustments prescribed in § 1–7.602–11 shall be added:

Subpart 1–16.7—Forms for Negotiated Architect-Engineer Contracts

Section 1–16.701 is amended to change paragraph (b), as follows:

§ 1–16.701 Forms prescribed.

* * * * *

(b) General Provisions (Architect-Engineer Contract) (Standard Form 253, August 1970 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.101–10 of this chapter shall be substituted for the provision entitled Examination of Records in Article 8 and the clause entitled Pricing of Adjustments prescribed in § 1–7.602–11 shall be added.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective March 31, 1972, but may be observed earlier.

Dated: March 6, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72-3796 Filed 3-13-72;8:48 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE AND RECREATION

Havasu National Wildlife Refuge, Ariz. and Calif.; Correction

In F.R. Doc. 72–92, appearing on page 79 of the issue for Wednesday, January 5, 1972, the following special regulations should be added:

(5) Swimming, wading, scuba diving, and skin diving are permitted except where restricted by sign.

(6) Fires may be built in areas where camping is allowed.

(7) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting, or camping.

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

MARCH 3, 1972.

[FR Doc.72-3816 Filed 3-13-72;8:50 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

De Soto National Wildlife Refuge, Iowa and Nebr.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (3–14–72).

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

IOWA-NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public recreational activities are permitted on the De Soto National Wildlife Refuge subject to the following special conditions:

(1) *Authorized activities.* Public recreational activities are limited to fishing, picnicking, swimming, boating, water skiing, sightseeing, mushroom picking, and nature observation.

(2) *Open season.* The open season for general public recreational use is from April 15, 1972, through September 15, 1972. During this period, the public recreational use area is open daily between the hours of 6 a.m. and 9 p.m., c.d.s.t. Admittance onto the area after 8 p.m. is prohibited Two separate mushroom picking areas are open daily to the public during the month of May; hours of use are the same as for the general use area.

(3) *Open area.* The area open for general public use comprises approximately 2,000 acres and the special mushroom areas comprise approximately 1,100 acres. These areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55450. Maps of the open areas are also posted or available for handout at entrance points.

(4) *Access.* Entry to the open area is permitted only at gates or points of entry specifically posted for this purpose.

(5) *Entrance fees.* Entry to the public use area shall be subject to fee charging for an entrance permit, as required for all designated areas under the Land and Water Conservation Fund Act. The types of entry permits available and the fees therefor shall be as determined by the Secretary. Permits will be available at refuge headquarters and at fee collection stations located at two entrance points.

(6) *Other provisions.* (a) The use of air mattresses, innertubes, beach balls, and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) The possession of bottles or cans is prohibited on the designated swimming beach.

(c) The use of fire is permitted in grills only.

(d) Access to refuge waters with airboats or houseboats is prohibited.

(e) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(f) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(g) The lake being long and narrow requires that all boaters keep to the right and maintain a highway-type traffic pattern. Turns shall always be made to the operator's left, except when beaching or docking a boat.

(h) A portion of the refuge lake is posted as a "No Wake Zone." Boaters using this area shall travel at an idling speed sufficiently slow to prevent a wake that would rock another boat.

(i) All boats are prohibited from loading or unloading passengers from the swimming area.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation

on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through September 15, 1972.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

MARCH 6, 1972.

[FR Doc.72-3798 Filed 3-13-72;8:48 am]

PART 33—FISHING

Havasu National Wildlife Refuge, Ariz. and Calif.; Correction

In F.R. Doc. 72-92, appearing on page 79 of the issue for Wednesday, January 5, 1972, the following special regulations should be added:

(3) The possession of trotlines on the refuge is prohibited. A trotline is any hook and line arrangement that when used constitutes a violation of the "angling" laws of either Arizona or California.

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

MARCH 3, 1972.

[FR Doc.72-3817 Filed 3-13-72;8:50 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1421]

1972 CROP WHEAT LOAN AND PURCHASE PROGRAM

Notice of Proposed Determinations Relative to Loan and Purchase Rates and Program Operating Provisions

Notice is hereby given that the Commodity Credit Corporation, under the authority of the Agricultural Act of 1949, as amended, and the Commodity Credit Corporation Charter Act, as amended, proposes to make determinations relative to: (a) The county loan and purchase rates for the 1972 crop of wheat, and (b) detailed operating provisions to carry out the program, including commodity eligibility and storage requirements.

Such determinations will be based on the following considerations:

(a) *Loan and purchase rates.* County loan and purchase rates for wheat shall be determined so as to reflect supply and utilization, markets, historical prices received by farmers, and other factors and to reflect the national average loan and purchase rate of $1.25 per bushel, announced by the Secretary of Agriculture on July 16, 1971.

(b) *Detailed operating provisions to carry out the program.* Detailed regulations for the loan and purchase program for wheat, commodity eligibility requirements, storage requirements, and related requirements necessary to carry out this program are also being reviewed for 1972. Provisions of this kind under current programs may be found in the regulations governing loans, purchases, and other operations for grains and similarly handled commodities which appear in Title 7, Part 1421, of the Code of Federal Regulations.

Statutory authority for the foregoing determinations are contained in sections 401 and 403 of the Agricultural Act of 1949, as amended (63 Stat. 1051 et seq.; 7 U.S.C. 1421 and 1423); and the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070 et seq.; 7 U.S.C. 714 et seq.).

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on March 7, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-3832 Filed 3-13-72;8:52 am]

Consumer and Marketing Service

[7 CFR Part 989]

[Docket No. AO 198-A7]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the California State Building, Assembly Room 1036, 2550 Mariposa Street, Fresno, CA, beginning at 9:30 a.m., local time, March 28, 1972, with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendment, hereinafter set forth, and to any appropriate modifications thereof.

The Raisin Administrative Committee, the administrative agency established pursuant to the amended marketing agreement and order, submitted the following amendatory proposals and requested a hearing thereon.

1. Revise § 989.5 to read:

§ 989.5 Raisins.

"Raisins" means grapes of any variety grown in the area from which a part of the natural moisture has been removed by sun-drying or artificial dehydration, either prior to or after such grapes have been removed from the vines and which are used in the normal outlets for raisins.

2. Revise (b) and (c) of § 989.15 to read:

§ 989.15 Handler.

* * * * *

(b) any person who places, ships, or continues natural condition raisins in the current of commerce from within the area to any point outside thereof: *Provided,* That the committee, with the approval of the Secretary, may exclude a person from the definition of handler if he delivers dried grapes (grown in southern California) directly into Mexico;

(c) any person who delivers offgrade raisins, other failing raisins, or raisin residual material to other than a packer or other than into any eligible nonnormal outlet;

* * * * *

3. Add a new § 989.26c to read:

§ 989.26c Changes in dehydrator representation.

The Secretary, on recommendation of the committee, may change the number of dehydrator members on the board. In making any such change, consideration shall be given to such factors as total number of dehydrators operating, dehydrator location, and number of dehydrators owned and/or operated by raisin packers.

4. Revise § 989.54(a) and the first four sentences of (b) to read:

§ 989.54 Marketing policy.

(a) *Desirable free tonnage.* As soon as the statistical information from the prior crop year is available, and no later than September 10 of each crop year, the committee shall review shipment data and other matters relating to the tons of raisins which can be sold as the free tonnage of any varietal type during the crop year which shall be designated as "desirable free tonnage" and shall recommend such desirable free tonnage to the Secretary.

(b) *Free and reserve percentages.* On or before October 5 of each crop year (except that this date may be extended by the committee not more than 5 days if warranted by a late crop) the committee shall recommend to the Secretary a preliminary free tonnage percentage. Upon a committee determination that the field prices are firmly established and open price contracts have been closed as to price on at least 65 percent of the tonnage acquired by packers not marketing co-ops, the committee shall recommend to the Secretary preliminary percentages which will release 85 percent of the desirable free tonnage established for any varietal type. Upon a committee determination that field prices are not firmly established, the committee shall recommend to the Secretary preliminary percentages which will release 65 percent of the desirable free tonnage established for any varietal type. No later than February 15 the committee shall recommend

to the Secretary a free percentage which will tend to release the full desirable free tonnage. Prior to February 15 an interim change of percentages may be made to release less than the full desirable free tonnage. The difference between any preliminary free tonnage percentage and 100 percent shall be the preliminary reserve percentage and the difference between any final free tonnage percentage and 100 percent shall be the final reserve percentage for the crop year.

5. Revise paragraph (a) of § 989.58 to read:

§ 989.58 Natural condition raisins.

(a) *Regulation.* No handler shall acquire or receive natural condition raisins which fail to meet the minimum grade and condition standards as set forth in § 989.97 (Exhibit B) or as later changed and then in effect: *Provided,* That a handler may acquire natural condition raisins which fail the minimum standards for maturity only under a dockage system established pursuant to rules and regulations recommended by the committee and approved by the Secretary: *And provided further,* That a handler may receive raisins for inspection, may receive offgrade raisins for reconditioning, and may receive or acquire offgrade raisins for use in eligible nonnormal outlets: *And provided further,* That nothing contained in this paragraph shall apply to the acquisition or receipt of natural condition raisins of a particular varietal type for which minimum grade and condition standards are not applicable or then in effect pursuant to this part.

* * * * *

§ 989.59 [Amended]

6. In the last sentence of paragraph (a) change the period to a colon and add the following: *"And provided further,* That raisins which fail to meet the standards for processed raisins for mechanical damage and/or sugaring only, may be used in the production of raisin paste."

7. Revise the third and fourth sentences of paragraph (f) to read:

"The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the offgrade raisins, other failing raisins, and raisin residual material subject to this paragraph. Such rules may include a requirement that the disposition and use of all or any class of off-grade raisins, other failing raisins, or raisin residual material be confined to the area".

8. Revise paragraph (g) to read:

(g) *Exemption of specialty packs.* The committee may establish, with the approval of the Secretary, rules and regulations providing for the exemption of specialty packs of raisins from one or more specified grade, inspection and certification requirements of this section: *Provided,* That such raisins shall meet all other grade, inspection and certification requirements of this section.

§ 989.66 [Amended]

9. Revise paragraph (c) by adding a new sentence at the end thereof to read:

(c) * * * Each handler shall at all times hold in his possession or under his control reserve tonnage that is transferred to him until it is released by the committee.

10. Revise paragraph (f) to read:

(f) Handlers shall be compensated for receiving, storing, fumigating, handling and inspection of that tonnage of reserve raisins determined by the final reserve percentage of a crop year and held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary. A box rental shall be paid by the committee to producers or handlers for boxes used in storing reserve tonnage raisins beyond the crop year of acquisition in accordance with a rental schedule established by the committee and approved by the Secretary. The handler compensation shall be reviewed annually and shall be paid, as to the amount determined to be earned and unpaid, as soon as practicable after the end of the second quarter of the crop year and quarterly thereafter. Any handler may request the committee, by registered or certified mail, at any time after June 1 of a crop year, to remove from his premises or relocate on his premises, reserve tonnage raisins of the current crop year which remain in his possession. At any time in a crop year, a handler may request removal or relocation of reserve tonnage of the prior crop year. In each instance where a handler has requested removal, he may request that the committee provide the necessary containers for any such removal. When requested to remove or relocate reserve raisins from the current crop year, the committee shall make the removal or relocation—the availability of containers, storage space and time of request permitting—by September 15 of the subsequent crop year and, as to raisins of the prior crop year, within 30 days, supplying the necessary containers if so requested. If any handler makes such a request, the committee shall immediately give notice thereof to the Secretary. If the committee relocates reserve raisins pursuant to a handler's request and the requesting handler processes and packs such raisins prior to September 16, the handler shall reimburse the committee for any costs incurred in relocating such raisins.

§ 989.67 [Amended]

11. Revise the proviso in paragraph (a) to read:

(a) * * * *Provided,* That, whenever the Secretary approves of a finding by the committee or finds, on the basis of information otherwise available to him that because of national emergency, crop failure, an insufficient estimated supply to meet estimated demand, or other major change in economic conditions, retention of reserve tonnage raisins carried over is warranted, the foregoing requirements as to disposal shall not apply and such carried over raisins may be disposed of in any outlet recommended by the committee and approved by the Secretary.

12. Revise the second sentence in paragraph (c) to read:

(c) * * * The list of countries eligible for reserve pool sales shall be reviewed by the committee each year at the time it submits its recommendation as to volume percentages to the Secretary and, in reviewing such list, the committee shall give consideration to the pertinent factors enumerated in § 989.54.

13. Revise subparagraph (2) of paragraph (d) to read:

(d) * * *

(2) Except for the final offer of reserve pool raisins for any crop year, an offer of reserve tonnage for export shall provide for a specific tonnage. Each handler's share of the reserve tonnage offered prior to November 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. Subsequent to October 31, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by the handler during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. With respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula. His share of the current offer shall then be determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year. The Committee may provide, with respect to such offers that any reserve tonnage unpurchased at the end of the share reservation period will be reoffered to handlers without regard to shares and that approval for handlers' applications for purchase may be made in the same order in which the applications are received by the committee: *Provided,* That, subsequent to his request for removal of raisins pursuant to § 989.66(f) and removal by the committee, and prior to November 1, a handler's share of reserve pool offers shall be reduced according to the percentage such removed reserve tonnage was of his total reserve tonnage in that pool. This tonnage shall be allocated to all other handlers. If any handler is holding insufficient tonnage to fulfill his purchases pursuant to his allocation in any regular reserve offer, the committee may pay the cost of transporting such reserve tonnage raisins from another handler. If the committee approves payment of the cost of transporting reserve tonnage raisins, such costs shall be paid by the committee from reserve pool funds. If a handler has more than one processing plant the committee shall have the option as to which of the handler's plants the reserve pool raisins will be delivered. If any handler did not acquire raisins during the preceding crop year, the basis for his share of any quantity of reserve tonnage raisins prior to November 1 shall be his acquisitions of free tonnage raisins during the then

current crop year. The current free tonnage acquisitions of all such new handlers shall, for the purposes of determining the shares of all handlers prior to November 1 be added to the total acquisitions of free tonnage raisins during the preceding crop year of all handlers in business at the time the offer is made.

14. Revise subparagraph (3) of paragraph (d) by deleting the last two sentences therefrom and inserting the following:

(d) * * *

(3) * * * The committee may allocate and may deliver to any handler holding insufficient reserve pool tonnage sufficient tonnage to fulfill his purchase in a special offer and his purchase in any reoffer. If the committee approves payment of the cost of transporting reserve tonnage raisins, such cost shall be paid by the committee from reserve pool funds. If a handler has more than one processing plant the committee shall have the option as to which of the handler's plants the reserve pool raisins will be delivered.

15. Redesignate present subparagraph (4) to subparagraph (6) and add a new subparagraph (4) to read:

(d) * * *

(4) Whenever the unsold tonnage from a reserve pool offer is reoffered to handlers without regard to shares, the committee may establish a differential sweatbox price for handlers whose purchases equal or exceed their allocation: *Provided,* That no handler shall be required to pay the committee the differential price until his purchases from any offer exceed his allocation for that offer.

16. Redesignate present subparagraph (5) to subparagraph (7) and add a new subparagraph (5) to read:

(d) * * *

(5) With each offer of reserve tonnage for export, the committee may establish a tonnage of reserve raisins in addition to but not to exceed 2 percent of the tonnage offered to handlers, which may be released to handlers at the discretion of the manager. Such tonnage shall be used only to complete a shipping container for a handler whose allocation provides insufficient tonnage to complete the final container from each offer. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to implement this provision.

17. Revise the first sentence of § 989.67(j) to read: (j)(1) The committee shall not sell reserve tonnage of any varietal type to handlers to provide them with raisins to sell as free tonnage unless it finds, and the Secretary approves, that because of (i) national emergency, (ii) crop failure, (iii) major change of economic conditions, (iv) free tonnage shipments during the first ten months of the current crop year in excess of 5 percent greater than the first 10 months of the prior crop year, or (v) an inadequate carryover for September shipment, the free tonnage outlets cannot be reasonably supplied by the tonnage released to the industry as a whole by the final free percentage for that varietal type: *Provided,* That, the reserve tonnage offered for free tonnage use pursuant to (iv) shall be limited to that tonnage shipped in excess of 5 percent greater than the first 10 months of the prior crop year.

§ 989.82 [Amended]

18. In the second sentence of § 989.82, delete the phrase, "the first Monday in March", and in lieu thereof insert, "March 1".

19. Make such other changes in the marketing agreement and order program as may be necessary to make the entire marketing agreement and order conform to any amendment which may result from the hearing.

Copies of this notice may be obtained from the Fresno Marketing Field Office, Fruit and Vegetable Division, U.S. Department of Agriculture, 1130 O Street, Room 3114, Fresno, CA 93721, or from the Raisin Administrative Committee, 732 North Van Ness, Fresno, CA 93720.

Dated: March 10, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-3851 Filed 3-13-72;8:52 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Field Pricing Size Categories

Notice is hereby given of a proposal to amend § 993.207(c) Subpart—Salable and Reserve Percentages and Handler Reserve Obligation for the 1971–72 Crop Year (7 CFR 993.207; 36 F.R. 14724; 22736; 23355) by revising certain of the field pricing size categories contained therein. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 37 F.R. 861; 3349), regulating the handling of dried prunes produced in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Prune Administrative Committee.

The proposal is to revise the field pricing size categories prescribed in § 993.207 (c) to correspond with those used by the California dried prune industry during the current 1971–72 crop year.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is proposed that § 993.207 Subpart—Salable and Reserve Percentages and Handler Reserve Obligation for the 1971–72 Crop Year (7 CFR 993.207; 36 F.R. 14724; 22736; 23355) be amended by revising paragraph (c) thereof to read as follows:

§ 993.207 Salable and reserve percentages for prunes and handler reserve obligation for the 1971–72 crop year.

* * * * *

(c) *Field pricing size categories.* Undersized prunes, and other field pricing size categories by variety and grade expressed in minimum and maximum numbers of prunes per pound for each are as follows:

Undersized prunes—Prunes which pass freely through a round opening twenty-five thirty-seconds of an inch in diameter;

Standard French prunes—33 or less, 34/50, 51/60, 61/81, 82/101, 102/121, and 122 or more;

Substandard French prunes—70 or less, 71/101, and 102 or more;

Standard Non-French prunes—24 or less, 25/29, 30/33, 34/40, 41/70, 71/101, 102 or more;

Substandard Robe de Sargent prunes—70 or less, 71 or more; and

Substandard prunes of other than French and Robe de Sargent varieties—70 or less, 71/101, and 102 or more.

* * * * *

Dated: March 9, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-3830 Filed 3-13-72;8:51 am]

[7 CFR Part 1131]

MILK IN THE CENTRAL ARIZONA MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Central Arizona marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated are as follows:

1. In the introductory text of § 1131.51(a), the provision "and shall be increased or decreased by a 'supply-demand adjustment' of not more than 50 cents computed as follows:";

2. Subparagraphs (1) and (2) of § 1131.51(a).

The proposed action would terminate the supply-demand adjustment provisions that are now a part of the Class I price formula in this order. These provisions adjust the order's Class I price according to changes in receipts of producer milk relative to Class I utilization in the market. An order effective June 4, 1968 (33 F.R. 8266) suspended the provisions for an indefinite period.

The termination of these provisions was requested by United Dairymen of Arizona, a cooperative association supplying milk to the market. The cooperative stated that the supply-demand adjustment provisions have been inoperative for more than 3 years indicating that the provisions are no longer needed in the order.

Signed at Washington, D.C., on March 8, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-3784 Filed 3-13-72;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 80]

REGULATION OF FUELS AND FUEL ADDITIVES

Lead and Phosphorus Additives in Motor Vehicle Gasoline; Notice of Public Hearing

On February 23, 1972, the Administrator of the Environmental Protection Agency published in the FEDERAL REGISTER (37 F.R. 3882) a notice of proposed rule making to provide for regulation of lead and phosphorus additives in motor vehicle gasoline, pursuant to section 211 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.). The proposed regulations provide for general availability by July 1, 1974, of essentially lead-free and phosphorus-free gasolines of an octane quality suitable for 1975 and subsequent model year light-duty vehicles. The proposed regulations further provide for the reduction of the lead content of "regular" and "premium" leaded gasolines over a 4-year period, beginning January 1, 1974.

The Clean Air Act provides that if a manufacturer of motor vehicles, motor vehicle engines, fuels, or fuel additives submits a written request for a public hearing to the Administrator within 10 days of the publication of proposed rule making, the Administrator will call a public hearing and subsequently will publish findings with respect to the matters he is required to consider under section 211(c)(2)(B) of the Act. However, because of the significance of the proposed regulations, the Administrator announced in the FEDERAL REGISTER notice of February 23, 1972, his intention to call a public hearing.

Notice is hereby given that public hearings on the proposed regulations on lead and phosphorus additives in motor vehicle gasolines will be held as follows:

April 11, 1972, at 10 a.m., e.s.t., at the Department of Commerce Auditorium, 14th and E Streets NW., Washington, DC.

April 27, 1972, at 10 a.m., c.s.t., at the Environmental Protection Agency Auditorium, 1600 Patterson Street, Suite 1100, Dallas, TX.

May 2, 1972, at 10 a.m., P.d.s.t., at Room 1138, Junipero Serra Building, 107 South Broadway, Los Angeles, CA.

These hearings are intended to provide an opportunity for interested persons to state their views or arguments or to present information relevant to the proposed standards. Any person desiring to make a statement at any of the hearings or to submit material for the record of the hearings should file a notice of such intention and, if practicable, five copies of his statement and other relevant material with Dr. Norman D. Shutler, Presiding Officer, Mobile Source Enforcement Division, Environmental Protection Agency, Room 3609, 401 M Street SW., Washington, DC 20460, not later than 5 days before the appropriate hearing.

Dated: March 9, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-3772 Filed 3-13-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 2]

[Docket No. 19356]

RF DEVICES

Extension of Time Regarding Equipment Authorization

In the matter of amendment of Parts 0 and 2 of the rules relating to equipment authorization of RF devices.

1. The Commission has before it a motion for extension of time in which to file reply comments in the above-captioned proceeding filed on February 25, 1972, by GTE Sylvania and GTE Lenkurt. The request is predicated on the inability to obtain copies of comments filed in the proceeding from the Commission duplicating contractor in time to submit its reply comments within the specified March 1, 1972, deadline. Thus, the petitioner asks that the time for filing reply comments in this proceeding be extended for "ten days from the date on which the Commission photocopy contractor delivered photocopies to GTE."

2. In view of these circumstances, the Commission will honor the petitioner's request. Additionally, all parties experiencing the same difficulty may also file in accordance with this order.

3. *Accordingly, it is ordered,* That pursuant to section 4(j) of the Communications Act of 1934, as amended (47 U.S.C. 154(j)) and §§ 1.46 and 0.251(b) of the Commission's rules (47 CFR 1.46 and 0.251(b)) the time for filing reply comments in the above-described proceeding is extended until March 15, 1972.

Adopted: March 6, 1972.

Released: March 7, 1972.

[SEAL] JOHN W. PETTIT,
General Counsel.

[FR Doc.72-3803 Filed 3-13-72;8:49 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 511]

[Docket No. 72-11]

MARITIME CARRIERS

Proposed Uniform System of Accounts

Pursuant to the authority of the Shipping Act, 1916 (46 U.S.C. 801 et seq.) and section 4 of the Administrative Procedure Act (5 U.S.C. 553), notice is hereby given that the Federal Maritime Commission is considering adopting the "Uniform System of Accounts for Maritime Carriers" presently prescribed jointly by the Interstate Commerce Commission and the Maritime Administration.

The Interstate Commerce Commission, the Maritime Administration, and the Federal Maritime Commission are joint parties to a common financial and operating report form, which is separately identified as the Interstate Commerce Commission Form M; the Maritime Administration Form MA-172; and the Federal Maritime Commission Form FMC-64.

In the general instructions (for executing the form under reference above) there is incorporated in the form itself, a specific instruction which reads as follows: "The composition of the accounts reflected in the Balance Sheet Statement, Income Statement, and other exhibits and schedules included in this report shall conform to the 'Uniform System of Accounts for Maritime Carriers' prescribed jointly by the Interstate Commerce Commission and Maritime Administration."

From the foregoing quotation it is to be noted that the Federal Maritime Commission is not a party to the "Uniform System of Accounts for Maritime Carriers." It is believed, however, that it would be advantageous to it to also become a party to this system of accounts. Experience indicates that composition of the accounts employed in the execution of this common form must conform to the "Uniform System of Accounts for Maritime Carriers" in order to provide for accurate and uniform reporting to the Federal Maritime Commission.

Accordingly, the purpose of this notice is to advise that the Federal Maritime Commission is considering adoption of the "Uniform System of Accounts for Maritime Carriers" by amending

Title 46 CFR, Chapter IV, Part 511, as follows:

Section 511.5 would be amended by the addition of the following sentence: For purposes of filing FMC-64 Reports only, the Uniform System of Accounts found in Part 282 of this title is prescribed.

Interested parties may submit such written data, views, or comments as they desire. Communications should be submitted in original and 15 copies to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 24, 1972.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-3757 Filed 3-13-72;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1325]

[Ex Parte 283; Public Law 92-225]

CANDIDATES FOR FEDERAL OFFICE OR THEIR REPRESENTATIVES

Proposed Extension of Credit Without Security

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 8th day of March 1972.

Implementation of Public Law 92-225, the Federal Election Campaign Act of 1971.

Section 401 of the Federal Election Campaign Act of 1971 (Public Law 92-225, enacted February 7, 1972) entitled "Extension of Credit by Regulated Industries," is concerned with the extension of credit, without security, to candidates for Federal office by certain regulated industries, including those subject to regulation by this Commission. In brief, section 401 requires this Commission, the Civil Aeronautics Board (CAB), and the Federal Communications Commission (FCC) each to promulgate, within 90 days after the date of the statute's enactment, its own regulations with respect to the extension of credit, without security, by any person regulated by those agencies to any candidate for Federal office[1] or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office. The section does not apply to services or goods that are purchased by a candidate or his representative for matters unrelated to his campaign. Regulations to implement the new statute, however, must be promulgated by each of the involved regulatory agencies prior to May 7, 1972.

To achieve a desirable degree of uniformity in the implementation of Public Law 92-225, this Commission has attempted to coordinate its efforts in this area with those of the CAB and FCC. Following meetings by representatives of the three involved agencies, it is believed that the regulations proposed in this notice will most efficiently and expeditiously achieve the goals sought to be attained by the enactment of section 401, insofar as they relate to persons (including Amtrak) subject to the jurisdiction of the Interstate Commerce Commission. Because of the diverse problems presented to these three agencies by the enactment of Public Law 92-225, uniform regulations appear to be neither practicable nor administratively desirable.

IMPLEMENTATION

It is hereby proposed that, in the absence of a further order of this Commission modifying or amending such regulations, the following regulations be adopted and that Subchapter D of Chapter X of Title 49 of the Code of Federal Regulations be amended effective May 5, 1972, by adding a new Part 1325, reading as follows:

PART 1325—EXTENSION OF CREDIT TO CANDIDATES FOR FEDERAL OFFICE OR THEIR REPRESENTATIVES

§ 1325.1 Extension of unsecured credit prohibited.

Persons subject to regulation by the Interstate Commerce Commission shall not knowingly and willfully provide, for candidates for Federal office or their representatives, service or goods related to their campaign without obtaining either prepayment or a binding guarantee of payment through a sufficient deposit, bond, collateral, or other means of security. The extension of credit to such persons shall not exceed the amount of the security posted.

§ 1325.2 Credit agreements.

(a) All agreements to extend credit to candidates for Federal office or their representatives by persons subject to regulation by the Interstate Commerce Commission, (1) must be in writing, (2) must contain a detailed description of the deposit, bond, collateral, or other means of security, used to secure payment of the debt, and (3) must be signed by all parties to the agreement. A copy of each such agreement must be filed with this Commission's Bureau of Operations in Washington, D.C., within 20 days of the date of its execution.

§ 1325.3 Federal office.

For the purposes of this section, "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

PROCEDURAL MATTERS

While the above regulations currently are scheduled to become effective on May 5, 1972, interested persons are hereby invited to submit written comments on this proposed implementation of Public Law 92-225, in the manner set forth below. Oral hearings do not appear to be necessary at this time and none is contemplated. Anyone wishing to present their views and evidence either in support of, or in opposition to, the action proposed in this order may do so by the submission of written data, views, or arguments. The filing date established below cannot be extended due to the requirement in Public Law 92-225 that we promulgate our rules within 90 days.

It is ordered, That, based on the foregoing explanation, a proceeding be, and it is hereby, instituted under the Interstate Commerce Act and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purpose of implementing section 401 of the Federal Election Campaign Act of 1971 (Public Law 92-225) and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That no hearings be scheduled for the receiving of oral testimony unless a need therefor should later appear, but anyone interested in making representations in favor of, or against, the considered regulations is hereby invited to do so by the submission of written data, views, or arguments, shall be filed with the Commission on or before April 3, 1972. All such statements will be considered as evidence and as a part of the record in the proceeding. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

It is further ordered, That in the absence of a further order of this Commission modifying or amending the regulations described above, said regulations shall become effective on May 5, 1972.

And it is further ordered, That notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

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

[FR Doc.72-3839 Filed 3-13-72;8:52 am]

[1] "Federal office" is defined in section 301(c) of the statute as meaning the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

YELLOWSTONE NATIONAL PARK, WYO.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965; (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with the Yellowstone National Park Medical Services authorizing it to provide concession facilities and services for the public at Yellowstone National Park, Wyo., for a period of five (5) years from April 1, 1972 through March 31, 1977.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.72-3799 Filed 3-13-72;8:48 am]

Office of the Secretary

[INT DES 72-40]

PROPOSED CENTRAL ARIZONA PROJECT, ARIZONA-NEW MEXICO

Notice of Availability of Draft Environmental Statement

Proposed Havasu Intake Channel, Havasu Pumping Plant and Buckskin Mountains Tunnel, Central Arizona Project, Arizona-New Mexico.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a project to pump Colorado River water from Lake Havasu to the Central Arizona Project service area.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, E&R Center, Technical Services Branch, Building 67, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 427, Boulder City, Nev. 89005, Telephone (702) 293-8560.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: March 7, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-3768 Filed 3-13-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH-304]

MAINLAND CANE SUGAR AREA

Notice of Hearing on Proportionate Shares for 1973-Crop

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, is preparing to conduct a public hearing to receive views and recommendations from all interested persons on the need for establishing proportionate shares for the 1973 sugarcane crop in the Mainland Cane Sugar Area (Louisiana and Florida). The hearing will be conducted in Room 300, Whitney Building, 228 St. Charles Avenue, New Orleans, La., on April 14, 1972, beginning at 1:30 p.m. local time.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended, the Secretary must determine for each crop year whether the production of sugar from any crop of sugarcane in the area will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

Views and recommendations are desired on all phases of the proportionate share program. They may be submitted in writing in triplicate, at the hearing, or may be mailed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than May 8, 1972. Interested persons will be given the opportunity at the hearing to appear and submit orally, data, views, and arguments in regard to the establishment of proportionate shares.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27 (b)).

Signed at Washington, D.C., on March 7, 1972.

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

[FR Doc.72-3833 Filed 3-13-72;8:52 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

First Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following first quarterly estimates for 1972 are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1972 is 1,240 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1972 is 1,042.4 million pounds.

Since the estimated quantity of imports exceeds 110 percent of the estimated quantity prescribed by section 2 (a) of the Act, under the Act limitations for the calendar year 1972 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are required to be imposed unless suspended by the President pursuant to section 2(d) of Public Law 88-482.

Done at Washington, D.C., this 7th day of March 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-3754 Filed 3-13-72;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 427]

BERNARD CHOLLET

Order Denying Export Privileges

In the matter of Bernard Chollet, Maugarny 15, 95 Montlignon, France, Respondent, Case No. 427.

By charging letter dated July 30, 1971 the Director, Compliance Division (formerly designated Investigations Division), Office of Export Control, charged the above respondent with violations of the Export Administration Act of 1969 and regulations thereunder. The letter was duly served and the respondent filed an answer but did not request a hearing.

On May 26, 1971, prior to the issuance of the charging letter, a temporary denial order was issued against respondent for 60 days because of suspected violations of the Export Control Regulations (36 F.R. 10814). This order was issued pursuant to § 388.11 of said regulations to protect the public interest. The order was extended on July 22, 1971 until the completion of administrative compliance proceedings (36 F.R. 13935), and is still in effect.

There are two separate charges against respondent. Charge I alleges, in substance, that in connection with a post-shipment investigation to determine the disposition of certain commodities ordered by respondent and exported from the United States, interrogatories were submitted to him; that he was asked if he had written several identified letters to officials of two named companies in New York City, using the name C. (Claude) Lacroix; and that respondent denied having done so. It is alleged that this denial was false since respondent had written the letters and signed the name C. (Claude) Lacroix in his efforts to procure U.S.-origin commodities.

Charge II alleges, in substance, that on March 7 and April 1, 1971, respondent wrote letters to a New York company to which he signed the name C. Lacroix; that in said letters respondent solicited said company to export certain strategic commodities from the United States without obtaining the necessary documentation (Swiss Blue Import Certificate) for such exportation; that respondent knew or should have known that without such documentation the exportation would have been in violation of the U.S. Export Control Regulations.

It is charged that respondent violated: § 387.5 of the Export Control Regulations, in that he made false and misleading statements in the course of an investigation under the Export Administration Act; and § 387.3, in that he solicited a party in the United States to make an exportation without first obtaining a document which he knew was required by § 375.3.

There was an informal presentation of documentary evidence in support of the charges before the Compliance Commissioner on January 25, 1972. He considered the evidence and submitted to the undersigned a report which summarizes the evidence, considers the charges, and which includes findings of fact and findings that violations have occurred. He recommended the sanction that should be imposed.

After considering the record in the case, I adopt the findings of fact made by the Compliance Commissioner which are as follows:

FINDINGS OF FACT

1. The respondent, Bernard Chollet, is a resident of Montlignon, near Paris, France. He holds a responsible position with a company in Paris, France, engaged in importing and exporting electronic equipment. In the transactions hereinafter described the respondent acted in his individual capacity and not on behalf of or as an employee of the company by which he was employed.

2. In the spring of 1970 the respondent had negotiations with a New York supplier (Supplier X) of strategic equipment regarding price and availability of such commodities. These negotiations were by mail, cable, and a personal visit by respondent on April 17, 1970. As the result the respondent on June 28, 1970 submitted two orders for such commodities. The respondent again visited said supplier on July 6, 1970 and placed a third order for such commodities. The value of the commodities in the three orders was approximately $128,000. The respondent requested invoicing to the firm Bridina S.A., Zug, Switzerland.

3. The commodities referred to in the preceding finding which were ordered by respondent were exportable from the United States to France and Switzerland under general license but required a validated license for exportation to U.S.S.R., and other communist countries.

4. The U.S. supplier made exportations under the three orders on July 16, 1970 ($32,000); July 20, 1970 ($7,000); July 29, 1970 ($89,000). The goods were invoiced to Bridina S.A., Zug, Switzerland. Each exportation was made by air freight consigned to a freight forwarder in Paris, France. Early in August 1970, the Office of Export Control learned that the commodities in the July 29 shipments had been reexported from France to U.S.S.R. No authorization for such reexportation was obtained.

5. When OEC learned of the reexportation to U.S.S.R., it contacted the U.S. supplier and, among other matters, was informed that the supplier had an unfilled back order for Bridina (relating to one of respondent's orders of June 28, 1970) for approximately $3,000 worth of strategic commodities. The supplier was requested to file a license application for the exportation. The supplier wrote to respondent requesting him to furnish an FC-842 (Single Transaction Statement by Consignee and Purchaser) to support the license application.

6. By letter dated August 20, 1970, the respondent sent the supplier a completed FC-842, signed on behalf of the firm Setrolin A.G., Zug, Switzerland, as ultimate user. In this letter the respondent stated that Bridina and Setrolin were in close association. In November 1970 Setrolin was requested to furnish a Swiss Blue Import Certificate to support the license application. Setrolin replied to this request on November 20, 1970, stating that delivery of this equipment had already been taken care of.

7. Subsequent investigation at a second New York supplier (Supplier Y) disclosed that an individual representing himself to be Claude Lacroix of Fontenay-Aux Roses, France, on behalf of Setrolin, had placed several orders with it for strategic commodities. One of the orders included the identical items that Supplier X had on respondent's back order for Bridina. (See Finding 5). Supplier Y made shipments of this material to Setrolin in November and December 1970 and January 1971.

8. The orders and letters from respondent to Supplier X were completely handwritten. Interrogatories were submitted to respondent in September 1970, which he answered in October 1970. His replies were also handwritten. Orders and letters signed with the name Lacroix to Supplier Y appeared to be in the same handwriting as the documents written by respondent. Samples of original documents signed respectively by Chollet and with the name Lacroix were submitted to the Federal Bureau of Investigation for handwriting analysis. The FBI reported that the documents were written by the same writer.

9. Further investigation disclosed that an individual representing himself to be Lacroix had placed orders and inquiries with a third supplier in New York (Supplier Z) for equipment made by several manufacturers of strategic items. Letters and orders to this supplier were handwritten and signed with the name Lacroix.

10. As noted in Finding 2, the respondent while in New York on July 6, 1970, using his own name, gave a written order to Supplier X for certain commodities. The documents to Supplier X written by and signed with the name Chollet have been compared with the documents to Suppliers Y and Z signed with the name Lacroix and, taking into consideration the handwriting analysis report of the FBI, it is found that all such documents were written by the respondent.

11. The individual representing himself to be Lacroix visited the New York offices of Suppliers Y and Z on January 29, 1971. He told an official of one of the companies that he was staying at the Commodore Hotel. This hotel has no record of Lacroix staying there at that time. However, the records of the hotel show that B. Chollet was a guest there on the nights of January 28 and 29, 1971.

12. A second set of interrogatories, dated March 30, 1971 (supplemental to

the interrogatories submitted in September 1970) was submitted to Chollet. The interrogatories mentioned a number of specific letters by dates that Suppliers Y and Z had received, signed in the name of Lacroix, which it was believed were written by Chollet. The mentioned letters included a handwritten letter signed in the name of Lacroix which the FBI had identified as the same handwriting as documents signed by Chollet. The respondent was asked if he had written any of these letters. He replied (translated from French) "I have never used any identity other than my own". I find that this statement was false in that respondent had used the identity of Claude Lacroix and had written the letters and signed the name of Lacroix in his efforts to procure U.S.-origin commodities.

13. There is a Claude Lacroix who resides at 42 rue Georges Bailly, Fontenay aux Roses, France, the address shown in letters signed with the name Lacroix. Letters from Suppliers Y and Z were written to Lacroix at this address. Replies to such letters were received, written by respondent and signed with the name Lacroix.

14. In July 1971 a letter from the Bureau of International Commerce was mailed to Lacroix at his address as shown in the letters ostensibly signed by him. This letter advised Lacroix that a temporary denial order had been issued against respondent, Chollet; that BIC had information that indicated that Chollet had been dealing with U.S. suppliers in his (Lacroix') name with his knowledge and approval; that such conduct would result in evasion of the denial order. The letter informed Lacroix that consideration was being given to naming him as a related party to Chollet. Lacroix was given the opportunity to show cause why such action should not be taken. He failed to respond and a determination was made that Lacroix was a related party to Chollet and that all the restrictions of the Chollet denial order were applicable to him (Lacroix). A letter was sent to Lacroix so advising him. A notice of this determination was published in the FEDERAL REGISTER on August 20, 1971 (36 F.R. 16213). Nothing has been heard from Lacroix to this date.

15. During December 1970 and January 1971 respondent, using the name Lacroix, was carrying on separate negotiations with Suppliers Y and Z for the procurement of 2,500 to 3,000 reels of strategic magnetic tapes for export to Switzerland. By cable of January 7, 1971, Supplier Y advised respondent (under the name Lacroix) that a Swiss Blue Import Certificate was required for exportation of these tapes.

16. Section 375.3(a)(1) of the Export Control Regulations provides, in pertinent part, that a license application for export of commodities to Switzerland, regardless of value, must be accompanied by the original Swiss Blue Import Certificate. Such a certificate is issued to the importer by the appropriate authority of the Swiss Government covering the proposed export from the United States.

17. As noted in Finding 11, Chollet using the name Lacroix, visited Suppliers Y and Z in New York on January 29, 1971. At these meetings there were discussions regarding the tapes. After Chollet returned to Paris, an official of Supplier Z wrote to him in January and February regarding price and delivery of the tapes. On February 25, 1971 the official of Supplier Z wrote to Chollet (Lacroix) advising him that when he placed orders for the tapes a Swiss Blue Import Certificate would be required for each order.

18. On March 7, 1971, Chollet (Lacroix) wrote to the official of Supplier Z and urged him to work out a means of shipping the tapes without previous submission of a Swiss Blue Import Certificate. In this letter Chollet suggested that to make the exportation without the required certificate the commodities be designated by a description that would not require an export license or a Swiss Blue Import Certificate.

19. On April 1, 1971 respondent again wrote to the official of Supplier Z again urging him to find a way to make the exportation of the tapes without previous submission of the Swiss Blue Import Certificate. Chollet stated in this letter that it was important for his customer not to submit such a cerificate because some of the tapes might be reexported from Switzerland and the customer did not want to pay the import duties which they would be required to do if they furnished the certificate.

Based on the foregoing, I have concluded that the respondent: violated § 387.5 of the Export Control Regulations in that he made a false and misleading statement to the Office of Export Control concerning his identity in the course of an investigation under the authority of the Export Administration Act; and violated § 387.3(a) of said regulations in that he solicited a party in the United States to export commodities from the United States to Switzerland without submitting with the license application a Swiss Blue Import Certificate which he knew was required for the exportation of such commodities. (§ 375.3(a)).

In commenting on the evidence with respect to the false statement charge, the Compliance Commissioner said:

> A comparison of the documents written and signed by Chollet with the documents ostensibly written by Lacroix would lead even one who is not an expert in handwriting to conclude that they were written by the same person. It does not appear that there was any attempt to disguise the handwriting. The size, shape, and formation of the individual respective characters or letters in all of the documents is the same * * *. The general format (i.e. caption, paragraphing, closing) is the same in all letters. Handwriting experts in the FBI unequivocally stated that documents bearing signature of Chollet and Lacroix were written by the same individual.
>
> Aside from the fact that the documents in question were written by the same individual, the following facts were also significant. When Chollet first approached Supplier X he said he was acting on behalf of Bridina; when Chollet submitted the FC-842, it was signed on behalf of Setrolin, and Chollet said that Setrolin and Bridina are in close relationship; "Lacroix" placed an order with Supplier Y on behalf of Setrolin for the same quantity of the same material that was on back order with Supplier X from Chollet for Bridina/Setrolin. Further, when "Lacroix" visited the office of Supplier Y on January 29, 1971, he stated that he was staying at the Hotel Commodore. The guest records of Hotel Commodore do not show that a Mr. Lacroix was registered there at that time, but such records do show that Mr. Chollet was then registered there. These significant facts, considered in connection with the handwriting analysis and the various communications between Chollet/"Lacroix" and the three firms mentioned herein leaves no doubt that Chollet used the name and identity of Lacroix to carry out his purpose to procure U.S. commodities, some of strategic nature, for export. Chollet's statement that he had never used an identity other than his own was false.

With regard to the solicitation charge, the Compliance Commissioner said:

> In the letter of February 25, 1971, an official of Supplier Z advised Chollet that a Swiss Blue Import Certificate was required for each order of the * * * tapes. In the cable of January 7, 1971, Supplier Y had similarly advised Chollet. In Chollet's letters of March 7 and April 1, 1971 to Supplier Z, he expressed his awareness of the requirement for a Swiss Blue Import Certificate for exportation of the commodities in question. Notwithstanding, he solicited Supplier Z to make the exportation without such certificate. He even went so far as to suggest to the company that it make the exportation by giving a false description of the goods. Chollet knew that he was soliciting Supplier Z to violate one of the requirements of the U.S. Export Control Regulations.
>
> It is apparent from the evidence that the respondent because of his experience, as a high level employee of a large company engaged in importing and exporting electronic equipment, was familiar with the U.S. requirements regarding exportation of strategic equipment. The evidence shows that approximately $90,000 worth of such equipment that he procured was reexported to an unauthorized destination. When his participation in questionable transactions with U.S. suppliers was discovered he continued his procurement activities under false identification and then denied such activities. Further, he solicited a U.S. supplier to violate the U.S. export control regulations by exporting strategic goods without an essential export control document.

As to the sanction that should be imposed, the Compliance Commissioner stated:

> In addition to the strategic goods actually exported as the result of respondent's procurement activities, in his correspondence with U.S. suppliers, he expressed interest in procuring products of several manufacturers of strategic goods. If his illegal procurement activities had not been discovered this could have led to wide-scale diversions.
>
> The respondent has demonstrated a disregard for U.S. export control regulations. I recommend that he be denied U.S. export privileges for 5 years with the proviso that after 2 years he may apply to have effective denial held in abeyance while he remains on probation. This recommendation for sanction takes into account the fact that respondent has been subject to a temporary denial order since May 26, 1971. Such application shall be supported by evidence showing his compliance with the terms of the denial order. In support of such application, he shall make such disclosure of his participation in import and export transactions as may be necessary to determine his compliance with the order.

The determination heretofore made that Claude Lacroix, Fontenay Aux Roses, France, is a related party to the respondent, Bernard Chollet, is hereby confirmed and his status as such related party shall continue until otherwise ordered.

Having considered the record in the case and the report and recommendation of the Compliance Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law,

It is hereby ordered,

I. This order is effective forthwith and supersedes the temporary denial order issued against the respondent on May 26, 1971 (36 F.R. 10814) and extended on July 22, 1971 (36 F.R. 13935), but the restrictions in said temporary order are continued in full force and effect.

II. Except as qualified in Part IV hereof, the respondent for a period of 5 years from the effective date of this order is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. The determination heretofore made that Claude Lacroix of Fontenay Aux Roses, France, is a related party to the respondent, notice of which was published in the FEDERAL REGISTER on August 20, 1971 (36 F.R. 16213), is hereby confirmed and his status as such related party shall continue until otherwise ordered.

IV. Two years after the effective date of this order, the respondent may apply to have the effective denial of his export privileges held in abeyance while he remains on probation. Such application as may be filed by said respondent shall be supported by evidence showing his compliance with the terms of this order and such disclosure of his import and export transactions and his participation in such transactions as may be necessary to determine his compliance with this order. Such application will be considered on its merits and in the light of conditions and policies existing at that time. The respondent's export privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when the respondent or other persons within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other persons denied export privileges within the scope of this order, or whereby said respondent or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: February 28, 1972.

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

[FR Doc.72-3682 Filed 3-13-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2A2764) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that § 121.1148 *Ion-exchange resins* (21 CFR 121.1148) be amended to modify the requirements for subsequent treatment of effluent from dimethyl aminopropylamine reacted ion-exchange resins and to extend the treatment of water with such resins to general food use.

Dated: March 3, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-3701 Filed 3-13-72;8:49 am]

[DESI 64]

CERTAIN BARBITURATE-ANALGESIC COMBINATION DRUGS FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Allonal Tablets containing aprobarbital and phenacetin; Roche Laboratories, Division Hoffmann-La Roche, Inc., Roche Park, 340 Kingsland Street, Nutley, New Jersey 07110 (NDA 64).

2. Pentobarbital-Aspirin Capsules; Tilden-Yates Laboratories, Inc., 328 Shrewsbury Street, Worcester, Massachusetts 01604 (NDA 4-296).

3. Algoson Tablets containing sodium butabarbital and acetaminophen; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pennsylvania 19034 (NDA 8-734).

4. Cyclopal and Aspirin Tablets containing cyclopentenylallylbarbituric acid and aspirin; The Upjohn Co., 7171 Portage Road, Kalamazoo, Michigan 49002 (NDA 2-898).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. These drugs lack substantial evidence of effectiveness as labeled for use in nervous and muscular pain accompanied by insomnia, in premenstrual tension or "all conditions requiring mild sedation."

2. These drugs are possibly effective as labeled for use to relieve pain; in "conditions in which combined sedative and analgesic action is desired, such as, nervous tension and sleeplessness associated with pain, headache, or general malaise"; in nervous and muscular pain accompanied by hyperexcitability and nervousness; and in "all conditions requiring relief of pain or reduction of fever, such as, rheumatic and arthritic conditions, neuralgia, aches and pains, dysmenorrhea, respiratory infections and febrile conditions (common colds and grippe), dental extractions and minor surgical procedures and headaches."

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new-drug application for which a drug is classified

in paragraph A.1 above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deleted those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug applications.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A.1. above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 64, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 17, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-3765 Filed 3-13-72;8:47 am]

[DESI 10157]

CERTAIN STEROID COMBINATION PREPARATION FOR ORAL USE: PREDNISONE, ASPIRIN, ASCORBIC ACID, AND ALUMINUM HYDROXIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Sigmagen Tablets containing prednisone, aspirin, ascorbic acid and dried aluminum hydroxide; marketed by Schering Corp., 1011 Morris Avenue, Union, NJ 07083 (NDA 10-157).

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that this fixed combination drug will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such drug contributes to the total effects claimed.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new drug application. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Prior to initiating such action, however, the Commissioner invites the holder of the new drug application for this drug and any interested person who might be adversely affected by its removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12 (a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the proposed action and implementation of the NAS-NRC report for this drug is made to give notice to persons who might be adversely affected by its withdrawal from the market.

The above-named holder of the new drug application for this drug has been mailed a copy of the NAS-NRC report. Communications forwarded in response to this announcement should be identified with the reference number DESI 10157, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-3766 Filed 3-13-72;8:47 am]

Office of the Secretary

DIRECTOR, OFFICE OF INFORMATION, NATIONAL CENTER FOR HEALTH STATISTICS

Delegation of Authority To Certify True Copies

Under the authority delegated by the Secretary to the Assistant Secretary (34 F.R. 17346), redelegated to the Administrator, Health Services and Mental Health Administration (34 F.R. 18049), and redelegated to me (General Administration Manual Chapter HSM 1-20-15B), I hereby redelegate to the Director, Office of Information, National Center for Health Statistics, authority to certify true copies of any books, records, paper, or other documents on file within the Center, or extracts from such, to certify the complete original record, or to certify the nonexistence of records on file within the Center, and to cause the Seal of the Department to be affixed to such certification.

Dated: March 7, 1972.

THEODORE D. WOOLSEY,
Director, National Center for Health Statistics.

[FR Doc.72-3763 Filed 3-13-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 72-50]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. D) 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 January 31, 1972, to February 3, 1972 (List No. 4-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

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. 160.002/2/1, Model 3, adult kapok life preserver, USCG Specification Subpart 160.002, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.002/2/1 dated April 7, 1967.)

Approval No. 160.002/3/1, Model 5, child kapok life preserver, USCG Specification Subpart 160.002, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.002/3/1 dated April 7, 1967.)

BUOYS, LIFE, RING, CORK OR BALSA WOOD, FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 160.009/32/0, 30-inch cork ring life buoy, USCG Specification Subpart 160.009, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.009/32/0 dated April 7, 1967.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/21/2, container for emergency provisions, dwg. No. A-101-467 dated April 9, 1967, revised April 27, 1967, manufactured by H & M Packing Corp., 913 Ruberta Avenue, Glendale, CA 91201, effective February 3, 1972. (It is an extension of Approval No. 160.026/21/2 dated April 27, 1967.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/175/0, gravity davit, Type CG-220-2G, approved for a maximum working load of 22,000 pounds per set (11,000 pounds per arm) using two-part falls; identified by general arrangement dwg. DA-9159, Rev. A dated December 6, 1966, and drawing list dated March 10, 1967, manufactured by Carroll Engineering Co., 313 State Street, Box 711, Perth Amboy, NJ 08862, effective February 1, 1972. (It is an extension of Approval No. 160.032/175/0 dated April 7, 1967.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

NOTE: For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/300/0, Type I, Model AK-1, adult kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.047/300/0 dated April 7, 1967.)

Approval No. 160.047/301/0, Type I, Model CKM-1, child kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.047/301/0 dated April 7, 1967.)

Approval No. 160.047/302/0, Type I, Model CKS-1, child kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.047/302/0 dated April 7, 1967.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

NOTE: For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/3/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048 sizes and weights of kapok filling to be as per Table 160.-048-4(c)(1)(i), manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.048/3/0 dated April 7, 1967.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/12/3, 30-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.050 and American Pad & Textile Co. dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.050/12/3 dated April 7, 1967.)

Approval No. 160.050/13/3, 24-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.050 and American Pad & Textile Co. dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.050/13/3 dated April 7, 1967.)

Approval No. 160.050/14/3, 20-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.050 and American Pad & Textile Co. dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.050/14/3 dated April 7, 1967.)

Approval No. 160.050/26/0, 20-inch ring life buoy, fibrous glass reinforced plastic shell with unicelluar plastic foam core, the Plasti-Kraft Corp. dwg. dated February 1, 1958, and revised specification dated October 12, 1960, approved as alternate construction to that provided by USCG Specification Subpart 160.050, manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.050/26/0 dated April 7, 1967.)

Approval No. 160.050/27/0, 24-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, the Plasti-Kraft Corp. dwg. dated February 1, 1958, and revised specification dated October 2, 1960, approved as alternate construction to that provided by USCG Specification Subpart 160.050, manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.050/27/0 dated April 7, 1967.)

Approval No. 160.050/28/0, 30-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, the Plasti-Kraft Corp. dwg. dated February 1, 1958, and revised specification dated October 12, 1960, approved as alternate construction to that provided by USCG Specification Subpart 160.050, manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.050/28/0 dated April 7, 1967.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of classes A, 1, or 2 not carrying pasengers for hire.

Approval No. 160.052/119/1, Type II, Model 245, adult cloth-covered unicellular plastic foam buoyant vest, dwgs. Nos. B-280-1 dated October 13, 1964, Rev. April 14, 1967; B-280-2 dated October 8, 1964; B-280-3 dated October 9, 1964; and B-280-5 dated October 13, 1964, manufactured by Tapatco, Inc., Post Office

Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.052/119/1 dated April 20, 1967.)

Approval No. 160.052/120/1, Type II, Model 246-M, child medium cloth-covered unicellular plastic foam buoyant vest, dwgs. Nos. B-281-1 and B-281-2 dated October 14, 1964; B-281-3 dated October 15, 1964, Rev. April 14, 1967; and B-281-4 dated October 14, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.052/120/1 dated April 20, 1967.)

Approval No. 160.052/121/1, Type II, Model 246-S, child small cloth-covered unicellular plastic foam buoyant vest, dwgs. Nos. B-281-1 and B-281-2 dated October 14, 1964; B-281-3 dated October 15, 1964, Rev. April 14, 1967; and B-281-4 dated October 14, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.052/121/1 dated April 20, 1967.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/4/1, Style Nos. 228 and 229, unicellular plastic foam cloth-covered work vest, dwgs. Nos. 282-1, 282-2, and 282-3 dated February 11, 1965, and bill of materials (sheets 1 to 4) dated February 11, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA. 94533, effective February 1, 1972. (It is an extension of Approval No. 160.053/4/1 dated April 7, 1967.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD, FOR MERCHANT VESSELS

Approval No. 160.055/70/0, Type IB, Model 63, adult cloth-covered unicellular plastic foam life preserver, USCG Specification Subpart 160.055 and dwg. No. 160.055-IB (sheets 1 and 2), manufactured by Style-Crafters, Inc., Post Office Box 8277, Greenville, SC 29604, effective February 2, 1972. (It is an extension of Approval No. 160.055/70/0 dated April 10, 1967.)

Approval No. 160.055/71/0, Type IB, Model 67, child cloth-covered unicellular plastic foam life preserver, USCG Specification Subpart 160.055 and dwg. No. 160.055-IB (sheets 3 and 4), manufactured by Style-Crafters, Inc., Post Office Box 8277, Greenville, SC 29604, effective February 2, 1972. (It is an extension of Approval No. 160.055/71/0 dated April 10, 1967.)

Approval No. 160.055/74/0, Type IA, Model 62, adult vinyl dip coated unicellular plastic foam life preserver, USCG Specification Subpart 160.055 and dwg. No. 160.055-IA (sheet 1), manufactured by Style-Crafters, Inc., Post Office Box 8277, Greenville, SC 29604, effective February 2, 1972. (It is an extension of Approval No. 160.055/74/0 dated April 10, 1967.)

Approval No. 160.055/75/0, Type IA, Model 66, child vinyl dip coated unicellular plastic foam life preserver, USCG Specification Subpart 160.055 and dwg. No. 160.055-IA (sheet 2), manufactured by Style-Crafters, Inc., Post Office Box 8277, Greenville, SC 29604, effective February 2, 1972. (It is an extension of Approval No. 160.055/75/0 dated April 10, 1967.)

Approval No. 160.055/79/0, Type II, Model No. 501-U-22 (Mariner III), adult vinyl dip coated unicellular plastic foam life preserver, USCG Specification Subpart 160.055 and Gentex dwg. No. 67F 1786, Rev. B dated January 18, 1972, and dwg. No. 67F1785 dated August 15, 1967, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective January 31, 1972. (It supersedes Approval No. 160.055/79/0 dated December 5, 1967.)

BUOYANT VESTS, UNICELLULAR POLYETHYLENE FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.060/10/0, Type II, Model 247, adult cloth-covered polyethylene foam buoyant vest, dwgs. Nos. B-280-1 dated October 13, 1964, Rev. April 14, 1967; B-280-3 dated October 9, 1964; B-280-4 dated February 1, 1965; and B-280-5 dated October 13, 1964, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.060/10/0 dated April 20, 1967.)

Approval No. 160.060/11/0, Type II, Model 248-M, child medium cloth-covered polyethylene foam buoyant vest, dwgs. Nos. B-281-1 dated October 14, 1964; B-281-3 dated October 15, 1964, Rev. April 14, 1967; B-281-4 dated October 14, 1965; and B-281-5 dated February 1, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.060/11/0 dated April 20, 1967.)

Approval No. 160.060/12/0, Type II, Model 248-S, child small cloth-covered polyethylene foam buoyant vest, dwgs. Nos. B-281-1 dated October 14, 1964; B-281-3 dated October 15, 1964, Rev. April 14, 1967; B-281-4 dated October 14, 1965; and B-281-5 dated February 1, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective February 1, 1972. (It is an extension of Approval No. 160.060/12/0 dated April 20, 1967.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/99/0, Onan Model 145B393 backfire flame arrester for gasoline engines, with the following major components:

Resonator.
Disc assembly.
Adapter assembly.
Flame arrester tube assembly.
Spacer-resonator adapter.

Minor modification to Model 145B354, Certificate of Approval 162.041/16/0 to fit Zenith 1408 carburetor, manufactured by Onan Division, Onan Corp., 1400 73d Avenue NE., Minneapolis, MN 55432, formerly Studebaker Corp., effective February 2, 1972. (It is an extension of Approval No. 162.041/99/0 dated April 18, 1967 and change of name and address of manufacturer.)

Approval No. 162.041/100/0, Onan Model 145B386 backfire flame arrester for gasoline engines, with the following major components:

Resonator.
Disc assembly.
Adapter assembly.
Flame arrester tube assembly.
Spacer-resonator adapter.

Minor modification to Model 145B354, Certificate of Approval 162.041/16/0 to fit Walbro carburetor, manufactured by Onan Division, Onan Corp., 1400 73d Avenue NE., Minneapolis, MN 55432, formerly Studebaker Corp., effective February 2, 1972. (It is an extension of Approval No. 162.041/100/0 dated April 18, 1967 and change of name and address of manufacturer.)

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/2/0, SELBALITH magnesite-type deck covering identical to that described in National Bureau of Standards Test Report No. TG-3610-1215; FR 1779 dated July 2, 1940, approved for use without other insulating material as meeting Class A-60 requirements in a 1½-inch thickness, manufactured by Selby, Battersby & Co., 5220 Whitby Avenue, Philadelphia, PA 19143, effective February 3, 1972. (It is an extension of Approval No. 164.006/2/0 dated April 26, 1967.)

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/1/0, "48" C. G. Felt, mineral wool-type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3610-1372; FR-2235 dated April 1, 1944, bats and blankets approved for use without other insulating material to meet Class A-60 requirements in thicknesses and densities as follows:

Three inches at 8 pounds per cubic foot density.
Four inches at 6 pounds per cubic foot density.

manufactured by Forty-Eight Insulations, Inc., Aurora, Ill. 60504, effective February 3, 1972. (It is an extension of Approval No. 164.007/1/0 dated April 25, 1967.)

Dated: March 9, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 72-3815 Filed 3-13-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24164]

CAPITOL INTERNATIONAL AIRWAYS, INC.

Notice of Postponement of Prehearing Conference Regarding Baggage Liability

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in the above-entitled matter

has been postponed from March 23, 1972 (37 F.R. 4975, March 8, 1972), to April 6, 1972, at 10 a.m., local time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Dated at Washington, D.C., March 9, 1972.

[SEAL] HENRY WHITEHOUSE, *Hearing Examiner.*

[FR Doc.72-3819 Filed 3-13-72;8:51 am]

[Docket No. 23348; Order 72-3-18]

PIEDMONT AVIATION, INC., AND EASTERN AIR LINES, INC.

Order Regarding Route Transfer and Amendment of Certificates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of March 1972.

On April 29, 1971, Eastern Air Lines, Inc. (Eastern), and Piedmont Aviation, Inc. (Piedmont), filed jointly a motion for issuance of a show cause order or, alternatively, an expedited hearing and interim exemption, for approval of the transfer of Eastern's authority at Charleston, W. Va., and Ashland, Ky./Huntington, W. Va., to Piedmont. By Order 71-10-33, dated October 7, 1971, the Board issued an order to show cause proposing to approve the requested amendments to Eastern's and Piedmont's certificates.

Answers in support of the proposal in Order 71-10-33 have been filed by Eastern, the Greater Cincinnati Chamber of Commerce and the Kenton County Airport Board (Cincinnati), the city of Huntington, the county of Cabell, the Huntington Chamber of Commerce, and the Tri-State Airport Authority (Huntington Parties), and Piedmont. Answers in opposition to the proposal in Order 71-10-33 have been filed by the Louisville and Jefferson County Air Board (Louisville), Ozark Air Lines, Inc. (Ozark),[1] and Congressman Ken Hechler.

The parties objecting to the relief proposed in Order 71-10-33 raise two main contentions. First, it is asserted that Eastern's service to Charleston and Huntington has been deficient and that the proposed transfer should not be approved in the face of such service. Secondly, it is contended that the proposed award of one-stop authority to Piedmont in the Louisville-Washington market would have the effect of prejudging the award of nonstop authority in the Louisville-Washington Service Investigation, Docket 21318, which the Board has set for hearing. It is suggested by the parties raising this contention that the Board either refuse to authorize the proposed Eastern-Piedmont transfer or alternatively that the transfer be approved, subject to a two-stop Louisville-Washigton restriction. As a final alternative, it is proposed that the present case be set for hearing and consolidated with the Louisville-Washington Investigation.

Upon consideration of the foregoing pleadings, we have decided that the parties objecting to the proposed Eastern-Piedmont transfer should be afforded an opportunity to support their contentions in an evidentiary proceeding according to the procedures specified herein. At the same time, we believe it desirable to establish procedures which will permit the Board to reach its decision on the proposed transfer at the earliest possible date. To satisfy the foregoing objectives, we have decided to process the joint application under Subpart M type procedures.[2] Under these procedures, persons desiring a hearing on the joint application will be required to file answers specifically requesting this relief in accordance with Subpart M. If a hearing is then found to be required, the expedited procedures of Subpart M will be employed.[3]

We have further decided to deny the requests that the present proceeding be consolidated with the Louisville-Washington Service Investigation, *supra.* As will be set forth below, we are not persuaded that consolidation is required under the facts now before us.[4] Nevertheless, consistent with our usual practice, the parties will remain free to demonstrate on the record that a restriction must be placed on any Washington-Louisville authority granted herein, or that other action is required to prevent prejudice to the Louisville-Washington Investigation.

In our judgment, consolidation of the Louisville-Washington case with the present proceeding is not required under the circumstances here present. Under the Ashbacker doctrine,[4a] two applications must be considered contemporaneously if the grant of one would preclude, as a matter of economic fact, grant of the other. It has not been demonstrated that the Ashbacker test has been satisfied with respect to the Louisville-Washington one-stop and nonstop requests. Louisville and Washington are 450 air miles apart and we are doubtful that one-stop authority in this market would be sufficiently competitive with nonstop authority so that a receipt by Piedmont of the former would preclude, as a matter of economic fact, the subsequent award of the latter.

We are also unpersuaded that consolidation is required, as a matter of law or discretion, because of the possibility that an award of one-stop authority to Piedmont in the present case will give Piedmont the status of an incumbent carrier thereby enhancing Piedmont's position as an applicant in the Louisville-Washington Investigation. While it is true that the Board has given decisional weight to the factor of incumbency, this factor is only one of many applied by the Board and the weight to be given to any particular decisional factor can be determined only after a full consideration of the evidentiary record developed in a proceeding.[5] Moreover, even assuming arguendo that grant of the present application would change the relative positions of the applicants in the Louisville-Washington case, we are not per-

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[1] Although the answer was filed 1 day past the time allotted in our order to show cause, Ozark claims it was not served with a copy of Piedmont's application and thus could not meet the procedural date. We will treat Ozark's pleading as a late-filed answer and permit it to be filed. Ozark requests that, in the event the Board decided to approve the route transfer, such transfer be accompanied by a condition that Piedmont's Louisville-Washington flights must serve at least two intermediate points.

[2] We believe that these procedures will afford full opportunity for consideration of the contentions that Eastern's service has been deficient. In these circumstances, we do not believe a sufficient showing has been made to warrant the further relief requested by Louisville—issuance of an order to show cause requiring Eastern to provide improved service while the present case is pending. Moreover, it is doubtful that an adequacy of service proceeding could be completed before the present proceeding, and the decision in the present proceeding will undoubtedly address itself to the issue of future service to Charleston and Huntington/Ashland.

[3] Specifically, the future proceedings in this docket will be conducted under the procedures of § 302.1301 et al., of the Board's procedural regulations. We will not require the joint application to be refiled under Subpart M since this would unnecessarily delay the proceeding. Instead, we will proceed under Subpart M, with the joint application standing as a Subpart M application. Eastern and Piedmont will be given 10 days from the date of service of this order to supplement their application by supplying the second-year forecast required by Rule 1304, and the parties will then have 25 days to answer as specified in Rule 1306. In the event no answers requesting a hearing are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to issue a final order. Finally, we will not entertain further motions to consolidate from those parties whose motions are dealt with in this order.

[4] As a threshold matter, we are not convinced that a request for new route authority must necessarily be consolidated with a proceeding involving a transfer proposal such as that presented here. Cf: Western Air Lines v. CAB, 184 F.2d 545 (9th Cir. 1950) and Application of Eastern Air Lines and Ozark Air Lines for transfer of certain route authority, Order E-18771, Sept. 5, 1963. However, we find it unnecessary to pass on this question here in view of our present determination that, as a matter of economic fact, the transfer of one-stop authority will not preclude a subsequent award of nonstop authority.

[4a] Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945).

[5] Thus the Board has found that the factor of incumbency outweighed by other factors. See, e.g., Austin-West Service Investigation, Order 70-7-38, dated July 7, 1970. Moreover, even assuming that incumbency could be the dispositive factor in the Louisville-Washington case, Piedmont's status as an incumbent carrier might be inferior to that of Allegheny, which presently provides one-stop service between Louisville and Baltimore's Friendship Airport.

suaded that this consideration requires consolidation of the two proceedings. Many Board proceedings result in route awards which have some effect on carrier selection criteria in future proceedings. For example, a carrier awarded a new route in one proceeding may be less in need of strengthening in subsequent proceedings. Board proceedings would soon become unduly complex and unmanageable if we consolidated all proceedings which might affect each other.[6]

Finally, we will deny the joint request by Eastern and Piedmont for authorization of the proposed transfer by exemption and suspension pending final action on the transfer application. We are not persuaded that this is an appropriate situation for the exercise of the Board's extraordinary exemption powers.

Accordingly, it is ordered, That:

1. The petition of Ozark Air Lines, Inc. for leave to file a late-filed answer, be and it hereby is granted;

2. The motion of the Louisville and Jefferson County Air Board for leave to file an unauthorized document, be and it hereby is granted;

3. The petitions of the Greater Cincinnati Chamber of Commerce and the Kenton Airport Board, the city of Huntington, the county of Cabell, the Huntington Chamber of Commerce and the Tri-State Airport Authority, the Louisville and Jefferson County Air Board, Eastern Air Lines, Inc., and Piedmont Aviation, Inc. for leave to file unauthorized documents, be and they hereby are granted;

4. The motions of the Louisville and Jefferson County Air Board and Ozark Air Lines, Inc. for consolidation, be and they hereby are denied;

5. The joint motion of Eastern Air Lines, Inc., and Piedmont Aviation, Inc., for an expedited hearing, be and it hereby is granted;

6. The joint motion of Eastern Air Lines, Inc. and Piedmont Aviation, Inc. for interim exemption relief, be and it hereby is denied;

7. Within 10 days of the date of this order Eastern Air Lines, Inc. and Piedmont Aviation, Inc. should file a supplement to its application in Docket 23348 setting forth a 2-year forecast for this joint proposal, and complying fully with Rule 1307(a) of the Board's rules of practice:

8. Any interested persons may within 25 days after the filing by Eastern Air Lines, Inc. and Piedmont Aviation, Inc. of its supplemental application, file with the Board an answer to such application, such answers to comply with the provisions of Rules 1306 and 1307(a) of the Board's rules of practice;

9. If answers opposing the application and requesting a hearing are filed pursuant to paragraph 8 and the Board determines that a hearing is required, Eastern Air Lines, Inc.'s and Piedmont Aviation, Inc.'s joint application will be considered by the Board under the expedited procedures for Subpart M of its rules of practice, specifically Rules 1308–1315;

10. In the event no such answers are filed all further procedural steps will deem to have been waived and the Board may proceed to issue a final order; and

11. A copy of this order shall be served upon the parties listed in ordering paragraph 5 in Order 71-10-33, dated October 7, 1971.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-3818 Filed 3-13-72;8:50 am]

[6] In any event, Ozark remains free to argue at the proper time the fact that Peidmont's historic interest in the Louisville-Washington market is limited and should not be dispositive on the question of carrier selection.

[Docket No. 18257]

SOUTHERN TIER COMPETITIVE NONSTOP INVESTIGATION

Notice of Hearing Regarding Houston-Miami Phase

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 will be held on April 4, 1972, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served on January 27, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 8, 1972.

[SEAL] WILLIAM H. DAPPER, *Hearing Examiner.*

[FR Doc.72-3820 Filed 3-13-72;8:51 am]

CIVIL SERVICE COMMISSION

ACTION

Notice of Title Change in Noncareer Executive Assignment

By notice of October 27, 1971, F.R. Doc. 71-15514 the Civil Service Commission authorized Action to fill by noncareer executive assignment the position of Deputy Associate Director for Vista and Anti-Poverty Programs, Office of the Associate Director for Domestic and Anti-Poverty Operations, Office of Vista. This is notice that the title of this position is now being changed to Deputy Associate Director for Vista and Anti-Poverty Operations (Director of Vista), Office of the Associate Director for Domestic and Anti-Poverty Operations, Office of Vista.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[FR Doc.72-3824 Filed 3-13-72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary (Dental Affairs), Office of the Secretary, Office of the Assistant Secretary for Health, and Scientific Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[FR Doc.72-3825 Filed 3-13-72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Health Sciences, Office of the Secretary, Office of the Assistant Secretary for Health and Scientific Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[FR Doc.72-3826 Filed 3-13-72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Health Manpower, Office of the Secretary, Office of the Assistant Secretary for Health and Scientific Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[FR Doc.72-3827 Filed 3-13-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Special Projects).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-3828 Filed 3-13-72;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19218-19219; FCC 72-R-54]

5 KW, INC., AND CLINTON COUNTY BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of 5 KW, INC., Wilmington, Ohio, Docket No. 19218, File No. BPH-7074; Clinton County Broadcasting Corp., Wilmington, Ohio, Docket No. 19219, File No. BPH-7122; for construction permits.

1. This proceeding involves the mutually exclusive applications of 5 KW, Inc. (5 KW) and Clinton County Broadcasting Corp. (Clinton County) for a construction permit to establish a new FM broadcast station at Wilmington, Ohio. The applications were designated for hearing by Commission Order, FCC 71-410, released April 21, 1971, on various issues, including a limited financial qualifications issue against Clinton County to determine "whether (it) has available the additional (funds) required for construction and first-year operation of its proposed station without reliance on revenues * * *." The hearing was held on September 27, 1971, and the record was closed on October 12, 1971. Presently before the Review Board are: (1) A further petition to enlarge issues, filed October 26, 1971, by 5 KW;[1] and (2) an appeal from Examiner's grant of petition to amend application, filed January 25, 1972, by 5 KW.[2] The petition and the appeal both relate to Clinton County's financial qualifications and a brief résumé of the factual circumstances surrounding them would be helpful to an understanding of our disposition. 5 KW's further petition[3] requests the addition of an issue inquiring into the financial qualifications of Clinton County during its second year of operation.[4] In response to 5 KW's petition, Clinton County filed an opposition pleading with the Review Board (see note 1, supra), and, on the same day (November 18, 1971), filed a petition with the Hearing Examiner requesting permission to amend its application regarding its financial qualifications. The Hearing Examiner, by order released December 1, 1971 (FCC 71M-1865), granted the petition, reopened the record, accepted the amendment, incorporated it by reference, and again closed the record. On December 6, 1971, 5 KW formally requested the Examiner to reconsider his December 1st order, or, in the alternative, to allow 5 KW to file an appeal. The Examiner, by order, FCC 72M-91, released January 20, 1972, denied the request for reconsideration, but granted 5 KW permission to file an appeal with the Review Board. We will first dispose of 5 KW's appeal and then we will consider its petition.

APPEAL FROM EXAMINER'S GRANT OF PETITION TO AMEND APPLICATION

2. The Hearing Examiner, concluding that Clinton County's petition was unopposed and that good cause was shown, accepted the amendment. He denied reconsideration of his Order because 5 KW's petition to enlarge was pending before the Board. 5 KW bases its appeal, in part, on the fact that opposition pleadings to Clinton County's petition to amend application were not required to be filed before December 1, 1971; that the Broadcast Bureau filed its comments on November 30, 1971, and 5 KW filed its opposition on December 1, 1971; and, that, without considering either of these pleadings, the Hearing Examiner issued his order of November 30, 1971. 5 KW also contends that Clinton County failed to show why its amendment could not have been proffered earlier in the proceeding; that Clinton County failed to show good cause as is required by § 1.522(b) of the Commission's rules; that the amendment would necessitate reopening the record and further hearing, thereby disrupting the orderly conduct of the proceeding; and that 5 KW may be unfairly prejudiced and that Clinton County thereby may gain in competitive advantage.

3. Clinton County, in opposition, contends that since the amendment was filed in direct response to 5 KW's petition to enlarge issues, good cause exists; that Clinton County could not possibly have amended its financial showing earlier in the proceeding since 5 KW's requested issue is based on a novel theory which the Commission adopted after the hearing in the current proceeding was closed; that Clinton County will not gain a competitive advantage since financial issues are not comparative; and that the proposed changes do not change Clinton County's proposals in a major way, but merely alter its financial arrangements to the extent necessary to meet 5 KW's objections.

4. The Broadcast Bureau supports the Hearing Examiner's grant of Clinton County's petition to amend. The Bureau contends that the issue requested by 5 KW in its October 26th petition is warranted; that inquiry cannot be made under the financial issue as currently framed; that since Clinton County's amendment is addressed to this new disqualifying (not comparative) issue, good cause for filing exists; and that, since 5 KW's petition to enlarge, of necessity, requires additional hearings, to argue that Clinton County's amendment will unduly delay or disrupt the current proceeding is inconsistent.

5. The Review Board will deny 5 KW's appeal despite the Hearing Examiner's error in issuing his order without considering the pleadings filed by 5 KW and the Broadcast Bureau. The opposition and comments were not required to be filed before December 1, 1971. See Commission §§ 1.4 and 1.45. Having filed on time, 5 KW and the Bureau were entitled to have their contentions considered. Therefore, the Hearing Examiner's order, released December 1, 1971, was premature. Charlottesville Broadcasting Corp., 1 FCC 2d 1140, 6 RR 2d 268 (1965). Nevertheless, since we will consider the substance of the objections raised in these earlier pleadings, the appeal will be decided on its merits.

6. In our opinion, the Examiner was correct in allowing Clinton County to amend its financial showing in response to 5 KW's further petition to enlarge issues. A grant of 5 KW's petition, which was filed after the hearing was over and the record closed (see paragraph 1, supra), would require the record to be reopened and an additional hearing to be held. It is therefore inconsistent for 5 KW to argue that, because Clinton County's amendment will also necessitate further hearing, it should be disallowed. It is clear from the record that, but for 5 KW's petition, Clinton County would not have petitioned to amend its application. In similar circumstances in the past, we have held that the pendency of a request for a financial qualifications issue against an applicant constitutes good cause for the allowance of a financial amendment, as long as the amendment would not adversely affect the other parties or the conduct of the hearing. See, e.g., Cornbelt Broadcasting Corp., 14 FCC 2d 797, 14 RR 2d 426 (1968); Lebanon Valley Radio, Inc., 3 FCC 2d 61, 8 RR 2d 267 (1966). Since the record in this proceeding will have to be reopened in any event (see paragraph 12, infra), the conduct of the hearing will not be adversely affected as a result of acceptance of Clinton County's amendment.

[1] Also before the Board for consideration are: (a) Opposition, filed Nov. 18, 1971, by Clinton County; (b) Broadcast Bureau's comments, filed Nov. 19, 1971; and (c) reply, filed Dec. 1, 1971, by 5 KW.

[2] Related pleadings before the Board are: (a) Opposition, filed Jan. 27, 1972, by Clinton County; and (b) Broadcast Bureau's opposition, filed Feb. 4, 1972.

[3] This is 5 KW's second petition to enlarge issues. Its first petition was dismissed by the Review Board by memorandum opinion and order, released Sept. 29, 1971 (31 FCC 2d 871, 22 RR 2d 1056).

[4] The requested issue reads as follows: "To determine whether sufficient funds will be available to sustain the station proposed by Clinton County * * * during the second year of operation."

Nor would there be adverse affect on 5 KW, for the Commission has on many occasions held that "(n)o applicant has a vested interest in the disqualification of a competing applicant." Azalea Corporation, 31 FCC 2d 561, 563, 22 RR 2d 909, 911 (1971). Furthermore, where an applicant "is prejudiced only to the extent that it is denied the possibility of obtaining a grant by default through (its competitor's) disqualification," such disadvantage is not worthy of "protection". Fisher Broadcasting Co., 30 FCC 177, 179, 19 RR 997, 999b (1961). Thus, where as here, a noncomparative issue is involved,[5] it has long been Commission policy to permit an applicant to remove a potentially disqualifying factor through an amendment that: (1) Is filed with due diligence; (2) does not require the addition of new parties or issues; and (3) does not prejudice other parties. See Beacon Broadcasting System, Inc., FCC 60-118, 19 RR 927 (1960). Having determined that the Examiner was correct in accepting Clinton County's financial amendment, we will now proceed to 5 KW's petition to enlarge issues.

FURTHER PETITION TO ENLARGE ISSUES

7. 5 KW's request for an expanded financial issue against Clinton County (see note 4, supra), is based on that applicant's financial showing as set forth in its application and in its hearing exhibits. 5 KW notes that Clinton County relies heavily on several bank loans to finance the construction and operation of its station. Petitioner avers that the loans will all be repayable in full 15 months after they are made, and argues that these loan agreements evade the Commission's Ultravision requirements;[6] that Clinton County has avoided financial instability during its first year of operation by postponing lump sum repayment of its loans until its second year of operation; and that, under the agreements, there is a strong possibility that Clinton County will go bankrupt during its second year. In support of its request, 5 KW cites the Commission's memorandum opinion and order in Greenfield Broadcasting Corporation, FCC 71-1049, 32 FCC 2d 135, released October 20, 1971, where the Commission designated a "second year" financial qualifications issue against an applicant for a construction permit for a standard broadcast station.[7]

8. In opposition, Clinton County attaches its then proffered amendment (later accepted by the Hearing Examiner, by order released December 1, 1971, and affirmed by the Board here), detailing the steps taken by it in response to 5 KW's petition. The amendment informs the Commission that Clinton County has renegotiated its loan agreements to provide for a specific repayment plan. Clinton County argues that the changes in its financial arrangements adequately resolve the questions raised by 5 KW.

9. In its comments, the Broadcast Bureau contends that 5 KW's petition is untimely, and that petitioner has not shown good cause for the late filing. Nevertheless, the Bureau does not object to consideration of the merits of the petition because of the substantial question raised, i.e., the possibility that Clinton County may not be able to sustain operations in its second year. The Bureau asserts that if Clinton County does not satisfactorily answer the questions raised regarding its financial qualifications, the issue should be added because the question cannot be answered or explored under the designated issue.

10. Although 5 KW's petition is late filed, the Board believes that it raises a substantial question which requires us to consider its merits.[8] Athens Broadcasting Company, Inc., 27 FCC 2d 7, 20 RR 2d 1115 (1971); The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966). As originally proposed, Clinton County had negotiated $59,900 worth of loans in order to finance the construction and operation of its proposed station. The bulk of the principal on the loan was to become due 15 months after the loans were made, subject to possible extensions for an additional 15 months. This arrangement could have resulted in a situation where Clinton County would not have been able to meet its liabilities should all the loans become due and owing after the first year. In an attempt to remedy this situation, and in response to 5 KW's petition, Clinton County renegotiated its loans so that, as of now, $24,500 of the principal is due over a period of 2 years, in equal monthly installments commencing 16 months after the loans are made, and $30,000 in principal is due in 39 equal monthly installments with the first payment due 39 months after the loan is made.[9] Besides available funds totaling $66,150, Clinton County also intends to finance its second year of operation with advertising revenues estimated at $40,000-$80,000, but unsubstantiated except as to two advertisers' orders to a total of $1,664.[10] Thus, after meeting construction costs and first-year operating expenses of $57,135, Clinton County will have only $15,015, plus unsubstantiated revenues to help finance second-year expenses of $63,737.53.[11]

11. Clinton County, while ostensibly showing that it will have sufficient cash to construct the station and pay first-year operating expenses without revenues, has set up a thin corporate structure with a high debt to asset ratio. Rather than supply risk capital, the only equity being $6,250 cash, the corporation proposes to take out loans. These loans are personal and bank loans. The bank loans are guaranteed by third persons who are not corporate stockholders or who are only minor preferred stockholders. While shareholders may tend to take a greater risk and obligation in order to see their company survive and might not require strict repayment, here there is no way we can reasonably assume that the guarantors and the banks will be so generous. Nor do we have any information before us from which we can deduce that the guarantors could and would be willing to meet the bank loans and allow the corporation to reimburse them in the future. Similarly, it appears that unless Herbert Shaper is repaid by the corporation, he in turn, would be unable to repay his loan to the Millers. See note 9, supra. The foregoing raises a serious question of whether Clinton County will be able to sustain itself during the second year of operation. See A-C Broadcasters, supra.

12. Clinton County during its second year of operation, will have: (1) Only $15,015 remaining from its original loans; (2) almost $27,000 in debts; (3) normal operating expenses of approximately $37,000; and (4) only an unsubstantiated amount of revenue. In a situation "* * * where all depends on an applicant's ability to turn a substantial

[5] It is well established that financial qualifications are "a basic rather than a comparative factor * * *" Contact, 19 FCC 566, 587, 10 RR 660, 682 (1954).

[6] In Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965), the Commission stated that "where an applicant is able to demonstrate the financial ability to meet costs and expenses during the first year without income only because the first monthly or quarterly installment payments for equipment or other fixed charges have, by agreement * * *, been deferred beyond that period, we will scrutinize with care the applicant's itemization of expenses. Our purpose * * * is to enable us to make an informed judgment as to whether a continuing operation in the public interest is likely, * * *" 1 FCC 2d at 547, 5 RR 2d at 347-8.

[7] 5 KW insists that an additional issue is not necessary in order to inquire into Clinton County's possible evasion of the Ultravision standard. Nevertheless, 5 KW states that it is requesting such an issue in the event that the Review Board deems it necessary.

[8] In our opinion, 5 KW's reliance on the release of Greenfield to establish good cause is misplaced. The Commission, in other cases released before the designation order in this proceeding was published, held that it will examine second-year finances of a broadcast applicant where the particular facts of the case warrant it. See Clay Broadcasters, Inc., FCC 71-264, 21 RR 2d 442 (1971); A-C Broadcasters, 10 FCC 2d 266, 11 RR 2d 359 (1967); Ultravision, supra.

[9] Clinton County also has available $3,250 in cash, and two additional loans for $5,400. The $30,000 loan is from Herbert E. Shaper, Jr., president of Clinton County. In order to finance his loan to the corporation, Mr. Shaper will borrow $30,000 from Mr. and Mrs. Samuel Miller with a repayment schedule corresponding to that of the corporation to Mr. Shaper. This suggests that Shaper will rely on corporate repayments in order to meet his obligation to the Millers.

[10] The estimate of $1,664 in advertising revenues is for Clinton County's first year of operation. There is no showing as to second-year revenues.

[11] This figure includes principal due the First National Bank of Wilmington, $3,816.53; interest due First National, $1,595; interest due Mr. Shaper, $2,400; principal due Winters National Bank & Trust Co., $5,400; interest due Winters, $108; principal and interest due Mr. McClary, $1,020; equipment payments, $7,512; and operating costs of $36,886.

profit in the second year, the basis for estimating costs and revenues becomes crucial. And such estimates must—considering the substantial deferrals involved here—extend through the second year because the effect of these deferrals is to diminish the value of first-year 'survival' presumption on which the Ultravision standard rests." A-C Broadcasters, supra, 10 FCC 2d at 260, 11 RR 2d at 365-6. Therefore, we believe that, under the particular capital structure proposed by Clinton County, the applicant was obligated to show that it could sustain itself during the second year of operation. Greenfield Broadcasting Corporation, supra; Ultravision Broadcasting Company, supra. Clinton County failed to make that showing, and the necessary inquiry cannot be made under the issue as presently framed. See paragraph 1, supra. Consequently, the record in this proceeding will have to be reopened and the issues enlarged to consider the important and novel questions raised by the particular facts of this case.

13. *Accordingly, it is ordered,* That the appeal of 5 KW, Inc., from Examiner's grant of petition to amend application, filed January 25, 1972, is denied; and

14. *It is further ordered,* That the further petition to enlarge issues, filed October 26, 1971, by 5 KW, Inc., is granted; and that the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether sufficient funds will be available to sustain the proposed station of Clinton County Broadcasting Corp. during the second year of operation.

15. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the added issue shall be on Clinton County Broadcasting Corp.

Adopted: March 3, 1972.

Released: March 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[12]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-3810 Filed 3-13-72;8:50 am]

[12] Board member Kessler absent.

[Dockets Nos. 19351-19352; FCC 72R-57]

ANTHONY MAIER ENTERPRISES, INC., AND CINCINNATI AIRCRAFT, INC.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Anthony Maier Enterprises, Inc., Cincinnati, Ohio, Docket No. 19351, File No. 49-A-L-91; and Cincinnati Aircraft, Inc., Cincinnati, Ohio, Docket No. 19352, File No. 129-A-L-91; for aeronautical advisory station to serve the Lunken Airport, Cincinnati, Ohio.

1. This proceeding, involving the mutually exclusive applications of Anthony Maier Enterprises, Inc. (Maier) and Cincinnati Aircraft, Inc. (Cincinnati Aircraft) for authorization to operate an aeronautical advisory station to serve Lunken Airport, Cincinnati, Ohio, was designated for hearing by order of the Chief, Safety and Special Radio Services Bureau, Mimeo No. 77312, released November 24, 1971. Presently before the Review Board is a motion to enlarge issues, filed January 18, 1972, by Maier,[1] seeking addition of an issue to determine whether Cincinnati Aircraft illegally operated a Unicom facility on 123.0 MHz at Lunken Airport in violation of section 301 of the Communications Act of 1934, as amended.

2. Attached to the motion is a copy of a letter, dated April 26, 1971, sent to the Commission by Robert P. Brown, Superintendent of Lunken Airport, which states that Queen City Flying Service (Queen City), which had exclusive license to operate the Unicom facility at Lunken Airport,[2] filed notice of bankruptcy on January 28, 1971; that upon notice on March 17, 1971, of re-entry by the city of Cincinnati of all premises rented by Queen City at the airport, the Unicom was relocated from the hangar rented by Queen City to that owned and operated by Cincinnati Aircraft; and that, at the time of the letter, Cincinnati Aircraft was continuing to operate the Unicom. The designation order states that Cincinnati Aircraft requested on September 2, 1971, and received on September 3, 1971, temporary authority from the Safety and Special Radio Services Bureau, pursuant to § 87.251(a), to operate an aeronautical advisory station at Lunken Airport. However, in view of the letter submitted by the petitioner, the Review Board finds that a substantial question has been raised as to whether Cincinnati Aircraft operated the Unicom facilities at Lunken Airport in violation of section 301 of the Act between the dates of March 17, 1971, and September 3, 1971, prior to requesting and receiving license from the Commission to do so. Since Cincinnati Aircraft has not responded to the petition, the question must be resolved in an evidentiary hearing, and an appropriate issue will be specified.[3]

3. *Accordingly, it is ordered,* That the motion to enlarge issue to determine illegal use of Unicom, filed January 18, 1972, by Anthony Maier Enterprises, Inc., is granted; and

4. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Cincinnati Aircraft, Inc., has operated an aeronautical advisory station at Lunken Airport without a valid authorization, in violation of Commission rules and the Communications Act of 1934, and, if so, the effect of such violation on Cincinnati Aircraft's qualifications to be a Commission licensee;

and

5. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Anthony Maier Enterprises, Inc., and the burden of proof shall be on Cincinnati Aircraft, Inc.

Adopted: March 7, 1972.

Released: March 9, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-3809 Filed 3-13-72;8:50 am]

[1] Also before the Board are comments, filed Jan. 27, 1972, by the Safety and Special Radio Services Bureau.

[2] Section 87.251(a) provides that only one aeronautical advisory station may be authorized to operate at a landing area.

[3] Although the instant petition was not timely filed, serious public interest questions warranting consideration on the merits have been raised. See "The Edgefield-Saluda Radio Co. (WJES)," 5 FCC 2d 148, 8 RR 2d 611 (1966).

[4] Board member Kessler absent.

[Dockets Nos. 19453-19458; FCC 72-197]

NORTH TEXAS ENTERPRISES, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of North Texas Enterprises, Inc., Amarillo, Tex., requests: 1090 kc., 5 kw., 50 kw.-LS, DA-2, U, Docket No. 19453, File No. BP-18118; Friend Radio, Inc., Clovis, N. Mex., requests: 1090 kc., 250 w., day, Docket No. 19454, File No. BP-18286; Caprock Radio, Inc., Lubbock, Tex., requests: 1090 kc., 50 kw., DA-day, Docket No. 19455, File No. BP-18432; Panhandle Broadcasting, Inc., Plainview, Tex., requests: 1090 kc., 1 kw., day, Docket No. 19456, File No. BP-18497; Marvin C. Hanz, Annie Emmons, and Joel E. Wharton, doing business as Ozona Broadcasting Co., Ozona, Tex., requests: 1090 kc., 1 kw., day, Docket No. 19457, File No. BP-18505; Annie Emmons, Douglas A. Williams, and J. T. "Happy" Shahan, doing business as Desert Radio, Las Cruces, N. Mex., requests: 1090 kc., 50 kw. (5 kw.-CH), day, Docket No. 19458, File No. BP-18506; for construction permits.

1. The Commission has before it for consideration (i) the above-captioned and described applications which, because of interlinking prohibited overlap of contours,[1] must be designated for hearing; (ii) petitions to deny the application of North Texas Enterprises, Inc., filed by KAAY, Inc., licensee of Station KAAY, Little Rock, Ark.; and (iii) pleadings in opposition and reply thereto.

2. KAAY, Inc., has petitioned to deny the Amarillo proposal on the grounds that the proposed directional antenna system is unstable and suppressed to such a high degree that it cannot be adjusted and maintained, as proposed, and

[1] There appears to be no conflict between the Las Cruces and Ozona proposals. There are, however, apparent conflicts between the Las Cruces proposal and the Clovis and Lubbock proposals. Similarly, the Ozona proposal appears to conflict with the Lubbock and Amarillo proposals. It is clear that the Amarillo, Clovis, Lubbock, and Plainview proposals are mutually exclusive.

as a result interference will be caused to KAAY. North Texas Enterprises, Inc., proposes to operate with 5 kilowatts of power during nighttime hours utilizing a 10-element parallelogram array to suppress the radiation over wide arcs towards the 0.5 mv/m-50 percent secondary service area of Class I-B Stations KAAY, Little Rock, Ark., and XERB, Rosarito, Baja California. The proposed antenna system is so designed that multiple dead nulls are generated and most of the energy is contained in one relatively narrow lobe. The maximum expected operating values (MEOV's) of radiation towards the secondary service area of KAAY are as low as 4.5 mv/m for the proposed 5 kilowatts of power. Moreover, it appears that simultaneous variations in antenna phase and current amplitude of less than 0.5° and 0.5 percent would result in values of radiation which exceed the proposed MEOV's. On the basis of the proposed MEOV's, the applicant indicates that the proposed 0.025 mv/m-10 percent contour would be separated from the KAAY 0.5 mv/m-50 percent secondary service area by approximately 17 miles. In view of the extremely high degree of suppression proposed, the critical protection requirements involved, and the fact that some departure from the proposed antenna parameters and radiated fields would result in actual day-to-day operation, a substantial question obtains as to whether the proposed array can be adjusted and maintained within the proposed MEOV's of radiation. Accordingly, appropriate hearing issues will be included concerning this matter.

3. KAAY, Inc., also contends that the antenna site proposed by North Texas Enterprises, Inc., may not be satisfactory due to terrain irregularities and manmade structures, including the antenna tower of KIXZ, Amarillo, Tex. Commission study, however, indicates that the KIXZ tower is located approximately 20 miles from the proposed North Texas Enterprises antenna site and that KAAY has not submitted any studies which would support a finding that the KIXZ tower, other structures, or terrain irregularities would result in adverse problems of signal scatter or reradiation. In addition, the engineering consultant for North Texas Enterprises, Inc., has submitted an affidavit stating that he has "examined the NTE site by walking and driving over the property and beyond the boundaries of the property and the entire area surrounding the site was examined by airplane." Based on this study, it was determined that no terrain irregularities or manmade structures exist which would adversely affect the proposed directional operation. Accordingly, an issue regarding site suitability will not be included.

4. As a result of Commission examination of the engineering data submitted by North Texas Enterprises, Inc., it appears that the maximum expected operating values (MEOV's) of horizontal nighttime radiation shown on the North Texas horizontal radiation pattern (Figure E-5 .2A) are not in complete agreement with the values shown on the expanded radiation pattern (Figure E-5 .2B) along certain azimuths. An issue to clarify this apparent discrepancy will be included.

5. Annie Emmons is a partner in the Ozona Broadcasting Co. proposal for Ozona, Tex., and a principal in Desert Radio, the applicant for Las Cruces, N. Mex., a city that is approximately 340 miles from Ozona, Tex. Marvin C. Hanz is a partner in Ozona Broadcasting Co. and the individual applicant for a standard broadcast facility in Las Cruces (BP-17044 in Docket No. 18714). Principals in Ozona Broadcasting Co. and Desert Radio have been and are involved jointly in a number of applications for construction permits,[2] and a question arises concerning the relationships between the Ozona and Las Cruces partners and their intentions in filing and prosecuting two proposals for the city of Las Cruces, and the Ozona application. Thus, in the event of a grant of Desert Radio's application for Las Cruces and a grant of Hanz' application for Las Cruces presently in hearing, parties in privity in the Ozona application would be operating two stations in the same community. Under these circumstances, the Commission finds that the commonalty of interest shared by Emmons and Hanz in Ozona raises a question as to whether their relationship as partners would tend to diminish competition in Las Cruces. Northern Indiana Radio Co., Inc., et al., FCC 64-194, Docket No. 8218, released March 13, 1964. Accordingly, resolution of the question can best be obtained in a full evidentiary hearing, and an appropriate issue will be specified.

6. As previously noted, Marvin C. Hanz, a partner in the Ozona application, is the applicant for a standard broadcast facility in Los Cruces in Docket No. 18714. A number of questions relating to the basic qualifications of Hanz were litigated in that proceeding, including issues to determine whether he kept the Commission advised of substantial and significant changes as required by § 1.65 of the rules; whether he made misrepresentations or attempted to deceive or mislead the Commission; whether he has the requisite qualifications to be a licensee; and whether he may be expected to exercise the degree of responsibility required of a Commission licensee. In an initial decision,[3] the Hearing Examiner denied the application of Hanz and stated that through gross carelessness, Hanz had violated Commission rules and failed to supply reasons in justification or mitigation of his actions. The Hearing Examiner concluded that the record of the proceeding conclusively demonstrated that Marvin Hanz lacked the capability of observing Commission regulations. In the event these findings become final, they shall be res judicata as to Hanz and his qualifications. Accordingly, in the event Ozona is favored in the forthcoming hearing, final action will be withheld pending final resolution of the issues in Docket No. 18714, and a condition with respect to this matter will be included.

7. A reading of the limited partnership agreements filed by Ozona Broadcasting Co. and Desert Radio reveals that they lack the terms and degree of specificity required to transform the ventures into legal entities known as limited partnerships. In addition, the partnership agreement of Ozona Broadcasting Co. states that it is the purpose of the partnership to construct, build, operate, and maintain a standard broadcast station in Bossier City, La., not Ozona, Tex. Furthermore, Desert Radio filed an amendment stating that Don Renault was withdrawing from the partnership and indicating that a new partnership had been formed. By letter dated March 31, 1970, the Commission instructed the applicant to file a new partnership agreement signed by the parties, but to date Desert Radio has not complied with the Commission request. In the absence of the filing of partnership agreements by Ozona Broadcasting Co. and Desert Radio that are legally binding and reflective of the true intentions of the parties, a determination cannot be made that the applicants are legally qualified. Accordingly, appropriate issues will be designated as to both applicants.

8. According to § 1.580(c) of the rules, the Commission requires an applicant to publish a local notice of the filing of its application. Desert Radio failed to submit copies of the public notice, as required, or indicate in any manner its compliance with the publication requirement. An issue, therefore, will be added to determine whether Desert Radio violated § 1.580 of the rules.

9. By letter dated June 13, 1969, the Commission informed the principals of Desert Radio that a preliminary examination revealed that its proposed antenna structure appeared to exceed applicable air safety criteria set forth by the Federal Aviation Administration. The applicant was directed to submit a completed Form FAA-7460-1 to the FAA. Since the applicant did not file the required data and no determination has yet been reached on whether the antenna proposed by Desert Radio would constitute a hazard to air navigation, an issue regarding this matter is required.

10. Examination of the financial portion of the Amarillo application indicates that it will need $549,923 to meet first-year construction and operating costs, consisting of equipment, $256,152; land, $27,518; building, $5,000; miscellaneous expenses, $42,853; and operating costs, $218,400. To meet these expenses, the applicant relies on existing

[2] The third partner in the Ozona application is Joel E. Wharton. Mr. Wharton had been a partner with Don Renault and Marvin Hanz for a proposal in Bossier City, La. (BP-18507), until an amendment was filed recently changing the partnership. As originally filed, Desert Radio, the applicant for Las Cruces, was a partnership composed of Annie Emmons, Don Renault, and two other partners. Subsequently, Renault withdrew from the venture.

[3] Marvin C. Hanz, Initial Decision, FCC 72D-2, Docket No. 18714, released Jan. 13, 1972.

capital, $8,000; new capital represented by stock subscriptions, $92,000; and two individual loan commitments totaling $450,000. The individual who intends to loan $325,000 to the applicant, however, has not shown sufficient liquid assets to meet her commitment. Accordingly, the applicant is not financially qualified and an appropriate issue has been specified.

11. The cash requirements of Friend Radio, Inc., for the construction and first-year's operation of its proposed station would appear to be, based on the applicant's estimates, $31,590, consisting of the acquisition or construction of the building, $1,000; legal, engineering and miscellaneous costs, $5,000; and first-year operating costs, $25,590. To reduce its financial commitments, the applicant plans a combined operation with its licensed station KMTY(FM), Clovis, N. Mex. The applicant, however, does not list the costs of the additional equipment and facilities it will need, and in the absence of more detailed information, a determination cannot be made that the applicant is financially qualified. An appropriate issue, therefore, will be included.

12. Caprock Radio, Inc., will require an estimated $159,300 to meet the cost of construction and 1-year's operation of the proposed station. The estimated cost of construction consists of downpayment on equipment, $14,660; first-year payments on equipment, with interest, $8,920; land, $20,000; building, $10,800; miscellaneous costs, $6,200; and first-year operating costs, $98,720. The applicant relies on existing capital, $8,250, and new capital represented by stock subscription agreements, $131,750, for a total of $140,000. Since the applicant fails to meet the costs of construction and operation by more than $19,000, and several shareholders fail to show sufficient current liquid assets to meet their individual commitments to the corporation, a financial issue will be included.

13. The estimated proposed cost of construction and first-year operation costs of the Plainview application total $104,949, consisting of: Equipment, $23,314; building, $2,340; land, $3,000; miscellaneous, $1,595; loan repayment with interest, $21,000; and first-year operating costs, $53,700. The applicant proposes to meet these costs with a total of $121,000, consisting of: Cash on hand, $1,000; bank loan, $100,000; and a shareholder's loan, $20,000. The data on file supporting the shareholder's loan commitment, however, is not current, and an issue will be designated to determine if the shareholder now has sufficient liquid assets to meet his loan commitment to the corporate applicant.

14. The financial plans of Ozona Broadcasting Co. contemplate the expenditure of $30,225 for the following items: equipment, $12,400; land rental, $325; building, $1,000; miscellaneous costs, $1,500; and first-year operating expenses, $15,000. The applicant, in relying on partnership contributions totaling $20,000, fails to meet its construction and operation costs by approximately $10,000. In addition, two of the shareholders are unable to meet their commitments because they are principals in two other proposals for standard broadcast facilities,[4] and they are relying upon the same funds in this instance as they are in the other broadcast proposals on file. Moreover, it appears that the $15,000 operating cost estimate is inordinately low. An appropriate issue, therefore, will be incuded.

15. Analysis of the financial section of the Las Cruces application reveals that it will need $61,600 to meet first-year construction and operation costs, consisting of equipment, $29,900; land, $1,200; building, $5,000; miscellaneous costs, $1,500; and first-year operating expenses, $24,000. To meet these requirements, the applicant relies on partnership contributions totaling $31,105. Since the applicant fails to meet his construction and operation costs, and the partnership agreement does not provide for additional contributions from the partners, a financial issue will be added.

16. Each applicant submitted amendments in attempting to comply with Commission policy requiring applicants to provide full information on their awareness of and responsiveness to local community needs and interests. Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). Each applicant failed to comply with the Commission's requirements. The Amarillo proposal did not provide a listing of the leaders of the various community groups that sufficiently reflected the minority or ethnic composition of its city of designation. Due to the lack of information on file, it is not clear whether the members of the general public that were interviewed represent and adequate cross-section of the community or whether the proposed programs would be responsive to community interests. By failing to describe the composition of the community, based on reliable studies or reports, Friend Radio vitiated the effectiveness of the survey it conducted. Without a profile of the community, a determination cannot be made that the leaders of various community groups are representative of the community. In addition, the suggestions offered by members of the general public appear directed to the operation of the licensee's existing station, KMTY(FM), Clovis, and not for a new broadcast station in Clovis. The community needs surveys conducted by the applicants for Lubbock, Plainview, and Ozona are defective in that the individuals contacted did not represent the various minority, ethnic, or racial groups within the three communities. The applicant for Lubbock, Tex., estimates that the population of that city is 13 percent Mexican-American and 10 percent black. In view of the insignificant number of minority leaders and members of the general public contacted, the applicant has failed to comply with the Primer, supra. The Plainview principals contacted 32 individuals but it appears that no Mexican-Americans were consulted and only one black. The list of people contacted by the Ozona applicant contains the names of 48 people but only one black member of the general public is listed. The programing data of the Las Cruces application is defective due to the lack of specificity in its general audience survey. By merely reciting the number of individuals it interviewed by telephone or by personal contact, the applicant did not provide a basis for determining the extensiveness of the contacts made. In the absence of more detailed findings, there is no sufficient indication that the applicant has formulated adequate plans responsive to the community needs and interests. Accordingly, a Suburban[5] issue will be included as to all applicants.

17. Examination of the proposals for Amarillo, Clovis, Lubbock, and Plainview indicates that each of the proposals would serve a substantial area in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

18. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

19. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural service (1 mv/m or greater in the case of FM) to such areas and populations.

2. To determine whether the antenna structure described in the application of Desert Radio complies with the applicable air safety criteria of the Federal Aviation Administration.

3. To determine whether the directional antenna system proposed by North Texas Enterprises, Inc., can be adjusted and maintained as proposed and whether adequate protection will be afforded station KAAY, Little Rock, Ark., and other existing stations.

4. To determine whether the nighttime horizontal maximum expected operating values of radiation as proposed by North Texas Enterprises, Inc., as indicated on different nighttime horizontal radiation patterns, are in agreement.

[4] Marvin C. Hanz is the applicant (File No. BP-17044, Docket No. 18714) for a standard broadcast facility in Las Cruces, N. Mex., and Joel E. Wharton has an interest (50 percent) in an application (File No. BP-18507) for a proposal in Bossier City, La.

[5] Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961).

5. To determine the legal status of Desert Radio.

6. To determine whether Desert Radio failed to publish the local notice of filing of its application as required by § 1.580 (c) of the Commission's rules.

7. To determine the nature of the business relationship between Annie Emmons and Marvin Hanz and the extent to which it might tend to diminish open, arms-length competition in broadcasting in Las Cruces, N. Mex.

8. To determine the legal status of Ozona Broadcasting Co.

9. To determine with respect to the application of North Texas Enterprises, Inc.:

(a) Whether Mary M. Batson will have the necessary net available current liquid assets to meet her obligations to the applicant;

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

10. To determine with respect to the application of Friend Radio, Inc.:

(a) Whether an adequate basis for the applicant's estimated construction costs has been provided;

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

11. To determine with respect to the application of Caprock Radio, Inc.:

(a) Whether additional funds are available to meet construction costs and first-year operating expenses;

(b) Whether the principals have sufficient current liquid assets to meet their obligations to the applicant;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b), above, the applicant is financially qualified.

12. To determine with respect to the application of Panhandle Broadcasting, Inc.:

(a) Whether William W. Rivers presently has sufficient current liquid assets to fulfill his commitment to the applicant;

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

13. To determine with respect to the application of Ozona Broadcasting Co.:

(a) The basis for the applicant's operating cost estimate and whether the estimate is reasonable;

(b) Whether the principals have sufficient current liquid assets to fulfill their commitments to the applicant;

(c) Whether additional funds are available to meet construction costs and first-year operating expenses;

(d) Whether, in light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

14. To determine with respect to the application of Desert Radio:

(a) Whether additional funds are available to meet construction costs and first-year operating expenses;

(b) Whether the principals have sufficient current liquid assets to fulfill their commitments to the applicant;

(c) Whether, in light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

15. To determine the efforts made by the applicants to ascertain the community needs and interests of the areas to be served and the means by which they propose to meet those needs and interests.

16. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

17. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in Amarillo, Clovis, Lubbock, and Plainview would, on a comparative basis, best serve the public interest.

18. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

20. *It is further ordered,* That KAAY, Inc., licensee of station KAAY, Little Rock, Ark., and the Federal Aviation Administration are made parties to the proceeding.

21. *It is further ordered,* That the petitions to deny the application of North Texas Enterprises, Incorporated, filed by KAAY, Inc., are granted to the extent indicate above and are denied in all other respects.

22. *It is further ordered,* That in the event the application of Ozona Broadcasting Co. is favored, final action will be withheld pending final resolution of the issues with respect to the qualifications of Marvin Hanz in Docket No. 18714.

23. *It is further ordered,* That, in the event of a grant of the applications of North Texas Enterprises, Inc., or Desert Radio, the construction permits shall contain the following condition:

Submission by the permittee of data in accordance with §§ 73.48 and 2.579 of the rules for type acceptance of the proposed transmitter for the 5 kw. operation.

24. *It is further ordered,* That, in the event of a grant of the application of Desert Radio, the construction permit shall contain the following conditions:

Permittee shall assume responsibility for the elimination of interference due to external cross-modulation, and for the installation and adjustment of filter circuits or other equipment in the antenna systems of the proposed operation and of Station KOBE, Las Cruces, N. Mex., or any other stations which may be necessary to prevent adverse effects due to internal cross-modulation and reradiation. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated.

Permittee shall submit with the application for license a nondirectional proof of performance to establish that the proposed radiation pattern is essentially omni-directional.

25. *It is further ordered,* That, in the event of a grant of the application of Friend Radio, Inc., the construction permit shall contain the following condition:

Permittee shall assume responsibility for the elimination of interference due to external cross-modulation and for the installation and adjustment of filter circuits or other equipment in the antenna systems of the proposed operation and of Station KICA, Clovis, N. Mex., or any other stations which may be necessary, to prevent adverse effects due to internal cross-modulation and reradiation; and, prior to the erection of the antenna tower and subsequent thereto, sufficient field intensity measurements shall be made on KICA to establish that the radiation pattern has not been adversely affected due to reradiation. The minimum required measurements shall include 10 consecutive points for each of the radials included in the last complete proof of performance on file with the Commission. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated.

26. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

27. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 1, 1972.

Released: March 9, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-3811 Filed 3-13-72;8:50 am]

[Docket No. 19459; FCC 72-198]

PONCE TELEVISION CORP.

Memorandum Opinion and Order and Notice of Apparent Liability Designating Application for Hearing on Stated Issues

In regard application of Ponce Television Corp. (WRIK-TV), Ponce, P.R., Docket No. 19459, File No. BPCT-4421, for a construction permit.

1. Now under consideration are: the captioned application filed by Ponce Television Corp. (WRIK-TV) for changes in the authorized facilities of television broadcast station WRIK-TV, Channel 7, Ponce, P.R.; informal objections filed April 26, 1971, by Telesanjuan, Inc., licensee of television broadcast

[6] Commissioners Bartley and H. Rex Lee absent.

Station WTSJ, Channel 18, San Juan[1]; informal objections filed June 3, 1971, by WAPA-TV Broadcasting Corp. (WAPA-TV), licensee of television broadcast Station WAPA-TV, Channel 4, San Juan; informal objections filed June 4, 1971, by American Colonial Broadcasting Corp. (WKBM-TV), licensee of television broadcast Station WSUR-TV, Channel 9, Ponce, and WKBM-TV, Channel 11, Caguas; related pleadings[2]; and a letter filed November 23, 1971, by counsel on behalf of Telemundo, Inc., licensee of Station WKAQ-TV, Channel 2, San Juan, requesting the imposition of certain technical conditions on the grant of WRIK-TV's application.

2. Station WRIK-TV presently operates with an effective radiated visual power of 166 kw., an antenna height above average terrain of 2,710 feet, at a site on Cerro Maravilla, which is about 10 miles north and slightly east of Ponce and 35 miles southwest of San Juan. In its application, WRIK-TV seeks authority to operate with an effective radiated visual power of 162 kw., an antenna height above average terrain of 2,820 feet, at a site on Cerro Lucera, which is about 37 miles east and slightly north of Ponce and 24 miles south of San Juan.[3] The proposed site is within a mile of the authorized antenna sites of San Juan television stations WAPA-TV (CP), WKAQ-TV and WIPR-TV. These changes constitute a minor modification of facilities under § 1.572 of the rules. In support of its application WRIK-TV states that since it has become an independent station, rather than a satellite of a San Juan station, it has brought new programing to Puerto Rico, including 25 hours per week of local live programing and the "only true islandwide news service." Unfortunately, it is unable to actually serve the entire island from its present site due to terrain, although its theoretical Grade A and Grade B contours do encompass the island. The proposed move, it is asserted, will enable it to provide actual service to the eastern end of the island and "to reach an adequate market base," which is needed in view of substantial operating losses. It is also asserted that the proposed move will aid Ponce in that most Ponce receiving antennas are oriented toward the San Juan stations. From the proposed site, which is close to the transmitting site of the San Juan stations, "actual service in practice to Ponce should be improved."

3. The objectors point out that the purpose of the present application is to provide better actual service to larger areas of Puerto Rico so as to obtain "an adequate market base." WTSJ states that as the licensee of the only operating UHF stations in Puerto Rico,[4] it has been losing substantial sums of money. It is also argued that since Station WTSJ is an English-language station, and that a relatively small proportion of its audience speaks only English, it must rely on the large bilingual population for growth and economic support. Thus, it is asserted, any increase in WRIK-TV's signal strength in WTSJ's coverage area will have an adverse UHF impact on an already precarious UHF operation. In opposition, WRIK-TV denies that the proposed changes will result in any "significant new encroachment on WTSJ-TV's service area." In this respect, WRIK-TV argues that terrain features adversely affect WTSJ's signal as well as its own so that the area of impact is less than alleged by WTSJ. In addition, based on statements of WTSJ, WRIK-TV states that the English-speaking audiences and the bilingual audience are, for the most part, "substantially different."

4. We do not believe that the UHF impact question needs extended discussion. The proposed changes will, in WRIK-TV's view, result in an improved signal to areas in the direction of the transmitter move. If this were not so, the move would not serve "to reach an adequate market base." It appears that part of that base is served by WTSJ since the proposed facilities will presumably provide a signal in WRIK-TV's view, to "much of the fast growing Caguas area," where its signal cannot now be received. Caguas is adjacent to the San Juan Standard Metroplitan Statistical Area. Moreover, by virtue of the move closer to San Juan to a site near the transmitter sites of other San Juan stations, there is a strong indication that an improved signal may be provided to the San Juan area. Although San Juan lies within the principal community contour of station WRIK-TV operating with its existing facilities, the Commission has several times noted the adverse effect of the terrain in Puerto Rico on actual reception. WRIK-TV concedes this. Thus, it is possible that the proposed operation could provide substantially increased signal levels or provide a usable signal where one is not available. The degree of improvement cannot be determined on the basis of the information before us. To be sure, if there is an improved signal in areas served by WTSJ, the degree of UHF impact may be ameliorated by the fact that station WTSJ(TV) and station WRIK-TV normally broadcast programs in different languages. But the possibility remains that the improvement of WRIK-TV's signal may hinder the growth of UHF development generally, fractionalize WTSJ's audience, or make more difficult its chances to increase its audience among bilingual viewers. In these circumstances, we believe that it is necessary to determine in hearing the effect of the proposed operation on UHF broadcasting.

5. WRIK-TV is required to provide a minimum signal of 77 dbu to all of Ponce, under § 73.685(a) of the Commission's rules. The objectors contend that WRIK-TV, although concededly placing a stronger (85 dbu) signal over Ponce when computed in accordance with § 73.684(c)(2), will not actually place a signal of the requisite intensity over Ponce due to adverse terrain effects. Moreover, they allege that there are "major obstructions" between Ponce and the transmitter site, contrary to the requirements of § 73.685(b).[5] In this regard, WTSJ and WKBM-TV rely on and incorporate, for the most part, the showing submitted by WAPA-TV. Hence, the ensuing discussion is founded on WAPA-TV's pleading.

6. WAPA-TV has submitted an engineering study in support of its position. That study notes that the Commission's standard prediction method includes a factor for "small-scale roughness" near the receiver and the terrain from 2 to 10

[1] All three informal objections are filed pursuant to § 1.587 of the Commission's rules. Other aspects of WTSJ's pleading have been considered and disposed of in "Ponce Television Corporation (WRIK-TV)," 29 FCC 2d 862 (1971).

[2] The related pleadings are: an opposition to WTSJ's objections, filed May 5, 1971, by WRIK-TV; WTSJ's supplement to its opposition, filed May 24, 1971; WRIK-TV's reply to the supplement, filed May 27, 1971; WRIK-TV's opposition to WAPA-TV's objections, filed July 2, 1971; WRIK-TV's opposition to WKBM-TV's objections, filed July 2, 1971; and replies filed July 30, 1971, by WAPA-TV and WKBM-TV. WRIK-TV notes that WTSJ's supplementary pleading was filed 63 days after public notice was given of the acceptance of the application now under consideration. It requests, therefore, that the supplement should be dismissed as untimely. Although we urge informal objectors to file their pleadings as promptly as possible to aid in the orderly disposition of our business, the time limitations set out in § 1.45 are not applicable to pleadings filed pursuant to § 1.587. Accordingly, WRIK-TV's request to dismiss the supplement is denied.

[3] These distances have been estimated using the Post Office reference point.

[4] Telesanjuan, Inc., is the licensee of television Stations WMGZ, Channel 16, Mayaguez, and WPSJ, Channel 14, Ponce, as well as WTSJ.

[5] The two subsections of § 73.685 that are allegedly violated are as follows:

(a) The transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, the following minimum field intensity in decibels above 1 microvolt per meter (dbu) will be provided over the entire principal community to be served: (77 dbu for stations operating on Channel 7, such as WRIK-TV) * * *

(b) Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings which may reduce materially the intensity of the station's signals. In general, the transmitting antenna of a station should be located at the most central point at the highest elevation available. To provide the best degree of service in an area, it is usually preferable to use a high antenna rather than a low antenna with increased transmitter power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal community to be served; in no event should there be a major obstruction in this path. The antenna must be constructed so that it is as clear as possible of surrounding buildings or objects that would cause shadow problems. It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases, consideration may be given to the use of a directional antenna system, although it is generally preferable to choose a site where a nondirectional antenna may be employed.

miles from the transmitter. The standard prediction method does not, it is asserted, allow for any shadowing caused by a major obstruction. Accordingly, WAPA-TV has submitted terrain profiles to establish the existence of a major obstruction. This obstruction consists of a range of 400-foot hills running on a north-south line to the east of the city limits of Ponce. WAPA-TV's study then goes on to determine the effect of that obstruction on reception in Ponce, based, in part, on our rules, and, in part, on Technical Note 101 of the National Bureau of Standards, entitled Transmission Loss Predictions of Tropospheric Communications Circuits. The study concludes that 38 percent of the area and 51 percent of the population of Ponce would not receive line-of-sight service, and that 35 percent of the area and 47 percent of the population of Ponce would receive a signal of less than 77 dbu.

7. WRIK-TV, in opposition, first notes that its proposal meets our requirements when computed in accordance with our rules, and that no authority for the use of Technical Note 101 instead of our rules has been cited. Nonetheless, WRIK-TV takes the position that Technical Note 101, when properly applied, demonstrates that its proposed operation is in compliance with our requirements. WRIK-TV contends that by making proper use of Technical Note 101 the proposed facilities will provide the required signal to 90.5 percent of the area and 93.8 percent of the population of Ponce. WRIK-TV argues that the 77 dbu requirement is a median figure so that by definition some points may receive above and some below that figure. WRIK-TV concludes that by providing the required minimum signal to 90.5 percent of the area of Ponce it more than meets the median requirements of § 73.685(a). WRIK-TV further contends that since its proposal does satisfy the requirements of § 73.685(a), the reductions caused by shadowing can not be considered material and that the obstructions causing that shadowing can not be considered major. Accordingly, WRIK-TV believes that its proposal is also within the terms of § 73.685(b).

8. WAPA-TV asserts in reply that the use of a median figure is appropriate in describing Grade A and Grade B contours, but that the principal community signal requirement is in terms of a minimum, citing the Sixth Report and Order on television assignments, 41 FCC 148 (1952). WAPA-TV reasserts its position that given the degree of shadowing major obstructions exist between the proposed transmitter site and Ponce.

9. It is true that by conventional use of the Commission's propagation curves, compliance with § 73.685(a) is indicated. However, the intervening terrain is severe and, in such circumstances, we have permitted alternate methods of computing estimated field intensities, including the effect of shadowing. It is also true that the Sixth Report and Order did adopt a median field intensity as to the required signal level over the principal community to be served.[6] However, we believe that WRIK-TV's supplemental showing does not establish, on the basis of the information before us, that the required median field intensity will be provided to all of Ponce. We also believe that the showing submitted by WAPA-TV, although not beyond question, raises a substantial question of fact as to compliance with § 73.685(a). Accordingly, an appropriate issue will be specified.

10. Section 73.685(b) is not, for the most part, in absolute terms. Given the wide number of variables that can be considered as to the choice of a transmitter location, it is impossible to devise a rule that would precisely cover all situations. Nonetheless, the rule does provide guidelines with a view toward assuring that the city of license receives a strong reliable signal with as little shadowing as possible, WJR, The Goodwill Station, Inc., 25 FCC 159, 189, 16 RR 321, 353 (1958). Although WRIK-TV asserts service to Ponce should be improved, we note that WRIK-TV has not contested WAPA-TV's allegation that the proposed changes will move the transmitter site approximately 27 miles farther away from Ponce than it is now, and that there will be a substantial reduction of signal strength in Ponce. We also take official notice of the 201.5° terrain profile contained in WRIK-TV's application (BPCT-3944) which indicates that there is line of sight between the existing transmitting antenna and Ponce. It also appears that there will be some shadowing in Ponce if the station operates from the proposed site. In these circumstances, therefore, we believe that the question as to compliance with § 73.685(b) should be determined in a hearing and an issue will be specified. That issue is to be construed as broad enough to permit the introduction of evidence as to the several guidelines set out in the rule, and should not be limited solely to the question as to whether the range of hills to the east of Ponce constitutes a "major obstacle."

11. As stated previously, WRIK-TV states that terrain has limited the areas on the eastern end of the island that actually receive the station's signal, but that this absence of its signal will be remedied by the proposed changes. WKBM-TV argues that this improvement of reception in one direction must be accompanied by a concomitant loss or degredation of reception in other areas, as compared to the reception of the signal from the present site. Specifically, WKBM-TV alleges that the three largest communities[7] within 15 miles of Ponce will either lose or suffer a substantial degradation of service as compared to the service they now receive. WRIK-TV points to what it considers errors in the showing submitted in this respect by WKBM-TV. WRIK-TV notes that only data with respect to one of the named communities is given; that only four points have been selected on one radial; and that radial seems to have been selected, not because it was representative, but because it showed the greatest degree of shadowing. WRIK-TV also argues that it is not obligated to provide any minimum service to the named communities. In WRIK-TV's view, the possible loss of service to those communities is more than offset by the communities where its service will be improved. WKBM-TV, in reply, believes that the public interest would be better served by service to the three nearby cities than by improved service to cities to the east of San Juan.

12. We agree that WKBM-TV's showing as to loss or substantial reduction of service is weak. However, we must take notice of the distance of the move and the strong possibility that the gains alleged by WRIK-TV to the east may be accompanied by losses in other areas. Such losses are prima facie inconsistent with the public interest, "Hall v. FCC," 237 F. 2d 567, 14 RR 2009 (D.C. Cir. 1956). Accordingly, we shall specify an issue as to gains and losses. It should be noted that the gains-and-losses issue is typically in terms of predicted coverage. Here, however, the existing and proposed predicted Grade B contours encompass the entire island. Moreover, as is conceded by the parties, predicted coverage, due to terrain, is not as accurate here as it might be in other less mountainous areas. Thus, WKBM-TV's allegations go to loss or degradation of actual, not predicted, service. Further, its computations are based, in part, on methods not specified by our rules. Therefore, in these circumstances, we believe that the burden of introduction of evidence should be placed on the petitioners.

13. The petitioners also allege that a grant of the application would constitute a de facto reallocation of Channel 7 from Ponce to San Juan. It appears that there will be a decrease in signal strength over Ponce and an increase over San Juan; that the proposed transmitter site is closer to San Juan than to Ponce; and that the proposed transmitter site is located in the vicinity of several San Juan television stations. We believe that an issue as to de facto reallocation is warranted in these circumstances.

14. The cost of the proposed facilities will be $800,000. To meet this requirement, WRIK-TV has shown the availability of an $800,000 loan from its parent

[6] The Sixth Report and Order states in part:

"99. The Third Notice provided that: Transmitter locations shall be so chosen that the following median field intensities as calculated in accordance with the methods and procedures described in Appendix B are provided over the entire principal city to be served:

Channels 2-6, 74 db.
Channels 7-13, 77 db.
Channels 14-83, 80 db.

"100. No one has objected to this proposal with respect to median field intensities and accordingly it is being finalized." (41 FCC 148, 178.

[7] The three communities and their respective 1970 populations, as alleged by WKBM-TV, are: Penuelas, 3,139; Jayuya, 3,800; and Adjuntas, 5,303.

corporation,[8] which has sufficient liquid assets in excess of current liabilities to meet this obligation. The loan is specifically to cover construction costs. WAPA-TV does not question this aspect of the financial plan. It alleges, rather, that WRIK-TV will not have sufficient funds to continue operation in view of substantial operating losses. Since the loan is specifically earmarked for construction costs, and since operating expenses will be roughly the same with the present and proposed operation, we do not believe it is appropriate to raise questions as to the availability of operating funds at this time. In any event, it appears that there is a reasonable likelihood that a $6 million loan will be available to cover any operating losses that may be generated by the station.

15. The petitioners also allege that WRIK-TV has moved its main studio from Ponce to San Juan without prior Commission approval. Since an alleged main studio move is related to the question of de facto reallocation of the channel, it is appropriate that we consider the question in this proceeding. In Ponce Television Corporation, 17 FCC 2d 411, 16 RR 2d 636 (1969), reconsideration denied, 18 FCC 2d 543, 16 RR 2d 809 (1969), we were presented with WRIK-TV's plans to construct an extensive studio in San Juan. We approved that plan and recognized that in terms of physical description the San Juan studio would be larger and more extensively equipped than the Ponce studio. In this manner, WRIK-TV could avail itself of the Spanish-language entertainment industry centered in San Juan to produce its own entertainment programs and establish itself as an independent station, rather than a satellite of a San Juan station. On the other hand, to assure that WRIK-TV meets it primary obligation to Ponce in terms of being responsive to Ponce's problems and needs, we required that, exclusive of network and entertainment programs, more than 50 percent of the station's programs originate from the Ponce studio. In addition, we required that the Ponce studio have color origination facilities if the San Juan studio was to be so equipped.

16. The petitioners raise a question as to WRIK-TV's compliance with the 50 percent requirement and the color origination requirement. In view of the conflicting allegations in this respect, and our concern that WRIK-TV remain a Ponce station, we will designate an appropriate issue. If it is found that there has been a main studio move without prior approval, we shall also include an issue to determine whether this was a "repeated and willful" violation requiring the imposition of a forfeiture of $10,000 or some lesser amount. In deciding the question as to a main studio move, the Hearing Examiner is directed to take official notice of the representations made to us by WRIK-TV, which we approved in the decisions cited above in paragraph 15. We specifically note that one of those representations was that the establishment of the extensive auxiliary studio in San Juan would improve the station's economic situation thereby enabling it to improve service to Ponce. In determining compliance with the requirement that WRIK-TV originate more than 50 percent of its nonnetwork and nonentertainment programing from Ponce, the Examiner will be guided by the categories set out in our application forms; that is news, public affairs, and all other programs exclusive of entertainment and sports (miscellaneous). Network programs are those originated by another television station for rebroadcast by WRIK-TV. WAPA-TV objects to the exclusion of any consideration of entertainment programing. We can not, of course, ignore how a particular entertainment format meets the public interest, "Citizens Committee v. FCC" 436 F. 2d 263 (1970). However, we are not dealing with a format here, but with WAPA-TV's criticism of WRIK-TV's broadcast of particular programs, a matter which we believe must be left to the discretion of the licensee. Moreover, the exclusion of consideration of entertainment programing has been limited to the particular facts presented, compare "Nationwide Communications, Inc.," 18 FCC 2d 171, 16 RR 2d 544 (1969), reconsideration denied 19 FCC 2d 861, 17 RR 2d 471 (1969), and reflects our judgment that an additional competing source of entertainment programing in Puerto Rico would better serve the public interest than would taking an action that would serve to keep station WRIK-TV a satellite of a San Juan station. We therefore conclude that it is appropriate to exclude consideration of WRIK-TV's entertainment programing in the hearing on the present application. It should be noted that we consider "sports" to be a kind of entertainment programing.

17. By letter dated November 23, 1971, counsel requested on behalf of Telemundo, Inc. (WKAQ-TV), licensee of television broadcast station WKAQ-TV, Channel 2, San Juan, that the grant of WRIK-TV's application should be made subject to the conditions that: (1) the supporting tower not have a width in excess of 7½ feet; (2) that specified measurements should be made to determine whether the other has created objectionable reflections as to WKAQ-TV's operation; and (3) the permittee take corrective action in the event that objectionable reflections are created. WKAQ-TV, states that its tower will be 0.59 mile (3,115 feet) from the proposed WRIK-TV tower.

18. Section 73.685(e) of the Commission's rules provides, among other things, that applications proposing the use of television broadcast antennas within 200 feet of another television broadcast antenna, where the respective stations operate on channels within 20 percent in frequency, must include a showing as to the expected effect, if any, of such proximate operation. The distance between the antenna structure in this case is approximately 3,115 feet, and the two channels are not within 20 percent in frequency. In the absence of any showing that would indicate adverse proximity effects, no adverse effects on the operation of WKAQ-TV are expected. Accordingly, WKAQ-TV's request for the imposition of technical conditions will be denied.

19. Except as indicated by the issues set out below, WRIK-TV is legally, technically, financially and otherwise qualified to construct and operate as proposed.

20. *Accordingly, it is ordered,* That the pleadings filed by Telesanjuan, Inc., WAPA-TV Broadcasting Corp., and American Colonial Broadcasting Corp., are granted to the extent indicated above and are denied in all other respects.

21. *It is further ordered,* That the application (BPCT-4421) of Ponce Television Corp. is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent order on the following issues:

(1) To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF television service;

(2) To determine whether the proposed operation will comply with §§ 73.685(a) and 73.685(b) of the Commission's rules, and, if not, whether circumstances exist that warrant a waiver of those sections;

(3) To determine the areas and populations that may be expected to suffer a loss or degradation of existing service, and the area and populations that may be expected to encounter a gain or improvement of service.

(4) To determine whether a grant of the application would constitute a de facto reallocation of channel 7 from Ponce to San Juan;

(5) To determine, in light of the evidence adduced pursuant to the above issues, whether a grant of the application would serve the public interest, convenience and necessity, and, therefore, whether the application should be granted.

(6) To determine whether the applicant has moved the main studio of Station WRIK-TV from Ponce to San Juan, P.R., without prior Commission approval as required by section 308 of the Communications Act of 1934, as amended, and § 73.613(b) of the Commission's rules and, if so, whether any such violation was willful or repeated.

22. *It is further ordered,* That, if in view of the evidence adduced under issue "6," above, the applicant is determined to have willfully or repeatedly violated section 308 of the Act or § 73.613 (b) of the rules, it shall also be determined whether an order of forfeiture should be issued pursuant to section 503 (b) of the Act, in the amount of $10,000 or some lesser amount.

23. *It is further ordered,* That this document also constitutes a notice of apparent liability for violation of the

[8] The money actually flows through several corporate layers starting with United Artists Corp. From there it goes to United Artists Broadcasting, Inc., United Artists Broadcasting of Puerto Rico, Inc., and finally to the licensee, Ponce Television Corp.

Act and the rules, but that the inclusion of this notice does not in any way indicate what the initial or final disposition of this case should be, and that the Examiner shall make his decision on the facts of the case alone.

24. *It is further ordered,* That Telesanjuan, Inc., WAPA-TV Broadcasting Corp., and American Colonial Broadcasting Corp. are made parties respondent to this proceeding.

25. *It is further ordered,* That the burden of proceeding with the introduction of evidence with respect to issues "1" and "3" is placed on the parties respondent, and that the burden of proceeding with the introduction of evidence with respect to the remaining issues and the burden of proof with respect to all issues is placed on the applicant.

26. *It is further ordered,* That the request of Telemundo, Inc., for the imposition of technical conditions on the grant of the application (BPCT-4421) of Ponce Television Corp. is denied.

27. *It is further ordered,* That the applicant and the parties respondent shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner specified in § 1.221(c) of the rules.

28. *It is further ordered,* That the applicant shall give notice of the hearing within the time and in the manner specified in § 1.594, and shall seasonably file the statement required by § 1.594(g).

28. *It is further ordered,* That the Secretary of the Commission shall send copies of this order by "Certified Mail—Return Receipt Requested" to the applicant.

Adopted: March 1, 1972.

Released: March 9, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[9]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc.72-3812 Filed 3-13-72;8:50 am]

FEDERAL MARITIME COMMISSION

EDWARD MOSQUERA, ET AL.

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

[9] Commissioners Bartley and H. Rex Lee absent.

Edward Mosquera, 163 Leverett Avenue, Staten Island, NY 10308.

Imperial Freight Brokers, Inc., 7005 Northwest 41st Street, Miami, FL 33166.

OFFICERS

Ralph De La Rosa, President, Alberto J. Marino, Executive Vice President, John A. Dominguez, Secretary-Treasurer.

Bailey Foreign Freight Forwarding, Inc., 1932 Lebanon Street, Hyattsville, MD.

OFFICERS

Frank R. Bailey, President, Sue G. Bailey, Vice President, Alen Weil, Director.

Alvaro Espine Castaneda d/b/a, Intercontinental Film-Export Service, 5428 West 104th Street, Los Angeles, CA 90009.

By the Commission.

Dated: March 8, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-3755 Filed 3-13-72;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01011	Aktieselskabet Det Ostasiatiske Kompagni: Meonia.
01014	Robert Bornhofen Reederi: Peter Bornhofen.
01017	Westfal-Larsen & Co. A/S: Hardanger.
01172	H. Clarkson & Co., Ltd.: Baknes.
01233	Burles Markes, Ltd.: La Loma.
01328	Pergamos Shipping Co., Ltd.: Theodore A/S. Executive Venture.
01449	The Cairn Line of Steamships, Ltd.: Cairnranger.
01530	Herm. Dauelsberg, Bremen: Bella.
01552	Dampskibs-Aktieselskabet Progress: Betty Nielsen.
01561	Lubeck Linie Aktiengesellschaft: Possehl.
01758	Chotin Transportation, Inc.: Chotin 3291.
01760	Kornelius Olsen: Frostfjord. Snefjord.
01805	Suisse Atlantique Societe D'Armement Maritime S.A.: Silvaplana.
01909	Lone Star Industries, Inc.: Dredge No. 9. Floating Plant No. 18. Floating Plant No. 12. Conditioning Barge. Work Rig. Plant No. 3.
01931	A B Svencka Orient Linien: Sunnanland.
02014	Giovanni Di Mario: Concordia Maria.
02016	A. L. Mechling Barge Lines, Inc. JIHCO-14. JIHCO-16.
02138	Sioux City and New Orleans Barge Lines, Inc. SCNO 1250. SCNO 1251. Walter Stephens Cox.
02146	Pittston Marine Corp.: Hartford. Fulton. Passaic. Nassau. Cortland.
02153	Vale Do Rio Doce Navegacao S/A: Doceangra.
02155	Lorentzen & Sonners Rederi A/S: Elizabeth.
02193	The Peninsular and Oriental Steam Navigation Co.: Essex. Trefusis. Treneglos. Trebartha. Trevalgan. Trewidden. Trevaylor. Trecarne. Tremeadow. Jumna. Nurmahal. Advocate. Kohinur. Pinko. Somerset. Turakina. Dorset. Northumberland. Taupo. Tekoa. Westmorland. Tongariro. Mataura. Manapouri. Otaki. Sussex. Hinakura. Hauraki. Hurunui. Hertford. Huntingdon. Haparangi. Cumberland. Otaio.
02293	China Marine Investment Co., Ltd.: Liberty Exporter.
02295	The Great Eastern Shipping Co., Ltd.: Jag Ravi.
02303	Interessentskapet Seahorse: Seahorse.
02363	Rederiet Otto Danielsen: Thea Danielsen.
02366	Canadian Pacific, Ltd.: Princess Patricia. Princess Marguerite.
02393	Prosperidad Compania Naviera S.A.: Scorpio.
02420	Trans-World Marine Corp.: LB-202.
02429	G & C Towing, Inc.: Sam B. Endeavour. Onward. H. E. Bowles.
02471	PN N. Djakarta Lloyd-Djakarta: Djatiprana.

Certificate No.	Owner/operator and vessels
02493	Sheridan Transportation Co.: Mary J. Sheridan. Winifred M. Sheridan. Patricia Sheridan. Kathleen Sheridan. James Sheridan.
02553	The City Line, Ltd.: City of Colombo.
02585	Koch Refining Co.: GOC 1.
02832	Compania Trasatlantica Espanola S.A.: Begona. Montserrat.
02847	Suan Shipping Co., Inc.: Terrylin.
02860	Taiwan Navigation Co., Ltd.: Tai Yuan.
02877	Nippon Yusen Kabushiki Kaisha: Kurama Maru.
02901	Dominon Navigation Co., Ltd.: Marco Polo.
02915	Alamo Barge Lines: Alamo 700. Alamo 1200. Alamo 600. Alamo 300. Alamo 400. Sun Chem 200. Sun Chem 400. Sun Chem 700. Sun Chem 900. Alamo 200.
02917	Scherkate Sahami Keschtirani Melli Arya: Arya Taj.
02976	Arthur-Smith Corp.: REB 1005.
03019	Gulf-Canal Lines, Inc.: Port of Mobile.
03157	Scorpio Navigation Corp.: Lyria.
03215	Rederiaktiebolaget Salenia: Sea Swan.
03234	Primula Compania Naviera S.A. of Panama: Point Clear.
03294	Companhia de Navegacao Lloyd Brasilio: Itape.
03365	Compania de Navegacion "Puertanueva" S.A.: Eugenio.
03413	Baba-Daiko Shosen K.K.: Akashisan Maru.
03433	Hiroumi Kisen Kabushiki Kaisha: Japan Chariot. Japan Elm.
03453	Kyosei Kisen Kabushiki Kaisha: Seila Maru. Silver Crane. Seiwa Maru.
03459	Meiji Kaiun K.K.: Mori Maru.
03474	Nippon Suisan K.K.: Shirane Maru. Suzuka Maru.
03477	Nissui Kaiun K.K.: Soyokaze Maru.
03484	Sanko Kisen K.K.: Shinko Maru.
03502	Shinyei Senpaku K.K.: Aikai Maru.
03508	Taiyo Gyogyo K.K.: Taiyo Maru No. 78.
03521	Tokushima Kisen K.K.: Tokushim Maru.
03526	Uwajima Shosen K.K.: Sakura Maru.
03635	Hines, Inc.: Hines 411B.
03749	Halvorsen Towing, Inc.: Callapooya.
03752	Kingcome Navigation Co., Ltd.: St. John Carrier.
03979	Moran Towing Corp.: CL&P No. 4.
04102	Corporacion Raymond S.A.: LB-3S-32. S-92. S-93. S-7.
04103	Fishers Island Ferry District. Mystic Isle.
104 126	Jugoslavenska Linijska Plovidba: Dreznica.
04356	Pacific Far East Line, Inc.: Japan Bear.
04398	Hapag-Lloyd Aktiengesellschaft: Barenstein.
04433	Allied Chemical Corp.: MG-25.
04455	Baboa Navigation Lines: San Jose.
04544	Mr. Yosuke Kawaguchi: Seishu Maru No. 5.
04550	Cia. Victoria Del Kinkai S.A.: Victoria No. 7.
04571	Cia. Naviera Vascongada S.A.: Artagan.
04826	Ithaca Star Shipping, Ltd.: Stolt Sakura.
04926	Keith Sterling Transportation Co.: George E. Key Largo. Key West.
05046	Magnolia Marine Transport Co.: Hal D. Miller.
05084	Naviera Amazonica Peruana S. A. (Peruvian Amazon Line): Yacuruna.
05199	Prekookeanska Plovidba: Ribnica.
05297	Caribbean Navigation Co., Ltd.: Bernice M. Fiona C.
05470	Charter Transport Line, Inc.: Witsupply.
05472	National Shipping Corp.: Rupsa.
05490	Levingston Shipbuilding Co.: Pelican.
05534	Baroid Division, N L Industries, Inc.: George L. Ratcliffe. Husky-852.
05537	Empresa Navegacion Mambisa: Maximo Gomez Carlos Manuel de Cespedes.
05549	Polska Zegluga Morska: Czwartacy Al. Obroncy Poczty.
05560	Gann Enterprises, Inc.: Bold Contender.
05577	Far-Eastern Shipping Co.: Ivan Kulibin.
05580	Kamchatka Shipping Co.: Kikhchik.
05630	Newport News Shipbuilding & Dry Dock Co.: Forebody of Tanker Colorado.
05704	Murmansk Shipping Co.: Pavlik Larishkin. Tolya Komar. Pavel Ponomarev.
05745	Pioneer Alaska Line: Western Pioneer.
05771	Astro Valedor Compania Naviera S.A.: Archon.
05886	Hughes Bros., Inc.: Hughes 252. Hughes 253. Hughes 254. Hughes 256. Hughes 330. Hughes 331.
05933	Ernesto Escobar Pallares: Potomac.
05948	Estrellamar Compania Maritima. Sunday.
06027	Captain A. A. Reid & Son: MS Andoria. MS Artemis.
06029	Associated Container Transportation (Australia), Ltd.: Act 5.
06075	Mattuna Fisheries, Ltd.: Mattuna Mariner. Mattuna Maid.
06247	Armatrice Santa Cristina S.P.A.: Vioca.
06248	Commercial Corp. "Sovrybflot": Razdolnojo. Ribnovsk. Pelamida. Besstrashniy. Ukhta. Sumy. Astronom. Blesk. Vayda. Vihma. Alferas. Smolyi. Steregushcij. Besstrashnij. Chatyr Dag. Argus. Bahtchisarai. Kapitan Nokhrin.
06266	Engineering Consultants, Ltd.: Irving Ours Polaire. Aime Gaudreau.
06357	Port San Nuan Towing Co. Corp.: Z-102.
06379	New England Towing Co.: Sabin Point.
06392	Sofamar-Sociedade de Fainas do Mar E Rio S.A.R.L.: Rio Zambeze.
06435	Dampskibsaktieselskabet Den Norske Afrika-Og Australielinie Wilhelmsens Dampskibsaktieselskab, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: Talleyrand. Tampa. Tarantel. Tarn. Taronga. Tiber. Tijuca. Toreador. Taiko. Temeraire. Tennessee. Terrier. Texas. Themis. Toledo. Toro. Toronto. Torrens. Tortugas. Tabriz. Tarim. Taurus. Turcoman. Toscana. Teheran. Takara. Tanabata. Tagaytay. Tagus. Taimyr. Tai Ping. Talabot. Talisman. Toulouse. Traviata. Trianon. Troja. Trinidad. Tugela. Tungsha. Turandot. Tyr.

Certificate No.	Owner/operator and vessels
06486	Marlineas Progresivas S.A. Panama: Eleutheria.
06500	Austin Navigation Corp., Ltd.: Norma.
06513	M/S "Peter Wesch" (Reederei J. & B. Wesch KG): Peter Wesch.
06540	Golden Ocean Shipping Corp.: Golden Ocean.
06548	Halter Marine Services, Inc.: Chief.
06550	Macosea Shipping Co., Ltd., of Cyprus: Maco Felicity.
06559	Perse Tanker Shipping Corp.: MT Sassan.
06564	Alta Shipping Corp.: Rion.
06569	Kresar Shipping Co. S.A.: South Venture.
06572	K/G "Nordsee" Frachtschiffahrt G.m.b.H. & Co.: Jennes.
06573	K.G. "Langra" Schiffahrtsges. M.B.H. & Co.: Brooknes.
06574	"Brinknes" Schiffahrtsges. Frang Lange G.m.b.H. & Co. K/G: Brinknes.
06578	Van Nievelt, Goudriaan & Co. MV: Argestis. Aparctias. Apeliotis.
06579	Dolphin Marine Corp., Mr. Zannis L. Cambanis, Mr. George L. Cambanis: Doryforos.
06586	Styltse Shipping Co. S.A.: Roselen.
06591	Med Shipping Corp.: Kimon.
06604	Maritima Balboa, S.A.: Acuario.
06607	Consolidation Marine Corp.: Begonia.
06611	Partenreederei MS "Ursula Jacob": Ursula Jacob.
06615	Oswego Shipping Corp.: Oswego Independence. Oswego Liberty.
06632	Elix Navigation Corp. S.A.: Gefo E.
06633	Cia Maritima San Ignacio sa Panama: Mosbasa.
06634	Byzantine Marine Enterprises, Ltd.: Yemelos.
06635	Cleobulos Shipping Corp.: Cleon.
06636	Nicea Shipping Corp.: Nicea.
06639	Yamaguchi Prefectural Government: Choho Maru.
06640	Aomori Prefectural Government: Aomori Maru.
06644	Reading & Bates Offshore Drilling Co.: Taurus.
06645	Reederei MS "Seetrans 1" F.C.H. Stark KG: Seetrans 1.
06648	Dietrich Sander Bereederungs G.m.b.H. Stoller Grund.
06649	Benguela Current Shipping Co., Ltd.: Benguela Current.
06650	Nepco Gallant Corp.: Nepco Gallant.
06651	Zarakes Compania Naviera S.A.: Yucatan.
06652	Akastos Schiffahrtsgesellschaft MBH & Co. KG: Aegis Progress.
06656	Angelique Compania Naviera S.A. Panama: Glory.
06658	Golden Moon Shipping Corp.: Golden Moon.
06660	Petroleum Distributing Co., Inc.: PDCO-965. Otter.
06661	Emerald Maritime Corp.: San Miguel.
06662	Reederei Claus Peter Offen: Holstenwall.
06664	J. Damhof: Barok.
06667	"Renate Jacob" Seetransport Jacob & Co.: Renate Jacob.
06668	MS "Perm" von Colln-Schiffahrts KG: Perm.
06669	Kommanditgesellschaft MS "Trias"-"Terra" Schiffahrts G.m.b.H. & Co.: Trias.
06671	Kitanihon Kisen Kabushiki Kaishiya: Tachibana Maru.
06672	Bulkcargo Navigation Corp., Ltd.: Zorina.
06676	Overseas Maritime, Ltd.: Evelyn. Jaguar. Liechtenstein.
06677	South Pacific Steamship Co.: Pacemporer.
06678	Delantera Armadora S.A.: Katingaki.
06679	Compania Arrendataria Del Monopolio S.A. "C.A.M.P.S.A.": Campomayor. Campeador. Camporrubio. Campocerrado. Campurdan. Camporrioja. Campobierzo. Campocriptana. Camporrojo. Campoazur.
06682	Wah Mow Shipping Agencies, Ltd.: Sun Chong. Hing Chong. Hop Chong.
06683	Liberty Maritime Corp.: Winona.
06684	Explorer Navigation Corp., Ltd.: Rowena.
06685	Poly Shipping Co.: Polydora.
06687	Globus Shipping & Trading Co. (Pte.), Ltd.: Sagajo.
06689	Reliance Shipping Co., Ltd.: Arcadia.
06690	I/S Gillship: Bergljot.
06691	Hokkaido Prefecture Educational Committee: Wakatake-Maru.
06692	Yamagata-Ken: Chokai Maru.
06693	Gerania II Shipping Co., S.A.: Aquamarine.
06694	Pelineon Shipping Co., S.A.: Apollodorus.
06698	Matthew Shipping Co., Ltd.: Tortugas.
06700	Birkhall Shipping Corp.: Birkhall.
06703	Petrofrance S.A.: De Baif.
06704	Yuugen Kaisha Marukyo Boshi Suisan: Kaki Maru No. 3.
06705	Atlantic Seaways Corp.: Valiant.
06706	Miskal Shipping Co. S.A.: Attika Hope.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-3756 Filed 3-13-72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP70-196]

DISTRIGAS CORP.

Notice of Availability of Final Environmental Statement

MARCH 10, 1972.

Take notice that a final environmental statement was issued March 9, 1972, by the Federal Power Commission in Opinion No. 613, Distrigas Corp., Docket No. CP70-196. This statement is available for public inspection in the Office of Public Information of the Federal Power Commission, Room 2423, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-3854 Filed 3-13-72;8:52 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Determination for Continuation

MARCH 7, 1972.

Pursuant to section 8 of Executive Order No. 11007, issued February 26, 1962 (27 F.R. 1875, 3 CFR 1959-1963 Comp., p. 573) and paragraph 3 of the Commission's Order Establishing the National Power Survey Executive Advisory Committee issued March 8, 1962 (27 F.R. 2496, March 15, 1962), the Commission hereby determines that the continued existence of the National Power Survey Executive Advisory Committee for an additional period from March 8, 1972, to the date of public release of the "Commission's National Power Survey of 1970," but not later than May 31, 1972, is in the public interest.

The Secretary shall cause prompt publication of this determination to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-3781 Filed 3-13-72;8:48 am]

[Docket No. G-2683, etc.]

CRA INTERNATIONAL, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 1, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-2683 E 2-11-72	CRA International, Inc. (successor to Duquesne Natural Gas Co. (Operator), et al.), 606 Houston First Savings Bldg., Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Trans-Tex Field, Wharton County, Tex.	15.0	14.65
G-4229 E 2-11-72	do	Trunkline Gas Co., Cage Ranch Field, Brooks County, Tex.	[1] 15.4539	14.65
G-10955 E 2-15-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Mountain Fuel Supply Co., Middle Mountain Field, Sweetwater County, Wyo.	[2] 14.07	15.025
G-12690 D 2-18-72	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Northern Natural Gas Co., East Hansford Area, Hansford, Hutchinson, and Ochiltree Counties, Tex.	(3)	.....
G-14914 D 2-22-72	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Phillips Petroleum Co., Panhandle Field, Gray and Carson Counties, Tex.	Assigned	.....
CI60-182 E 2-15-72	Amerada Hess Corp. (successor to Mobil Oil Corp.), Post Office Box 2040, Tulsa, OK 74102.	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	[4] 14.25	14.65
CI65-207 E 2-11-72	CRA International, Inc. (successor to Duquesne Natural Gas Co.), 606 Houston First Savings Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Englehart Field, Colorado County, Tex.	15.0	14.65
CI65-1256 E 2-11-72	do	Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, La.	[5] 15.0 [6] 17.5	15.025
CI67-1157 D 2-18-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Trunkline Gas Co., Bayou Sale Field, St. Mary Parish, La.	(7)	.....
CI70-474 E 11-12-69	Clinton Oil Co. (successor to Apache Corp. (Operator), et al.), 217 North Water St., Wichita, KS 67202	Michigan Wisconsin Pipe Line Co., Mocane Field, Beaver County, Okla.	[8] 17.0	14.65
CI70-745 C 9-21-70	King Resources Co., 324 North Robinson, Suite 200, Oklahoma City, OK 73102.	Arkansas Louisiana Gas Co., acreage in Latimer County, Okla.	15.0	14.65
CI71-758 C 2-22-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Columbia Gas Transmission Corp., Lake Sand Field, St. Mary and Iberia Parishes, La.	[9] 20.0	15.025
CI72-382 12-27-71	Anadarko Production Co., Post Office Box 296, Liberal, KS 67901.	Northern Natural Gas Co., Chatfield Gas Unit, Hugoton Field, Haskell County, Kans.	[10] 11.0	14.65
CI72-440 A 1-18-72	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., Wattenberg et al., Fields, Weld, Adams, and Arapahoe Counties, Colo.	[11] 22.013	14.65
CI72-478 (G-4579) F 1-27-72	Amoco Production Co. (successor to Cities Service Oil Co. (Operator) et al.), Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	[12] 12.0	14.65
CI72-500 B 12-23-71	Cequin Corp., 3627 Howell St., Dallas, TX 75204.	Gas Transport, Inc., Grant District, Jackson County, W. Va.	Uneconomical	.....
CI72-503 B 2-11-72	Schimmel Oil Co. (Operator) et al., D-304 Petroleum Center, San Antonio, Tex. 78209.	Texas Eastern Transmission Corp., Mollie Marsden Field Area, Live Oak County, Tex.	Depleted	.....
CI72-504 2-14-72 [13]	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Coltexo Corp., Panhandle Field, Gray County, Tex.	13.50	14.65
CI72-505 B 2-14-72	Amoco Production Co., Post Office Box 591, Tulsa, OK 74102.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Depleted	.....
CI72-506 (CI62-407) F 2-9-72	Aladdin Production Co., Inc., a Louisiana Corp. (successor to Texaco, Inc.) 2875 Bank of New Orleans Bldg., 1010 Common St., New Orleans, LA 70112.	Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles Parish, La.	22.15	15.025
CI72-507 2-10-72 [14]	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, KS 67202.	Tennessee Gas Transmission Co., East Bernard Field, Wharton County, Tex.	18.16947	14.65
CI72-508 A 2-14-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co., South Marsh Island Block 6 Field, Offshore Louisiana.	[15] 30.0	15.025
CI72-509 A 2-14-72	do	Cities Service Gas Co., Red Deer Field, Hemphill County, Tex.	[15] 26.5	14.65
CI72-512 B 2-17-72	W. R. Dean, Operator et al., 2100 First City National Bank Bldg., Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Milton Field, Harris County, Tex.	Depleted	.....
CI72-513 A 2-17-72	Caroline Hunt, et al., 1401 Elm St., Dallas, TX 75202.	United Gas Pipeline Co., East Donner Field, Terrebonne Parish, La.	[8] 27.5	15.025
CI72-514 A 2-17-72	Lamar Hunt et al., 1401 Elm St., Dallas, TX 75202.	do	[8] 27.5	15.025
CI72-516 B 2-14-72	Levi Epstein Sons Oil Co., Sheffield, Pa. 16347.	Pennsylvania Gas Co., Brown Lot; Warren County and Godfrey Tract, Forest County, Pa.	Depleted	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes on page 5327.

[1] Includes a total adjustment of 0.4536 cents per Mcf for taxes and dehydration charge. Rate in effect subject to refund in Docket No. RI70-1038.
[2] Rate in effect subject to refund in Docket No. RI70-171.
[3] Production will not meet quality specifications of contract.
[4] Rate in effect subject to refund in Docket No. RI70-938, including dehydration charge.
[5] For gas produced from No. 1 Harrison Well.
[6] For all other gas.
[7] Production has ceased.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Applicant is willing to accept a permanent certificate pursuant to Opinion No. 598.
[10] Application previously noticed Jan. 20, 1972 in G-5236 et al., at a rate of 12.5 cents per Mcf. By letter filed Jan. 14, 1972, applicant amended its application to reflect a rate of 11 cents per Mcf.
[11] Application previously noticed Feb. 3, 1972 in G-9462 et al., at a rate of 22.913 cents per Mcf which includes 2.591 cents per Mcf upward B.t.u. adjustment. The application should be noticed at a rate of 22.913 cents per Mcf, plus 2.591 cents per Mcf upward B.t.u. adjustment.
[12] Application previously noticed Feb. 15, 1972, in G-5766 et al., under Docket No. CI72-470. The Docket No. should be CI72-478.
[13] Applicant proposes to continue deliveries made under percentage sales contracts all of which have expired.
[14] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-17257 to be made pursuant to Southeastern Public Service Co., FPC Gas Rate Schedule No. 4.
[15] Applicant is willing to accept a permanent certificate pursuant to Opinion No. 598.
[16] Includes 2.65 cents per Mcf upward B.t.u. adjustment. Applicant is willing to accept a permanent certificate pursuant to Opinion No. 586.

[FR Doc.72-3662 Filed 3-13-72;8:45 am]

[Dockets Nos. R-427, RP71-105; Order No. 437A-9]

COLORADO INTERSTATE GAS CO.

Ninth Supplementary Order to Amended Statement of Policy and Order

MARCH 6, 1972.

Statement of Policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38 and Executive Orders No. 11615 and 11627), Docket No. R-427; Colorado Interstate Gas Co., Docket No. RP71-105.

On November 16, 1971, the Commission issued Order No. 437A, effective as of 12:01 a.m., November 14, 1971, in which Part 2, General Policy and Interpretations, Subchapter A, Chapter I, Title 18, Code of Federal Regulations was amended by adding a new § 2.90a. This new section was promulgated to implement Executive Order No. 11627 and regulations issued thereunder (6 CFR 300.-16). In paragraph (e) of § 2.90a, the Commission announced: "Orders heretofore issued containing a provision that they are subject to order No. 437, but which do not authorize increases in rates or charges, will also be reviewed, and actions taken thereon will also be reported as supplements to this order, with appropriate indication as to relief from any requirement imposed by order No. 437."

The Commission has reviewed the order issued in Colorado Interstate Gas Co., Docket No. RP71-105, issued October 14, 1971, in which the Commission accepted and permitted to become effective proposed tariff sheets of Colorado Interstate Gas Company (CIG), containing an initial Rate Schedule S-1, which provides a limited term firm service available to the company's G-1 and P-1 customers for resale to irrigation or seasonal industrial buyers from April 15 through October 15 of each year for a 3-year period. The Commission also terminated the proceedings, which had been initiated by order issued on May 14, 1971, in which the Commission suspended the proposed tariff sheets and ordered hearing thereon. Pursuant to our October 14, 1971, order, the S-1 Rate Schedule would have become effective on that date, were it not for the policy stated in our Order No. 437 implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615.

The Commission finds:

To permit Rate Schedule S-1 to become effective is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

Colorado Interstate Gas Co.'s Rate Schedule S-1 may become effective as of 12:01 a.m., November 14, 1971.

CERTIFICATION TO PRICE COMMISSION

In view of the fact that the rate schedule permitted to become effective by this order does not involve an increase in rates or charges, no certification is required under § 300.16 of the regulations under the Economic Stabilization Act of 1970, as amended (37 F.R. 3094).

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-3762 Filed 3-13-72;8:46 am]

[Docket No. RP72-107]

McCULLOCH INTERSTATE GAS CORP.

Notice of Proposed Changes in Rates and Charges

MARCH 6, 1972.

Take notice that on February 24, 1972, McCulloch Interstate Gas Corp. tendered for filing in Docket No. RP72-107 changes in rates for natural gas service rendered under its Rate Schedule PL-1. The proposed rate change is described in the company's transmittal letter as follows:

McCulloch Interstate Gas Corp. proposes to increase its presently effective PL-1 rates by 7.18 cents per Mcf (14.65 p.s.i.a.) in order to provide an annual estimated increase in revenues of approximately $1,572,000. This proposed change in rates is a so-called "tracking" rate increase filing and is made solely to cover increases in the cost of purchased gas occasioned by a rate increase filing made by McCulloch Gas Processing Corp. Therefore, McCulloch Interstate Gas Corp. is giving notice of increased rates necessary to compensate it for increased cost of purchased gas.

This "tracking" rate increase covers McCulloch Gas Processing Corp.'s request for a rate increase from 15 cents per Mcf (14.65 p.s.i.a.) to 22.18 cents per Mcf (14.65 p.s.i.a.), which represents a price of 22.75 cents per Mcf at 15.025 p.s.i.a. This is the rate prescribed for sales of gas in the Montana-Wyoming Area (Powder River Basin) as set forth in the Federal Power Commission's Rocky Mountain Area Rate Order No. 435, issued on July 15, 1971. (Dockets Nos. 389 and 389A)

McCulloch Interstate Gas Corp., pursuant to § 154.63 of the Commission's regulations, is submitting ten (10) copies of the following:

1. Revised tariff sheets (First Revised Sheet No. 11, FPC Gas Tariff, Original Volume No. 1).
2. A Statement of the Nature, Reasons, and Basis for the proposed change in rates.
3. Statements "A" through "M", and Statement "O".
4. A representation by McCulloch Interstate Gas Corp.'s chief accounting officer and an opinion of an independent public accountant, as required by § 154.63 (e)(5) and (e)(6), of the Commission's regulations.

The schedules set forth on the foregoing statements are for the calendar year 1971.

Statement "P" to the proposed changes in rates will be furnished within 15 days of the date of this filing, in accordance with § 154.63(b)(3) of the Commission's regulations.

McCulloch Interstate Gas Corp. understands that, pursuant to the Commission's present rules and policies, this "tracking" increase qualifies for a 1 day suspension only, in order to cover the companion rate increase filing, which has been made contemporaneously by McCulloch Gas Processing Corp.

Copies of the filing have been served on McCulloch's customers and interested State regulatory commissions.

Any person desiring to be heard or make protest with reference to said application should on or before March 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate in any hearing therein, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-3763 Filed 3-13-72;8:46 am]

[Docket No. CP72-136]

CITY OF ST. JOSEPH, TENN. AND TEXAS EASTERN TRANSMISSION CORP.

Notice Granting Motion To Defer Action

MARCH 8, 1972.

On February 16, 1972, city of St. Joseph, Tenn., filed a motion requesting that the Commission defer action in the

above-designated section 7(a) proceeding until Texas Eastern Transmission Co. (respondent) files its next application for a certificate of public convenience and necessity for an expansion of its system.

Upon consideration, notice is hereby given that action in the above-designated matter will be deferred until respondent files its next application for a certificate of public convenience and necessity for an expansion of its system.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-3774 Filed 3-13-72;8:47 am]

[Docket No. CP72-213]

CONSOLIDATED GAS SUPPLY CORP. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

MARCH 7, 1972.

Take notice that on February 29, 1972, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, WV 26301, and Texas Eastern Transmission Corp. (Texas Eastern), Post Office Box 2521, Houston, TX 77001, filed in Docket No. CP72-213 an application pursuant to section 7(c) of the Natural Gas Act authorizing applicants to construct and operate certain natural gas storage facilities and Consolidated to render increased gas storage service to The Peoples Natural Gas Co. (Peoples) at their Oakford Storage Pool in Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization to construct and operate in their Oakford Storage Pool a 12,700 horsepower compressor station which is designed to increase the top gas capacity of the pool from 60 million Mcf to 70 million Mcf of gas and to permit cycling of 65 million Mcf of gas in 120 days of the 150-day withdrawal season, November 1 to April 1, assuming full withdrawals. Consolidated also requests authorization to increase, upon completion of the proposed facilities, the volume of gas it stores for Peoples from 15 million Mcf to 17.5 million Mcf, in accordance with the agreement which is on file with the Commission as Consolidated's FPC Rate Schedule SSO, FPC Gas Tariff, Volume No. 2.

Applicants state that the proposed facilities will increase average and peak day withdrawal capacity of Oakford thereby assisting them in offsetting the effect of peak-day and winter-period curtailments.

Applicants plan to bear the estimated project cost of $8,778,174 equally. Consolidated intends to finance its share of the cost in part out of available company funds and in part from funds to be obtained from its parent corporation, Consolidated Natural Gas Company, through the issuance of notes at face value or through the issuance of common stock, or a combination of both. Texas Eastern intends initially to finance its share of the cost of the proposed facilities with borrowings under its revolving credit agreement which has a maximum borrowing amount of $175 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-3775 Filed 3-13-72;8:47 am]

[Docket No. RP71-137]

EL PASO NATURAL GAS CO.

Notice of Proposed Change in Tariff

MARCH 8, 1972.

Take notice that El Paso Natural Gas Co. (El Paso), on February 22, 1972, tendered for filing a proposed change in its FPC Gas Tariff, First Revised Volume No. 3. The purpose of the change is to defer the effectiveness of the unauthorized overrun penalty payments, contained in § 15.4 of the General Terms and Conditions of the tariff, from November 1, 1971, to February 1, 1972.

El Paso states that the reason for the proposed change is to relieve customers of its Northwest Division System from the payment of unauthorized overrun penalty charges which were incurred under the company's new tariff, First Revised Volume No. 3, which became effective on November 1, 1971, in Docket No. RP71-137. El Paso says that the new tariff required the Northwest Division customers to aline their operations in the areas served by their distribution systems in a manner which would assure operations within the revised tariff provisions, that all customers had not completed the necessary changes in operations by November 1, 1971, and that as a result certain customers have incurred penalties for unauthorized overrun takes which resulted principally from the lack of adequate control facilities and operating experience under the new tariff. El Paso states that all affected customers and El Paso have agreed to the deferral of the penalty payment provisions with respect to the unauthorized takes which actually occurred during the months of November and December, 1971, and January, 1972.

Copies of El Paso's filing have been served upon all parties of record in Docket No. RP71-137, its Northwest Division jurisdictional customers and interested State regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-3776 Filed 3-13-72;8:47 am]

[Docket No. CI72-530]

MOBIL OIL CORP.

Notice of Application

MARCH 8, 1972.

Take notice that on March 1, 1972, Mobil Oil Corp. (applicant), Post Office Box 1774, Houston, TX 77001, filed in Docket No. CI72-530 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) from the East Cameron Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas to Texas Eastern, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70), from the date of initial delivery until January

1, 1976, at the rate of 32 cents per Mcf at 15.025 p.s.i.a. for the first year with escalations of 0.5 cent per Mcf for each year thereafter. Initial deliveries are estimated at 2,176,000 Mcf of gas per month.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-3777 Filed 3-13-72;8:47 am]

[Docket No. RP71-6, etc.]

TENNESSEE GAS PIPELINE CO.

Notice of Extension of Time and Postponement of Hearing

MARCH 8, 1972.

Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Dockets Nos. RP71-6, RP71-57, RP72-1.

Notice is hereby given that the procedural dates prescribed by the order issued December 23, 1971, and modified by notices issued January 13, 1972 and February 15, 1972, are further modified, as follows:

1. The time within which parties shall serve their prepared direct testimony and exhibits is extended to and including March 30, 1972. The time within which any rebuttal evidence by Tennessee shall be served is extended to and including April 19, 1972.

2. Cross-examination of the evidence shall commence on April 30, 1972.

By direction of the Commission.[1]

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-3780 Filed 3-13-72;8:47 am]

[Docket No. CP72-211]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

MARCH 8, 1972.

Take notice that on February 28, 1972, Texas Eastern Transmission Corp. (applicant), Post Office Box 2521, Houston, TX 77001, filed in Docket No. CP72-211 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain offshore natural gas facilities and the transportation and exchange of natural gas with Mobil Oil Corp. (Mobil), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate approximately 28.43 miles of 24-inch and 1.55 miles of 16-inch lateral pipeline together with appurtenant facilities, extending from Block 270 Field to the terminus of its certificated offshore lateral pipeline in Block 245 Field, all offshore East Cameron Parish, Louisiana, in order that it may purchase and receive volumes of gas from lease interests owned or controlled by Mobil in the Block 270 and 286-287 Fields. Applicant also seeks authorization to transport onshore for Mobil up to 50 percent of its interest in gas reserves in the Block 257, 270, and 286-287 Fields and to exchange for this gas an equivalent volume to be delivered to Mobil at mutually agreed delivery points along applicant's pipeline system in Jefferson County, Tex. Applicant proposes to charge Mobil a transportation and exchange rate based upon its computed unit cost per Mcf of gas transported at full load utilization from the mentioned lease blocks to the intersection of applicant's Cameron 30-inch offshore lateral with its main pipeline system north of Lake Charles, LA.

Initial average day deliveries into applicant's facilities from Mobil's interests in the Block 270 and 286-287 Fields are estimated to be 140,000 Mcf of gas and initial average day deliveries attributable to Mobil's interest in the Block 257 Field are estimated to be 14,000 Mcf of gas. Initial long-term and short-term purchases from Mobil will each initially be 70,000 Mcf of gas. Applicant states that the proposed facilities have been sized to provide capacity and routed to take additional gas supplies which may be developed in the area.

Applicant estimates the cost of the proposed facilities at $13,375,000 which it plans to finance initially by use of its $175,000,000 revolving credit and permanently through issuance of bonds, debentures, stocks or from its general funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-3778 Filed 3-13-72;8:47 am]

[Docket No. CP72-212]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 8, 1972.

Take notice that on February 28, 1972, Texas Gas Transmission Corp. (applicant), 3800 Frederica Street, Owensboro, KY 42301, filed in Docket No. CP72-212 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing May 30, 1972, and the operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

[1] Chairman Nassikas and Commissioner Moody, dissenting, stated that no useful purpose can be served by further delay of these proceedings. Accordingly, they dissent from the issuance of this order, issuing a statement filed as part of the original document.

The purpose of this application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system, supplies of natural gas in various producing areas generally coextensive with said system.

Total expenditures for the facilities requested will not exceed $7 million with no single onshore project exceeding $1 million and no single offshore project exceeding $1,750,000. Applicant proposes to finance the facilities from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-3779 Filed 3-13-72;8:47 am]

FEDERAL RESERVE SYSTEM

BANK OF NEW YORK CO., INC.

Order Approving Acquisition of Bank

The Bank of New York Co., Inc., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor to Valley National Bank of Long Island, Valley Stream, N.Y. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the seventh largest bank holding company and the 10th largest banking organization in New York, has seven subsidiary banks with total deposits of $2.5 billion, representing approximately 2.7 percent of the total commercial bank deposits in the State. (Unless otherwise noted, all banking data are as of June 30, 1971, adjusted to reflect holding company formations approved by the Board through October 29, 1971.) Acquisition of Bank ($158.7 million in deposits) would increase applicant's share of deposits in the State by less than 0.1 percent.

Bank is the third largest of eight banks headquartered in Nassau County and operates 10 offices in that area. Bank also operates 12 offices in Suffolk County which is part of the Metropolitan New York banking market. Bank holds $84 million in deposits in the New York banking market where it is the 34th largest of 74 banking organizations, controlling 0.1 percent of market deposits.[1]

Applicant's nearest banking subsidiary is 16 miles from the closest branch of Bank. Neither applicant's subsidiary banks, nor Bank derive a significant amount of business from each other's service area. Accordingly, consummation of this proposal would not adversely affect existing competition.

Some potential competition between applicant and Bank might be foreclosed upon consummation of the proposal, since applicant could enter Bank's service area by expanding de novo or through acquisition of a smaller bank. De novo entry seems undesirable since State law limits a de novo expansion bank to two branches per year (beginning 1 year from the date of charter) until 1976 when statewide branching becomes effective. It also appears unlikely that acquisition of a smaller bank would be attractive to applicant. Three of the State's largest banking organizations are already represented in Bank's service areas and applicant has not attained a significant competitive position with respect to these larger banking organizations in other banking districts in the State. Applicant seeks to acquire Bank in order to rapidly become an effective competitor of the larger banking organizations in Bank's service area. Although consummation of this proposal may have a slightly adverse effect on potential competition, it will be offset by the increased competition among the large banking organizations present in Bank's service areas.

The financial and managerial resources of applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval. While it appears that the communities involved in this proposal presently have reasonable access to alternative sources of banking services, applicant's entry will afford an additional competing source of such services. Through Bank applicant proposes to offer lower rates on certain consumer loans, data processing facilities for customers and expanded trust services. Considerations related to convenience and needs, therefore, lend weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[2] The transactions shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] March 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-3795 Filed 3-13-72;8:48 am]

[1] Market data are as of June 30, 1970.

[2] Dissenting Statement of Governors Robertson and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[3] Voting for this action: Governors Mitchell, Daane, Maisel, and Sheehan. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Chairman Burns.

CHEYENNE COUNTY INVESTMENT CO., INC.

Formation of Bank Holding Company

Cheyenne County Investment Co., Inc., St. Francis, Kans. has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the Cheyenne County State Bank, St. Francis, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 31, 1972.

Board of Governors of the Federal Reserve System, March 8, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-3792 Filed 3-13-72;8:48 am]

COMMERCIAL SECURITY BANCORP.

Formation of One-Bank Holding Company

Commercial Security Bancorporation, Ogden, Utah, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of substantially all of the voting shares of Commercial Security Bank, Ogden, Utah. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

The application may be inspected at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than April 3, 1972.

Pursuant to § 225.3(b) of Regulation Y, this application shall be deemed to be approved on April 17, 1972, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, March 7, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-3793 Filed 3-13-72;8:48 am]

FIRST UNION, INC.

Acquisition of Bank

First Union, Inc., St. Louis, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the First National Bank of Liberty, Liberty, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 31, 1972.

Board of Governors of the Federal Reserve System, March 8, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72-3794 Filed 3-13-72;8:48 am]

CITIZENS INVESTMENT CO.

Proposed Acquisition of North Investment Co.

Citizens Investment Co., Thornton, Colo., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of North Investment Co., Thornton, Colo. Notice of the application was published on February 17, 1972, in the following newspapers: The North Valley World Sentinel, Northglenn Impressions Sentinel, Westminster Journal Sentinel, all of Westminster, Colo., and the Free Dispatch of Thornton, Colo.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life, health, and accident insurance in connection with extensions of credit by its proposed subsidiary bank, North Valley State Bank, Thornton, Colo. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 6, 1972.

Board of Governors of the Federal Reserve System, March 6, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-3821 Filed 3-13-72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5149]

ALLEGHENY POWER SYSTEM, INC.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks and to Commercial Paper Dealers and Exception From Competitive Bidding

MARCH 8, 1972.

Notice is hereby given that Allegheny Power System, Inc. (Allegheny), 320 Park Avenue, New York, NY 10022, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Allegheny requests that for the period from March 31, 1972, to March 31, 1974, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue and renewal of short-term notes, be increased to the extent necessary to permit it to issue and sell, from time to time, such notes to banks and to a dealer or dealers in commercial paper up to a maximum aggregate amount outstanding at any one time of $60 million. None of such notes shall mature later than September 30, 1974.

Each bank note will be dated as of the date of the borrowing and will mature not more than 270 days after the date of issue or renewal thereof. Each such note will bear interest at the prime or equivalent interest rate in effect at the bank from which the borrowing is made at the time of issue or from time to time thereafter and will be prepayable at any time without premium or penalty. No commitment or agreement for any of the proposed borrowings has been made. Allegheny expects that borrowings will be effected from First National City Bank of New York, the Chemical Bank, New York, N.Y., and Mellon National Bank & Trust Co., Pittsburgh, Pa., and the maximum aggregate amount to be borrowed and outstanding at any one time from each bank will be $50 million, $20 million, and $20 million, respectively: *Provided,* That the aggregate maximum amount of such short-term note indebtedness with such banks together with any commercial paper then outstanding shall not exceed $60 million. Allegheny maintains balances with these banks in various amounts to meet regular operating requirements. If such balances were maintained solely to satisfy the 20 percent compensating balance requirements of the banks, the effective interest cost to Allegheny, on the basis of a prime rate of 4½ percent, would be approximately 5.63 percent.

The commercial paper notes will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5 million and will be of varying maturities, with no maturity more than 270 days after the date of issue. The commercial paper notes will be sold directly to a dealer or dealers in commercial paper at a discount not in excess of the discount rate per annum prevailing at the time of issue for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The dealer or dealers, as principal or principals, may reoffer the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the discount rate than available to Allegheny. 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 Allegheny

could borrow from banks at that time. The dealer or dealers will reoffer the commercial paper notes in a manner which will not constitute a public offering and such reoffer will be to not more than 200 of its or their customers identified and designated in a list (nonpublic) prepared in advance and filed with this Commission with the understanding that the list will be kept confidential. It is expected that the commercial paper customers will hold such notes to maturity, but if the customers wish to resell prior to maturity, the dealer or dealers, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to other identified customers.

The proceeds from the sale of the proposed short-term notes will be used from time to time by Allegheny (a) to acquire additional shares of common stock of or to make cash capital contributions to its electric utility subsidiary companies to aid them in financing their construction programs, and (b) for other corporate purposes. Construction expenditures of the subsidiary companies for the years 1972, 1973, and 1974 are estimated to total approximately $504,400,000. The application states that on September 30, 1974, Allegheny will pay all outstanding short-term notes to banks and all outstanding commercial paper with the proceeds of the sale of common stock and other securities as the Commission may then authorize. Allegheny estimates that, as of March 31, 1972, it will have outstanding approximately $13 million of short-term bank notes.

Allegheny requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. Allegheny states that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Allegheny are published daily in financial publications. Allegheny also requests authority to file certificates under Rule 24 on a quarterly basis with respect to the commercial paper.

The application states that fees and expenses related to the proposed transactions are estimated not to exceed $2,900, including credit rating fees of $2,500. It is further 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 March 30, 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 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 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, as it may be amended, may be granted 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.72-3801 Filed 3-13-72;8:49 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

MARCH 7, 1972.

The common stock, no par value, of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such 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 the close of business on March 7, 1972, through the close of business on March 17, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-3802 Filed 3-13-72;8:49 am]

[812-2491; 812-3019]

CARTER GROUP, INC., AND UTILITIES & INDUSTRIES CORP.

Consolidated Notice of Applications

MARCH 8, 1972.

Notice is hereby given that the Carter Group, Inc. (Carter Group), 425 Park Avenue, New York NY 10022, a Delaware corporation, and Utilities & Industries, Inc. (U & I), 425 Park Avenue, New York, NY 10022, a New York corporation (collectively referred to hereinafter as "Applicants"), have each filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act) for an order declaring each of the respective Applicants to be primarily engaged in a business or businesses other than the business of an investment company. All interested persons are referred to the applications on file with the Commission for a statement of the representations contained therein which are summarized below.

As applicable here the term "investment company" is defined by section 3(a) of the Act to include any issuer which:

(1) Is or holds itself out as being engaged primarily, or proposes to engage primarily in the business of investing, reinvesting, or trading in securities.

* * * * *

(3) Is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

As used in section 3(a)(3), "investment securities" are defined to include all securities except (A) Government securities, (B) securities issued by employees securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Section 3(b) of the Act, insofar as it is pertinent herein, provides that notwithstanding paragraph (3) of subsection (a), none of the following persons is an investment company within the meaning of the act:

(2) Any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries, or (B) through controlled companies conducting similar types of businesses.

The Carter Group was organized in 1968, for the purpose of combining investment banking activities with the acquisition and management of operating companies. As a result of a public offering of its securities on December 17, 1968, it received aggregate net proceeds of approximately $30 million.

In 1969, the Carter Group, directly and through wholly owned subsidiaries, acquired 25 percent of the outstanding voting securities of U & I which gave the Carter Group control of U & I. Carter Group proceeding to exercise its control by taking over the operations and management of U & I.

As of December 31, 1971, the Carter Group had cash in the amount of $885,000 and purported cash equivalents, including short-term Bankers Acceptances and Certificates of Deposit, in the total amount of $5,646,000. In addition, it owned $3,315,000 of Federal Home Loan Mortgage Corp. bonds; units of Mills Music Trust with a market value of $1,038,000 (and a cost at acquisition of

$3,539,000), a mortgage note in the amount of $2,068,000; real estate in the amount of $12,939,000 (subject to depreciation in the amount of $1,029,000 and mortgages not assumed aggregating $9,740,000); other fixed assets in the amount of $565,000; and its previously described interest in U & I with a market value on December 31, 1971, of $10,099,000 (and a cost at acquisition of $16,268,000).

For the year ended December 31, 1971, the total gross revenues, the total net income before taxes, and the net income after taxes of the Carter Group (including 25 percent of U & I and 25 percent of U & I's 61 percent interest in the income of Colonial Sand and Stone Co., Inc. (Colonial), were derived approximately as follows:

	Real estate	U & I	Banking and investments	Total
Gross revenues	$3,602,000	$13,545,000	$556,000	$17,753,000
Net income before taxes	80,000	247,000	126,000	453,000
Net income after taxes	80,000	173,000	146,000	399,000

The Carter Group, therefore, requests an order pursuant to section 3(b)(2) of the Act declaring that it is not an investment company as defined by the Act. The Carter Group represents that it is primarily engaged in the business of operating U & I which Carter Group represents is not an investment company within the meaning of the Act.

The application of U & I states that it was incorporated under the laws of the State of New York in 1888; that it is engaged in owning and operating two New York water supply systems pursuant to franchises granted by the State of New York; and that it also engages in various other operations and owns securities.

On August 6, 1971, the shareholders of Carter Group ratified a resolution, adopted by the Carter Group Board of Directors, that Carter Group engage primarily in a business or businesses other than the business of an "investment company" as defined in the Act. On the same date, a resolution that U & I engage in a business or businesses other than the business of an "investment company" also was ratified by the shareholders of U & I.

On November 11, 1971, a U & I subsidiary, Utilities & Industries Management Corp., acquired 1,682,516 shares of the outstanding common stock of Colonial from controlling stockholders of Colonial. The purchase price was $12 per share, or an aggragate of $20,190,192. As of February 16, 1972, such shares constituted 61 percent of the outstanding common stock of Colonial.

Colonial and its wholly owned subsidiaries are New York, New Jersey, and Delaware corporations engaged in the mining, processing, production, and sale of sand, stone, cement, and related products.

The Board of Directors of Colonial now consists of 14 persons, including 11 persons suggested by U & I. The Executive Committee of Colonial now consists of five persons, three of whom are officers or directors of U & I. Arthur L. Carter (president and director of Carter Group and U & I) has been named chairman of the Executive Committee of Colonial. U & I represents further that five of its executives devote a considerable portion of their time to the activities and operations of Colonial.

Without conceding that U & I falls within the definition of an investment company contained in section 3(a)(3) of the Act, U & I requests an order of the Commission pursuant to section 3(b)(2) of the Act declaring that it is primarily engaged directly and through majority-owned subsidiaries in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

U & I represents that as of December 31, 1971, it owned common stock of Colonial with a market value of $15,774,000 (and with a cost at acquisition of $20,190,000); water properties with a value of $21,824,000; real estate with a value of $19,668,000 (subject to depreciation of $833,000 and mortgages not assumed aggregating $6,510,000); securities with a value of $22,879,000; cash items in the amount of $1,621,294; and purported cash equivalents, including short-term Bankers Acceptances and Certificates of Deposit, in the amount of $2,590,000.

U & I represents that its revenues and income, including 61 percent of the income of Colonial on a pro forma basis for the year ended December 31, 1971, were derived as follows:

	Real estate	Water	Cement etc.	Banking and investments	Total
Gross revenues	$2,159,000	$4,365,000	$45,774,000	$1,837,000	$54,177,000
Net income before taxes	279,000	720,000	1,740,000	554,000	3,[illegible],000
Net income after taxes	134,000	463,000	1,142,000	851,000	2,[illegible],000

Notice is further given that any interested person may, not later than March 29, 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 reasons 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 hereon. 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 each of Applicants at their respective addresses 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 applications herein may be issued by the Commission upon the basis of the information stated in said applications unless an order for hearing upon said applications shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-3803 Filed 3-13-72;8:49 am]

[812-3094]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES AND SEPARATE ACCOUNT C OF THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

Notice of Amended Application for Exemption

MARCH 8, 1972.

Notice is hereby given that the Equitable Life Assurance Society of the United States (Equitable), a mutual life insurance company organized under the laws of the State of New York, and Separate Account C of the Equitable Life Assurance Society of the United States (Separate Account C) (herein collectively called "Applicants"), 1285 Avenue of the Americas, New York, NY 10019, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order of exemption to the extent noted below from the provisions of section 27(c)(2) of the Act. A notice of the Application was published on February 15, 1972 (Investment Company Act Release No. 7002). Subsequent to publication of the notice, Applicant amended its application in order to broaden the scope of the exemption which it is seeking. All interested persons are referred to the Application, as amended, on file with the Commission, for a statement of the representations contained therein, which are summarized below.

Equitable established Separate Account C on March 20, 1969, pursuant to the provisions of section 227 of the New York Insurance Law to afford a medium for

equity investments for certain variable annuity contracts issued and administered by Equitable. Variable annuity contracts which are purchased by a single payment and provide monthly annuity payments commencing 1 month from the date of purchase (Immediate Contracts) are currently being offered by the Applicants. In addition to these contracts, the Applicants propose to offer deferred variable annuity contracts (Deferred Contracts) under which payments may be made to Equitable annually or more frequently until the Deferred Contract retirement date, the date the Contract is surrendered for its cash value, or the annuitant's death, whichever first occurs. (The Immediate Contracts and the Deferred Contracts are herein collectively referred to as the "Contracts"). The Deferred Contracts, and upon issuance of the Deferred Contracts, the Immediate Contracts, may be deemed to be "periodic payment plans," and payments thereunder (other than for any disability provision) are subject to deductions for sales and administrative expenses, a collection charge (in the case of Deferred Contracts) and any applicable state premium tax. After such deductions the net payment is invested in Separate Account C. At the Deferred Contract retirement date, if the annuitant is then living and another form of benefit has not been elected, the cash value of the Deferred Contract will be applied to provide a variable annuity funded through Separate Account C and payable monthly until the death of the annuitant or the end of 10 years, whichever is later. The assets of Separate Account C will, at most times, be invested primarily in common stocks. Interests in the Account are subject to the usual risks inherent in the ownership of a diversified portfolio of securities, the value of which varies up or down depending upon investment performance. Consequently, the cash value of the Deferred Contracts and the amount of any monthly variable annuity payments under the Contracts, will fluctuate in accordance with the investment performance of Separate Account C.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plans certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for trust indentures of a unit investment trust.

Applicants represent that the dangers against which sections 27(c)(2) and 26(a) are directed are not present here in view of the manner in which the Contracts will be administered. In addition, Equitable is subject to extensive supervision and regulation of the New York Insurance Department, which conducts comprehensive periodic examinations of all aspects of Equitable's business, including the handling of policyholder's funds. Under the New York law, Equitable cannot abandon its obligations to contract owners or annuitants until they have been fully discharged. In this connection, although the terms of the Contracts will legally insulate the reserves and other contract liabilities with respect to Separate Account C from liabilities arising out of any other business Equitable may conduct, Equitable's considerable assets will be available to protect against any loss in the event of any misfeasance or mishandling of payments. Furthermore, Equitable maintains a general blanket bond of $1 million under which each of its officers, employees and commission agents is covered. The bond has a $50,000 deductible clause which in effect makes Equitable a self-insurer for the first $50,000 of any loss.

In the foregoing circumstances, it is submitted that compliance with the requirements of section 27(c)(2) is not necessary for the protection of investors and, therefore, the Applicants request that an exemption from section 27(c)(2) be granted.

Applicants have consented to the requested exemption being subject to the following conditions: (1) That the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) that the payment of sums and charges out of the assets in Separate Account C shall not be deemed to be exempted from regulation by the Commission by reason of this order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets in Separate Account C other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than March 20, 1972 at 5 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the 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 (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-3804 Filed 3-13-72;8:49 am]

[70-5152]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Cash Capital Contributions to Subsidiary Companies

MARCH 8, 1972.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, NY 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to make cash capital contributions, from time to time during the 9-month period ending December 31, 1972, to certain of its subsidiary companies of up to the following respective aggregate amounts:

Jersey Central Power & Light Co. (JCP&L)	$45,000,000
New Jersey Power & Light Co. (NJP&L)	6,500,000
Metropolitan Edison Co. (Met Ed)	8,500,000
Total	60,000,000

The proposed capital contributions will be utilized by JCP&L, NJP&L, and Met Ed for the purpose of financing their respective businesses as public utilities, including the construction of additional facilities and the increase of their working capital. Such cash capital contributions will be credited by the recipients to their respective capital surplus accounts.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed transactions will be approximately $3,000.

Notice is further given that any interested person may, not later than March 29, 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 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 filed or as it may be 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.72-3805 Filed 3-13-72;8:49 am]

[70-5167]

PENNSYLVANIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding and Issue of First Mortgage Bonds for Sinking Fund Purposes

MARCH 8, 1972.

Notice is hereby given that Pennsylvania Power Co. (Pennsylvania), 1 East Washington Street, New Castle, PA 16103, an electric utility subsidiary company of Ohio Edison Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Pennsylvania proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $12 million principal amount of First Mortgage Bonds, _____ percent Series due 2002. The interest rate (which will be a multiple of one-eighth percent) and the price, exclusive of accrued interest, to be paid to Pennsylvania (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the indenture dated November 1, 1945, between Pennsylvania and First National City Bank, as trustee, as heretofore amended and supplemented and to be further amended and supplemented by the Eleventh Supplemental Indenture to be dated May 1, 1972, and which includes a prohibition until May 1, 1977, against refunding the issue with the proceeds of funds borrowed at a lower interest cost.

The net proceeds from the sale of the bonds will be used by Pennsylvania to construct and acquire new facilities, for the betterment of existing facilities, to pay bank loans incurred for such purposes, and to reimburse its treasury in part for monies expended for such purposes. Pennsylvania's 1972 construction program is estimated to aggregate approximately $26,685,000.

Pennsylvania also proposes to issue $1,036,000 principal amount of first mortgage bonds, 3¼ percent Series due 1982 under its indenture dated November 1, 1945, as amended and supplemented and to surrender such sinking fund bonds to the trustee in accordance with the sinking fund requirements. The sinking fund bonds are to be identical with those authorized by the Commission on August 24, 1971 (Holding Company Act Release No. 17248) and are to be issued on the basis of property additions. Pennsylvania proposes to use the sinking fund bonds solely to obtain the inclusion in its general funds of the sinking fund payments on deposit and required to be made on or before December 1, 1972, with the trustee under the sinking fund provisions of the indenture. The cash so acquired by Pennsylvania will be applied toward its cash requirements in 1972.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of the bonds and the sinking fund bonds and that such Commission's orders will be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the issue and sale of the bonds will be supplied by amendment. The fees and expenses to be incurred in connection with the sinking fund bonds are estimated at $2,000, including counsel fee of $500.

Notice is further given that any interested person may, not later than March 31, 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 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 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, as filed or as it may be amended, may be granted 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.72-3806 Filed 3-13-72;8:49 am]

SMALL BUSINESS ADMINISTRATION

SMALL BUSINESS INVESTMENT COMPANY OF HAWAII, INC.

Notice of Filing of An Application for Exemption with Respect to Conflict-of-Interest Transaction

Notice is hereby given that Small Business Investment Company of Hawaii, Inc. (SBIC), 1575 South Beretania Street, Honolulu, HI 96814, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 09/12-0099, has filed an application pursuant to § 107.1004 of the Small Business Administration rules and regulations (13 CFR 107.1004 (1971)) for an exemption with respect to a conflict-of-interest transaction covered by section 312 of the Act.

SBIC proposes to loan $40,000 to Security Devices of Hawaii, Inc. (Security), 1409 Kalakaua Avenue, Honolulu, HI 96814. SBIC will acquire an option to purchase 40 percent of the common stock of Security at the original cost of $10 per share. The conflict-of-interest arises from the fact that Mr. James W. Y. Wong, Chairman of the Board of Directors of SBIC and owner of more than 10 percent of its common stock is the sole owner of Security.

The application represents the following:

1. The transaction is fair and reasonable to all parties concerned.

2. The investment does not represent financing of a company which controls the licensee nor is under common control with the licensee.

3. Mr. James W. Y. Wong will personally guarantee the SBIC loan to Security.

Notice is further given that any interested person may, not later than 15 days from the publication of this notice,

submit to SBA, in writing, relevant comments on this transaction. Any such comments should be addressed to the Associate Administrator for Investment, 1441 L Street NW., Washington, DC 20416. After the aforementioned 15-day period, SBA may, under the regulations, dispose of the application on the basis of the information stated in said application and other relevant data.

Dated: March 7, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-3770 Filed 3-13-72;8:46 am]

[License No. 03/03-5112]

GREATER PHILADELPHIA VENTURE CAPITAL CORPORATION, INC.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Greater Philadelphia Venture Capital Corp., Inc. (applicant), with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)).

The officers and directors of the applicant are as follows:

Harold F. Still, Jr., 152 Highland Avenue, Jenkintown, PA 19046, President, Director.
Elmer Young, Jr., 8028 Mansfield Avenue, Philadelphia, PA 19066, Treasurer, Director.
Ragan A. Henry, 6723 Anderson Street, Philadelphia, PA 19119, Secretary, Director.
C. Stewart Hebden, 110 Wyndon Road, Rosemont, PA, 19810, Director.
J. Thomas Ligget, Jr., 701 Panmure Road, Haverford, PA 19041, Director.
Peter B. Miller, Jr., 10 Woodbrook Lane, Swarthmore, PA 19081, Director.
Robert Charles Robinson, 210 East Locust Street, No. 30-B, Philadelphia, PA 19106, Director.
George M. Ross, 320 Orchard Way, Merion, PA 19066, Director.
Jesse Walton St. Clair, Jr., 978 Ivycroft Road, Wayne, PA, Director.

The applicant, a Pennsylvania corporation with its principal place of business located in the Central Penn National Bank Building, 17th and Arch Streets, Philadelphia, PA, will begin operations with $495,000 of paid-in capital and paid-in surplus consisting of 9,900 shares of capital stock issued to 13 local corporate stockholders, none of which owns 10 percent or more of applicant's stock except Scott Paper Co. (approximately 20 percent); The First Pennsylvania Banking and Trust Co. (approximately 13 percent); The Philadelphia National Bank (approximately 13 percent) and Girard Bank (approximately 13 percent).

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investment will be made solely for the propose of providing assistance which will contribute to a well-balanced economy by facilitating the acquisition, ownership, or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any interested person may submit to SBA, in writing, not later than ten (10) days from the date of publication of this notice, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Philadelphia, Pa.

Dated: March 10, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-3952 Filed 3-13-72;9:59 am]

SELECTIVE SERVICE SYSTEM

ALLOCATION OF INDUCTIONS

The internal manual of the Selective Service System contains a chapter 631 entitled Registrants Processing Manual. The material contained in chapter 631 is considered to be of sufficient public interest to warrant publication in the FEDERAL REGISTER, and therefore chapter 631 is set forth in full as follows:

SECTION 631.1 *Random selection sequence.* 1. The Director of Selective Service shall establish a random selection sequence for the processing of registrants for induction. Such random selection sequence will be established by a drawing to be conducted in Washington, D.C., once each year on a date the Director shall fix, and shall be applied nationwide. The random selection method shall use 365 days or, when appropriate, 366 days to represent the birthdays (month and day only) of all registrants who, during the calendar year of the drawing, shall have attained their 19th but not their 20th year of age. The drawing, commencing with the first day selected and continuing until all 365 days or, when appropriate, 366 days are drawn, shall be accomplished impartially.

2. The random selection sequence of numbers established by a lottery drawing shall determine the order of selection of those registrants included in that drawing. The random sequence number thus determined for any registrant shall apply to him so long as he remains subject to induction for military training and service by random selection. A registrant's random sequence number shall be based upon the birth date given at the time of registration and entered on his Registration Card (SSS Form 1). However, should a registrant furnish documentation establishing a new day of birth, prior to the day before the lottery drawing, it will be entered on the Classification Record (SSS Form 102) and corrected on page 1 and entered on page 2 of the Registrant File Folder (SSS Form 101), and the verifying evidence placed in the file folder. This corrected date of birth shall be used in establishing the registrant's random sequence number. A random sequence number established for a registrant shall be equivalent, for purposes of selection, to the same random sequence number established for other registrants in other drawings. The random sequence numbers obtained shall determine the order of selection of the registrants covered thereby.

3. All registrants born in the years 1944 through 1950 shall be assigned a birth date sequence based upon the results of the drawing held on December 1, 1969, identified as 1970 Random Selection Sequence. Registrants born during 1951 shall be assigned a similar sequence based on the drawing of July 1, 1970, identified as 1971 Random Selection Sequence, while those born in 1952 shall receive a number from the drawing of August 5, 1971, identified as 1972 Random Selection Sequence, and those born in 1953 shall receive a number from the drawing of February 2, 1972, identified as 1973 Random Selection Sequence. Charts showing the random selection sequence for each of these years are attached to this chapter. A drawing will be held annually to establish the random sequence numbers for each succeeding year of birth.

4. The applicable random sequence number is to be placed on the Registrant File Folder (SSS Form 101) above the registrant's name and on the Classification Record (SSS Form 102) for example: (70) 041. The number in parentheses ( ) is used by the local board for identification of the year after the drawing was held which established the registrant's random sequence number, and indicates the first year he could be vulnerable for induction.

TABLE 631-1—ASSIGNMENT OF RANDOM SEQUENCE NUMBER (RSN)

	A	B	C		D		E
Rule	If registrant was born in—	Assign RSN based on lottery held—	Identify random selection sequence (RSS) (the year in which he attains age 20) by parenthesis—		Follow the registrants RSS (taken from Column C, (2)) with his birth date sequence—		And his RSN will be recorded as—
			(1) If he reached age 20 in—	(2) His RSS is—	(1) If he was born on—	(2) His birthdate sequence would be—	
1	1944-50	December 1, 1969 (See Table 631-3).	1964-70	(70)	Apr. 1, 1950	032	(70) 032
2	1951	July 1, 1970 (See Table 631-5).	1971	(71)	June 2, 1951	304	(71) 304
3	1952	August 5, 1971 (See Table 631-7).	1972	(72)	July 4, 1952	142	(72) 142
4	1953	February 2, 1972 (See Table 631-9).	1973	(73)	Aug. 5, 1953	063	(73) 063

Example 1. Michael O'Brien was born on April 1, 1950. He is a member of the 1970 Random Selection Sequence and his assigned RSN is (70) 032. (See Rule 1, Table 631-1)

Example 2. Manuel Gomez was born on June 2, 1951. He is a member of the 1971 Random Selection Sequence and his assigned RSN is (71) 304. (See Rule 2, Table 631-1)

SEC. 631.3 *Calls by the Secretary of Defense.* The Secretary of Defense may from time to time place with the Director of Selective Service a call or requisition for men required for induction into the Armed Forces. The Secretary of Defense may also from time to time place with the Director of Selective Service a call or requisition for men in any medical, dental, or allied specialist category required for induction into the Armed Forces.

SEC. 631.4 *Allocations by the Director of Selective Service.* 1. The Director of Selective Service shall, upon receipt of a call or requisition from the Secretary of Defense for men to be inducted into the Armed Forces, issue a call or requisition to the several States.

2. Upon receipt of a call or requisition from the Secretary of Defense for men in a medical, dental, or allied specialist category to be inducted into the Armed Forces, the Director of Selective Service shall issue a call or requisition to the several States.

3. When the Director of Selective Service issues an induction call, he will establish an induction RSN cutoff number in a given priority group, which will apply nationally. All available registrants with RSN's equal to or below that number will be subject to induction under that call. When liable registrants over the age of 26 are to be included in an induction call, the Director of Selective Service will establish an age cutoff which will apply nationally.

SEC. 631.5 *Allocations by State Director of Selective Service.* The State Director of Selective Service shall direct each local board to select and deliver men for induction in accordance with the call or requisition received from the Director of Selective Service.

SEC. 631.6 *Action by Local Board upon receipt of allocation.* 1. When an allocation is received from the State Director of Selective Service, any authorized compensated employee, or a local board member, shall, as provided by this section, select and issue orders to report for induction to those men required to fill the call from among its registrants who have been classified in Class 1-A or Class 1-A-O and have been found acceptable for service in the Armed Forces and to whom a Statement of Acceptability (DD Form 62) has been mailed and who are fully available for induction, except that:

(1) When a registrant in any classification has refused or otherwise failed to comply with an order of his local board to report for and submit to an Armed Forces examination, he may, after he is reclassified into Class 1-A or 1-A-O and reached for induction, be selected and ordered to report for induction to fill an induction call even though he has not been found acceptable for service in the Armed Forces and a Statement of Acceptability (DD Form 62) has not been mailed to him. In such case the Armed Forces examination shall be performed after he has reported for induction as ordered and he shall not be inducted until he has been found acceptable for service in the Armed Forces, and

(2) A registrant who has volunteered for induction may be selected and ordered to report for induction to fill an induction call even though he has not had an Armed Forces examination. In such case the Armed Forces examination shall be administered to him after he has reported for induction as ordered and he shall not be inducted until he has been found acceptable for service in the Armed Forces.

2. Registrants shall be selected and ordered to report for induction in the following categories and in the order indicated, and they will follow registrants whose postponements will have expired:

(1) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

(2) Nonvolunteers in the Extended Priority Selection Group in the order of their random sequence number, with those registrants with lower numbers being selected first.

(3) Nonvolunteers in the First Priority Selection Group in the order of their random sequence number with those registrants with lower numbers being selected first.

(4) Nonvolunteers in each of the lower priority selection groups, in turn, within the group in the order of their random sequence number with those registrants with lower numbers being selected first.

(5) Nonvolunteers who have attained the age of 19 years during the calendar year but who have not attained the age of 20 years, in the order of their dates of birth with the oldest being selected first.

(6) Nonvolunteers who have attained the age of 26 years in the order of their dates of birth with the youngest being selected first.

(7) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

3. No local board shall order an alien for induction into the Armed Forces of the United States unless that alien shall have resided in the United States for more than 1 year, regardless of whether he volunteers for induction. When an alien has been within the United States for two or more periods and the total of such time exceeds 1 year, he shall be deemed to have remained in the United States for more than 1 year. In computing the length of such time, any portion of 1 day shall be counted as 1 full day.

4. A registrant's random sequence number will be deemed to have been "reached" if it is equal to or lower than the highest random sequence cutoff number established by the Director of Selective Service for induction of registrants in the same priority selection group in that calendar year.

5. Identification of selection groups:

a. *Assignment to priority groups.* Each registrant in Class 1-A, 1-A-O, 1-O, or 1-H shall be assigned to a selection group, from January 1 of the year in which he attains the age of 20 until the 26th anniversary of his date of birth. If a registrant receives a deferment or exemption while a number of any priority selection group and is subsequently reclassified 1-A, 1-A-O, 1-O, or 1-H, he shall, upon such reclassification, be reassigned to the priority selection group to which he was assigned when he received his deferment or exemption, unless he has attained the age of 26.

b. *The Extended Priority Selection Group (EPSG).* (1) Consists of 1-A and 1-A-O registrants in the First Priority Selection Group on December 31 of any calendar year, whose random sequence numbers were reached during that year, but who were not issued an Order to Report for Induction (SSS Form 252) with a scheduled reporting date within that calendar year, or were issued an SSS Form 252 with a scheduled reporting date within that calendar year, which was canceled prior to the end of that year; and 1-O registrants in the First Priority Selection Group on December 31 of any calendar year, whose random sequence numbers were reached during that year, but who were not issued a Selection for Alternate Service (SSS Form 155) during that calendar year.

Example 3. Carl Nelson is reclassified 1-D in 1971 when he is a member of the Second Priority Selection Group. In 1972, he is reclassified 1-A. He shall be reassigned to the

Second Priority Selection Group. (See Rule 6, Table 631-2)

Example 4. On January 1, 1972, Malcolm MacLeod became a member of the Extended Priority Selection Group. He was placed in Class 1-D on January 15, 1972. Malcolm was classified into Class 1-A on September 19, 1972. He is assigned to the Extended Priority Selection Group. (See Rule 6, Table 631-2)

Example 5. Biagi Petrello, RSN (71) 114, became a member of the Extended Priority Selection Group, on January 1, 1972. On January 15, 1972, he received a deferment and was withdrawn from the Extended Priority Selection Group. In 1973, Biagi lost his deferment. Since he has not attained age 26, he shall be returned to the Extended Priority Selection Group. (See Rule 6, Table 631-2)

Example 6. Sidney Cohen, RSN (70) 002, entered the Extended Priority Selection Group on January 1, 1971, and was classified into Class 3-A on February 3, 1971. Upon being classified 1-A on June 21, 1972, and not having reached age 26, he would return to the Extended Priority Selection Group. (See Rule 6, Table 631-2)

Example 7. Vernon Fowler, RSN (70) 120, was in Class 2-S from November 1969 until July 15, 1971, when he was reclassified 1-A and entered the First Priority Selection Group. The reached RSN for that year was 125. If Vernon retained his 1-A classification for the remainder of the year, but was not ordered for induction, he would, on January 1, 1972, enter the Extended Priority Selection Group. (See Rule 3, Table 631-2)

c. *The First Priority Selection Group (FPSG)*—(1) *1970.* Consisted of nonvolunteers in Class 1-A, 1-A-O or 1-O born on or after January 1, 1944, and on or before December 31, 1950, who had not attained their 26th birthday.

(2) *1971 and later years.* Consists of two groups: Nonvolunteers in Class 1-A, 1-A-O, 1-O, or 1-H who in the preceding year attained the age of 19 years; and those who have attained the age of 20 but not 26 who during the calendar year are classified into Class 1-A, 1-A-O, 1-O, or 1-H and who were not in the First Priority Selection Group on December 31 of any previous year.

Example 8. Burton Barton was born on April 18, 1952. He was classified into Class 1-A in 1971. He entered the 1972 First Priority Selection Group on January 1, 1972. (See Rule 1, Table 631-2)

Example 9. Casimir Lenski was born on January 11, 1949. He was placed in Class 2-S in 1967. After completing college, he was reclassified 1-A on June 20, 1971. He was assigned to the 1971 First Priority Selection Group. (See Rule 5, Table 631-2)

d. *Transfer From First Priority Selection Group to Second Priority Selection Group (SPSG).* Any registrant who was a member of a First Priority Selection Group on December 31 of any calendar year, whose random sequence number was not reached, shall on January 1 of the succeeding year be placed in the Second Priority Selection Group, even if he has not been previously found physically qualified and even if he is in the process of exercising his procedural rights at the end of the year.

Example 10. Peter Van Der Meer, RSN (71) 215, became a member of the First Priority Selection Group upon being classified 1-A on August 30, 1971. His RSN was not reached for induction that year. On January 1, 1972, he is assigned to the Second Priority Selection Group. (See Rule 2, Table 631-2)

Example 11. Joseph Davis, RSN (70) 215, was a member of the First Priority Selection Group on October 3, 1970. On that date he was classified 2-S. On February 14, 1971, he is reclassified 1-A because he left school. He would be assigned to the First Priority Selection Group, because he was not in Class 1-A on December 31, 1970. On January 1, 1972, he was assigned to the Second Priority Selection Group because his RSN was above 125. (See Rule 2, Table 631-2)

e. *Transfer from First Priority Selection Group to Extended Priority Selection Group (EPSG).* (1) Any 1-A or 1-A-O registrant in the First Priority Selection Group on December 31 of any calendar year, whose random sequence number was reached during that year, but who was not issued an Order to Report for Induction (SSS Form 252) with a scheduled reporting date within that calendar year, or was issued an SSS Form 252 with a scheduled reporting date within that calendar year, which was canceled prior to the end of that year, shall on January 1 of the following year, be assigned to the Extended Priority Selection Group.

Example 12. Robert DuMont has RSN (71) 110 and is determined fully acceptable for induction. He is classified into Class 1-A from a deferred class on September 28, 1971, and he appeals. Although his RSN was reached, he was not issued an induction order because his appeal was pending. On January 1, 1972, he is assigned to the Extended Priority Selection Group. On January 13, 1972, he is classified unanimously into Class 1-A by the appeal board. He is then available for induction as a member of the Extended Priority Selection Group. (See Rule 3, Table 631-2)

Example 13. Charlie Ketchum, RSN (71) 120, a member of the 1971 First Priority Selection Group, was given an armed forces examination on December 13, 1971. He was found disqualified, with reevaluation believed justified in 6 months. He was therefore retained in Class 1-A. Since Charlie was in Class 1-A on December 31, 1971, he became a member of the Extended Priority Selection Group, on January 1, 1972. (See Rule 3, Table 631-2)

(2) Any 1-O registrant in the First Priority Selection Group on December 31 of 1972 or any later year, whose random sequence number was reached during that year, but who was not issued a Selection for Alternate Service (SSS Form 155), or who was issued an SSS Form 155 which was canceled prior to the end of that year, shall on January 1 of the following year be assigned to the Extended Priority Selection Group.

Example 14. Lew Miller, RSN (72) 014, was classified out of Class 3-A and into Class 1-O, at the December 1972 meeting of his local board. RSN 014 was reached for induction that year. His appeal period extended beyond December 31, so he was not issued an SSS Form 155 prior to December 31. On January 1, 1973 he entered the Extended Priority Selection Group. (See Rule 3, Table 631-2)

(3) In order to fill calls for the first quarter of a year by issuing induction orders prior to January, registrants who would be in the following year's Extended Priority Selection Group and First Priority Selection Group shall be tentatively identified and issued induction orders when reached by RSN prior to January. If any such registrant is reclassified into a deferred class before the end of the year, this cancels his induction order, and he will not become a member of the priority group to which he was tentatively assigned, because deferred registrants are not in a priority group.

Example 15. In November 1971, Harold Osborn is tentatively identified by his local board as a member of the Extended Priority Selection Group, and is ordered for induction in January 1972. On December 15, 1971, Harold presents information to his board which would qualify him for a 3-A classification. If Harold's board in its December meeting reclassifies him 3-A, his order for induction in January will be canceled. If he is eventually reclassified 1-A before his 26th birthday, he would then be placed in the First Priority Selection Group in that year. (See Rule 5, Table 631-2)

(4) A registrant in the First Priority Selection Group who has been issued an order to report for induction or alternate service with a reporting date within the calendar year in which the order was issued, and after the end of that calendar year has his order canceled, or for other reasons fails to complete his military service or alternate service, shall, upon becoming eligible for selection for induction or alternate service, be placed in the Extended Priority Selection Group.

Example 16. Kurt Baumann, RSN (71) 121, a member of the 1971 First Priority Selection Group, is issued an Order to Report for Induction in October 1971, to report in December 1971. His induction is postponed at the request of the state director to have his file reviewed. In January 1972, the local board, at the request of the state director, reopens and classifies Kurt anew into Class 1-A. This cancels his induction order. He shall be placed in the Extended Priority Selection Group. (See Rule 7, Table 631-2)

f. *Transfer from Extended Priority Selection Group to Second Priority Selection Group.* Any registrant who for 90 consecutive days remains a member of the Extended Priority Selection Group, fully available for induction or alternate service, and who is not ordered for induction or selected for alternate service during those 90 days, shall be assigned to the Second Priority Selection Group.

Example 17. John Williams (72) 023, enters the Extended Priority Selection Group on January 1, 1973. John is exercising his procedural rights at that time. On April 2, 1973, John is classified 1-A by unanimous vote of the appeal board. John had previously been found fully acceptable for induction, and he has exhausted his procedural rights. Consequently, his 90 days as a fully available member of the Extended Priority Selection Group starts on April 2, 1973. During April, May, and June of 1973, no induction orders were issued. As of July 1, 1973, John enters the Second Priority Selection Group since his RSN was not reached for 90 days after he had become fully available. (See Rule 8, Table 631-2)

Example 18. Sam Samuels enters the Extended Priority Selection Group on January 1, 1972. He is deferred in Class 3-A on February 16, 1972, and leaves the Extended Priority Selection Group. On July 19, 1973, he is classified 1-A. At that time he is reassigned to the Extended Priority Selection Group. Upon becoming fully available, his

RSN is reached and he is ordered for induction within 90 days of becoming fully available. He shall be inducted. (See Rule 6, Table 631-2)

g. *Reduced priority selection groups.* On January 1 of each year, each priority selection group below the First Priority Selection Group is automatically reduced one step further in priority. In this manner the Second Priority Selection Group will become the third, the third will become the fourth, and so on. However, no entry will be made on the SSS Form 101 to denote selection groups after the Second Priority Selection Group.

h. *Selection of 26-year-old registrants.* Any registrant who is assigned to the Extended Priority, First Priority, or a reduced priority selection group, shall upon his 26th birthday be removed from that group unless he is under an order to report for induction or for alternate service and also has extended liability because of a previous deferment. If he is not under such an order and he has extended liability, he shall be placed in the selection category consisting of registrants between the ages of 26 and 35, who have extended liability.

Example 19. Robert Brown, RSN (70) 120, born on October 15, 1945, having been unanimously reclassified from Class 2-A to Class 1-A by the appeal board on September 15, 1971, is a member of the 1971 First Priority Selection Group. His local board, on October 8, 1971, issues an order for Robert to report for induction on November 29, 1971. That order is valid since Robert had extended liability and the local board issued the order to report for induction prior to his 26th birthday. (See Rule 10, Table 631-2)

Example 20. Chong Lee, RSN (70) 120, was born on October 15, 1945. He was reclassified from 2-A to 1-A by his local board on October 5, 1971, and entered the 1971 First Priority Selection Group. His rights to appear or appeal prevent his being issued an induction order before his 26th birthday (on October 15). Since he was not issued an induction order before he reached the age of 26, he then would be placed in the selection category consisting of registrants between the ages of 26 and 35, who have extended liability. (See Rule 9, Table 631-2)

6. Administrative processing of selection groups:

a. Each phase of local board administration—reclassification, orders for preinduction examination, personal appearance, appeals, and so forth—shall be done in order of random sequence number and priority group insofar as practicable, so that registrants will be processed in the order of their vulnerability for induction.

b. To achieve fundamental fairness for registrants, it is important that local boards swiftly process all registrants who submit information which merits reclassification of the registrant into or out of the First Priority Selection Group, especially that information sent to the board late in the calendar year. The local board shall also promply reclassify any registrant who requests in writing that his current deferment be ended and who is currently classified in one of the following deferred classes: Class 2-A, Class 2-C, Class 2-D, Class 2-S, or Class 3-A. It is equally critical that local boards give rapid and fair consideration to members of the Extended Priority Selection Group to insure that their vulnerability to selection is continued no longer than necessary.

c. Information or requests received by the local board or mailed to the local board after its last meeting in the calendar year but before January 1 of the new year, and information or requests submitted prior to the last meeting in the calendar year and upon which the local board has not completed action shall be considered by the local board as soon as practicable in the new year. Local board actions with respect to information submitted or requests made in accordance with the provisions of this section, will be effective as of December 31 of the year in which submitted. Annotate the minutes of Action, page 8 of the Registrant Classification Questionnaire (SSS Form 100) or page 2 of the Registrant File Folder (SSS Form 101), following the classification action with the legend, "Effective DEC 31 (year)".

d. Certain students have been placed or retained in an available class, and have been assigned to the Extended Priority Selection Group, because timely information had not been furnished to the local board by the school. When this has occurred, and the registrant has acted in good faith, the registrant should be reassigned to the First Priority Selection Group, rather than the Extended Priority Selection Group, when he is retained in or reenters Class 1-A, 1-A-O, 1-O or 1-H. This action should be limited to cases where (1) the registrant at any time prior to entering the Extended Priority Selection Group had been in Class 2-S or Class 2-A (student), or had informed his local board that he was entering or had entered a course of study which would make him eligible for Class 2-S or Class 2-A, and (2) the registrant had reasonably relied upon his school to verify his status as a full-time satisfactory student, and (3) the registrant has subsequently established to the satisfaction of his local board that he was a full-time student, making satisfactory progress, at the time he was assigned to the Extended Priority Selection Group.

e. Other circumstances which may prevent consideration prior to December 31 in any calendar year of information which may merit reclassification of a registrant shall be referred to the State Director of Selective Service, for his decision.

f. If the Director of Selective Service, or a State Director of Selective Service with respect to registrants of his State, determines that a registrant has been assigned to an inappropriate priority selection group, he may direct the reassignment of the registrant to a designated priority selection group.

SEC. 631.7 *Registrants who shall be inducted without calls.* 1. Regardless of any other provision of this manual, any registrant enlisted or appointed in the Ready Reserve of any reserve component of the Armed Forces, including the Army National Guard or the Air National Guard (other than a Reserve enlistment program which requires the reservist to serve on active duty for a period of 2 years), prior to attaining the age of 26 years, (1) fails to serve satisfactorily during his obligated period of service as a member of such Ready Reserve of another reserve component of which he becomes a member and who is still a member of a reserve component, and who (2) is certified by the respective armed forces to be an unsatisfactory participant, shall be ordered to report for induction by the local board regardless of the class in which he is classified and without changing his classification.

2. Any registrant who is ordered to report for induction under the preceding paragraph shall be forwarded for induction at the next time the local board is forwarding other registrants for induction or at any prior time when special arrangements have been made with the induction station, without any calls being made for the delivery of such registrants. Whenever the local board desires to deliver such a registrant specially, it shall request the State Director of Selective Service to make the special arrangements for the time and place at which the registrant may be delivered for induction. When delivering such a reservist for induction, a separate Delivery List (SSS Form 261) shall be used, and the armed force into which he is to be inducted shall be identified in the "Remarks" column of the Delivery List.

3. Whenever a local board receives a Record of Military Status of Registrant (DD Form 44) wherein it is stated that a registrant has ceased to perform satisfactorily as a member of a reserve component, and it is not clear what action the reserve component is taking, the local board shall prepare a Request for Armed Forces Information (SSS Form 720) and send it to the reserve unit of which the registrant is a member, requesting information as to whether or not the registrant is being processed for active duty under Title 10, U.S.C. 673(a). No action such as reclassification, ordering for preinduction examination or induction shall be taken by the local board involving that registrant during the period this request is being processed.

4. If the reserve unit informs the local board that orders to active duty are being processed, no further action by the local board is necessary until receipt of a Notification of Entry into Active Military Service (DD Form 53) showing the registrant has entered upon active duty. In the event the unit informs the local board that the registrant is being discharged in lieu of being issued active duty orders, the local board shall, upon receiving notification on DD Form 44 of the registrant's discharge, reclassify the registrant into the lowest class for which he qualifies, and process him routinely.

5. The primary responsibility to order to active duty unsatisfactory participants of the reserve components lies with the armed service concerned, and the Selective Service System will order for priority induction only those registrants who are

unsatisfactory members of reserve components and who are certified by the armed forces as non-locatees.

6. Any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted.

7. Any registrant paroled for induction under the provisions of Chapter 643 will be inducted regardless of the class in which he is classified and without changing his classification.

SEC. 631.8 *Extended liability of deferred registrants*—1. *Extension of liability.* The Military Selective Service Act provides that certain registrants who have been or are deferred incur extended liability beyond age 26 for training and service in the Armed Forces. Such extended liability may be to either age 28 or age 35.

2. A registrant must have liability for induction in order for that liability to be extended by his deferment. Liability cannot be extended when the registrant was never liable for induction. When a registrant, prior to his attaining the age of 26, was always entitled without question to be placed in a class exempt from liability under the law, his liability will not be extended if he has been placed in a deferred class solely because that class was lower than the exempt class in the order of consideration of classes.

3. *Classification which extends liability to age 28.* A classification in Class 1-D originally granted before September 3, 1963, to a registrant who had enlisted in the National Guard prior to attaining the age of 18, extends his liability for training and service until he reaches the age of 28.

4. *Classification which extends liability to age 35.* Classification of a registrant into any of the following classes before he has attained the age of 26 extends his liability for training and service until he reaches the age of 35:

(1) Class 1-D for persons who prior to attaining the age of 26 enlist or accept appointment on or after September 3, 1963, in the Ready Reserve including the National Guard.

(2) Class 1-D for members of the Reserve Officers' Training Corps and other officer training programs.

(3) Class 1-D for persons commissioned upon graduation from an Officers' Candidate School.

(4) Class 1-D for accepted aviation cadet applicants.

(5) Class 1-D for members of reserve components of the Armed Forces who are serving satisfactorily, except for those covered in paragraph 3.

(6) Class 1-S.

(7) Class 1-Y.

(8) Class 2-A.

(9) Class 2-C.

(10) Class 2-D.

(11) Class 2-S.

(12) Class 3-A, except for those covered in paragraph 5.

(13) Class 4-B.

(14) Class 4-F, except for those covered in paragraph 5.

5. *Classifications which do not extend liability.* The classification of a registrant in any of the following classes does not extend his liability.

(1) Class 1-A.

(2) Class 1-A-O.

(3) Class 1-C.

(4) Class 1-D for veterans who have 90 days or more but less than 12 months of service and who are members of reserve components.

(5) Class 1-D for enlisted reservists whose applications for active duty have been denied.

(6) Class 1-D for students enrolled in an officer procurement program at certain military colleges.

(7) Class 1-D for persons who prior to August 1, 1963, enlisted in the Ready Reserve for 8 years.

(8) Class 1-H.

(9) Class 1-O.

(10) Class 1-W.

(11) Class 3-A under the former provisions of the law and regulations when the deferment was solely by reason of the registrant having a wife with whom he maintained a bona fide family relationship in their home and no hardship or other elements of dependency involved.

(12) Class 4-A.

(13) Class 4-C.

(14) Class 4-D.

(15) Class 4-F relating to the exemption of medical, dental, and allied specialists whose applications for appointment as Reserve officers have been rejected solely because of their physical disqualification.

(16) Class 4-G.

(17) Class 4-W.

(18) Class 5-A.

TABLE 631-2

PROCESSING BASED ON SELECTION GROUPS AND AGE

Rule	A If a registrant is a nonvolunteer—	B And his RSN—	C And he—	D Then—
1	And on December 31		Has attained 19 years of age during that year.	Assign him to FPSG on Jan. 1 of the following year.
2	of any year is in Class 1-A,	Has not been reached	Is not yet 26 years of age and is in FPSG.	Assign him to SPSG on Jan. 1 of the following year.
3	1-A-0, 1-0, or 1-H.	Has been reached but he has not been issued an order for induction or a selection for alternate service.	Is not yet 26 years of age and is in FPSG.	Assign him to EPSG on Jan. 1 of the following year.
4		Has not been reached	Is not yet 26 years of age and is in a priority group lower than FPSG.	Assign him to the next lower priority group on Jan. 1 on the following year.
5	And is classified during the year into 1-A, 1-A-0, 1-0, or 1-H.		Is age 20 but not yet 26 and was not in FPSG on Dec. 31 of any previous year.	Assign him to FPSG.
6	And is in a deferred or exempt status received while in a priority selection group.		Is not yet 26 years of age and is reclassified 1-A, 1-A-0, 1-0, or 1-H.	Assign him to the priority group he was in prior to deferment or exemption.
7	And is in the FPSG and has an outstanding order to report for induction or alternate service with a reporting date within such year.		Is not yet 26 years of age and his order is canceled after such year or he otherwise fails to complete military or alternate service.	Assign him to EPSG when he again becomes eligible for selection for induction.
8	In EPSG	Was not reached for 90 consecutive days.	Was fully available during those 90 consecutive days and has not reached the age of 26.	Assign him to SPSG after the 90 days.
9	And is in EPSG, FPSG, or a reduced priority selection group.		And he has attained age 26 and has not been issued an order for induction or a selection for alternate service.	Drop him from accountability.
10	And is in EPSG, FPSG, or a reduced priority selection group.	Has been reached	Is fully available, has extended liability, and will attain age 26 on his next birthday.	If issued an order before his 26th birthday, will be expected to report even if reporting date is after he attains age 26.

TABLE 631-3

1970 RANDOM SELECTION SEQUENCE, BY MONTH AND DAY

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.
1	305	086	108	032	330	249	093	111	225	359	019	129
2	159	144	029	271	298	228	350	045	161	125	034	323
3	251	297	267	083	040	301	145	261	049	244	348	157
4	215	210	275	081	276	020	279	145	232	202	265	165
5	101	214	293	269	364	028	188	054	082	024	310	056
6	224	347	139	253	155	110	327	114	006	087	076	010
7	306	091	122	147	035	085	050	168	098	234	051	012
8	199	181	213	312	321	366	013	048	184	283	097	105
9	194	338	317	219	197	335	277	106	283	342	060	043
10	325	216	323	218	065	206	284	021	071	220	282	041
11	329	150	136	014	037	134	248	324	158	237	040	020
12	221	068	300	346	133	272	015	142	242	072	025	314
13	318	152	259	124	295	069	042	307	175	133	120	103
14	238	004	354	231	178	356	331	198	001	294	157	022
15	017	089	169	273	130	180	322	102	113	171	131	320
16	121	212	166	148	055	274	120	044	207	254	107	095
17	235	189	033	260	112	073	008	154	285	288	143	201
18	140	292	332	080	278	341	190	141	216	005	140	123
19	058	025	200	336	075	104	227	311	177	211	203	219
20	280	302	239	345	183	360	187	344	003	192	185	135
21	186	363	334	062	250	060	027	291	204	243	129	070
22	337	290	265	316	326	247	153	339	169	117	009	023
23	118	057	256	252	319	109	172	116	119	201	182	102
24	059	236	258	002	031	358	023	036	195	196	220	095
25	052	179	343	351	361	137	067	286	149	176	132	084
26	092	365	170	340	357	022	303	245	018	007	309	173
27	355	205	268	074	296	064	289	352	233	294	047	076
28	077	299	223	262	308	222	088	167	257	094	231	123
29	340	285	362	191	226	353	270	061	151	229	099	016
30	164	---------	217	268	103	209	287	333	315	038	174	093
31	211	---------	030	---------	343	---------	193	011	---------	079	---------	100

TABLE 631-4

1970 RANDOM SELECTION BY DATE AND SEQUENCE NUMBER

001	Sept. 14	050	July 7
002	Apr. 24	051	Nov. 7
003	Dec. 30	052	Jan. 25
004	Feb. 14	053	Dec. 22
005	Oct. 18	054	Aug. 5
006	Sept. 6	055	May 16
007	Oct. 26	056	Dec. 5
008	Sept. 7	057	Feb. 23
009	Nov. 22	058	Jan. 19
010	Dec. 6	059	Jan. 24
011	Aug. 31	060	June 21
012	Dec. 7	061	Aug. 29
013	July 8	062	Apr. 21
014	Apr. 11	063	Sept. 20
015	July 12	064	June 27
016	Dec. 29	065	May 10
017	Jan. 15	066	Nov. 12
018	Sept. 26	067	July 25
019	Nov. 1	068	Feb. 12
020	June 4	069	June 13
021	Aug. 10	070	Dec. 21
022	June 26	071	Sept. 10
023	July 24	072	Oct. 12
024	Oct. 5	073	June 17
025	Feb. 19	074	Apr. 27
026	Dec. 14	075	May 19
027	July 21	076	Nov. 6
028	June 5	077	Jan. 28
029	Mar. 2	078	Dec. 27
030	Mar. 31	079	Oct. 31
031	May 24	080	Nov. 9
032	Apr. 1	081	Apr. 4
033	Mar. 17	082	Sept. 5
034	Nov. 2	083	Apr. 3
035	May 7	084	Dec. 25
036	Aug. 24	085	June 7
037	May 11	086	Feb. 1
038	Oct. 30	087	Oct. 6
039	Dec. 11	088	July 28
040	May 3	089	Feb. 15
041	Dec. 10	090	Apr. 18
042	July 13	091	Feb. 7
043	Dec. 9	092	Jan. 26
044	Aug. 16	093	July 1
045	Aug. 2	094	Oct. 28
046	Nov. 11	095	Dec. 24
047	Nov. 27	096	Dec. 16
048	Aug. 8	097	Nov. 8
049	Sept. 3	098	July 17

TABLE 631-4—Continued

099	Nov. 29	150	Feb. 11
100	Dec. 31	151	Sept. 29
101	Jan. 5	152	Feb. 13
102	Aug. 15	153	July 22
103	May 30	154	Aug. 17
104	June 19	155	May 6
105	Dec. 8	156	Nov. 21
106	Aug. 9	157	Dec. 3
107	Nov. 16	158	Sept. 11
108	Mar. 1	159	Jan. 2
109	June 23	160	Sept. 22
110	June 6	161	Sept. 2
111	Aug. 1	162	Dec. 23
112	May 17	163	Dec. 13
113	Sept. 15	164	Jan. 30
114	Aug. 6	165	Dec. 4
115	July 3	166	Mar. 16
116	Aug. 23	167	Aug. 28
117	Oct. 22	168	Aug. 7
118	Jan. 23	169	Mar. 15
119	Sept. 23	170	Mar. 26
120	July 16	171	Oct. 15
121	Jan. 16	172	July 23
122	Mar. 7	173	Dec. 26
123	Dec. 28	174	Nov. 30
124	Apr. 13	175	Sept. 13
125	Oct. 2	176	Oct. 25
126	Nov. 13	177	Sept. 19
127	Nov. 14	178	May 14
128	Dec. 18	179	Feb. 25
129	Dec. 1	180	June 15
130	May 15	181	Feb. 8
131	Nov. 15	182	Nov. 23
132	Nov. 25	183	May 20
133	May 12	184	Sept. 8
134	June 11	185	Nov. 20
135	Dec. 20	186	Jan. 21
136	Mar. 11	187	July 20
137	June 25	188	July 5
138	Oct. 13	189	Feb. 17
139	Mar. 6	190	July 18
140	Jan. 18	191	Apr. 29
141	Aug. 18	192	Oct. 20
142	Aug. 12	193	July 31
143	Nov. 17	194	Jan. 9
144	Feb. 2	195	Sept. 24
145	Aug. 4	196	Oct. 24
146	Nov. 18	197	May 9
147	Apr. 7	198	Aug. 14
148	Apr. 16	199	Jan. 8
149	Sept. 25	200	Mar. 10

TABLE 631-4—Continued

201	Oct. 23	284	July 10
202	Oct. 4	285	Feb. 29
203	Nov. 19	286	Aug. 25
204	Sept. 21	287	July 30
205	Feb. 27	288	Oct. 17
206	June 10	289	July 27
207	Sept. 16	290	Feb. 22
208	Apr. 30	291	Aug. 21
209	June 30	292	Feb. 18
210	Feb. 4	293	Mar. 5
211	Jan. 31	294	Oct. 14
212	Feb. 16	295	May 13
213	Mar. 8	296	May 27
214	Feb. 5	297	Feb. 3
215	Jan. 4	298	May 2
216	Feb. 10	299	Feb. 23
217	Mar. 30	300	Mar. 12
218	Apr. 10	301	June 3
219	Apr. 9	302	Feb. 20
220	Oct. 10	303	July 26
221	Jan. 12	304	Dec. 17
222	June 28	305	Jan. 1
223	Mar. 23	306	Jan. 7
224	Jan. 6	307	Aug. 13
225	Sept. 1	308	May 28
226	May 29	309	Nov. 26
227	July 19	310	Nov. 5
228	June 2	311	Aug. 19
229	Oct. 29	312	Apr. 8
230	Nov. 24	313	May 31
231	Apr. 14	314	Dec. 12
232	Sept. 4	315	Sept. 30
233	Sept. 27	316	Apr. 22
234	Oct. 7	317	Mar. 9
235	Jan. 17	318	Jan. 13
236	Feb. 24	319	May 23
237	Oct. 11	320	Dec. 15
238	Jan. 14	321	May 8
239	Mar. 20	322	July 15
240	Dec. 19	323	Mar. 10
241	Oct. 19	324	Aug. 11
242	Sept. 12	325	Jan. 10
243	Oct. 21	326	May 22
244	Oct. 3	327	July 6
245	Aug. 26	328	Dec. 2
246	Sept. 18	329	Jan. 11
247	June 22	330	May 1
248	July 11	331	July 14
249	June 1	332	Mar. 18
250	May 21	333	Aug. 30
251	Jan. 3	334	Mar. 21
252	Apr. 23	335	June 9
253	Apr. 6	336	Apr. 19
254	Oct. 16	337	Jan. 22
255	Sept. 17	338	Feb. 9
256	Mar. 23	339	Aug. 22
257	Sept. 28	340	Apr. 26
258	Mar. 24	341	June 18
259	Mar. 13	342	Oct. 9
260	Apr. 17	343	Mar. 25
261	Aug. 3	344	Aug. 20
262	Apr. 28	345	Apr. 20
263	Sept. 9	346	Apr. 12
264	Oct. 27	347	Feb. 6
265	Mar. 22	348	Nov. 3
266	Nov. 4	349	Jan. 29
267	Mar. 3	350	July 2
268	Mar. 27	351	Apr. 25
269	Apr. 5	352	Aug. 27
270	July 29	353	June 29
271	Apr. 2	354	Mar. 14
272	June 12	355	Jan. 27
273	Apr. 15	356	June 14
274	June 16	357	May 26
275	Mar. 4	358	June 24
276	May 4	359	Oct. 1
277	July 9	360	June 20
278	May 18	361	May 25
279	July 4	362	Mar. 29
280	Jan. 20	363	Feb. 21
281	Nov. 23	364	May 5
282	Nov. 10	365	Feb. 26
283	Oct. 8	366	June 8

TABLE 631-5

1971 RANDOM SELECTION SEQUENCE, BY MONTH AND DAY

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	
1	133	335	014	224	179	065	101	326	283	306	243	347	1
2	195	354	077	216	096	304	322	102	161	191	205	321	2
3	336	186	207	297	171	135	030	279	183	134	294	110	3
4	099	094	117	037	210	042	059	300	231	266	039	305	4
5	033	097	299	124	301	233	287	064	295	166	286	027	5
6	285	016	296	312	268	153	164	254	021	078	245	193	6
7	159	025	141	112	029	169	365	263	265	131	072	162	7
8	116	127	079	267	105	007	106	049	108	045	119	323	8
9	053	187	278	223	357	352	001	125	313	302	176	114	9
10	101	016	150	165	146	076	158	359	130	160	063	204	10
11	141	227	317	178	293	355	174	230	288	084	123	073	11
12	152	262	024	089	210	051	257	320	314	070	255	019	12
13	330	013	241	143	353	342	349	058	238	092	272	151	13
14	071	260	012	202	040	363	156	103	247	115	011	348	14
15	075	201	157	182	344	276	273	270	291	310	362	087	15
16	136	334	268	031	175	229	284	329	139	034	197	041	16
17	054	345	220	261	212	289	341	343	200	290	006	315	17
18	185	337	319	138	180	214	090	109	333	340	280	208	18
19	188	331	189	062	155	163	316	083	228	074	252	249	19
20	211	020	170	118	212	013	120	069	261	196	098	218	20
21	129	213	246	008	225	113	356	050	068	005	035	181	21
22	132	271	269	256	190	307	282	250	088	035	253	194	22
23	018	351	281	292	222	014	172	010	206	339	193	219	23
24	177	226	203	241	022	236	360	274	237	149	081	002	24
25	057	325	298	328	026	327	003	364	107	017	023	361	25
26	140	086	124	437	148	308	047	091	093	184	052	080	26
27	173	066	254	235	122	055	085	232	338	318	168	239	27
28	316	231	095	082	009	215	190	248	309	028	324	128	28
29	277	--------	147	111	061	154	004	032	303	259	100	145	29
30	112	--------	056	358	209	217	015	167	018	332	067	192	30
31	060	--------	038	--------	350	--------	221	275	--------	311	--------	126	31

TABLE 631-6

1971 RANDOM SELECTION BY DATE AND SEQUENCE NUMBER

001	July	9	049	Aug.	8
002	Dec.	24	050	Aug.	21
003	July	25	051	June	12
004	July	29	052	Nov.	26
005	Oct.	21	053	Jan.	9
006	Nov.	17	054	Jan.	17
007	June	8	055	June	27
008	Apr.	21	056	Mar.	30
009	May	28	057	Jan.	25
010	Aug.	23	058	Aug.	13
011	Nov.	14	059	July	4
012	Mar.	14	060	Jan.	31
013	Feb.	13	061	May	29
014	Mar.	1	062	Apr.	19
015	July	30	063	Nov.	10
016	Feb.	6	064	Aug.	5
017	Oct.	25	065	June	1
018	Sept.	30	066	Feb.	27
019	Dec.	12	067	Nov.	30
020	Feb.	20	068	Sept.	21
021	Sept.	6	069	Aug.	20
022	May	24	070	Oct.	12
023	Nov.	25	071	Jan.	14
024	Mar.	12	072	Nov.	7
025	Feb.	7	073	Dec.	11
026	May	25	074	Oct.	19
027	Dec.	5	075	Jan.	15
028	Oct.	28	076	June	10
029	May	7	077	Mar.	2
030	July	3	078	Oct.	6
031	Apr.	16	079	Mar.	8
032	Aug.	29	080	Dec.	26
033	Jan.	5	081	Nov.	24
034	Oct.	16	082	Apr.	28
035	Nov.	21	083	Aug.	19
036	Oct.	22	084	Oct.	11
037	Apr.	4	085	July	27
038	Mar.	31	086	Feb.	26
039	Nov.	4	087	Dec.	15
040	May	14	088	Sept.	22
041	Dec.	16	089	Apr.	12
042	June	4	090	July	18
043	June	20	091	Aug.	26
044	June	23	092	Oct.	13
045	Oct.	8	093	Sept.	26
046	Feb.	10	094	Feb.	4
047	July	26	095	Mar.	28
048	Jan.	23	096	May	2

TABLE 631-6—Continued

097	Feb.	5	148	May	26
098	Nov.	20	149	Oct.	24
099	Jan.	4	150	Mar.	10
100	Nov.	29	151	Dec.	13
101	Jan.	10	152	Jan.	12
102	Aug.	2	153	June	6
103	Aug.	14	154	June	29
104	July	1	155	May	19
105	May	8	156	July	14
106	July	8	157	Mar.	15
107	Sept.	25	158	July	10
108	Sept.	8	159	Jan.	7
109	Aug.	18	160	Oct.	10
110	Dec.	3	161	Sept.	2
111	Apr.	29	162	Dec.	7
112	Jan.	30	163	June	19
113	June	21	164	July	6
114	Dec.	9	165	Apr.	10
115	Oct.	14	166	Oct.	5
116	Jan.	8	167	Aug.	30
117	Mar.	4	168	Nov.	27
118	Apr.	20	169	June	7
119	Nov.	8	170	Mar.	20
120	July	20	171	May	3
121	Mar.	26	172	July	23
122	May	27	173	Jan.	27
123	Nov.	11	174	July	11
124	Apr.	5	175	May	16
125	Aug.	9	176	Nov.	9
126	Dec.	31	177	Jan.	24
127	Feb.	8	178	Apr.	11
128	Dec.	28	179	May	1
129	Jan.	21	180	May	18
130	Sept.	10	181	Dec.	21
131	Oct.	7	182	Apr.	15
132	Jan.	22	183	Sept.	3
133	Jan.	1	184	Oct.	26
134	Oct.	3	185	Jan.	18
135	June	3	186	Feb.	3
136	Jan.	16	187	Feb.	9
137	Apr.	26	188	Jan.	19
138	Apr.	18	189	Mar.	19
139	Sept.	16	190	July	28
140	Jan.	26	191	Oct.	2
141	Mar.	7	192	Dec.	30
142	Apr.	7	193	Nov.	23
143	Apr.	13	194	Dec.	22
144	Jan.	11	195	Jan.	2
145	Dec.	29	196	Oct.	20
146	May	10	197	Nov.	16
147	Mar.	29	198	Dec.	6

TABLE 631-6—Continued

199	May	22	283	Sept.	1
200	Sept.	17	284	July	16
201	Feb.	15	285	Jan.	6
202	Apr.	14	286	Nov.	5
203	Mar.	24	287	July	5
204	Dec.	10	288	Sept.	11
205	Nov.	2	289	June	17
206	Sept.	23	290	Oct.	17
207	Mar.	3	291	Sept.	15
208	Dec.	18	292	Apr.	23
209	May	30	293	May	11
210	May	12	294	Nov.	3
211	Jan.	20	295	Sept.	5
212	May	17	296	Mar.	6
213	Feb.	21	297	Apr.	3
214	June	18	298	Mar.	25
215	June	28	299	Mar.	5
216	Apr.	2	300	Aug.	4
217	June	30	301	May	5
218	Dec.	20	302	Oct.	9
219	Dec.	23	303	Sept.	29
220	Mar.	17	304	June	2
221	July	31	305	Dec.	4
222	May	23	306	Oct.	1
223	Apr.	9	307	June	22
224	Apr.	1	308	June	26
225	May	21	309	Sept.	28
226	Feb.	24	310	Oct.	16
227	Feb.	11	311	Oct.	31
228	Sept.	19	312	Apr.	6
229	June	16	313	Sept.	9
230	Aug.	11	314	Sept.	13
231	Sept.	4	315	Dec.	17
232	Aug.	27	316	July	19
233	June	5	317	Mar.	11
234	Feb.	28	318	Oct.	27
235	Apr.	27	319	Mar.	13
236	June	24	320	Aug.	12
237	Sept.	24	321	Dec.	2
238	Sept.	13	322	July	2
239	Dec.	27	323	Dec.	8
240	May	4	324	Nov.	28
241	Mar.	13	325	Feb.	25
242	May	20	326	Aug.	1
243	Nov.	1	327	June	26
244	Apr.	24	328	Apr.	25
245	Nov.	6	329	Aug.	16
246	Mar.	21	330	Jan.	13
247	Sept.	14	331	Feb.	19
248	Aug.	28	332	Oct.	30
249	Dec.	19	333	Sept.	18
250	Aug.	22	334	Feb.	16
251	Aug.	6	335	Feb.	1
252	Nov.	19	336	Jan.	3
253	Nov.	22	337	Feb.	18
254	Mar.	27	338	Sept.	27
255	Nov.	12	339	Oct.	23
256	Apr.	22	340	Oct.	18
257	July	12	341	July	17
258	Mar.	16	342	June	13
259	Oct.	29	343	Aug.	17
260	Feb.	14	344	May	15
261	Sept.	20	345	Feb.	17
262	Feb.	12	346	Jan.	28
263	Aug.	7	347	Dec.	1
264	Apr.	17	348	Dec.	14
265	Sept.	7	349	July	13
266	Oct.	4	350	May	31
267	Apr.	8	351	Feb.	23
268	May	6	352	June	9
269	Mar.	22	353	May	13
270	Aug.	15	354	Feb.	3
271	Feb.	22	355	June	11
272	Nov.	13	356	July	21
273	July	15	357	May	9
274	Aug.	24	358	Apr.	30
275	Aug.	31	359	Aug.	10
276	June	15	360	July	24
277	Jan.	29	361	Dec.	25
278	Mar.	9	362	Nov.	15
279	Aug.	3	363	June	14
280	Nov.	18	364	Aug.	25
281	Mar.	23	365	July	7
282	July	22			

TABLE 631-7

1972 RANDOM SEQUENCE LOTTERY DRAWING CALENDAR

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	
1	207	306	364	096	154	274	284	189	392	071	366	033	1
2	225	028	184	129	261	363	061	326	070	076	190	029	2
3	246	250	170	262	177	054	103	176	321	144	330	049	3
4	264	092	283	158	137	187	142	272	032	056	106	001	4
5	265	233	172	294	041	078	286	063	147	339	211	253	5
6	242	148	327	297	050	218	185	155	110	006	186	256	6
7	292	304	149	058	106	288	354	355	042	080	017	141	7
8	287	208	229	035	216	084	320	157	043	317	260	065	8
9	338	130	077	289	311	140	022	153	199	254	237	027	9
10	231	276	360	194	220	226	234	025	046	312	227	362	10
11	090	351	332	324	107	202	223	034	329	201	214	076	11
12	228	340	258	165	052	273	169	269	308	257	259	249	12
13	183	118	173	271	105	047	278	365	094	236	247	294	13
14	285	064	203	248	267	113	307	309	253	030	316	275	14
15	325	214	319	222	162	008	088	020	303	075	318	093	15
16	074	353	347	023	205	068	291	358	243	159	120	123	16
17	009	198	117	251	270	193	182	295	178	188	228	293	17
18	051	189	168	139	085	102	131	011	104	134	175	073	18
19	195	210	053	049	055	044	100	159	235	163	333	019	19
20	310	086	200	039	119	030	035	116	313	331	125	221	20
21	206	015	289	342	012	296	067	033	016	282	359	341	21
22	108	013	345	126	164	059	132	082	145	253	093	156	22
23	349	116	089	179	197	336	151	143	323	152	181	171	23
24	337	359	133	021	060	328	004	256	277	212	052	215	24
25	002	335	219	238	024	213	121	192	224	138	097	135	25
26	114	136	122	045	026	346	350	348	344	069	209	301	26
27	072	217	232	124	241	007	235	352	314	098	240	290	27
28	357	083	215	281	091	057	127	037	005	010	031	174	28
29	266	305	343	109	081	196	146	279	048	079	230	101	29
30	268	--------	191	029	301	123	112	334	299	057	014	167	30
31	239	--------	161	--------	018	--------	315	111	--------	160	--------	322	31

TABLE 631-8

1972 RANDOM SELECTION BY DATE AND SEQUENCE NUMBER

001	Dec.	4	049	Apr.	19
002	Jan.	25	050	May	6
003	Dec.	15	051	Jan.	18
004	July	24	052	May	12
005	Sept.	28	053	Mar.	19
006	Oct.	6	054	June	3
007	June	27	055	May	19
008	June	15	056	Dec.	11
009	Jan.	17	057	June	28
010	Oct.	28	058	Apr.	7
011	Aug.	18	059	June	22
012	May	21	060	May	24
013	Feb.	22	061	July	2
014	Nov.	30	062	Nov.	24
015	Feb.	21	063	Aug.	5
016	Sept.	21	064	Feb.	14
017	Nov.	7	065	Dec.	8
018	May	31	066	Oct.	4
019	Dec.	19	067	July	21
020	Aug.	15	068	June	16
021	Apr.	24	069	Oct.	26
022	July	9	070	Sept.	2
023	Apr.	16	071	Oct.	1
024	May	25	072	Jan.	27
025	Aug.	10	073	Dec.	18
026	May	26	074	Jan.	16
027	Dec.	9	075	Oct.	15
028	Feb.	2	076	Oct.	2
029	Apr.	30	077	Mar.	9
030	June	20	078	June	5
031	Nov.	28	079	Oct.	29
032	Sept.	4	080	Oct.	7
033	Aug.	21	081	May	29
034	Aug.	11	082	Aug.	22
035	Apr.	8	083	Feb.	28
036	Oct.	14	084	June	8
037	Aug.	28	085	May	18
038	Dec.	1	086	Feb.	20
039	Apr.	20	087	Oct.	30
040	Dec.	3	088	July	16
041	May	5	089	Mar.	23
042	Sept.	7	090	Jan.	11
043	Sept.	8	091	May	28
044	June	19	092	Feb.	4
045	Apr.	26	093	Nov.	22
046	Sept.	10	094	Sept.	13
047	June	13	095	July	20
048	Sept.	29	096	Apr.	1

TABLE 631-8—Continued

097	Nov.	25	148	Feb.	6
098	Oct.	27	149	Mar.	7
099	Dec.	2	150	Aug.	19
100	July	19	151	July	23
101	Dec.	29	152	Oct.	23
102	June	18	153	Aug.	9
103	July	3	154	May	1
104	Sept.	18	155	Aug.	6
105	May	13	156	Dec.	22
106	May	7	157	Aug.	8
107	May	11	158	Apr.	4
108	Jan.	22	159	Oct.	16
109	Apr.	29	160	Oct.	31
110	Sept.	6	161	Mar.	31
111	Aug.	31	162	May	15
112	July	30	163	Oct.	19
113	June	14	164	May	22
114	Jan.	26	165	Apr.	12
115	Aug.	20	166	Nov.	4
116	Feb.	23	167	Dec.	30
117	Mar.	17	168	Mar.	18
118	Feb.	13	169	July	12
119	May	20	170	Mar.	3
120	Nov.	16	171	Dec.	23
121	July	25	172	Mar.	5
122	Mar.	26	173	Mar.	13
123	June	30	174	Dec.	28
124	Apr.	27	175	Nov.	18
125	Nov.	20	176	Aug.	3
126	Apr.	22	177	May	3
127	July	28	178	Sept.	17
128	Dec.	16	179	Apr.	23
129	Apr.	2	180	Aug.	1
130	Feb.	9	181	Nov.	23
131	July	18	182	July	17
132	July	22	183	Jan.	13
133	Mar.	24	184	Mar.	2
134	Oct.	18	185	July	6
135	Dec.	25	186	Nov.	6
136	Feb.	26	187	June	4
137	May	4	188	Oct.	17
138	Oct.	25	189	Feb.	18
139	Apr.	18	190	Nov.	2
140	June	9	191	Mar.	30
141	Dec.	7	192	Aug.	25
142	July	4	193	June	17
143	Aug.	23	194	Apr.	10
144	Oct.	3	195	Jan.	19
145	Sept.	22	196	June	29
146	July	29	197	May	23
147	Sept.	5	198	Feb.	17

TABLE 631-8—Continued

199	Sept.	9	233	Mar.	4
200	Mar.	20	234	July	1
201	Oct.	11	235	Jan.	14
202	June	11	236	July	5
203	Mar.	14	237	Jan.	8
204	Dec.	13	238	June	7
205	May	16	239	Apr.	9
206	Jan.	21	290	Dec.	27
207	Jan.	1	291	July	16
208	Feb.	8	292	Jan.	7
209	Nov.	26	293	Dec.	17
210	Feb.	19	294	Apr.	5
211	Nov.	5	295	Aug.	17
212	Oct.	24	296	June	21
213	June	25	297	Apr.	6
214	Feb.	15	298	Nov.	17
215	Mar.	28	299	Sept.	30
216	May	8	300	Nov.	3
217	Feb.	27	301	May	30
218	June	6	302	Sept.	1
219	Mar.	25	303	Sept.	15
220	May	10	304	Feb.	7
221	Dec.	20	305	Feb.	29
222	Apr.	15	306	Feb.	1
223	July	11	307	July	14
224	Sept.	25	308	Sept.	12
225	Jan.	2	309	Aug.	14
226	June	10	310	Jan.	20
227	Nov.	10	311	May	9
228	Jan.	12	312	Oct.	10
229	Mar.	8	313	Sept.	20
230	Nov.	29	314	Sept.	27
231	Jan.	10	315	July	31
232	Mar.	27	316	Nov.	14
233	Feb.	5	317	Oct.	8
234	July	10	318	Nov.	15
235	July	27	319	Mar.	15
236	Oct.	13	320	July	8
237	Nov.	9	321	Sept.	3
238	Apr.	25	322	Dec.	31
239	Jan.	31	323	Sept.	23
240	Nov.	27	324	Apr.	11
241	May	27	325	Jan.	15
242	Jan.	6	326	Aug.	2
243	Sept.	16	327	Mar.	6
244	Nov.	11	328	June	24
245	Dec.	24	329	Sept.	11
246	Jan.	3	330	Nov.	21
247	Nov.	13	331	Oct.	20
248	Apr.	14	332	Mar.	11
249	Dec.	12	333	Nov.	19
250	Feb.	3	334	Aug.	30
251	Apr.	17	335	Feb.	25
252	Dec.	5	336	June	23
253	Sept.	14	337	Jan.	24
254	Oct.	9	338	Jan.	9
255	Sept.	19	339	Oct.	5
256	Aug.	24	340	Feb.	12
257	Oct.	12	341	Dec.	21
258	Mar.	12	342	Apr.	21
259	Nov.	12	343	Mar.	29
260	Nov.	8	344	Sept.	26
261	May	2	345	Mar.	22
262	Apr.	3	346	June	26
263	Oct.	22	347	Mar.	16
264	Jan.	4	348	Aug.	26
265	Jan.	5	349	Jan.	23
266	Jan.	29	350	July	26
267	May	14	351	Feb.	11
268	Jan.	30	352	Aug.	27
269	Aug.	12	353	Feb.	16
270	May	17	354	July	7
271	Apr.	13	355	Aug.	7
272	Aug.	4	356	Dec.	6
273	June	12	357	Jan.	23
274	June	1	358	Aug.	16
275	Dec.	14	359	Feb.	24
276	Feb.	10	360	Mar.	10
277	Sept.	24	361	Dec.	26
278	July	13	362	Dec.	10
279	Aug.	29	363	June	2
280	Mar.	21	364	Mar.	1
281	Apr.	23	365	Aug.	13
282	Oct.	21	366	Nov.	1

TABLE 631-9

1973 RANDOM SEQUENCE LOTTERY DRAWING CALENDAR

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	
1	150	112	203	012	058	015	039	323	219	215	107	170	1
2	328	278	322	108	275	360	297	027	017	128	214	090	2
3	042	054	220	104	166	245	109	003	226	103	232	056	3
4	028	068	047	280	172	207	092	313	356	079	339	250	4
5	338	096	266	254	292	230	139	063	354	086	223	031	5
6	036	271	001	088	337	087	132	208	173	041	211	336	6
7	111	154	002	163	145	251	285	057	144	129	299	267	7
8	206	347	153	050	201	282	355	131	097	157	312	210	8
9	197	136	321	234	276	083	179	007	364	116	151	120	9
10	037	361	331	272	100	173	089	249	217	342	257	073	10
11	174	026	239	350	307	064	202	125	334	319	159	082	11
12	126	195	044	023	115	190	340	198	043	171	066	085	12
13	298	263	244	169	049	318	306	329	229	269	124	335	13
14	341	348	117	081	224	095	305	205	353	014	237	038	14
15	221	308	152	343	165	016	359	241	235	277	176	137	15
16	300	227	094	119	101	032	074	019	225	059	209	187	16
17	231	046	363	183	273	091	199	008	189	177	284	294	17
18	072	011	357	242	098	238	121	113	268	192	160	013	18
19	303	127	358	158	148	052	332	105	228	167	270	168	19
20	161	106	262	314	274	077	033	162	141	352	301	149	20
21	009	316	300	001	310	315	005	030	123	288	287	080	21
22	259	020	317	264	333	146	286	140	268	191	102	188	22
23	258	247	022	279	216	212	365	302	296	193	320	252	23
24	062	261	071	362	246	061	324	138	236	256	180	155	24
25	243	260	065	255	122	143	035	290	291	009	025	006	25
26	311	051	024	233	118	345	204	076	029	078	344	351	26
27	110	186	181	265	293	330	060	034	248	325	135	194	27
28	304	295	045	055	018	053	185	040	070	327	130	156	28
29	283	--------	021	093	133	075	222	084	196	349	147	175	29
30	114	--------	213	069	048	142	200	182	164	346	134	281	30
31	240	--------	326	--------	067	--------	253	216	--------	010	--------	164	31
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	

TABLE 631-10

1973 RANDOM SELECTION BY DATE AND SEQUENCE NUMBER

001	Mar.	6	051	Feb.	26
002	Mar.	7	052	June	19
003	Aug.	3	053	June	28
004	Apr.	21	054	Feb.	3
005	July	21	055	Apr.	28
006	Dec.	25	056	Dec.	3
007	Aug.	9	057	Aug.	7
008	Aug.	17	058	May	1
009	Oct.	25	059	Oct.	16
010	Oct.	31	060	July	27
011	Feb.	18	061	June	24
012	Apr.	1	062	Jan.	24
013	Dec.	18	063	Aug.	5
014	Oct.	14	064	June	11
015	June	1	065	Mar.	25
016	June	15	066	Nov.	12
017	Sept.	2	067	May	31
018	May	28	068	Feb.	4
019	Aug.	16	069	Apr.	30
020	Feb.	22	070	Sept.	28
021	Mar.	29	071	Mar.	24
022	Mar.	23	072	Jan.	18
023	Apr.	12	073	Dec.	10
024	Mar.	26	074	July	16
025	Nov.	25	075	June	29
026	Feb.	11	076	Aug.	26
027	Aug.	2	077	June	20
028	Jan.	4	078	Oct.	26
029	Sept.	26	079	Oct.	4
030	Aug.	21	080	Dec.	21
031	Dec.	5	081	Apr.	14
032	June	16	082	Dec.	11
033	July	20	083	June	9
034	Aug.	27	084	Aug.	29
035	July	25	085	Dec.	12
036	Jan.	6	086	Oct.	5
037	Jan.	10	087	June	6
038	Dec.	14	088	Apr.	6
039	July	1	089	July	10
040	Aug.	28	090	Dec.	2
041	Oct.	6	091	June	17
042	Jan.	3	092	July	4
043	Sept.	12	093	Apr.	29
044	Mar.	12	094	Mar.	16
045	Mar.	28	095	June	14
046	Feb.	17	096	Feb.	5
047	Mar.	4	097	Sept.	8
048	May	30	098	May	18
049	May	13	099	Jan.	21
050	Apr.	5	100	May	10
101	May	16			

TABLE 631-10—Continued

102	Nov.	22	155	Dec.	24
103	Oct.	3	156	Dec.	28
104	Apr.	3	157	Oct.	8
105	Aug.	19	158	Apr.	19
106	Feb.	20	159	Nov.	11
107	Nov.	1	160	Nov.	18
108	Apr.	2	161	Jan.	20
109	July	3	162	Aug.	20
110	Jan.	27	163	Apr.	7
111	Jan.	7	164	Dec.	31
112	Feb.	1	165	May	15
113	Aug.	18	166	May	3
114	Jan.	30	167	Oct.	19
115	May	12	168	Dec.	19
116	Oct.	9	169	Apr.	13
117	Mar.	14	170	Dec.	1
118	May	26	171	Oct.	12
119	Apr.	16	172	May	4
120	Dec.	9	173	Sept.	6
121	July	18	174	Jan.	11
122	May	25	175	Dec.	29
123	Sept.	21	176	Nov.	15
124	Nov.	13	177	Oct.	17
125	Aug.	11	178	June	10
126	Jan.	12	179	July	9
127	Feb.	19	180	Nov.	24
128	Oct.	2	181	Mar.	27
129	Oct.	7	182	Aug.	30
130	Nov.	28	183	Apr.	17
131	Aug.	8	184	Sept.	30
132	July	6	185	July	28
133	May	29	186	Feb.	27
134	Nov.	30	187	Dec.	16
135	Nov.	27	188	Dec.	22
136	Feb.	9	189	Sept.	17
137	Dec.	15	190	June	12
138	Aug.	24	191	Oct.	22
139	July	5	192	Oct.	18
140	Aug.	22	193	Oct.	23
141	Sept.	20	194	Dec.	27
142	June	30	195	Feb.	12
143	June	25	196	Sept.	29
144	Sept.	7	197	Jan.	9
145	May	7	198	Aug.	12
146	June	22	199	July	17
147	Nov.	29	200	July	30
148	May	19	201	May	8
149	Dec.	20	202	July	11
150	Jan.	1	203	Mar.	1
151	Nov.	9	204	July	26
152	Mar.	15	205	Aug.	14
153	Mar.	8	206	Jan.	8
154	Feb.	7	207	June	4

TABLE 631-10—Continued

208	Aug.	6	287	Nov.	21
209	Nov.	16	288	Oct.	21
210	Dec.	8	289	Sept.	16
211	Nov.	6	290	Aug.	26
212	June	23	291	Sept.	26
213	Mar.	30	292	May	5
214	Nov.	2	293	May	27
215	Oct.	1	294	Dec.	17
216	May	23	295	Feb.	28
217	Sept.	10	296	Sept.	23
218	Aug.	31	297	July	2
219	Sept.	1	298	Jan.	13
220	Mar.	3	299	Nov.	7
221	Jan.	15	300	Mar.	21
222	July	29	301	Nov.	20
223	Nov.	5	302	Aug.	23
224	May	14	303	Jan.	19
225	Sept.	16	304	Jan.	28
226	Sept.	3	305	July	14
227	Feb.	16	306	July	13
228	Sept.	19	307	May	11
229	Sept.	13	308	Feb.	15
230	June	5	309	Jan.	16
231	Jan.	17	310	May	21
232	Nov.	3	311	Jan.	26
233	Apr.	26	312	Nov.	8
234	Apr.	9	313	Aug.	4
235	Sept.	15	314	Apr.	20
236	Sept.	24	315	June	21
237	Nov.	14	316	Feb.	21
238	June	18	317	Mar.	22
239	Mar.	11	318	June	13
240	Jan.	31	319	Oct.	11
241	Aug.	15	320	Nov.	23
242	Apr.	18	321	Mar.	9
243	Jan.	25	322	Mar.	2
244	Mar.	13	323	Aug.	1
245	June	3	324	July	24
246	May	24	325	Oct.	27
247	Feb.	23	326	Mar.	31
248	Sept.	27	327	Oct.	28
249	Aug.	10	328	Jan.	2
250	Dec.	4	329	Aug.	13
251	June	7	330	June	27
252	Dec.	23	331	Mar.	10
253	July	31	332	July	19
254	Apr.	5	333	May	22
255	Apr.	25	334	Sept.	11
256	Oct.	24	335	Dec.	13
257	Nov.	10	336	Dec.	6
258	Jan.	23	337	May	6
259	Jan.	22	338	Jan.	5
260	Feb.	25	339	Nov.	4
261	Feb.	24	340	July	12
262	Mar.	20	341	Jan.	14
263	Feb.	13	342	Oct.	10
264	Apr.	22	343	Apr.	15
265	Apr.	27	344	Nov.	26
266	Mar.	5	345	June	26
267	Dec.	7	346	Oct.	30
268	Sept.	22	347	Feb.	8
269	Oct.	13	348	Feb.	14
270	Nov.	19	349	Oct.	29
271	Feb.	6	350	Apr.	11
272	Apr.	10	351	Dec.	26
273	May	17	352	Oct.	20
274	May	20	353	Sept.	14
275	May	2	354	Sept.	5
276	May	9	355	July	8
277	Oct.	15	356	Sept.	4
278	Feb.	2	357	Mar.	18
279	Apr.	23	358	Mar.	19
280	Apr.	4	359	July	15
281	Dec.	30	360	June	2
282	June	8	361	Feb.	10
283	Jan.	29	362	Apr.	24
284	Nov.	17	363	Mar.	17
285	July	7	364	Sept.	9
286	July	22	365	July	23

Local Board Memorandum No. 99, 36 F.R. 21548 (November 10, 1971) is rescinded.

CURTIS W. TARR,
Director.

MARCH 9, 1972.

[FR Doc.72-3807 Filed 3-13-72;8:51 am]

TARIFF COMMISSION

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent U.S. Consumption in 1971 and Quotas for Duty-Free Entry in 1972

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the Tariff Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1971 was 47,535 thousand units, and that the number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during the calendar year 1972 under headnote 6(b) of said subpart E of the TSUS is as follows:

	Thousand units
Virgin Islands	4,622
Guam	440
American Samoa	220

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

MARCH 8, 1972.

[FR Doc.72-3753 Filed 3-13-72;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability of Comments

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from January 16, 1972, to January 31, 1972, as required by section 102(2) (C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains a listing of proposed regulations reviewed by EPA during the period from January 16, 1972, to January 31, 1972, under section 309 of the Clean Air Act. The listing includes the Federal agency responsible for the proposed regulation, the title of the regulation, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix III contains definitions of the four classifications of the general nature of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix IV contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I below.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22151.

Dated: March 9, 1972.

SHELDON MYERS, *Director, Office of Federal Activities.*

APPENDIX I—ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JANUARY 16, 1972, AND JANUARY 31, 1972

Title and No. of statement [1]	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS		
D-COE-32082-03: New London Harbor (Connecticut)	2	B
D-COE-60022-39: Public Use Facility, Warroad Harbor (Warroad, Minn.)	1	F
D-COE-31018-26: Diked Disposal Area (Duluth-Superior, Minn.)	1	F
D-COE-32003-00: Upper Mississippi River Basin	2	F
D-COE-32088-29: Fairport Harbor (Lake County, Ohio)	3	F
D-COE-32080-29: Cleveland Harbor (Ohio)	3	F
D-COE-30013-29: Settling Basin (Cuyahoga River, Ohio)	3	F
D-COE-32163-32: Skiatook Dam and Reservoir (Oklahoma)	2	G
D-COE-30017-34: Houston Ship Channel, Maintenance Dredging (Texas)	3	G
D-COE-32094-55: Days Creek Lake Project, South Umpqua River (Oregon)	2	K
DEPARTMENT OF AGRICULTURE		
D-DOA-30036-18: Tallulah Creek Watershed (North Carolina)	3	E
DEPARTMENT OF COMMERCE		
D-DOC-30034-01: School-Life Measures (Lowell, Mass.)	1	B
D-DOC-31035-08: Water Systems Extension (Cape May Point, N.J.)	1	C
D-DOC-30010-00: Great Lakes Snow Redistribution Research Project	1	F
DEPARTMENT OF TRANSPORTATION		
D-DOT-40019-30: CSAH 24 and CSAH 45 (Nicollet, Blue Earth County, Minn.)	1	F
D-DOT-40132-03: Memorial Boulevard Extension (Rhode Island)	2	B
D-DOT-40112-07: Niagara Falls, La Salle Arterial Section 3 (New York)	1	C
D-DOT-40113-07: Niagara Falls, Rainbow Boulevard Arterial (New York)	1	C
D-DOT-40097-14: Philippi Bridge and Approaches (Barbour County, W. Va.)	1	D
D-DOT-40140-18: U.S. 19 and U.S. 129 (Cherokee County, N.C.)	1	E
D-DOT-40143-17: U.S. 119, Harlan-Cumberland-Whitesburg Road (Kentucky)	2	E
D-DOT-31025-27: Macomb Municipal Airport (McDonough County, Ill.)	1	F
D-DOT-31027-23: Cherryland Airport (Door County, Sturgeon Bay, Wis.)	1	F
D-DOT-40018-23: S.R. 9 and S.R. 37 (Huntington County, Ind.)	1	F
D-DOT-40017-27: FAP 123 (Bond County, Ill.)	1	F
D-DOT-40016-29: SR 619 (Summit County, Ohio)	1	F
D-DOT-40015-29: U.S. 35 (Gallia County, Ohio)	1	F
D-DOT-40109-33: S.P. 69, Grading (St. Louis County, Minn.)	1	F
D-DOT-40125-34: State Highway 35 (San Patricio and Arkansas Counties, Tex.)	1	G
D-DOT-40130-35: F-103, Chawinsboro Highway (Louisiana)	1	G
D-DOT-40107-37: U.S. 61 (Fort Madison, Lee County, Iowa)	2	H
D-DOT-40129-37: Route 61 and Route 34 (Bollinger County, Mo.)	2	H
D-DOT-40149-38: Route 35W (Wichita, Kans.)	2	H
D-DOT-40147-38: Lincoln-South Freeway, West and East Bypasses (Lincoln, Nebr.)	2	H
D-DOT-40102-42: FO 16-5 Highway (Lincoln County, S. Dak.)	1	I
D-DOT-40103-49: Honokaa-Waipio Road (Hawaii)	2	J
D-DOT-40011-49: Joint Freeway, Route 680 and SR 233 (Alameda County, Calif.)	2	J
D-DOT-40095-49: State Route 63 (near Lake Havasu) to I-40 (Mohave County, Ariz.)	2	J
D-DOT-40094-49: Nogales Truck Compound Road, SR 189 (Santa Cruz County, Ariz.)	2	J
D-DOT-40010-49: Wilson Bridge and Approaches (Oahu, Hawaii)	2	J
D-DOT-40127-67: Richardson Highway to Mile 82 on Cooper Road Highway (Alaska)	2	K
D-DOT-61020-67: St. Mary's Airport Project (Alaska)	1	K
D-DOT-40105-65: Siuslaw River Highway (Oregon)	1	K
FEDERAL AVIATION ADMINISTRATION		
D-FAA-61042-33: Airport (Hannibal, Mo.)	2	H
D-FAA-61015-49: Nut Tree Airport (Vacaville, Calif.)	2	J
D-FAA-61043-67: Sitka Airport Extension (Alaska)	1	K
D-FAA-61042-67: Anlak Airport Expansion (Alaska)	1	K
GENERAL SERVICES ADMINISTRATION		
D-GSA-21011-29: Cleveland Army Tank Disposal Plant (Ohio)	1	F
DEPARTMENT OF H.U.D.		
D-HUD-21005-00: Standards for Community Sewage and Water Systems No. [illegible]	3	A
D-HUD-[illegible]: Woodlands New Community (Texas)	3	G
D-HUD-[illegible]: Broomfield Water Transmission Line (Colorado)	2	I
TENNESSEE VALLEY AUTHORITY		
D-TVA-63162-23: Rehabilitation of Nolichucky Project (Tennessee)	1	E
ATOMIC ENERGY COMMISSION		
D-AEC-07018-45: Rocky Flats Plant, Plutonium Recovery Facility (Colorado)	2	I

[1] The number preceding the title is an EPA number assigned to each draft impact statement reviewed. This number should be cited when requesting copies of EPA's comments.

APPENDIX II—PROPOSED REGULATIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN JANUARY 16, 1972, AND JANUARY 31, 1972

Title and No. of statement	General nature of comments	Source for copies of comments
SMALL BUSINESS ADMINISTRATION		
Procedures to implement the "National Environmental Policy Act" of 1969	3	A

APPENDIX III—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections.* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggests only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX IV—SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-3771 Filed 3-13-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MARCH 9, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119641 Sub 102, Ringle Express, now being assigned hearing April 27, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC FD 26764, Gulf, Mobile & Ohio Railroad Co. abandonment between Dwight, Livingston County and Washington, Tazewell County, Ill., now assigned March 20, 1972, at Metamora, Ill., postponed to April 5, 1972, at Metamora Courthouse, 113 East Partridge, Metamora, Ill.

MC 125433 Sub 30, F-B Truck Line, now assigned March 13, 1972, at Denver, Colo., postponed indefinitely.

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

[FR Doc.72-3834 Filed 3-13-72;8:52 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 9, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42371—*Alloys or metals to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-294), for interested rail carriers. Rates on alloys or metals, in carloads, as described in the application, from Bessemer, Clairton, McKeesport, Rankins, and South Duquesne, Pa., to Bayport, East Baytown, and Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 173 to Southwestern Freight Bureau, agent, tariff ICC 4847. Rates are published to become effective on April 13, 1972.

By the Commission.

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

[FR Doc.72-3835 Filed 3-13-72;8:52 am]

[Notice 34]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 6, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 250 TA), filed February 23, 1972. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Post Office Box 2809, 64142, Kansas City, MO 64106. Applicant's representative: Rodger J. Walsh (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel grinding or crushing balls,* in vehicles equipped for dumping from Kansas City, Mo., to points in Delaware, Kentucky, Maine, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia, for 180 days. Supporting shipper: Armco Steel Corp., Kansas City, Mo. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut, Kansas City, Mo.

No. MC 409 (Sub-No. 43 TA), filed February 24, 1972. Applicant: SCHROETLIN TANK LINE, INC., Post Office Box 511, Sutton, NE 68979. Applicant's representative: Patrick E. Quinn, Box 82082, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer, and fertilizer solutions, and materials and urea,* in tank or hopper type vehicles, from the plantsite and storage facilities of Co-operative Farm Chemical Association at or near Lawrence, Kans., to points in Missouri, for 180 days. Supporting shipper: Robert E. Chipley, Farmland Industries, Inc., Post Office Box 7305, Kansas City, MO 64116. Send protests to: Max H. Johnston, District Supervisor,

Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 28951 (Sub-No. 19 TA), filed February 24, 1972. Applicant: ROSS TRANSFER, INC., Post Office Box 271, 345 Oak Street, Chadron, NE 69337. Applicant's representative: Patrick E. Quinn, Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the plantsite of Amax Coal Co., located approximately 7 miles south of Gillette, Wyo., on U.S. Highway 59 and approximately 8 miles further south on an unnumbered road and thence approximately 2½ miles east, as an off route point in connection with regular route service between Omaha, Nebr., and Gillette, Wyo. Operations between Omaha, Nebr., and Gillette, Wyo., are conducted pursuant to authority held in MC 28951 as follows: From Omaha over U.S. Highway 275 to junction U.S. Highway 20 to Gordon, Nebr. From Gordon, Nebr., over U.S. Highway 20 to Crawford, Nebr., and thence from Crawford, over Nebraska Highway 2 to the Nebraska-South Dakota State line, thence over unnumbered highway via Ardmore, Rumford, and Provo, S. Dak., to Edgemont, S. Dak., thence over U.S. Highway 18 (formerly Alternate U.S. Highway 85) via Mule, Wyo., thence to junction of U.S. Highway 85 at or near Spencer, Wyo., thence over U.S. Highway 85 to Newcastle, Wyo., thence over U.S. Highway 16 to Gillette, Wyo., and return over the same route. (Gordon and Crawford are tacking points). Applicant intends to interline with other carriers at Omaha, Nebr., for 180 days. Supporting shipper: George E. Jackson, Traffic Manager, Amax Coal Co., 105 South Meridian Street, Indianapolis, IN 46225. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 29910 (Sub-No. 112 TA), filed February 22, 1972. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel; machinery group; elevators, conveyors or parts, chutes or hoppers; building metal work group, stairs, iron, NOI, KD or in sections, handrail ladders and cages iron, NOI, KD or in sections*, from the plantsite of Fort Smith Structural Steel Co., Fort Smith, Ark., to Morenci, Ariz., for 180 days. Supporting shipper: Fort Smith Structural Steel Co., Post Office Box 999, Fort Smith, AR 72901. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 44639 (Sub-No. 49 TA), filed February 28, 1972. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies*, used in the manufacture of wearing apparel, between Alderson, W. Va., on the one hand, and, on the other, Narrows, Va., Crewe, Va., and New York, N.Y., for 180 days. Applicant desires to tack with authorized operations in MC 44639 at Crewe, Va., and Narrows, Va. Supporting shipper: Gapp Manufacturing Corp., Box 179, Alderson, WV. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 50069 (Sub-No. 449 TA), filed February 25, 1972. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Ink, in bulk, in tank vehicles, from Detroit, Mich., to Huntington, Ind., Chicago and Dwight, Ill., Owensboro, Ky., Anoka, Owanatonna, Minneapolis, St. Paul and Mankato, Minn., Elyria, Ohio; and Superior, Wis., for 180 days. Supporting shipper: Flint Ink Corp., 25111 Glendale Avenue, Detroit, MI (Redford Township). Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 59856 (Sub-No. 47 TA), filed February 23, 1972. Applicant: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone Highway, Post Office Box 39, Casper, WY 82601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* with usual exceptions, between Newcastle, and Orin, Wyo., in connection with carrier's authorized regular route operations, serving all intermediate points, and the off-route points of Lance Creek and Jay Em, Wyo., from Newcastle over U.S. Highway No. 85 to Lusk, Wyo., thence over U.S. Highway No. 20 to Orin, Wyo., and return over the same route, for 180 days. NOTE: Carrier states it intends to tack with related subs at Orin and Newcastle, Wyo., and will interline at Billings, Mont., Casper, Cheyenne, and Rock Springs, Wyo., and Denver, Colo., with other carriers. The carrier also intends to serve the commercial zones of the points named. Supporting shippers: Gambles Store, Lusk, Wyo. 82225; Culver & Son, Box 1237, Lusk, WY 82225; Frontier Lumber Co., Lusk, Wyo. 82225; Wasson Chevrolet Co., Lusk, Wyo. 82225; Coast to Coast Stores, Lusk, Wyo. 82225; O. K. Super Service, Post Office Box 846, Lusk, WY 82225; Ben Franklin Store, Lusk, Wyo. 82225. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 99107 (Sub-No. 6 TA), filed February 22, 1972. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box 390, 222 South First Street, Boonville, IN 47601. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); to serve location of strip mine of Amax Coal Co., a division of American Metal Climax, Inc., approximately 4 miles north and 2 miles east of Stevenson, Ind. (Warrick County), as an off-route point in connection with applicant's regular route between Dale, Ind., and Evansville, Ind., over Indiana Highway 62 (now U.S. Highways 460 and 231); *rejected shipments upon return* over same routes, for 180 days. NOTE: Applicant states it intends to tack the authority in MC 99107 (Sub-No. 1). Supporting shipper: Amax Coal Co., Division of American Metal Climax, Inc., 105 South Meridian Street, Indianapolis, IN 46225. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 100597 (Sub-No. 6 TA), filed February 23, 1972. Applicant: C. N. FIKES, doing business as FIKES TRUCKING COMPANY, 514 South Maple Street, Pine Bluff, AR 71601. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Arkansas on and south of Interstate Highway 40 to points in Missouri on and south of U.S. Highway 66 and those in Oklahoma on and east of U.S. Highway 81, for 180 days. Supporting shippers: Elmer C. Lane, Lane Lumber Co., Fordyce, Ark.; Sparkman Lumber Co., Sparkman, Ark.; Paul H. Lasater, Lumber Sales Co., Cape Girardeau, Mo.; H. G. Toler & Son Lumber Co., Inc., Leola, Ark.; Potlach Forests, Inc., Warren, Ark.; Lumber Sales, Inc., Pine Bluff, Ark.; Georgia-Pacific Corp., El Dorado, Ark.; E. C. Barton & Co., Jonesboro, Ark.; Gurdon Lumber Co., Gurdon, Ark. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 103993 (Sub-No. 690 TA), filed February 24, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller

(same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Boulder County, Colo. (except Boulder, Colo.), to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Guerdon Industries, Inc., Post Office Box 811, Longmont, CO 80501 (Don Woodward, general manager). Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 106674 (Sub-No. 85 TA), filed February 24, 1972. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from (1) Joliet, Ill., to points in Indiana, Ohio, and the Lower Peninsula of Michigan; and (2) Terre Haute, Ind., to points in Illinois, for 180 days. Supporting shippers: Agricultural Division Olin, Post Office Box 991, Little Rock, AR 72203 (A. S. Fausett, manager rates and analysis); American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, NJ 08540 (John T. Hoffman, distribution analyst). Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107002 (Sub-No. 414 TA), filed February 24, 1972. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in tank vehicles, from Friars Point, Miss., to points in Arkansas, Missouri, and Tennessee, for 180 days. Supporting shipper: Coastal Chemical Corp., Post Office Box 388, Yazoo City, MS 39194. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 110525 (Sub-No. 1027 TA), filed February 28, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrous sodium silicate*, in bulk, in tank vehicles, from Havre de Grace, Md., to border of United States at or near Niagara Falls, N.Y., for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, OH 45201. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111045 (Sub-No. 91 TA), filed February 23, 1972. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Palm River Road, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defoaming compounds*, in bulk, in tank vehicles, from Montgomery, Ala., to points in Arkansas, Florida, Georgia, Louisiana, and Mississippi, for 180 days. Supporting shipper: Pennwalt Corp., Pennwalt Building, 3 Parkway, Philadelphia, PA 19102. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 111170 (Sub-No. 185 TA), filed February 22, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds*, in bulk, from Jacksonville, Ark., to Tampa, Fla., for 180 days. Supporting shipper: Transvaal, Inc., Jacksonville, Ark. Send protests to: District Supervisor William L. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 111170 (Sub-No. 186 TA), filed February 24, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compound* (NOIBN), in bulk, from Jacksonville, Ark., to Chicago Heights, Ill., for 180 days. Supporting shipper: Transvaal, Inc., Jacksonville, Ark. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, Bureau of Operations, Interstate Commerce Commission, 700 West Capitol, Little Rock, AR 72201.

No. MC 115841 (Sub-No. 428 TA), filed February 25, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, from Bowling Green, Lexington, and Owensboro, Ky., to points in Wisconsin, Illinois, Kansas, Indiana, Michigan, Arkansas, Louisiana, Texas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, West Virginia, Virginia, Ohio, Pennsylvania, Maryland, Delaware, New York, New Jersey, Connecticut, and the District of Columbia, for 180 days. Supporting shipper: Baltz Brothers Packing Co., 1612 Elm Hill Road, Nashville, TN 37210. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 116996 (Sub-No. 8 TA), filed February 23, 1972. Applicant: B & B CARRIERS, INC., Post Office Box 207, Coatesville, PA 19320. Applicant's representative: William R. Keen, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, from points in Hancock and Brooke Counties, W. Va., to points in Beaver, Allegheny, and Washington Counties, Pa., for 180 days. Supporting shipper: International Mill Service, Post Office Box 348, Coatesville, PA 19320. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 117068 (Sub-No. 17 TA), filed February 24, 1972. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW., Rochester, MN 55901. Applicant's representative: Allen I. Koenig (same address as applicant). Authority sought to operate as a *common Carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs, and parts thereof*, from Rochester, Minn., to Benton Harbor, Mich., for 180 days. Supporting shipper: Crenlo, Inc., 1600 Fourth Avenue NW., Rochester, MN 55901. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 123294 (Sub-No. 25 TA), filed February 23, 1972. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona, Post Office Box 784, Warsaw, IN 46580. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reclaimed nonferrous metals*, from Atwood, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; and (2) *scrap insulated copper or aluminum, wire and cable, scrap printer plates, and scrap nonferrous metals*, for mechanical reclaiming purposes only, from points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota,

Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin to Atwood, Ind., for 180 days. Supporting shipper: M. K. Metals, Inc., Atwood, Ind. (Michael Knezevich, president). Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commmerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 135046 (Sub-No. 8 TA), filed February 15, 1972. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, DE 19977. Applicant representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry resin and resin compound*, between Elkton and Perryville, Md., for 180 days. NOTE: Applicant proposes to tack at Perryville, Md., with dry synthetic plastic authority held at MC 135046. Supporting shipper: The Firestone Tire & Rubber Co., Post Office Box 699, Pottstown, PA 19464. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 135153 (Sub-No. 18 TA), filed February 25, 1972. Applicant: GREAT OVERLAND, INC., Post Office Box 10950, Reno, NV 89510. Applicant's representative: Harley E. Laughlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except commodities in bulk and hides, in interstate or foreign commerce from Fort Morgan, Colo., and Fremont, Nebr., to points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Vermont, New Hampshire, Maine, Rhode Island, Maryland, and Delaware. Restriction: The service authorized above is restricted to the transportation of traffic originating at the plantsite and warehouse facilities of American Beef Packers, Inc., at or near Fort Morgan, Colo., and Fremont, Nebr., for 180 days. Supporting shipper: American Beef Packers, Inc., Fort Morgan, Colo. Send Protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 135265 (Sub-No. 1 TA), filed February 25, 1972. Applicant: JOSEPH M. STORMS AND GWENDOLYN L. STORMS, doing business as PETE'S AND PURCELL'S TRANSFER AND STORAGE, 312 West Seventh Street, Bloomington, IN 47401. Applicant's representative: Donald W. Smith, 900 Circle Tower Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Bloomington, Ind., and points in the counties of Vigo, Clay, Owen, Monroe, Greene, Sullivan, Lawrence, Orange, Martin, Daviess, and Knox, Ind. Restriction: The service authorized herein is subject to the following conditions: Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310, Attention: Curtis L. Wagner, Jr., Chief Regulatory Law Office. Send protests to: James W. Habermeal, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135936 (Sub-No. 3 TA), filed February 18, 1972. Applicant: LIEBMANN TRANSPORTATION CO., INC., Post Office Box 1022, Office: U.S. Highway 65 North, Iowa Falls IA 50126. Applicant's representative: Robert R. Rydell, 900 Savings and Loan Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed additives*, in bags and drums, from Terre Haute, Ind., to Iowa Falls, Iowa, for 180 days. Supporting shipper: Iowa Veterinary Supply Co., Post Office Box 820, Iowa Falls, IA 50126. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

MOTOR CARRIERS OF PASSENGERS

No. MC 136424 TA, filed February 22, 1972. Applicant: SIDNEY NICHOLAS & EVELYN P. NICHOLAS, doing business as LANDTREK, 2557 Laurel Pass, Los Angeles, CA 90046. Applicant's representative: Cox, Castle, and Nicholson, 1800 Century Park East, Suite 200, Los Angeles, CA 90067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Persons and one piece of baggage* each, from Los Angeles to Continental United States and Alaska and return to Los Angeles, for 180 days. Supporting shipper: Richard D. Norton, 3318 Canfield Avenue, No. 12A, Los Angeles, CA 90034. Send protests to: Philip Yallowtz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA. 90012.

By the Commission.

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

[FR Doc.72-3838 Filed 3-13-72;8:52 am]

[Notice 27]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-72962. By order of March 3, 1972, Appellate Division 3 approved the transfer to Beatrice M. Richards, Harry F. Richards, Executor, doing business as Theatrical Film Service, Lawrence, Mass., of a portion of certificate No. MC-13262 issued January 23, 1969, to Interstate Despatch, Inc., Somerville, Mass., authorizing the transportation of: Motion picture films and accessories, and theater supplies, including advertising matter, between Boston, Cambridge, and Somerville, Mass., on the one hand, and, on the other, points in New Hampshire, Mary E. Kelley, attorney at law, 11 Riverside Avenue, Medford, MA 02155.

No. MC-FC-73204. By order of March 3, 1972, Division 3 approved the transfer to Gale Delivery, Inc., Lynbrook, Long Island, N.Y., of that portion of the operating rights set forth in certificate No. MC-96561, issued January 11, 1952, authorizing the transportation of general commodities, with the usual exceptions, between points in Hudson County, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005.

No. MC-FC-73248. By order of March 2, 1972, Division 3, acting as an Appellate Division, approved the transfer to DM'S Trucks, Inc., Minneapolis, Minn., of that portion of the operating rights in certificate No. MC-123393 (Sub-No. 42) issued January 10, 1967, to Bilyeu Refrigerated Transport Corp., Marshall, Mo., authorizing the transportation of various commodities from points in Kansas, except Kansas City, to Springfield and Macon, Mo., Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105, attorney for transferee; Lawrence Askinosie, 926 Woodruff Building, Springfield, Mo. 65805, attorney for transferor.

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

[FR Doc.72-3836 Filed 3-13-72;8:52 am]

[Notice 27-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 9, 1972.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73557. By application filed March 8, 1972, DEVONSHIRE HORSE VANS, INC., Rural Delivery 3, Box 176, Harrington, DE 19952, seeks temporary authority to lease the operating rights of CHESTER SAYRE, 110 West Valleybrook Road, McMurray, PA 15317, under section 210a(b). The transfer to DEVONSHIRE HORSE VANS, INC., of the operating rights of CHESTER SAYRE, is presently pending.

By the Commission.

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

[FR Doc.72-3837 Filed 3-13-72;8:52 am]

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